

My Ref: IGO/11-8835 & 9307
Your Ref:
Contact: S Pearson
Email: information.governance@nottinghamcity.gov.uk



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Mr. A. Platt

Sent by email to:

request-70719-9385306f@whatdotheyknow.com

23rd September 2011

Dear Mr. Platt

Re: Your request for information

Thank you for your email dated 24th May 2011. Please accept my sincere apologies for the delay in responding to your request.

We have conducted an internal review of our handling of your case and accept that we are outside the statutory deadline within which we should have responded and are therefore in breach of our obligations under section 10(3) of the Freedom of Information Act, 2000 (the FoIA). I therefore uphold your complaint and apologise both for the delay and any inconvenience this has caused in respect of our timescales for reply. Please be assured that we take our obligations under the FoIA very seriously and are always striving to improve our performance.

As the information you requested is not personal or environmental it has been processed in accordance with the FoIA.

You originally requested the following:

"Please will you provide me with a copy of any internal reports produced into the alleged housing allocations irregularities as described in the District Auditor's public interest report. Please include in this reports prepared by the much publicised recent internal investigation said to have cost £100k. Please will you also provide any minutes of meetings or reports/documents between the City Council and Notts Police where the responsibility of investigating this matter was discussed".

Please find attached all information disclosed in relation to similar requests on this topic which meet some of your requirements above. Please see the attached documents entitled,

"11-9187 Emails re GOC attending 29th July meeting.pdf"

"11-9187 Emails regarding meeting minutes – redacted.pdf"

"11-9187 Email to Julia Hodson_redacted.pdf"



INVESTOR IN PEOPLE



For information we have also attached a copy of the publicly available document detailing the reasoning behind Nottingham City Council's decision to bring the investigation into the allocation of council houses to a close. This document is entitled "*PIR report.pdf*"

This document would be exempt from disclosure under section 21 of the Act as it is already publicly available at our website:

<http://open.nottinghamcity.gov.uk/comm/agenda.asp?CtteMeetID=3721>

In addition I can confirm the following list of dates during 2006 and 2010, when representatives of Nottingham City Council (NCC) met with representatives of Nottinghamshire Police to discuss findings (including interim findings) of investigations carried out by the police and/or by the District Auditor in relation to the misallocation of council houses in the city between 2003 and 2005.

Date
15 May 2006
11 July 2006
17 August 2006
29 July 2010

15th May 2006 - Tim Render, Simon Parsons, Shail Shah, 4 police officers (Supt, DI and 2 x sergeants) and Chris Leeland from the Audit Commission met at police offices in Epperstone.

11th July 2006 – Colleagues from our Internal Audit team (Jane Buck / John Slater/Simon Parsons) met with a police sergeant to discuss some of the detail at the Guildhall.

17th August 2006 – Internal Audit (Simon Parsons/Jane Buck/John Slater) met at the Guildhall with the team from the police who were to undertake the investigation.

29th July 2010 - Glen O'Connell met the team from the Police to discuss the outcome of the Police work.

We have located some short notes regarding the above meetings and further more detailed notes regarding the meetings of the 15th May 2006 and 29th July 2010. This information is exempt from release under section 30(1)(a) of the Act as it is information that has been held by this Authority for the purposes of an investigation which this Authority had a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

As we have relied on section 30(1)(a) of this Act to exempt information we are also required to carry out a Public Interest Test as defined in section 2 of this Act. This is a test of whether the public interest in withholding the information is greater than in releasing it. In this case we feel it is in the best interests of the public that future investigations both internal and external to the Authority are not compromised by the release of this information and that the reputation and standing of a subject/s of an investigation who has not been convicted of any offence is not unfairly damaged by this authority releasing information. In addition we feel that release of the information will not add anything of any note to the ongoing public debate on these issues other than the identity of the subject or subjects of the investigation. For these reasons we

feel it is appropriate in this case to maintain the exemption and withhold the information.

Further in an effort to advise and assist and in accordance with our obligations under section 16, I can also make you aware of the following information which has also already been disclosed in relation to another similar request;

There is no correspondence emailed or written between Councillor Jon Collins and representatives of Nottinghamshire Police between October 2009 and December 1st 2010 in relation to the housing allocation issue. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

For information, I can confirm that a meeting was requested with Councillor Collins however Nottinghamshire Police did not indicate the purpose of the meeting. Once it was established that the meeting related to housing allocations it was passed to Glen O'Connell to progress and Councillor Collins had no further involvement with Nottinghamshire Police over the issue.

There is no correspondence emailed or written between Glen O'Connell and representatives of Nottinghamshire Police between October 2009 and December 1st 2010 other than that referred to above. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Toni Price and representatives of Nottinghamshire Police between October 2009 and December 1st 2010. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Carole Mills-Evans and representatives of Nottinghamshire Police between October 2009 and December 1st 2010. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Stephen Barker and representatives of Nottinghamshire Police between October 2009 and December 1st 2010. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Stephan Richeux or Keri Underwood and representatives of Nottinghamshire Police between October 2009 and December 1st 2010. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Councillor Jon Collins and representatives of Nottinghamshire Police between October 1st 2005 and December 1st 2006. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Toni Price and representatives of Nottinghamshire Police between October 1st 2005 and December 1st 2006. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Adrienne Roberts and representatives of Nottinghamshire Police between October 2009 and December 1st 2010. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Glen O'Connell and representatives of Nottinghamshire Police between October 1st 2005 and December 1st 2006. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Councillor David Trimble and representatives of Nottinghamshire Police between October 1st 2005 and December 1st 2006. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

There is no correspondence emailed or written between Adrienne Roberts and representatives of Nottinghamshire Police between October 1st 2005 and December 1st 2006. In accordance with section 1 of this act this information cannot be provided as it is not held by this authority.

Finally in relation to your request for a copy of all internal reports produced on this matter, I can initially confirm that the matter is no longer being investigated by Nottingham City Council (NCC) or the Audit Commission.

I have thoroughly investigated your request and can confirm that the Authority has estimated that the cost of compliance with your enquiry, specifically, the cost to accurately determine, retrieve, compile and collate the information required to provide a full response to your enquiries, would exceed the appropriate limit of £450. In accordance with the regulations this cost equates to 18.5 hours of work for one person and it is estimated that it could take up to 7½ days of work for one person to gather the necessary information. For the purposes of the above exercise, 'report' has included formal reports and briefing notes.

In light of the above and in accordance with Section 12 of this Act the Authority has decided on this occasion to exempt itself from complying with your request as the cost incurred in providing a response to your enquiry would exceed the appropriate limit.

In addition to the section 12 cost exemption, detailed above, this Authority also maintains that all of the above information identified but not provided is exempt from release under sections 30, 31, 36 and 42.

More specifically, we have determined that section 30 applies for the reasons outlined above. Section 31 applies as disclosure may prejudice certain functions of this Authority and the Police, in particular activities under section 31(1)(a) 'the prevention or detection of crime, (b) 'the apprehension or prosecution of offenders' and (h) 'any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2)'. As far as we are aware, Nottinghamshire Police / and the Independent Police Complaints Commission (IPCC) are still looking into the much publicised complaint regarding the approach taken by police officers after receiving the referral by NCC many months ago. The outcome from this review would dictate the level of any further police involvement in this matter. The release of internal reports at this point may inhibit any possible future police investigations.

As we have relied on section 31(1)(a), (b) and (h) of this act to exempt information we are also required to carry out a Public Interest Test as defined in section 2 of this act. This is a test of whether the public interest in withholding the information is greater than in releasing it. In this case we feel it is in the best interests of the public that potential future investigations of this nature are not prejudiced through release of this information, that individuals are not subjected to unwarranted or undeserved public scrutiny where no offence or misconduct has been proven to have occurred and that the decision making process of the police with regards to progressing investigations is not made available to persons that may make use of that information for nefarious purposes. For this reason we feel it is appropriate in this case to maintain the exemption and withhold the information

With regards section 36, the Authority believes that your request relates to information which, in the reasonable opinion of the qualified person, is exempt from disclosure as, as in accordance with section 36(2)(b)(i) to release it 'would, or would be likely to, inhibit the free and frank provision of advice', or (ii) 'the free and frank exchange of views for the purposes of deliberation', and/or (c) 'would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs'.

In applying the section 36 exemption the Monitoring Officer has given his reasoning as being; that the release of the notes of meetings and other communications between NCC and the police on this matter would make public the approach taken by Nottinghamshire Police as it seeks to consider potential criminal activity. Such a release would be inappropriate as it would effectively make the public aware of how police officers conduct their business and such information could provide an advantage to any criminals/would be criminals.

Further some of the reports would also be exempt on the basis that they constitute or are comprised of legal advice. This information is exempt from disclosure under section 42 of this act as we feel releasing the information would breach legal professional privilege. This means we are withholding the information to protect the relationship between a client (this authority) and a legal professional.

Owing to the fact that this authority is applying an exemption to part of the information requested, please accept this letter as a refusal notice issued in accordance with section 17 of this Act.

You are free to use any information supplied for your own use, including for non commercial research purposes. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright owner. Where the copyright is owned by Nottingham City Council details of the conditions on re-use can be obtained by contacting this office.

If you should have any questions please contact me on the above number quoting your personal case reference which is **IGO/11-8835**.

As you have already contacted the Information Commissioners Office about this matter a copy of this letter has been sent to them for their information. If you remain dissatisfied after receiving this response please write to them directly at Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9**

5AF. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at xxxx@xxx.xxx.xxx.xx.

Yours sincerely

Mrs S Pearson
Information Governance
Resources