

Cheshire West & Chester Council

Sent by email to:
Stephen. L. Ingram [request-261837-
2bb81be6@whatdotheyknow.com]

Solutions Team (2nd Flr, HQ)
Cheshire West and Chester Council
4 Civic Way
Ellesmere Port
CH65 0BE

Tel: 0300 123 8 123
web: cheshirewestandchester.gov.uk

our reference	your reference:	please ask for:	date:
2897961		Miriam Wallace Solutions Team foiwest@cheshirewestandchester.gov.uk	12 August 2015

Dear Mr Ingram

I refer to your e-mail of 5 July 2015, requesting an internal review of the Council's handling of your FOI request "Interests". The requests were made on 2 April and the Council sent a response on 14 May. The Council applied the exemption in section 21 of the Freedom of Information Act 2000 (FOIA), saying that the information is accessible to you, as it is already in the public domain. (The response dated 14 May is enclosed). I am now notifying you of the outcome of the review as follows:

On 5 August, the internal review panel met to consider your representations and in particular your concern *".....that the public is potentially being directed to external bodies which may incur cost, the availability to public information should not be on the basis of affordability"*.

The Council officers who conducted the internal review were Karen McIlwaine, Legal Services Manager (the nominated 4th tier Manager) and Catherine Gaukroger, Acting Legal Manager – Contracts and Governance. They noted that on 21 May you had received an apology for the delay in handling your request for information from the Information Governance Senior Manager.

Considering the question of cost and affordability to an applicant, the review noted that Section 21 (2) (a) of the FOIA specifically refers to the issue of payment and says *"information may be reasonably accessible to the applicant even though it is accessible only on payment...."*

The Guidance from the Information Commissioner's Office on *"Information reasonably accessible to the applicant by other means (section 21)"* states that the purpose of the exemption is to ensure that there is no right of access to information via FOIA if it is available to the applicant by another route. It explains that information may be regarded as reasonably accessible to the applicant *"even though it is accessible only on payment"*. The guidance says:

"There are two main areas where information will be considered reasonably accessible even though payment is required – information that is available by means of other legislation which also permits a charge to be made, and information that is made available via a public authority's publication scheme. For example, Companies House is able to charge fees under various statutory regulations for



Cheshire West
and Chester

the inspection or provision of copies of documents relating to the registration of companies and partnerships; and any public authority can charge for publications, which may include journals or books which it makes available on a commercial basis, as long as they are listed, together with the cost, in its publication scheme. In such cases, information is generally reasonably accessible even though the payment may exceed that which would be payable via FOIA."

The review panel upheld the approach taken in the response to you and was of the view that the information which the Council held in respect of the questions asked was already in the public domain and was reasonably accessible to you by other means, i.e. from the Council's website or from Companies House, even though the latter could require a charge. Section 21 had been properly applied and the information requested was therefore exempt from disclosure under FOIA.

I trust that you find this satisfactory.

If you are dissatisfied with the outcome of the Review or you remain dissatisfied with the way the Council conducted the original request or the Review, you may complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0856 306060 or 01625 545745
Website: www.ico.gov.uk

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Miriam Wallace', followed by a long, horizontal, wavy flourish.

Miriam Wallace
Solutions Team Manager

WINSON, Ruth

From: WALLACE, Miriam
Sent: 14 May 2015 17:35
To: request-261837-2bb81be6@whatdotheyknow.com
Cc: FOI West
Subject: FW: 2897961 RE: Freedom of Information request - Interests (Without Prejudice)
Sensitivity: Confidential

Dear Mr Ingram

Thank you for your request for information of 7th April which has been logged as reference 2897961 and has been dealt with under the Freedom of Information Act 2000. We confirm that Cheshire West and Chester Council hold information relating to your request. For clarity I have reproduced your request and appended the answer beneath. Please accept my apologies for the delay in responding due to resource issues within the team.

Can you please answer the following:-

1, Provide details of any current councillor(s) (if any) who are, or who have been a Director and/or employee of the following;- Sustainable Blacon Ltd, Blacon Community Trust, Avenue Services (NW) Ltd, Vintage Blacon Ltd, BCT Regenesi s Ltd, Well Blacon Ltd, Tranquility (Chester) Ltd.

The information requested is exempt under Section 21 of the Freedom of Information Act (FOIA), because the information is accessible to you, as it is already in the public domain:

Firstly, the Council keeps a Register of Members' Interests and each councillor must register their "disclosable pecuniary interests" including details of any employment, office, trade or vocation carried on for profit or gain. This is reiterated in the Council's Members' Code of Conduct which also requires councillors to register their interests in outside bodies (to which they are appointed by the Council or which are of a public nature).

Declarations of Interests for each current Councillor can be accessed using this link:
<http://cmttpublic.cheshirewestandchester.gov.uk/mgMemberIndex.aspx?bcr=1>

Appointments by the Council to Outside Bodies can be accessed using the following link:
<http://cmttpublic.cheshirewestandchester.gov.uk/mgListOutsideBodies.aspx?bcr=1>

Secondly, information in relation to director appointments is publicly available through the Companies House website: <https://www.gov.uk/government/organisations/companies-house>

2, Provide details (if applicable) of any current councillor(s) in relation to question 1, who has received Salary, Expenses, Directors Dividends, Hospitality, Management fee(s) in relation to the organisations in question 1. The Parent companies and any subsidiary companies should also be included, should remuneration be drawn from those areas, (if applicable).

Please see response to Question 1 above in relation to pecuniary interests. Again, any information we hold is already available to you in the public domain and is therefore exempt under Section 21.

3, Provide figures from councillors in relation to questions 1/2 respectively in relation to organisation and type of remuneration (if any).

The council does not hold details of remuneration in respect of the organisations listed.

I trust this answers your enquiry.

The Council considers that your request has been answered in full by either confirming that information is not held, providing you with the information requested, or explaining why any information has been withheld and the reasons for any redaction. Where applicable, the Council has also told you the reasons for the delay in responding to your request.

If you are unhappy with the way your request for information has been handled you can request a review by writing to the Solutions Team within

40 working days from the date of the Council's response. You are entitled to a review by the Council if:

- You are dissatisfied with the Council's explanation of why the application was not dealt with within the 20 working day time limit.
- All the information requested is not being disclosed and you have not received an explanation why some information is not being disclosed.
- A reason for the disclosures under the request being refused is not received.
- You consider that exemptions have been wrongly applied, and/or
- You consider that a fee has been wrongly applied.

Please set out your grounds for seeking a review together with what specific part of your request those grounds apply to and the outcome you are seeking. The Council reserves the right to ask you for clarification of the grounds for your review request if the grounds are not clear, and to delay commencing the review if such grounds are not provided.

The Solutions Team can be contacted by email via: foi@cheshirewestandchester.gov.uk or at the following address:

Solutions Team
Cheshire West and Chester Council
HQ
58 Nicholas Street
Chester
CH1 2NP

The Solutions Team will acknowledge a request for an internal review within 5 working days and complete the review as soon as possible and no later than 40 working days from receipt of the request.

More information about the Council's internal review process can be found via:

http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/freedom_of_information_policy/foi_internal_review_process.aspx

If you remain dissatisfied following the outcome of your review, you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45

Website: www.ico.gov.uk

There is no charge for making an appeal.

Yours sincerely

Miriam Wallace
Solutions Team
Cheshire West and Chester Council

-----Original Message-----

From: Stephen. L. Ingram [mailto:request-261837-2bb81be6@whatdotheyknow.com]

Sent: 02 April 2015 15:00

To: FOI West

Subject: Freedom of Information request - Interests (Without Prejudice)

Dear Cheshire West and Chester Council,

Can you please answer the following:-

1, Provide details of any current councillor(s) (if any) who are, or who have been a Director and/or employee of the following;- Sustainable Blacon Ltd, Blacon Community Trust, Avenue Services (NW) Ltd, Vintage Blacon Ltd, BCT Regenesi Ltd, Well Blacon Ltd, Tranquility (Chester) Ltd.

2, Provide details (if applicable) of any current councillor(s) in relation to question 1, who has received Salary, Expenses, Directors Dividends, Hospitality, Management fee(s) in relation to the organisations in question 1. The Parent companies and any subsidiary companies should also be included, should remuneration be drawn from those area's, (if applicable).

3, Provide figures from councillors in relation to questions 1/2 respectively in relation to organisation and type of remuneration (if any).

Without Prejudice

Stephen. L. Ingram

Please use this email address for all replies to this request:
request-261837-2bb81be6@whatdotheyknow.com

Is foi@cheshirewestandchester.gov.uk the wrong address for Freedom of Information requests to Cheshire West and Chester Council? If so, please contact us using this form:
https://www.whatdotheyknow.com/change_request/new?body=cheshire_west_and_chester_council

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://www.whatdotheyknow.com/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.
