

Enquiries to: Information Team
Our Ref: Various as below



**Liverpool
City Council**

Email addresses as per message issued 18 May 2017

Dear Mr Tully,

**Freedom of Information Requests on Parking Enforcement –
requests received 16 May 2017 onwards**

Thank you your recent requests received 16 and 17 May 2017. In summary these all relate to the administration of parking enforcement within various areas across the city at various times and are of a similar nature to multiple requests received from you during March 2017.

Response:

Liverpool City Council would confirm that whilst it holds information relevant to your request it is unable to provide it on this occasion. Specifically, Section 14 of the Freedom of Information Act 2000 allows a Local Authority to refuse what is deemed to be a vexatious request.

While neither focussing on the motive of the request or the number of requests which may have been submitted previously by the relevant individual, it solely examines the worthiness of the request placed against the impact it would have on the Local Authority.

For the avoidance of doubt, this assessment relates to the following information requests, received on 16, 17 & 18 May 2017 and subsequent requests on the same subject matter –

Date	Reference	Subject
16.05.17	536136	William Brown Street L3 8EN - Parking tickets November 1st 2016
16.05.17	536141	William Brown Street L3 8EN - Parking tickets November 2nd 2016
16.05.17	536145	William Brown Street L3 8EN - Parking tickets November 3rd 2016
16.05.17	536147	William Brown Street L3 8EN - Parking tickets November 4th 2016
16.05.17	536152	William Brown Street L3 8EN - Parking tickets November 5th 2016
16.05.17	536156	William Brown Street L3 8EN - Parking tickets November 6th 2016
16.05.17	536160	William Brown Street L3 8EN - Parking tickets November 7th 2016
16.05.17	536163	William Brown Street L3 8EN - Parking tickets November 8 th 2016
16.05.17	536166	William Brown Street L3 8EN - Parking tickets November 9th 2016
16.05.17	536170	William Brown Street L3 8EN - Parking tickets November 10th 2016
16.05.17	536172	William Brown Street L3 8EN - Parking tickets

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		November 11th 2016
17.05.17	536174	William Brown Street L3 8EN - Parking tickets November 12th 2016
17.05.17	536176	William Brown Street L3 8EN - Parking tickets November 13th 2016
17.05.17	536178	William Brown Street L3 8EN - Parking tickets November 14th 2016
17.05.17	536180	William Brown Street L3 8EN - Parking tickets November 15th 2016
17.05.17	536182	William Brown Street L3 8EN - Parking tickets November 17th 2016
17.05.17	536184	William Brown Street L3 8EN - Parking tickets November 18th 2016
17.05.17	536186	William Brown Street L3 8EN - Parking tickets November 20th 2016
18.05.17	536304	William Brown Street L3 8EN - Parking tickets November 19th 2016
18.05.17	536307	William Brown Street L3 8EN - Parking tickets November 21st 2016

Consequently the City Council feels that the application of Section 14 of the Freedom of Information Act 2000 is appropriate in these circumstances and would refer you to *Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC)*, (28 January 2013) in which the Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious is only of limited use, because the question of whether a request is vexatious ultimately depends upon the circumstances surrounding that request.

In further exploring the role played by circumstances, the Tribunal placed particular emphasis on the issue of whether the request has adequate or proper justification. They also cited two previous section 14(1) decisions where the lack of proportionality in the requester's previous dealings with the authority was deemed to be a relevant consideration by the First Tier Tribunal.

After taking these factors into account, the Tribunal concluded that 'vexatious' could be defined as the "...*manifestly unjustified, inappropriate or improper use of a formal procedure.*" (paragraph 27).

With regard to the requests concerned, the City Council is mindful that there are clear appeal mechanisms which operate in respect of the enforcement of parking controls to which individuals who are subject to any form of enforcement may choose to take.

Officers within the City Council, while always adhering to their responsibilities and obligations under the Freedom of Information Act 2000 should not be expected to be subject to such levels of public scrutiny of their performance and the City Council considers this type of request to be bordering upon an abuse of the Freedom of Information Act 2000 and there is no justification for officers to, in practice, cease their everyday activities and generate statistical data for an individual where there is no legitimate reason to do so.

The City Council considers this is a request specifically designed to cause disruption to the relevant Officers and Service Areas identified by generated additional administrative and bureaucratic work and, consequently, it will not be providing the information asked for in the above referenced requests.

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While the Act can, indirectly, ensure officers are held to public account the City Council already has such processes in place and there is no requirement for members of the public to feel they need to assume this role, either on behalf of the City Council or other members of the public. It is on this basis that the City Council considers that the application of Section 14 (1) is entirely appropriate to the requests concerned.

The City Council would further advise that given the nature and frequency of the above requests that for any requests of a similar nature received then these will again be viewed in the context of a Section 14 (1) exemption and no responses provided.

This concludes our response.

In accordance with the application of Section 14 (1) of the Freedom of Information Act 2000 we have not provided the information requested. As such we are required to serve you with the following Section 17 Notice –

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to Informationrequests@liverpool.gov.uk within 28 days of receiving your response.

The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000.

The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:-

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Fax number 01625 524 510, DX 20819, Telephone 01625 545745. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

A Lewis

Angela Lewis
Information Team