

**Enquiries to:** Information Team  
**Our Ref:** Internal Review -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 – Request for Internal Review**

Thank you for your emails of today, requesting that Internal Reviews be undertaken in respect of multiple cases, these being –

| 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 8th 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 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 |

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|----------|--------|--|
| 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 |

The basis of requesting an Internal Review was in each instance –

*I object to my request being deemed "vexatious" and feel the non-release of information is a deliberate attempt to obstruct me in obtaining the evidence I have requested. I do not have to divulge my rationale for wishing to receive the information, therefore, as the information is held I would welcome the release as soon as is reasonably practicable but within the time limits as ascribed in current legislation.*

### **Internal Review Response:**

In assessing your reasons for review, I have taken the opportunity to examine the 17 requests referenced above and discussed such requests with Officers in the relevant Teams administering parking enforcement.

Referring to the letter issued to you by the Case Officer earlier today, and noting that since the issue of that letter you have sent in a further 7 information requests of the same nature, it is my assessment that the classification of such requests as being vexatious is entirely correct.

I would refer you to the reasons set out by my colleague, which made clear that the assessment of such requests has neither focussed on the motive or the numbers of requests which may have been submitted previously by you, but instead on the worthiness of the requests placed against the impacts this would have on the Local Authority. Requests of this nature necessitate Officers reviewing, collating and extracting data in order to respond and place unnecessary and unreasonable additional burdens on Officers in the Team concerned in dealing with and responding to multiple requests of this nature.

I further reiterate the assessment of my colleague insofar that the City Council feels that the application of Section 14 of the Freedom of Information Act 2000 is entirely 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).

Again and with regard to the requests concerned as well as all subsequent requests received from you on this matter, the City Council remains mindful that there are clear appeal mechanisms which operate in respect of the enforcement of parking controls to

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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.

Having carefully reviewed all of the cases concerned and your reason for requesting a review in each instance, it is my assessment that in each instance your review request is not upheld. The assessment of our original decision that such requests are specifically designed to cause disruption to the relevant Officers and Service Areas identified by generated additional administrative and bureaucratic work remains entirely valid. The City Council will therefore not be providing the information asked for in the above referenced requests or on any subsequent requests from you of a similar nature.

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.

I would again take this opportunity to again reiterate that given the nature and frequency of the above requests – and the multiple requests of the same nature and content that you have submitted since our initial response was provided – that all such requests will again viewed in the context of a Section 14 (1) exemption and no responses provided. We therefore will not be issuing any form of response nor entering into any further correspondence with you on this matter or in respect of your further requests submitted today.

This concludes all internal appeal mechanisms within the City Council.

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](http://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](mailto:mail@ico.gsi.gov.uk) (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

*M Jones*

**Mike Jones**

**Deputy Head of Democratic Services & Information Manager**

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