

Your Ref:

My Ref: F0011/Internal Review

Enquiries to: Data Protection Officer

03 June 2019

Sent electronically to:

Ms C Scott

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Dear Ms Scott

**Re: Request for an Internal Review of FOI Response - F0011**

I am writing with regard to your request for an Internal Review received on 09/05/2019 and concerning any legal opinion sought and received in preparing The Direction of Travel document. This document was presented to the Growth Committee in June 2016 and October 2016.

For ease of reference, I have included your initial FOI submission and the response from Kingston Council below.

**FOI Submission (F0011)**

Please can you send me each, any and every legal opinion that the Council or any Committee or Board thereof, including the Strategic Growth Board, received in the course of preparing The Direction of Travel document that went to Growth Committee in June 2016 and October 2016? As the Direction of Travel document has now been approved by the Council, I believe that it is in the public interest for residents to understand the legal issues that arose in its formation and that there can be no justification for further concealment of such opinions. Further, the Direction of Travel is being used to direct growth in the Borough in the evolving Local Plan and therefore residents have an overwhelming interest to know the legal basis on which this document was progressed as well as to be informed of any opinion of lawyers as to the weight that such document has in planning terms.

**Response from Kingston Council**

Information not held. Although the agendas sent in FOI CAS-1031248 refer to Counsel's advice, officers cannot find this information. There is nothing to suggest that this information was written rather than verbal, which would explain why this information cannot be found.

**Outcome of Internal Review**

I have thoroughly investigated this matter and having spoken with the Head of Planning and colleagues at the South West London Legal Partnership, I can confirm that no information or documents are held in respect of legal advice with regard to the preparation of The Direction of Travel document (2016).

It is likely that verbal advice and comments were provided but no notes or a formal written record has been made. I therefore conclude that the original response to your FOI was correct and find the Internal Review Not Upheld.

If you remain dissatisfied with the handling and/or outcome of this review you have the right to make a complaint to the Information Commissioner at the address shown below. Further information about the Freedom of Information Act 2000 is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane, Wilmslow  
Cheshire, SK9 5AF  
Telephone: 01625 545 700  
Website: <http://www.ico.org.uk/>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Lumley', written in a cursive style.

Mark Lumley  
Data Protection Officer  
serving Kingston and Sutton Council