



South Tyneside Council

John Robertson
request-176209-bf22f9ff@whatdotheyknow.com

Date: 26th September 2013
Our Ref: FOI 13 12934

Dear Mr Robertson

Internal Review: Freedom of Information Request FOI 13 12934

On 23rd September 2013, South Tyneside Council received your request to conduct an internal review of your Freedom of Information request reference 12934.

Your original request asked for

“Would you please inform me how long the Balgownie clinic has been empty / unused?”

When did the Council sell the building?

How much was the building sold for?

Who purchased the building?

What does the Council propose to do with the building?

Please inform me how much the metal hoardings on the buildings windows / doors have cost the council to date?”

You asked for the internal review on the basis that you did not believe that the Council had provided you with an honest response to your request.

The internal review of your request was held on 24th September 2013. The Review Panel consisted of Mike Harding (Head of Legal Services) and 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:

Would you please inform me how long the Balgownie clinic has been empty / unused?

The building was closed in June 2008.

When did the Council sell the building?

How much was the building sold for?

Who purchased the building?

The Council considers that the information requested falls within section 21 of the Act and as such the information requested is reasonably available by other means and is therefore exempt from disclosure. This is an absolute exemption and the Council does not need to consider the public interest test before relying upon the exemption.

The information requested is publicly available via the Land Registry.

What does the Council propose to do with the building?

The Council does not hold this information, as the building is no longer owned by the Council.

Please inform me how much the metal hoardings on the buildings windows / doors have cost the council to date?

The Council's supplier spent £202 up to the date of sale. The Council is not responsible for any additional work carried out after this date.

Internal Review Response

The Internal Review Panel agreed to uphold the original FOI Request response.

The information that is held by the Council has been provided in the response letter. The Council considers that the information regarding the sale of the building, sale price and purchaser is a request that falls within section 21 of the Freedom of Information Act as the information requested is reasonably available by other means given the information is publicly available via the Land registry so is therefore exempt from disclosure.

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.

Yours sincerely

Mike Harding
Head of Legal Services
South Tyneside Council