

Mr Conrad Catalan
By email
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Directorate of Law, Probity and Governance

Complaints and Information Team

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Enquiries to: Louise Manthorpe
Tel: 020 7364 3005

2 October 2015
Reference: 1071965

Dear Mr Catalan

I am writing to let you know that Louise Manthorpe, Complaints and Information Officer has completed the review of your Freedom of Information (FOI) request.

Your initial request dated 15 July 2015 was:

1. *The Tower Hamlets election petition named two respondents:*

- (a) *Mr Rahman; and*
- (b) *The Returning Officer.*

2. *Mr Rahman was a party to the proceedings in his legal personality of having been an election candidate. The Returning Officer was a party to the same proceedings in his legal personality of having been the relevant Returning Officer. For the purpose of the election petition hearing neither respondent was a council official or a council member of staff. Whilst acting as a Returning Officer, the Returning Officer's activities were not those of a council employee, a council official or even a member of the council's staff.*

3. *How much did all the activity cost including that documented in https://www.whatdotheyknow.com/request/election_court_documents, namely the entry dated 12 June 2015 which included a 20 pages PDF file showing the council staff had:-*

- (a) *arranged meetings*
- (b) *prepared press statements of behalf of the Returning Officer;*
- (c) *attended the Royal Courts of Justice*
- (d) *created media hand-outs*

4. Please exhibit a copy of the signed authorisation for that public expenditure.

5. What professional legal advice suggested to the local authority it could lawfully incur expenditure on matters not, in law, directly connected to the local authority - for the purpose of the litigation Mr Rahman was an election candidate and the Returning Officer was a separate and independent entity from the local authority: a council appointed contractor.

6. What was the legal basis for unelected council staff spending public funds on tasks that were not functions of the local authority ?

7. What costs, if any, were reimbursed ?

The Council's initial response dated 27 August 2015 was:

Communications staff deal daily with issues that have an impact on the Council and its day to day business. The Council was directly and inevitably affected by the publicity surrounding the election petition, the court's deliberations and its outcome. Mr Rahman was the Executive Mayor of the Council and Mr Williams was, and still is, a member of council staff and as such was provided with support and advice on this publicity.

Council preparation for such events, their outcomes and any implications for officials is an integral part of the communication team's activities. No budget was set aside for supporting activities and attendance at the court was part of and not additional to officer work duties.

3. The information requested in question 3 is not held

4. Not applicable The information requested in question 4 is not held.

5. No expenditure was made on matters that were unconnected in law to the local authority and no legal advice was sought with the express purpose of determining if it could do so. The information requested in question 5 is not held. Please also see the response to question 3.

6. No public funds were spent by Council Staff on tasks that were not the function of the local authority. The information requested in question 6 is not held. Please also see the response to question 3.

You then requested a review on 28 August 2015 as follows:

Tower Hamlets Council's reply to me was written by Ruth Dowden, the Complaints and Information Manager. She has been in the job for at least 8 years. Why does she give me utter waffle ?

What I would like from a review is

(i) the removal of all the legally wrong and/or untrue material Tower Hamlets Council supplied to me; and

(ii) honest and truthful answers to replace the fantasy excuses local government staff invented to conceal their deliberate misuse of public funds.

It is difficult for a mere member of the public to understand how lots of well-paid local authority staff seem to have little knowledge of, or concern for, the lawfulness of staff activities especially when they cost public money contributed by Council Tax payers.

Having reviewed this matter the Council's findings are as follows:

I am sorry that you were unhappy with the information provided, however the information provided has been reviewed and I can confirm that there is no 'legally wrong and/or untrue material' in the response provided.

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
www.ico.org.uk

Further information about the operation of the act is available from the council's website www.towerhamlets.gov.uk and the information leaflet in public reception areas in Council Buildings.

Yours sincerely



John Williams
Service Head – Democratic Services