



## South Tyneside Council

John Robertson  
[request-174365-8c8fbfc3@whatdotheyknow.com](mailto:request-174365-8c8fbfc3@whatdotheyknow.com)

Date: 26th September 2013  
Our Ref: FOI 13 12889

Dear Mr Robertson

### **Internal Review: Freedom of Information Request FOI 13 12889**

On 23<sup>rd</sup> September 2013, South Tyneside Council received your request to conduct an internal review of your Freedom of Information request reference 12889.

### **Your original request asked for**

"Would you please provide me with a detailed breakdown of all monies / grants / funds paid by the Council to a Charity by the name of Arts 4 Wellbeing based in South Shields over the past 3 years?

I am aware that 3 local Councillors Iain Malcolm / John Wood / Ed Malcolm are actively involved with this Charity.

The Charity Commission website confirms that this Charity has received in excess of £250,000 VOLUNTARILY from the Council in the past 3 years, could you please confirm the exact figure.

Would you also please provide an explanation why the Council agreed to write off £21,666 to this Charity, as stated on the Charity Commission website within this Charities accounts?

What was the reasons for writing off this vast amount of taxpayers funds in these times of austerity?

Exactly who made this decision to write off this debt, if it was a committee please provide the names of the members present when the decision was made.

Would you please confirm if the Council owns the building where this charity is based.

If the Council does own this building, could you please provide me with the details of--

The lease & agreed rent etc that this Charity has signed with the Council and exactly what they have paid to the Council over the past 3 years.

Would you please inform me what rates the Council has charged/ received from this charity over the past 3 years?

Would you please provide me with a breakdown of the costs of repairs / maintenance which the council has carried out / financed on this building over the past 3 years?

Please advise me if the Council directly or indirectly finances any staff who are INVOLVED with this charity.

Please provide me with a comparison breakdown of expenditure by the Council over the past 3 years for this Charity against the Councils expenditure for Queens Road day centre Jarrow".

The internal review of your request was held on 24<sup>th</sup> September 2013. The Review Panel consisted of Mike Harding (Head of Legal Services), Gill Hayton (Solicitor and Deputy Monitoring Officer), Paul Robinson (Corporate Lead Corporate Affairs) and Dave Patterson (Information Governance Team) attended the review hearing for the purposes of providing information and answering queries from the Panel, but did not take any part in the review decision making process.

The Panel when making its decision considered the history of your original request and the responses provided to you by the Council.

The Council's original response to your request is shown below:

**Having taken legal advice, the Council has refused this particular request and relies upon Section 14 of the Freedom of Information Act 1998 as it considers it to be vexatious.**

### **Internal Review Response**

The Internal Review Panel agreed to uphold the original FOI Request response that your Freedom of Information Request was vexatious and may cause harm or harassment.

### **Information Commissioner's Office (ICO)**

Should you remain dissatisfied with the outcome of my internal review, you can write to the Information Commissioner to ask for an independent appeal of the Council's decision. The Information Commissioner is the Government's Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

Please do note the ICO will only review cases that have exhausted the Council's internal review procedures. All correspondence to the ICO must quote the Council's reference number and the reasons for your appeal.

The ICO's contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. More information can be found on the ICO's website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).

Yours sincerely

**Mike Harding**  
**Head of Legal Services**  
**South Tyneside Council**