

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

Why were Health & Safety 'costs' not forwarded with the original summons/paperwork to both parties?

ANSWER:

Because the Health and Safety Team Costs Schedule was not prepared until after the service of the summons and evidence upon the defendants.

Are both parties to understand that the council was seeking both sets of costs from both accused persons, given that both were convicted?

No. The Prosecution suggested to the Court at the hearing that an appropriate starting point would be to divide the Cost Schedule by two, as Schedules represented the case proceeding against two defendants.

I further ask for a complete breakdown (financial) with regard to the claimed £66.00 per hour in relation to reclaiming Council costs,

There is no breakdown available. Leicester City Council adopt a method of calculating its hourly recharge rates as recommended in the Law Society publication "the expense of time". Therefore in addition to actual staff salary, the hourly rates also account for all employer overheads (e.g. national insurance, superannuation and professional registrations), office overheads such as the cost of accommodation, insurance, office supplies, postages, telephone and the cost of legal research materials, and the cost of services to the legal division (such as cleaning, IT services, accountancy). There is no breakdown available at an individual level. The Council does not hold this information. Therefore this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

If Nicki Alagamanyi is in receipt of £26.237 per hour, and she (as stated in her summons) has completed all the 'work' necessary to bring the case to court, who is actually in receipt of the £39.76 that is charged over and above her pay scale?

All Prosecution costs which the Court orders for payment by a defendant, are collected by the Court and subsequently paid to Leicester City Council.

You also stated: The Health and Safety Team were involved in the investigation of offences at 171 and 171A Evington Road,.... 171A, Evington Road was/is a privately rented dwelling being refurbished, hence there could never have been a successful prosecution of the tenant of that property, therefore there cannot be any costs associated

with that property accorded to the prosecutions/councils claim for reimbursements. Why are such costs included?

The Health and Safety Team costs were included as investigative work was carried out by officers into offences at 171 and 171A Evington Road, Leicester.

On 15th July it is noted a claim for 30 minutes as a 'site visit'. The purpose of this visit was to force an entry into the private flat known as 171A, Evington Road. The visiting officer, one Gurdeep Dosangh in company with Anjna Mandora (female), was most aggressive when refused entry-and refused on the grounds that the shop owner did not have access to the flat above, it being a privately rented out domestic property. Why are these and other costs pertaining to the 15th July, included in the 'balance sheet'

These costs are included as on 15th July 2011 investigative work was carried out by officers into offences at 171 and 171A Evington Road, Leicester.

Also, I ask why, in the circumstances described above, were the council allowed to prosecute an offence that had not been committed in the first place?

Offences were committed contrary to the Health Act 2006 at 171 and 171A Evington Road, Leicester and convictions in respect of these offences were obtained on 5th January 2012.

On 20th/21st July we have 2hrs logged (@£120.00!) for PACE interview preparation & PACE interview), yet the interview lasted barely 10 minutes! If we actually allow 20 minutes for plugging in a tape recorder and ensuring there be a 'clean' tape in place, one must ask if it is this normal practise for a council to claim 1.5 hours @ £60 per hour over and above a time that would be deemed reasonable?

Health and Safety Officer time was spent on 20th and 21st July 2011 preparing for and conducting an interview under caution and completing associated administration. Leicester City Council cannot comment on what normal practice is for other Councils.

Is this not taking pecuniary advantage of a possible prosecution?

No.

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Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager

Information and Support

Leicester City Council

FREEPOST (LE985/33)

New Walk Centre

LEICESTER LE1 6ZG

e-mail: FOIA@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

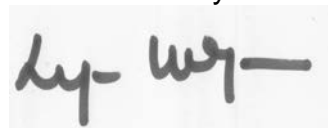
Wilmslow SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.

Yours sincerely



Lynn Wyeth

Information Governance Manager