

Enquiries to: Information Team  
Our Ref: FOI5410453



Liverpool  
City Council

[request-696922-220fb01c@whatdotheyknow.com](mailto:request-696922-220fb01c@whatdotheyknow.com)

Dear Mr & Mrs Thomas

### **Freedom of Information Request 5410453**

Thank you for your recent request. The limited elements which are valid were as follows –

*Please explain as to why our Liverpool city council still has not asked for the long overdue 106 fees from Liverpool Chinatown (GGSD) and from Chinatown Town Development Company Ltd?*

### **Response:**

Liverpool City Council would advise that in relation to the limited elements of this request which are valid, that we have not invoiced for the payment of Section 106 sums as these only become payable 'on occupation'. The sums due on completion of the legal agreement have been paid. In relation to any monies outstanding relating to Section 106 and Legal Agreements, appropriate actions are taken in accordance with debt recovery procedures.

A number of elements of the published request make comments, assertions and allegations in relation to individuals –

## **Warning – Submission of Information Requests with potentially Defamatory Content**

We would advise that it is our assessment that elements of your request comprising comments in relation to individuals may be considered defamatory in nature.

We would further advise you that the defamatory statements made by yourself either directly or through recognised aliases and contained within the information requests referenced above fall within the meaning of Article 14(1)(a) of the E-Commerce Directive (2000/31/EC). Under the law of England and Wales, a defamatory statement is one which tends to lower the claimant in the estimation of right thinking members of society generally (Sim v Stretch [1936] 2 All ER 1237).

We would further advise that a defamatory statement is published at the place where it is read, heard or seen, and is not where the material was first placed on the internet. In internet cases, therefore, provided a small number of people have access to the material on the internet in England, the English courts will have jurisdiction to hear the claim against a foreign defendant (Spiliada Maritime Corp v Cansulex Ltd [1987] A.C. 460).

We would therefore advise that you take prompt action to remove or disable access to the Offending Webpages.

In the event that this confirmation is not received, the individuals named directly or by implication within the above referenced information requests and publicly displayed on the Offending Websites shall reserve the right to issue proceedings against you seeking relief for defamation.

**Liverpool City Council Information Team**  
Cunard Building, Water Street, Liverpool, L3 1DS  
E: [informationrequests@liverpool.gov.uk](mailto:informationrequests@liverpool.gov.uk)

The remedies that may be available to these individuals include an injunction restraining further publication of the Offending Statement [pending trial], damages, legal costs and interest.

This concludes our response.

The City Council will consider appeals, referrals or complaints in respect of your Environmental Information Request and you must submit these in writing to [Informationrequests@liverpool.gov.uk](mailto:Informationrequests@liverpool.gov.uk) within 28 days of receiving your response. The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Environmental Information Regulations 2004. The Information Commissioner's website is [www.ico.gov.uk](http://www.ico.gov.uk) and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 0303-123-113. Email – [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk) (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

*A Lewis*

**Angela Lewis**  
**Information Team**