



V. Scully
Via Email
request-234745-85879a18@whatdotheyknow.com

Finance & Corporate Services
Direct Line – 020 7525 7511
Fax – 020 3014 8598
accessinfo@southwark.gov.uk

17 November 2014

Dear V. Scully

Re: Your request for information: Ref No. 462293

Thank you for your request for information that was received on 18 October 2014 in which you requested:

I would like to request the following information under the Freedom of Information Act:

This week, the judgement of HHJ Anthony Thornton QC in the case of AA v London Borough of Southwark was handed down in the Queen's Bench Division of the High Court. (Neutral citation [2014] EWHC 500 (QB); case number HQ13X02922.)

The Council's employees were found liable for unlawful eviction, conspiracy, misconduct in public office, and negligence. (The judgment can be read in full here: <http://www.bailii.org/ew/cases/EWHC/QB/2014/500.html>) An out of court settlement was reached as to quantum before the start of the second trial, which was to determine the damages to be paid to AA. Please provide the following information:

1) How much was this settlement for?

The settlement is confidential.

2) If available, how was this settlement apportioned between exemplary, aggravated, special and general damages (and any other heads of loss)?

The settlement was not apportioned.

(I am aware that there is a limited anonymity order in place in relation to this case, but HHJ Thornton's judgment says it is "confined to the identity and precise address of the claimant". Nonetheless, if you would otherwise decline my requests under 1) or 2), I am content for you to round the figures in the settlement into an approximation to avoid any possibility of identifying him.)

3) What action has been taken against all of the council employees who have been criticised in the judgment in this case? In particular, those in paragraph 187 listed as "Mr Davis, Ms Okwara, Ms Ashley, Ms Maresch, Ms Marsh [and] Ms Scheibner" where it is said of them that "It is clear that all these officers knew, or had turned a

blind eye to the fact that AA had been unlawfully evicted and that his possessions were still in the flat despite his having been evicted and that they were about to be removed and destroyed." I am also interested in the outcome for "Mr Ola Akinsola", who is mentioned in paragraph 196. If any other disciplinary action has been taken as a result of this case which is not covered by the rest of this request, please supply me with the outcome of that as well.

If, and only if, you are otherwise unwilling to supply me with this information, I will accept being told (e.g.) that 1 was dismissed for gross misconduct, 2 have undergone retraining etc.

I am aware that this might be considered personal information, however, I would urge you to consider the public interest element in relation to this: these are officers of the council who have been found to have committed misconduct in public office and a civil conspiracy by a High Court judge, and their names are already in the public domain as having done so in any case.

In reply to this question, we consider the information requested to be personal data and under section 40 of the Freedom of Information Act, personal data, we are not able to provide this as we maintain that releasing this information is not compatible with the Council's requirement to process personal data fairly and lawfully.

Section 40 is one of the absolute exemptions under the Act and is not subject to the public interest test.

This information is being provided as a statutory obligation under the Freedom of Information Act 2000. Please note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 Southwark Council ask not to receive unsolicited marketing communications.

You are free to use the information provided for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, requires the permission of the copyright holder. You may apply for permission to re-use this information by submitting a request to accessinfo@southwark.gov.uk; you can find details on these arrangements at <http://www.southwark.gov.uk/YourCouncil/FreedomofInformation/FOICopyright>. Detailed advice about the Reuse of Public Sector Information Regulations (PSI) 2005 is available from the Office of Public Sector Information at: <http://www.opsi.gov.uk/advice/index.htm>.

If you have any queries or concerns then please contact us using the above details.

Further information on the Freedom of Information Act is available through the Information Commissioner at the:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Internet: www.ico.org.uk

Yours sincerely,

Janet McDonald
Corporate Freedom of Information Manager
Financial & Information Governance Team
Finance & Corporate Services
Janet.mcdonald@southwark.gov.uk