



Scottish Information
Commissioner
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Decision Notice 285/2024

Spending of Council Tax

Authority: Glasgow City Council
Case Ref: 202401087

Summary

The Applicant asked the Authority for how much from Council Tax was paid directly “to the pension fund”. The Authority refused to comply with the request as it considered the request was vexatious. The Commissioner investigated and found that the request was vexatious and that the Authority was not obliged to comply with it.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 14(1) (Vexatious requests); 47(1) and (2) (Application for decision by Commissioner)

Background

1. On 4 June 2024, the Applicant made a request for information to the Authority. He asked for how much from Council Tax was paid directly “to the pension fund”.
2. The Authority responded on 19 June 2024, notifying the Applicant that it was refusing to comply with his request as it considered it was vexatious in line with section 14(1) of FOISA.
3. On 23 July 2024, the Applicant wrote to the Authority requesting a review of its decision. He disagreed that his request was vexatious and stated that he had a right to know where Council Tax was being spent.

4. The Authority notified the Applicant of the outcome of its review on 13 August 2024, which fully upheld its original decision and further elaborated on why it considered the Applicant's request was vexatious in line with section 14(1) of FOISA.
5. On 13 August 2024, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority's review because he did not consider his request was vexatious and he had the right "as a sovereign" to know what the Authority was doing with his money.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 14 August 2024, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions relating to why it considered the Applicant's request vexatious in line with section 14(1) of FOISA.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Section 14(1) – Vexatious or repeated requests

10. Under section 14(1) of FOISA, a Scottish public authority is not obliged to comply with a request for information if the request is vexatious.
11. The Commissioner has published [guidance](#)¹ on the application of section 14(1) of FOISA. This states:

"There is no definition of "vexatious" in FOISA. The Scottish Parliament considered that the term "vexatious" was well-established in law and chose to give the Commissioner latitude to interpret the term in that context, so that the interpretation might evolve over time in light of experience and precedent."
12. In the Commissioner's view, there is no single formula or definitive set of criteria that allow a formulaic approach to be taken to determining whether a request is vexatious. Each request must be considered on the merits of the case, supported by evidence, clear evaluation and reasoning. Although this is not an exhaustive list, the following factors will be relevant to a finding that a request (which may be the latest in a series of requests or other related correspondence) is vexatious:
 - (i) It would impose a significant burden on the public authority.
 - (ii) It does not have a serious purpose or value.

¹ [BriefingSection14VexatiousorRepeatedRequests.pdf](#)

- (iii) It is designed to cause disruption or annoyance to the public authority.
 - (iv) It has the effect of harassing the public authority.
 - (v) It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.
13. While the Commissioner's view is that the term "vexatious" must be applied to the request and not the requester, he also acknowledges that the applicant's identity, and the history of their dealings with a public authority, may be relevant in considering whether a request is vexatious.

The Applicant's submissions

14. As stated above, the Applicant submitted that his request was not vexatious and that he had the right "as a sovereign" to know what the Authority was doing with his money.
15. Specifically, the Applicant stated that asking "where the budget goes" because the Authority will not give him an "invoice" was not vexatious. He submitted that the Authority seemed to "hide behind" the vexatious provision in FOISA "when faced with answering the truth" and he asked for an explanation of the meaning of "vexatious".
16. In his application to the Commissioner, the Applicant repeatedly referred to the Authority using the company number of GCC LLP Investments Ltd.

The Authority's submissions

17. The Authority provided detailed submissions explaining why it considered the Applicant's request vexatious in terms of section 14(1) of FOISA. The Commissioner will set out what he considers to be the key elements of these submissions.
18. The Authority explained that, since January 2023, the Applicant had made 23 valid requests for information (followed by nine requirements for review) and four subject access requests. It provided evidence of the Applicant's previous requests in the form of a spreadsheet but noted that it was not an "exhaustive record" of all of the requests it had received from him.
19. The Authority stated that the Applicant had also made numerous invalid requests for information, as well as requests that were responded to on a "business-as-usual" basis. It also provided copies of handwritten and typed correspondence received from the Applicant, which it considered supported its application of section 14(1) of FOISA to the request in this case.
20. The Authority noted that in some of his requests the Applicant stated that he was a "sovereign Scot" or "sovereign citizen". It described this as an "anti-government movement" that is, among other things, opposed to the payment of Council Tax. Given the number of requests for information received on this theme, including from the Applicant, the Authority explained that it had set up [a dedicated section on its website](#)² to explain that it is obliged to levy and collect Council Tax. It noted that it had referred the Applicant to this information on numerous occasions, but he continued to contact it to request the same or similar information.
21. The Authority also explained that the Applicant continually sought to conflate the Authority with GCC LLP Investments Ltd (referred to earlier) and that he addressed letters to the

² <https://www.glasgow.gov.uk/article/5587/Why-you-require-to-pay-Council-Tax>

Authority referring to the company number of GCC LLP Investments Ltd, despite the Authority advising him of the distinction between the Authority and that company.

22. The Authority stated that Applicant had frequently indicated in his contact with it that he did not believe he was required to pay Council Tax. In further support of this point, it noted that the Applicant had previously raised an action in Glasgow Sheriff Court against the Authority under section 50(1) of the Debtors (Scotland) Act 1987. In this action, the Applicant sought an order that an earnings arrestment executed on behalf of the Authority (following a summary warrant granted in favour of the Authority in respect of Council Tax arrears owed by the Applicant) was invalid or that it ceased to have effect. The Authority stated that the Sheriff overseeing the proceedings dismissed the Applicant's case.
23. In terms of its application of section 14(1) of FOISA to the Applicant's request in this case, the Authority recognised that the vexatious "test" is a high barrier to meet but it submitted that all relevant circumstances should be considered. It considered that this approach was reflected by the Court of Session in [Beggs v Scottish Information Commissioner \[2018\] CSIH 80](#)³.
24. The Authority also referred to previous decisions of the Commissioner, including:
 - [Decision 099/2024](#)⁴ (paragraph 24):

"[T]he vexatious or manifestly unreasonable nature of a request may only emerge after considering the context created by previous or ongoing correspondence."
 - [Decision 065/2024](#)⁵ (paragraph 20):

"While the Commissioner's view is that the terms "vexatious" and "manifestly unreasonable" must be applied to the request and not the requester, he acknowledged that an applicant's identity, and the history of their dealings with a public authority, may be relevant in considering the nature and effect of a request and its surrounding circumstances."
25. The Authority explained that, in July 2024, it issued the Applicant with a letter advising him that it was taking action against him under its Unacceptable Actions Policy due to his unacceptable behaviour and unreasonable demands. It advised the Applicant that contact with the Authority was restricted to a single email address and that no other Authority official would respond to any further contact from him. However, it confirmed that this did not affect the Applicant's rights under FOI law.
26. In summary, the Authority concluded that, when the Applicant's history of dealings with the Authority was considered, his request in this case was clearly vexatious in terms of section 14(1) of FOISA. It submitted the Applicant was seeking to disrupt and harass the Authority, that he was misusing FOI law to further his argument that he was not required to pay Council Tax and that his request in this case was not a genuine attempt to obtain information.

The Commissioner's view

27. Taken in isolation, the Applicant's request might not appear to be vexatious. Certainly, the Commissioner recognises the clear legitimate interest in understanding how local authorities

³ https://www.bailii.org/scot/cases/ScotCS/2018/%5b2018%5d_CSIH_80.html

⁴ <https://www.foi.scot/decision-0992024>

⁵ <https://www.foi.scot/decision-0652024>

spend Council Tax. However, as rehearsed earlier, the vexatious nature of a request may only emerge after considering it in the context created by previous correspondence.

28. The Commissioner is satisfied, having reviewed the submissions provided, that it was reasonable for the Authority to consider the Applicant's history of dealings with it when deciding whether the request in question should be treated as vexatious.
29. Given the history and nature of the Applicant's dealings with the Authority (as set out in the Authority's submissions), the Commissioner is also satisfied that the Authority was entitled to conclude that the request in question was vexatious.
30. Specifically, the Commissioner is satisfied that the Applicant has an ongoing grievance with the Authority in relation to the legality of the Council Tax levy. While campaigning in furtherance of legitimate concerns is an appropriate activity in a democratic society, the Commissioner considers that the Applicant's campaign is not well founded, has no reasonable prospect of success and that its purpose is to pursue an argument rather than a genuine attempt to obtain information.
31. In this case, having considered all relevant submissions, the Commissioner is satisfied that the Authority was entitled to refuse to comply with the request by virtue of section 14(1) of FOISA.
32. The Commissioner would like to make clear that his finding in this decision does not mean that **any** request from the Applicant to the Authority would necessarily be vexatious. In this case, the Commissioner is satisfied that the Authority was entitled to refuse to comply with the request in question by virtue of section 14(1) of FOISA, considering the submissions provided by the Authority and bearing in mind that the request in question was clearly linked by subject matter to previous requests made by, and correspondence received from, the Applicant.
33. However, the right to request information is an important legal right. It should not be abused, but the provisions within section 14(1) of FOISA must still be used carefully, which means authorities must always consider requests on their own merits and consider all the relevant circumstances, in order to reach a balanced conclusion as to whether a request is vexatious.

Decision

The Commissioner finds that the Authority complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

David Hamilton

Scottish Information Commissioner

09 December 2024