



[request-552344-68209765@whatdotheyknow.com](mailto:request-552344-68209765@whatdotheyknow.com)

Dear Ms Mullen

### **Freedom of Information Request 670921 – 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 –

*“Question 1 - As Mayor Anderson always took his full salary as Leader of the City Council, and according to Karen Lewis, took his full salary as Mayor, except for 3 months [which is yet to be evidenced] - please supply all information that explains why Karen Lewis ignored this allegedly false statement in her review findings*

*Question 2 - In the case that she didn't understand, perhaps didn't read the court papers in their entirety, - please supply all information that explains what course of action Ms Lewis is now going to take in light of this second alleged false statement made to Judge Franey*

*Question 3 - Media reports and a Council doc make it clear that Mayor Anderson repeatedly made the statement that he never took his full Mayoral salary. Please supply the Council doc which puts the record straight and informs councillors when he did, indeed, begin to take his full Mayoral salary.”*

### **Liverpool City Council Response**

*“1. With regard to the comments made in your preamble to this request as regards the Employment Tribunal, an initial point to make is that the allowance paid to Mayor Anderson was not one of the material issues outlined by the Tribunal Judge. Notwithstanding that technical point, a review was undertaken by the then Head of Audit to establish the position. That review was very detailed and included sight of copious contemporaneous notes taken at the tribunal hearings by an associate Solicitor from the external law firm, which represented Mayor Anderson. Mayor Anderson agreed to waive his solicitor/client privilege, limited to the facilitation of this review, in order that the City Council could access those notes. The evidence given by Mayor Anderson makes it clear that his position on the allowance changed following his dismissal from Chesterfield High School with the consequent impact upon his personal financial position. It is on the basis of all the evidence including the above that the review was concluded.*

*2. Further to the response at (1) above, the allowance paid to Mayor Anderson was not one of the material issues outlined by the Tribunal Judge. Therefore, if the issue was not material, then any inaccuracy in relation to it would not come within the definition of perjury. Notwithstanding that technical point, the review was still undertaken to establish the evidence given in the light of your allegations that Mayor Anderson's evidence had been misleading. That review was very detailed and has included sight of copious contemporaneous notes taken at the tribunal hearings by an associate Solicitor from the external law firm, which represented Mayor Anderson.*

*Mayor Anderson agreed to waive his solicitor/client privilege, limited to the facilitation of this review, in order that the City Council could access those notes.*

*The evidence given by Mayor Anderson makes it clear that his position on the allowance changed following his dismissal from Chesterfield High School with the consequent impact upon his personal financial position.*

*On this basis the then Head of Audit concluded the review on the basis of all available evidence. In the absence of any additional evidence there is no further review to be undertaken.*

*3. The Mayor of Liverpool did not take the full allowance entitlement afforded to the role of Elected Mayor until the point when he was dismissed from his paid employment.”*

### **Internal Review**

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

*“I am writing to request an internal review of Liverpool City Council's handling of my FOI request 'Independent Review by: Karen Lewis - Director and Head of Audit and Risk - PART TWO'.*

*[ GIVE DETAILS ABOUT YOUR COMPLAINT HERE ]*

*[1] You completely ignored the fact that the Tribunal took place on the 11/12/13th Dec 2013 - more than a year after Mayor Anderson's employment ceased with Chesterfield High School. Therefore, the information to the Judge [if it were true] should have said " I took a reduced salary as City Mayor until I was given notice by Chesterfield High school [or words to that effect] INSTEAD he stated:*

*".” Notwithstanding that, the Claimant was formerly Leader of Liverpool City Council and later Mayor of Liverpool, both in effect full-time appointments with the benefit of substantial allowances, the Claimant has drawn a modest salary*

*This indicates quite clearly that Mayor Anderson continued [up until, at least, the date of the Tribunal/ Appeal] to draw a 'modest salary' THIS IS QUITE CLEARLY UNTRUE....WHY DOES LCC CONTINUE TO DEFEND THE INDEFENSIBLE?*

*[2] Mayor Anderson's S.R.A. for 2012/13 was £75,360.....if you do the math, taking into account that this was his first year as City Mayor [May 2012] then it is abundantly clear that Mayor Anderson NEVER TOOK A REDUCTION IN HIS SALARY.....PLEASE SUPPLY THE MATH THAT EXPLAINS HOW MAYOR ANDERSON COULD POSSIBLY HAVE TAKEN A REDUCED SALARY FOR A PERIOD OF MONTHS*

*[3] In question 3 I asked for evidence of any council docs where Mayor Anderson has made any statements about his salary ...i.e. reductions/ going back to full salary....this question was ignored*

*[4] Mayor Anderson purposefully mislead the courts/Judges...whether perjury is the right legal term or not. The City Mayor/Leader/ councillors are supposed to maintain the highest standards. Although there is absolutely no evidence in any Tribunal /Appeal documents....you state that some unknown solicitor/barrister scribbled some*

*notes during the proceedings that prove that Mayor Anderson did indicate to the judge that he had taken his full Mayoral salary after he was dismissed.....you have not supplied the name of this solicitor/barrister, neither have you supplied the evidence proving this. It would seem highly suspicious that there was only one person in the whole Tribunal/Appeal proceedings that noted this statement from the Mayor”*

## Review & Outcome

### Review Question 1

With regard to the first element of your review request, when dealing with information requests which require a review of a range of detailed information and which may include the consideration of the application of exemptions, whether applied or not, then on occasion public authorities require additional time to collate information prior to preparing and issuing responses.

In considering the points raised by you and the original response provided, I have taken the opportunity to discuss the matters raised by you with the then Head of Audit and I have further examined all materials to which the then Head of Audit had regard to in preparing the response.

I would advise that the response provided did not ignore your original question, indeed it addressed this in full. Specifically, your original question 1 stated *“As Mayor Anderson always took his full salary as Leader of the City Council, and according to Karen Lewis, took his full salary as Mayor, except for 3 months [which is yet to be evidenced] - please supply all information that explains why Karen Lewis ignored this allegedly false statement in her review findings”* to which a clear response was provided, specifically –

*“...a review was undertaken by the then Head of Audit to establish the position. That review was very detailed and included sight of copious contemporaneous notes taken at the tribunal hearings by an associate Solicitor from the external law firm, which represented Mayor Anderson. Mayor Anderson agreed to waive his solicitor/client privilege, limited to the facilitation of this review, in order that the City Council could access those notes.*

*The evidence given by Mayor Anderson makes it clear that his position on the allowance changed following his dismissal from Chesterfield High School with the consequent impact upon his personal financial position.”*

The response provided originally by the then Head of Audit clearly sets out the process of review undertaken.

I am therefore satisfied that this question was responded to in full and indeed was given extensive consideration to both in our original response as well as during the course of undertaking this review. This element of your request for an Internal Review is therefore not upheld.

### Review Question 2

With regard to the first element of your review request, when dealing with information requests which require a review of a range of detailed information and which may include the consideration of the application of exemptions, whether applied or not, then on occasion

public authorities require additional time to collate information prior to preparing and issuing responses.

In considering the points raised by you and the original response provided, I have taken the opportunity to discuss the matters raised by you with the then Head of Audit and I have further examined all materials to which the then Head of Audit had regard to in preparing the response.

As is a matter of public record, Mr Anderson was in receipt of an Allowance whilst he held the role of Leader of the Council and concurrent to that was in separate paid employment. On his election to the role of Elected Mayor, Mr Anderson indicated that he would take a reduced amount of allowance so as to ensure he was not in an enhanced financial position arising from his election as Elected Mayor. Notwithstanding this, within the first three months of taking the office of Elected Mayor, Mr Anderson was dismissed from his paid employment. As a consequence after this three month period had elapsed Mr Anderson would have been placed in a worse financial position as a consequence of holding public office. Mr Anderson therefore received the relevant entitlement as Elected Mayor for the year to the extent that this placed him in the same position as if he had continued as Council Leader and in his paid employment.

I would advise that the response provided did not ignore your original question, indeed it addressed this in full. Specifically, your original question 1 stated *“As Mayor Anderson always took his full salary as Leader of the City Council, and according to Karen Lewis, took his full salary as Mayor, except for 3 months [which is yet to be evidenced] - please supply all information that explains why Karen Lewis ignored this allegedly false statement in her review findings”* to which a clear response was provided, specifically –

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The response provided originally by the then Head of Audit clearly sets out the process of review undertaken.

I am therefore satisfied that this question was responded to in full and indeed was given extensive consideration to both in our original response as well as during the course of undertaking this review. This element of your request for an Internal Review is therefore not upheld.

### Review Question 3

In responding to requests for information, the City Council is required to review information it holds. In terms of this element of your request, information on allowances paid to Elected Members is published annually both within annual returns relating to the Scheme of Allowances for Elected Representatives as well as within the published Annual Accounts for the City Council, all of which are in the public domain and reasonably accessible to you via

the following weblinks –

Members Allowances –

<http://councillors.liverpool.gov.uk/ecCatDisplay.aspx?sch=doc&cat=259>

Statements of Accounts – <https://liverpool.gov.uk/council/budgets-and-finance/statement-of-accounts/>

I would agree with your comments in regard to this element of your review request insofar as I do not consider the original response addressed this element of your request in full and as such this element of your review request is upheld.

#### Review Question 4

With regard to this element of your review request, this is not a valid request for review. Your submission takes the form of a statement within which a series of assertions and expressions of personal opinion are made.

With regard to this element of your review, it is our assessment that the content of this is in whole or part defamatory in nature, includes to individuals and is 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 request referenced above fall within the meaning of Article 14(1)(a) of the E-Commerce Directive (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 Webpage, and provide confirmation of this action.

In the event that this confirmation is not received, the individuals named directly or by implication within the above referenced information request 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 is a complex area of law and we strongly recommend that you seek independent legal advice immediately.

I would further advise that the City Council, in responding to this and previous requests from both yourself and third parties on this subject, have undertaken significant work in order to fulfil and respond to such requests as opposed to giving consideration to viewing such requests cumulatively and applying a time based exemption. I would therefore confirm that any further requests on this and related subjects will now be considered having due regard

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to the application of Section 14 of the Freedom of Information Act 2000 on the basis that continued repetition of similar or related requests on the same subject may be considered manifestly unreasonable and disruptive and therefore considered vexatious.

Having carefully considered all points of submission, your request for a review is therefore not upheld as regards points 1, 2 and 4. 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](http://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](mailto:mail@ico.gsi.gov.uk) (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

*M Jones*

**M Jones**  
**Information Team**