

Enquiries to: Information Team
Our Ref: FOI2782799



**Liverpool
City Council**

request-633518-dee39082@whatdotheyknow.com

Dear Ms Mullen

Freedom of Information Request 2782799

Thank you for your recent request. Your request was actioned under the Freedom of Information Act 2000 in which you requested the following information –

“Please supply the following information:

[1] ALL Liverpool City Council land, buildings, leases or any other Liverpool City Council assets that have been sold/ leased over the last ten years

This includes assets sold / leased etc to both companies and individuals. Please name:

[a] The type of asset [land /building / lease etc

[b] The location of the asset

[c] The name of the company / individual who bought the asset [land / building / lease etc]

[d] Whether the asset had gone out to tender before it was sold to the company / individual in question

[e] The date the LCC asset was sold”

Response:

Liverpool City Council would firstly take the opportunity to apologise for the delay in responding on this occasion.

Liverpool City Council confirms that it holds information relevant to the terms of your request, our response being that a list of addresses of freehold and leasehold assets disposed of during the last five years is appended to this response letter.

With regard to the additional information requested (date, value, purchaser, status, solicitor representation), as well as to information for the further five year period from 2010 to 2015, this information is held on the individual records for each sale or disposal and is not held in a centralised format as we have no operational or legislative reason to do so. Similarly, this is only retrievable other than by a manual inspection of the paper records associated with each transaction. A total of 1417 case files would have to be examined in this instance to identify all information held of relevance.

In seeking to respond to your request, a representative sample of 30 case files have been examined in order to accurately estimate the time to comply with your request and which has shown that not less than 20 minutes would be required to review each record and extract all information of relevance.

Allowing 20 minutes per file and with a total of 1417 files for the period to which your requests relates would necessitate a total of 472.33 hours of Officer time to identify and extract all information of relevance.

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Section 12 of the Freedom of Information Act 2000 permits public authorities such as Liverpool City Council to refuse a request for information in such circumstances where compliance would require in excess of a prescribed limit of 18 hours. As compliance with your request would require 472 hours to fulfil, we are therefore applying a Section 12 exemption to those elements of your request seeking information in respect of date, value, purchaser, status, solicitor representation.

We would however advise that information in respect of all of the property disposed of either freehold or leasehold will be available via the public search facility at HM Land Registry and in accordance with the application of Section 21 Freedom of Information Act 2000 we would advise that this may be accessed at <https://www.gov.uk/search-property-information-land-registry>

We would note that since January 2019 in excess of 25 detailed requests have been made by yourself through various channels, many of which accompanied by lengthy speculation, comment and expressions of opinion. Notwithstanding the above factors, the City Council has continued to collate and gather information and respond to your requests to the extent they have been valid or information of relevance held, often in excess of the 18 hour time limit prescribed under Section 12 of the Freedom of Information Act in order to assist.

However, we are similarly mindful of the cumulative impacts which arise from the number and extensive requests which you have made as well as the nature and extent of the lengthy speculation, comment and expressions of opinion which frequently form part of or precede your requests as well as related correspondence you may make with the City Council.

Liverpool City Council would note that Section 14 of the Freedom of Information Act 2000 allows a Local Authority to refuse what is deemed to be a vexatious request. While neither focussing on the motive of the request or the number of requests which may have been submitted previously by the relevant individual, it solely examines the worthiness of the request placed against the impact it would have on the Local Authority.

Taking into account the extent and number of requests received from you we would advise that we continue to monitor their impacts in light of the above exemption.

Specifically, we would refer you to *Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013)* in which the Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious is only of limited use, because the question of whether a request is vexatious ultimately depends upon the circumstances surrounding that request.

In further exploring the role played by circumstances, the Tribunal placed particular emphasis on the issue of whether the request has adequate or proper justification. They also cited two previous section 14(1) decisions where the lack of proportionality in the requester's previous dealings with the authority was deemed to be a relevant consideration by the First Tier Tribunal.

After taking these factors into account, the Tribunal concluded that 'vexatious' could be defined as the "...manifestly unjustified, inappropriate or improper use of a formal procedure." (paragraph 27).

Officers within the City Council will always adhere to their responsibilities and obligations under the Freedom of Information Act 2000. However, there can be no justification for Officers to be required to cease their everyday activities and duties in order to respond to speculative requests for information.

You have previously passed comment on the conduct and performance of individual Officers. The City Council has relevant processes in place to deal with comments or complaints about its Officers. The Freedom of Information Act and associated processes should not be used for the purpose of comment or complaint in relation to Council Officers.

Notwithstanding the above assessment, the City Council continues to respond to requests made by you however we will continually review this assessment and if necessary then we will apply the exemption in future to some or all of your requests. We will advise you in writing if this becomes necessary.

We would at this juncture also take the opportunity to be clear how responses to the many Freedom of Information requests received by the City Council (in excess of 2,000 per year) are collated, prepared and issued.

The City Council would advise that in common with all public authorities and organisations subject to Freedom of Information legislation in the UK, whilst request for information are typically collated by a central Information Team, information and detail to inform the content of responses is provided by Officers and Service Areas from the relevant departments responsible for the activity or issue.

Responses issued by members of the City Council's Information Team, or if required the Customer Feedback Team, do not reflect nor are these based on the personal knowledge of Officers from the above teams.

Responses collated and issued by the Information Team and the Customer Feedback Team represent data held by the City Council within relevant Service Areas and Directorates. Whilst letters are issued by named Officers within the Information Team and Customer Feedback Team, these are issued for and on behalf of the City Council and reflect information collated from relevant Service Areas, not Officers of the Information and Customer Feedback Teams.

This concludes our response.

In accordance with the application of Sections 12 and 21 of the Freedom of Information Act 2000 we have not provided all of the information requested. As such this letter serves as a Section 17 Notice under the Freedom of Information Act 2000.

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 Freedom of Information Act 2000.

The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK95AF. Telephone 0303 123 1113. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

I trust this information satisfies your enquiry.

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Cunard Building, Water Street, Liverpool, L3 1DS
E: informationrequests@liverpool.gov.uk

Yours sincerely

A Lewis

**Angela Lewis
Information Team**