

POTTO PARISH COUNCIL

District
Hambleton

County
North Yorkshire

12th July 2023

Ref: Appeal to the ICO Ref EA/2022/266

Dear Sir/Madam,

Further to your email dated 22nd July we would like to appeal the decision of the Tribunal ref EA/2022/0266.

It is clear from the tribunal's comments in the decision notice IC-119123-M4P7, that the decision is based on false information presented to the tribunal and needs to be reconsidered in light of the facts rather than the misinformation presented.

As a small parish council comprising of volunteers from the community, we have the right to undertake our work without fear of Harassment, Bullying and Abuse. This Zero tolerance approach is adopted by responsible organisations worldwide and should be supported by those organisations whose role it is to regulate and legislate others, they have a clear duty to protect those organisations and individuals that they regulate.

We would like to pass comment on information provided by the Appellant as noted in the decision notice, as we have not been provided with a copy of the appeal document.

The Appeal

8. a. Potto Parish Council would comment that the Appellants behaviour has not changed fundamentally since 2019. It has in fact expanded to include the use of multiple pseudonyms contacting the council as well as internet-based harassment through his collaboration with the website North Yorkshire Enquirer [North Yorks Enquirer \(nyenquirer.uk\)](http://NorthYorksEnquirer.nyenquirer.uk) where the harassment and vexatiousness has increased exponentially and to a potentially global audience.

Potto Parish Council have been working with the charity "Protection Against Stalking" www.protectionagainststalking.org

And Theseus Risk www.theseusrisk.com

They have identified the appellant as a Resentful Stalker and noted that his actions are clearly contrary to section 2a Protection of Harassment Act 1997 (causing alarm and distress) (as amended by the Protection of Freedoms Act 2012).

Additionally, it has been noted that the Appellants behaviour in this situation has many similarities to the Soft Stalking case Regina v Belfield which covers Section 5A of the Protection from Harassment Act.

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It is clear that rather than diminishing, the Appellants behaviour has increased in both its level, impact and vexatiousness.

b. The parish council consider both the appellant and his requests to be vexatious, a copy of the latest correspondence which has been attached demonstrates this, as can be seen through its content language and threats

c. The factual inaccuracies referred to such as the Standards Board's being abolished is somewhat mute, as the process within local government still exists if under a different name, The current name is the Standards Hearing Panel, yet it is still referred to as the standards board in many circles.

d. The harassment against the clerk and the internal auditor are both very real and continue to cause much distress and personal anguish.

For example, more than 25 complaints have been made against the Clerk by the appellant. Further pictures of the Clerk together with appalling stories are posted on the website [North Yorks Enquirer | Potto \(nyenquirer.uk\)](http://NorthYorksEnquirer.com) these as in the public domain and have caused great distress.

A simple Google search by any person worldwide can now see the completely false accusations being levelled at the members of the parish council, this brings real meaning to the phrase Weaponizing the Internet.

The internal auditor for the parish Council is being harassed professionally as well as personally by the Appellant via email and through the web site North Yorkshire Enquirer, again with names, pictures and false claims being made on the site. This greatly affects our auditor both personally and professionally.

e. You will find that the external auditor dismissed all of the Appellants objection for 2021/22.

f. This is a clear example of the misinformation portrayed as facts by the Appellant, the points noted by the PIR were all minor points rather than maladministration all of which have been subsequently addressed.

Rather than being unusual for a parish council to receive a PIR more than 100 have been issued over the last three years by the SAAA, see [Public Interest Reports | Smaller Authorities' Audit Appointments \(saaa.co.uk\)](http://PublicInterestReports.com).

g. Whilst Potto Parish Council recognise everyone's right to access of information there is a clear burden in addressing the volume and content of correspondence from the Appellant, who has resorted to the use of pseudonyms to disguise some of his activities.

The Parish Council has had to instruct the Clerk not to answer correspondence from the Appellant in an attempt to protect her from Bullying, Harassment and Abuse, as the parish council has a duty of care to protect its employees and a

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Zero Tolerance approach to bullying, harassment and abuse. Therefore, councillors have to shoulder the burden of the Appellants lengthy correspondence.

h. This is another example of the Appellants misinformation, Potto Parish Council have not released any corrupt or libellous publicity. Rather the opposite is the case, the Appellant has provided a number of vexatious articles and statements to the press and the website North Yorkshire Enquirer as well as circulate his vexatious comments to members of the public.

10. The statement "Intentionally Burdening the Council" speaks volumes about the Appellant and his behaviour. As noted above this behaviour continues to this day and has been expanded to include external parties such as the internal auditor and members of councillor's families. The collaboration with the North Yorkshire Enquirer then extends the harassment to the world wide web.

It should also be noted that the Appellant's activities have not ceased, rather more subversive methods have been utilised to maintain the assault on the parish council.

13. The Parish Council did not see all of the information presented to the tribunal as would be expected and was therefore unable to comment on the validity of the submissions.

The balance of probabilities therefore were clearly made based on misinformation rather than on a factual basis.

Discussions and Reasons

22. Potto Parish Council would note that it was not allowed to see all of the evidence and therefore, was not allowed to provide the tribunal with the balance of the evidence that it would require in order to make an informed decision.

23. Potto Parish Council would note that although in isolation a single request from a normal member of the public is not burdensome the sheer volume from the Appellant and his pseudonyms does constitute a burden far in excess of that which a small parish council should be expected to address. For example, the most recent FOI request has just been received from the appellant covering five pages of demands together with associated threats and vexatious comments.

25. Potto Parish Council would completely refute the statements made regarding the change in behaviour, rather the behaviour as noted in this letter has increased and intensified utilising many different avenues.

Further, the numbers of correspondences are also another clear example of the appellants misinformation, in the 18 months prior to December 2022 Potto Parish Council received 18 emails from the Appellant, 4 FOI requests, A complaint against the Clerk and 2 objections to the AGAR some of these running into hundreds of pages.

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Additionally, there were multiple FOI requests from the various pseudonyms used by the appellant.

Since that period more FOI requests have been submitted the latest of which is some five pages long containing a mixture of requests, Vexatious comments and Abuse, a copy of which is attached to this correspondence.

26. It is clear that the tribunal has been misinformed, the records of PPC show that since the end of 2019 the following correspondences have been received from the Appellant.

- 7 Complaints have been made against councillors.
- 28 Freedom of Information Requests
- 5 Freedom of Information Complaints
- 3 objections to our annual returns.

If 2019 is included this number increases too.

- 11 Complaints have been made against councillors.
- 72 Freedom of Information Requests
- 12 Freedom of Information Complaints
- 4 objections to our annual returns.

Plus, a similar amount from the various Pseudonyms being used.

27. A public meeting was held following the Issue of the PIR in 2022, which was attended by more than 100 residents, who unanimously condemned the Appellant for his behaviour and the costs that he was bringing on residents. It was also noted that while the PIR noted 14 minor areas of improvement no major failings were found in the activities of the parish council.

This was further supported by the SAAA (Small Authorities Audit Appointments) the government group responsible for appointing external auditors and the PSAA (Public Sector Audit Appointments) who awarded Potto Parish Council a 70% reduction in the auditor's invoice due to the nature of the objections from the Appellant.

28. As can clearly be seen the Appellants behaviour has not changed, and as well as expanding his activities through pseudonyms and social media he is also now deliberately misleading a tribunal panel.

The Appellant is continuing to expand on a ten-year campaign of Bullying, Harassment and Abuse towards Potto Parish Council, its service providers and members of Councillors families this behaviour cannot be acceptable or allowed to continue in this day and age. Potto Parish Council is being unfairly compromised in its day to day activities by a single individual against the wishes of an entire community, this is completely undemocratic and unacceptable behaviour.

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Therefore, it is clear that the balance applied by the tribunal can be seen to be at the least misinformed.

29. The charity Protection Against Stalking have designated the Appellant as an "Aggrieved "Stalker and noted that his behaviour is clearly contrary to section 2a Protection of Harassment Act 1997 (causing alarm and distress) (as amended by the Protection of Freedoms Act 2012).

The Appellant has extended his vexatious comments and harassment to family members of councillors, other members of the public who disagree with him and our internal auditor, all actions that are clearly unacceptable in this day and age, Potto Parish Council has a Zero Tolerance policy against bullying, harassment and abuse and would expect this statutory right to be supported by other professional or regulatory bodies such as the ICO.

Potto Parish Council is far from being the "Worst Small Parish Council" as described by the Appellant, despite the actions of the Appellant we manage to bring a wide range of services to our community, including many community project such as;

- Queens Jubilee project
- Heritage street sign renovations
- Grass verge cutting
- Footpath renovation and maintenance
- Access for all to the countryside
- Speed management projects
- Etc

These provide levels of service and value for money far above the level of comparable parish councils for our parishioners as was demonstrated in the last local government elections where all members of the parish council were re-elected unopposed.

30. Potto Parish Council is a fully transparent parish council who operate in an open and accessible manner. Councillors are all people who provide their time on a voluntary basis for the good of the community, they have a right to operate in an environment that is free from, Harassment, Abuse and Bullying, something that the parish council have been exposed to by Appellant for over 10 years and despite his claims he is clearly escalating his vexatious campaign.

In the tribunals reference to transparency to spending and financial management it should be noted that not of the issues raised by the Appellant of the PIR were financial in nature so this point is null and void.

Further, the Tribunal noted that the "Parish Council did not dispute the Appellants assertion that the PIR was an unusual course of action" this is clearly not the case. As the parish council noted in its comments to paragraph 8. f above, Rather than being unusual for a parish council to receive a PIR more than 100 have been issued over the last three years by the SAAA.

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32, As noted by the tribunal in this paragraph the behaviour of the Appellant is entirely unacceptable, however the Tribunal has only had to endure this experience over a very short period of time. Potto Parish Council members have had to endure this excessive and disproportionate language in the Appellants correspondences and publications and the totally unnecessarily personal, bullying and accusatory comments for more than 10 years and it is completely unreasonable to expect the members of the parish council to be subjected to this behaviour.

As has been demonstrated in our comments above this vexatious behaviour is not only continuing, but also being escalated by the Appellant, and something needs to be done to protect councillors and their families from this totally unacceptable ongoing tirade of Abuse, Harassment and Bullying.

Conclusion

33. It is abundantly clear that the tribunal has been misled by the Appellant and that the conclusions can therefore not be seen as sound nor based on facts, we would request that this decision should be revisited, and the appropriate recognition of the facts be made. Consideration of the fact that the Appellant has deliberately attempted to mislead the tribunal should also be considered.

Additional comments of Potto Parish Council

The Appellant has a long history of submitting Vexatious, and Abusive correspondences to Potto Parish Council (more than 10 years) and habitually harassing the Clerk, and Internal Auditor with Vexatious, Abusive and Derogatory remarks. Such has been the on-going campaign of harassment that the stress suffered by the Clerk resulted in her having to see a doctor and take time off work, therefore the Parish Council has directed the Clerk not to answer any correspondences from the Appellant due to its statutory obligation to protect its employees from abuse, bullying and harassment in any form.

Summary

Potto Parish Council takes any complaint extremely seriously and endeavours to meet all of our obligations under the FIA by making all of our parish council fully transparent and providing full and open access to information.

To put some context to this case, Potto Parish Council is a small rural parish of around 130 properties, the parish council consists of five volunteers from the community plus a clerk. It is totally unacceptable that council member should have to deal with the sustained, vexatious abuse, bully and harassment as well as malicious communications and character assassinations being imposed on it by a single individual in the community. This is an assault on the lowest tier of local government, and councillors should not have to put up with this vexatious behaviour.

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It is crystal clear that PPC has acted appropriately under the FIA and provided the information requested. Further it is clear from the complainant's history that PPC is being subject to an on-going campaign of unreasonable behaviour by a single individual, this again as noted by Anthony Snelson Judge of the First Tier Tribunal dated 28th November 2019 "We hope that Mr Woodhouse will think very carefully before submitting FOIA requests again". Obviously, this advice has not been heeded as this is a clear continuation of previous submissions to the FOIC.

It is also clear that the FOIC as an official body need to be cognisant of the history of the complainant's behaviour and the previous finding of your organisation especially those noted by the Commissioner dated 3rd May 2019 and Anthony Snelson Judge of the First Tier Tribunal dated 28th November 2019; when commenting on the appeal made by the complainant.

It should be clear to the Tribunal that Potto Parish Council has been subjected to more than 10 years of focused harassment and continues to be subjected to an on-going campaign of Harassment, Abuse and Bulling which is totally unacceptable in modern society. Councillors have the right to undertake their voluntary work in serving the community without fear of this sustained vexatious attacks, it can clearly be seen as a focused attack on the Individual Councillors as well as the First level of local government and Democracy itself.

If the FOIC requires any action under this complaint or if you wish to discuss this matter further with PPC, please do not hesitate to let us know.

If there is any further way that we can assist, please let us know.

We look forwards to receiving your decision.

Yours Faithfully

Potto Parish Council