



[request-928617-2aa2bf20@whatdotheyknow.com](mailto:request-928617-2aa2bf20@whatdotheyknow.com)

Dear Mr Clarke,

### **Freedom of Information - Internal Review - 14015011**

I am writing in respect of your request dated 8 February 2023 for an Internal Review of your request under the provisions of the Freedom of Information (FOI) Act. On behalf of the City Council, I would like to take this opportunity to apologise for the delay in responding to your Internal Review request. I am grateful for your patience and that the delay did not cause you too much inconvenience.

When conducting Internal Review requests in accordance with the Freedom of Information Act and as stated in our Internal Review Process, I consider:

1. Was the request handled promptly and within 20 working days?
2. Did we confirm the information was held?
3. Does the council hold any additional information which has not yet been released?
4. Was a reason given for why the request was refused?
5. Were any exemptions applied appropriately?
6. Was a charge wrongly applied?
7. The overall handling of the request

The review does not cover the content of the response itself.

### **Your request**

Requests to the City Council are shown in *italics*, responses from the City Council are shown in **bold**:

On 12 December 2022 you asked the following:

*Re: The letter to from LCC to Ms Erica Rushton, the Beautiful Ideas Company (North) CIC, 5th October 2016, granting a Licence between LCC and the Beautiful Ideas Company (BICO) to occupy and use the land at Walton Breck Road L4. With reference to the above, I'd appreciate it if you could provide me with the following information:*

1. *Was LCC responsible for ensuring the terms of the licence were adhered to?*
2. *Did those responsible for ensuring the terms of the licence were adhered to ensure clause 4 was adhered to?*
3. *If the answer to question 2 is 'Yes': How did the person responsible for ensuring the terms of the licence were adhered to, ensure that clause 4 was adhered to?*
4. *Can you please provide all emails, electronic and other correspondence between the person responsible for ensuring the terms of the licence were adhered to and BICO?*
5. *If the answer to question 2 is 'No': Can you please explain why the person responsible for ensuring the terms of the licence were adhered to, didn't ensure clause 4 was adhered to?*

On 31 January 2023 the City Council responded as follows:

1. Yes.
2. Yes.
3. The information requested is publicly available. Information in respect of your request is published on the Liverpool City Council website via the following link - <https://www.liverpool.gov.uk/bicoreports>
4. I refer you to point 3, above.
5. I refer you to point 2, above.

On 8 February 2023 you requested an internal review of the above response:

*I am writing to request an internal review of Liverpool City Council's handling of my FOI request 'Did LCC ever check on the Beautiful Ideas Company?'.*

*Question 4 requested:*

*"Can you please provide all emails, electronic and other correspondence between the person responsible for ensuring the terms of the licence were adhered to and BICO?." This request wasn't fulfilled as is legally required. I wasn't provided with the information I requested, instead I was referred to three extensive Internal Reports, and an Internal Summary sent to Cllr Nick Small.*

### **Internal Review response**

Following my review of your request, I can confirm the following response to the considerations outlined above:

#### **1, Was the request handled promptly and within 20 working days?**

No, your original request, reference 14015011, was not responded to within 20 working days. In the response dated 31 January 2023 the City Council issued an apology.

#### **2, Did we confirm the information was held?**

Yes, the City Council confirmed it held the information you requested.

#### **3, Does the council hold any additional information which has not yet been released?**

No, the City Council has published historic internal audit reports from 2015 and 2019 into the operation of match day car parks, the collection of charges and the granting of a Licence between the City Council and BICo to occupy and use the land at Walton Breck Road L4.

#### **4, Was a reason given for why the request was refused?**

Your request for information was not refused. In your correspondence dated 8 February 2023 you state *'the request wasn't fulfilled as is legally required. I wasn't provided with the information I requested, instead I was referred to three extensive Internal Reports, and an Internal Summary sent to Cllr Nick Small'*. The publication followed a decision by the Information Commissioner, who ruled that it is in the public interest to disclose the documents. The City Council published two further documents:

- the results of an Internal Audit review in 2017, into whether the Beautiful Ideas Company (BICo) was being operated in accordance with a properly constituted City Council decision. It followed a complaint from a Councillor about the use of the Walton Breck Road site as a car park, and
- a summary of the findings of the 2017 review, sent to Councillor Nick Small as the City Council's representative on BICo and a Director.

Several recommendations were made by Internal Audit. The findings and recommendations of the Internal Audit reports are indicative of general issues regarding how areas of the City Council operated at this time, subsequently highlighted by the Best Value Inspection in March 2021.

Since this time, the City Council has implemented an organisation-wide Strategic Improvement Plan and is taking significant steps to deliver the necessary improvements to strengthen governance and control arrangements and be more transparent about its past failings.

The matters raised in the reports are those that came to Internal Audit's attention during their work. While every care has been taken to make sure the information is as accurate as possible, Internal Audit can only base their findings on the information and documentation provided to them, and the sample evidence tested, at that time. In line with standard audit practice, Internal Audit undertakes sample testing and aims to provide reasonable assurance about risk management, governance and control processes. Its findings are not intended as a comprehensive statement of all the weaknesses that existed, or of all the improvements that may be needed. These reports were produced solely for the internal use and benefit of the City Council.

**5, Were any exemptions applied appropriately?**

No exemptions were applied. I consider this aspect as not relevant.

**6, Was a charge wrongly applied?**

No charge was applied. I consider this aspect as not relevant.

**7, The overall handling of the request.**

Information regarding the terms of the licence between the City Council and BICo to occupy and use the land at Walton Breck Road are publicly available the results of the Internal Audit review in 2017 and the summary of the findings of the 2017 review. This concludes the internal review. On behalf of the Council, I apologise for the delay in responding to your request for an Internal Review. I appreciate your patience and am sorry for any inconvenience this may have caused.

Should you remain dissatisfied following the City Council's internal review, you can refer the matter directly to the Information Commissioner.

Further information is available from the Information Commissioner at:

Information Commissioner's Office (ICO), Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, [mail@ico.gov.uk](mailto:mail@ico.gov.uk) (the ICO advise that this email is not secure), [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

*A. Lewis*

**Information Team**