

Enquiries to: Information Team
Our Ref: FOI7073394

request-740877-ff1c5ade@whatdotheyknow.com



Liverpool
City Council

Dear Mr Roberts

Freedom of Information Request 7073394

Thank you for your recent information request, the limited elements of which being valid sought the following information –

“1. Now supply the reason as to why the new acting Mayor (Wendy Simon) had taken a donation of over £1.900 from Kerry Tomlinson of the failed company (Primesite) with regards to his failed £40 million site in her (Wendy Simon's ward) did she record this payment and disclose this to the LCC and to the Mayor Joe Anderson, was he told of this payment?”

2. Why would Cllr Wendy Simon, be linked or involved with this person (Tomlinson) can the LCC explain this to the public?”

Response

In relation to the specifics of this request, we would advise –

1. Freedom of Information legislation does not extend to providing explanations to speculative comment and opinion. Information relating to the offers of gifts and hospitality made to and registered by Elected Members are already wholly in the public domain and reasonably accessible to you on the City Council's website at www.liverpool.gov.uk – a Section 21 exemption is therefore applied on this basis.
2. Freedom of Information legislation does not extend to providing explanations to speculative comment and opinion.
3. Freedom of Information legislation does not extend to providing explanations to speculative comment and opinion.

On this basis, Section 21 of the Freedom of Information Act 2000 is applied and this response therefore serves as a Notice under Section 17 of the same Act.

To the extent that you comment relating to individuals both Councillors and Officers –

Warning - Submission of Information Requests with potentially Defamatory Content

It is our assessment that the content of a number of the statements within your request are in whole or part potentially defamatory in nature, that these identify or refer to individuals and are being published by yourself through the use of a public website forum to third parties.

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

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(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 disabled 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.

The remedies that may be available to the 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 Freedom of Information Act 2000 and you must submit these in writing to 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 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: 0303-123-113. Email –mail@ico.gsi.gov.uk (they advise that their email is not secure)

Yours sincerely
Liverpool City Council