

Enquiries to: Information Team
Our Ref: FOI2782799/IR



**Liverpool
City Council**

request-633518-dee39082@whatdotheyknow.com

Dear Ms Mullen

Freedom of Information Request 2782799/Internal Review

Thank you for your request that the City Council undertake an Internal Review of the above information request. For purposes of clarity and context, your original request and our accompanying responses are summarised below as follows –

“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”

Original Response

The text of our original response was –

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), this information is held on the individual records for each sale or disposal and is not retrievable other than by a manual inspection of the paper records associated with each transaction. A total of 913 case files would have to be examined in this instance to identify all information held of relevance.

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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 and with a total of 913 files for the period to which your requests relates would necessitate a total of 45.65 hours of Officer time to identify and extract all information of relevance.

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 45.65 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>

Internal Review

The basis upon which you have requested an Internal Review be undertaken was as follows –

“[1] Could you confirm that you are actually saying that information on the sale of tens of millions of pounds of LCC assets are not kept in a database

[2] This has to be either a mistake or misinformation, as it would seem outrageous and grossly inefficient to suggest that LCC has no idea of the value of assets sold over the last.....let us say, 8 years. Nor does LCC have an overview of who the assets have been sold to and the location of those assets.

[3] In the case that External Auditors or the police wanted access to this information, please confirm that LCC would need 472.33 hours to retrieve the information re. location / purchase price / date / purchaser in relation to the sale of LCC assets

[4] You did not explain in the FOI response why LCC did not follow normal / efficient procedures [WHETHER IT WAS A LEGAL REQUIREMENT OR NOT] and keep a database that could be updated as assets were sold - as, according to your calculations it would take an individual, working 8 hours a day, two months to pull the information together”

Review & Outcome

By way of context and as you will be aware, Liverpool City Council in common with all other public authorities in the UK, Europe and worldwide have, since March, been dealing with and responding to the Coronavirus pandemic. The introduction of substantial Government restrictions well before the submission of your request have had wide reaching and ongoing impacts being felt across society. These impacts specifically affected all Service Areas of the City Council as Officer resources and personnel are diverted to supporting the most vulnerable residents of this city.

Specifically, from early March, direct impacts were being seen for the City Council in terms of staff absence due to symptoms of or self-isolation due to Coronavirus as well as significant and substantial increases in demand for those Services which specifically support children, the elderly and the most vulnerable residents across Liverpool.

In light of the above factors, Officers from early March were gradually and in increasing numbers assigned to different Service Areas to ensure continuity of service, provision and support for children, the elderly and the most vulnerable residents across Liverpool as indicated above.

This impacted considerably on the ability of colleagues within all departments to identify, retrieve and collate information and respond to speculative requests designed to divert resources from the delivery of essential services, as well as the absence of relevant Officers whose knowledge informs the preparation and content of responses whilst resources are focussed on the ongoing pandemic.

With the above factors in mind, we greatly appreciate your patience and understanding for the delay on this occasion.

We acknowledge that on this occasion, we have been unable to meet deadlines for response associated with your request in light of the unprecedented global pandemic, on the basis that the City Council and its Officers continue to focus on delivering essential services and support for vulnerable residents and communities as well as seeking to administer support for businesses within the city. On that basis your complaint is upheld due to the impacts detailed above.

In relation to the specifics of this review request, our responses are as follows –

1. No. Nor does our original response state this. Your original request asked for a breakdown of extensive data. The City Council in common with all other responsible public authorities retains comprehensive records including a central record of asset disposals.

However, that does not require every single piece of information relating to each and every such transaction to be retained in a single all encompassing record of the manner you envisage.

A clear response and explanation has been provided as to why, in order to obtain the specific information for each transaction, that each case file would have to be examined. Whilst you may disagree with this assessment, this reflects how data is held and processed. This element of your review is not upheld.

2. This is a factually incorrect and leading statement and is neither valid under Freedom of Information as a standalone request or as a request for a review.

The City Council in common with all other responsible public authorities retains comprehensive records including a central record of asset disposals. However, that does not require every single piece of information relating to each and every such transaction to be retained in a single all encompassing record of the manner you envisage.

A clear response and explanation has been provided as to why, in order to obtain the specific information for each transaction, that each case file would have to be examined. Whilst you may disagree with this assessment, this reflects how data is held and processed.

3. Freedom of Information legislation – whether in response to original requests or Internal Reviews – does not require us to comment on hypothetical scenarios. With regard to requests from external agencies, including our External Auditors, relevant access to information is provided. We would refer you to their ongoing assessment of our records and accounts which demonstrates the robust nature of our record keeping. Whilst you may be disappointed that the City Council does not operate an all encompassing single record in the manner you outline, this does not derogate from how we record and process such data.
4. Freedom of Information legislation does not require us to provide explanation in the manner described and the remainder of your review request constitutes speculation, comment and expression of leading opinion.

Your original request asked for a breakdown of extensive data. The City Council in common with all other responsible public authorities retains comprehensive records including a central record of asset disposals.

However, that does not require every single piece of information relating to each and every such transaction to be retained in a single all encompassing record of the manner you envisage.

A clear response and explanation has been provided as to why, in order to obtain the specific information for each transaction, that each case file would have to be examined. Whilst you may disagree with this assessment, this

reflects how data is held and processed.

Notwithstanding the above, and in accordance with our duty to provide advice assistance and guidance, please see attached a list of Freehold and Leasehold disposals which have taken place since 1 January 2015.

Note that information relating to the date of transaction, value and purchaser are all matters, as previously stated, that may be accessed via the comprehensive search facility at HM Land Registry. As such 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>

This concludes our Internal Review process on this matter.

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 SK9 5AF. 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.

Yours sincerely

A McGuire

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Customer Feedback Team

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