



request-546292-1d6b2b1d@whatdotheyknow.com

Dear Ms Mullen

Freedom of Information Request 670918 – 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 - Please supply all information that explains why Ms Lewis decided to ignore this alleged mis-information to Judge Franey

Question 2. If, for some reason, Ms Lewis was not cognizant of the above mentioned alleged false statement - please supply all information that indicates what course of action she intends to take now she is aware of the facts.”

Liverpool City Council Response

“1. With regard to the comments made in your preamble to this request 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. We would further advise that 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, 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. 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.

2. The review undertaken 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..”

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 - FMS Programme Director and Head of Audit and Risk'.

[GIVE DETAILS ABOUT YOUR COMPLAINT HERE]

[1] Why were no reasons given for being so late in responding to my FOI? ..or is it the norm to reply to FOIs when LCC wish, rather than respecting ICO rules and regs

[2] You completely ignored the question I asked and responded with a separate issue.

PLEASE RESPOND TO THE SPECIFIC QUESTION I ASKED IN THE FOI: see below....Ignore it and I'll go to the ICO!!!!

According to the Tribunal papers Mayor Anderson clearly stated that when he became Leader of the Council he did not draw down any additional money from Council funds.

This statement was obviously allegedly false. – As Leader of the Opposition he was actually getting a combined salary [£10,044.00 + £12,193.04] £22,233.04. As Leader of the Council he immediately drew down a salary of £47,727.45, which was an extra £25,494.41, which increased to an extra £30,000 the following year

Question 1 - Please supply all information that explains why Ms Lewis decided to ignore this alleged mis-information to Judge Franey

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Review & Outcome

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. I would advise that whilst the former role of Council Leader and current role of Elected Mayor attract an annual allowance payment as determined by an Independent Panel on Members Allowances, at no stage has the recipient of either role been paid a salary as this is not a position of employment.

Turning now to the first substantive part of your review request. 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

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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 *“Please supply all information that explains why Ms Lewis decided to ignore this alleged mis-information to Judge Franey”* 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.”

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.

With regard to the second element of your request for a review and 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. I have also conducted a further detailed examination of all materials to which the then Head of Audit had regard to in detail in preparing the response.

The then Head of Audit and now myself in considering your original request and this associated request for a review have had due regard to the formal Decisions issued in respect of this judgement as well as to copious contemporaneous notes taken at the tribunal hearings by an associate Solicitor from the external law firm, which represented Mayor Anderson. As indicated in our previous response, Mayor Anderson agreed to waive his solicitor/client privilege, limited to the facilitation of the review, in order that the City Council could access those notes.

Having considered the above factors at length and having spoken with the then Head of Audit, I would confirm that the original response and determination set out within by the then Head of Audit remains current. In the absence of any additional evidence there was and remains no further review to be undertaken. I am therefore satisfied that our original response on this matter was and remains accurate and as such this element of your request for an Internal Review is therefore not upheld.

Having carefully considered all points of submission, your request for a review is therefore not upheld. 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 and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water

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Cunard Building, Water Street, Liverpool, L3 1DS
E: informationrequests@liverpool.gov.uk

Lane, Wilmslow, Cheshire SK9 5AF. Telephone 0303 123 1113. Email – 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