

Your ref:
My ref: CORP/jp/MB41863

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18 February 2019

Dear Mr Blackwell

INTERNAL REVIEW REQUEST

I have reviewed the response sent to you on 16 January 2019 and your request for an internal review.

In relation to Questions 1-5 I note from your letter that you have already read the judgements. The judgements contain all the recorded information to which you are entitled.

To the extent that the Council holds any other information Section 42 of the FOIA provides an exemption for information protected by legal professional privilege. This protects confidential communications between lawyers and clients. Any documents from the Council's legal advisors will be protected by legal advice privilege because it would have been created and held for the purpose of the provision of legal advice to the Council.

The public interest test applies to this exemption so I have considered whether the public interest in maintaining the exemption outweighs the public interest in disclosure. There is always a public interest in accountability and transparency. However, there is also strong public interest in safeguarding openness in communications between client and lawyer in order to ensure access to full and frank legal advice. I do not consider that there are strong enough countervailing arguments against upholding legal professional privilege that would place the balance of the public interest test in favour of disclosure.

The purpose of an FOIA request is to elicit the disclosure of relevant information about the matter raised. There is no obligation on the Council to answer questions or give its views or opinions about the recorded information

In relation to Question 6. The commencement of proceedings was approved by the then Head of Law and Governance, Mrs Sarah Duxbury acting under delegated powers.

In relation to Question 8 and the new additional question in your request for an internal review i.e. *My understanding is that the Council were ordered to pay some legal costs when they amended a claim, hence it did not recover all costs. Is this correct? Hence please confirm this sequence of legal action has cost the Council money.*

Yes

In relation to the further additional questions set out in your request for an internal review

Has the Council received any allegations against David Carter and Katie Hiller relating to them misleading the Court and to put it crudely, telling lies and if so who investigated the allegations?

These matters were addressed in the judgements of Mr Justice Newey and His Honour Judge Simon Barker which you have already received.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Pollard'.

Jane Pollard
Legal Service Manager