

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:

All recorded information (including meeting minutes and reports and all internal and external correspondence) on the action your Council considered necessary to take in respect of the LGA's letter of 15 January 2010. (I attach a copy of the same for ease of reference).

ANSWER:

The LGA letter of 15 January 2010 was addressed to the Council's former Chief Executive. It would have been passed to the Council's then Head of Local Land Charges. At the time of receipt the post holder concerned was in fact on sick leave and did not return to work. From the information currently available, it would appear that the Council did not take any action on the LGA letter and on that basis does not hold the information.

For information you need to be aware though that at the time of the LGA letter, the Council was dealing with numerous FOIA/EIR requests and was awaiting the outcome of a Judicial Review challenge by a Search Company against York City Council. The Search Company concerned had also threatened the City Council but had not taken matters further after the City Council sent a formal letter in reply in accordance with the Judicial Review pre-action protocol.

Substantive confirmation of the position will though require the Council to make further documentary checks.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information. In this case we believe it will take over 18 hours to retrieve this information.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

The dates of all such decisions and deliberations plus details of the bodies or Officers within the Council who have considered what action needed be taken.

All recorded information on any enquiries, clarifications sought or responses the Council made to the letter.

From the information currently available, it would appear that the Council did not take any action on the LGA letter and on that basis does not hold the information, as stated above.

Substantive confirmation of the position will though require the Council to make further documentary checks, for the reasons explained above.

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You will see Mr Ransford and Ms Russell might be suggesting the retention of fees that individual Councils unlawfully charged. It is at least arguable that the Council is being advised to do nothing.

If the Council decided to do nothing, please provide me with comprehensive details of the decision making process.

Having read the LGA copy letter again Leicester City Council does not read it as you suggest. Could you please clarify your question? Once you have clarified your request, we will be able to reconsider your request. If this clarification is not received within three months your request will be considered to have lapsed. Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied.

Was the Council concerned that, in agreeing to the suggestion, there might be an attempt by a public body to avoid its responsibilities?

Leicester City Council's reading the LGA letter does not contain the suggestion that any unlawfully charged fee should be withheld and therefore the City Council does not hold the information requested. 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.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the

Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

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: info.requests@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.