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**From:**  
**Sent:** 19 December 2013 15:07  
**To:** Phillips, Lisa  
**Subject:** RE: CF6274

Hi Lisa,

I have agreed with [redacted] that he advises [redacted] that if his complaint is about the answers he has received to his Fol he is able to contact the ICO, but this is not something we can consider through the complaints procedure.

If his complaint is about service issues with WoW he can contact the complaints team to advise what wrong doing he thinks has happened and why and what he would like as an outcome and we will decide on the way forward.

[redacted] | Customer Complaints & Feedback Manager  
t: [redacted] | e: [redacted]

**City of York Council** | Complaints Team, Customer & Business Support Services  
West Offices | Station Rise | York YO1 6GA  
[www.york.gov.uk](http://www.york.gov.uk) | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

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**From:** Phillips, Lisa  
**Sent:** 19 December 2013 14:44  
**To:**  
**Subject:** RE: CF6274

will get back to you – I am inclined to agree with you but lets see....

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**From:**  
**Sent:** 19 December 2013 12:32  
**To:** Phillips, Lisa  
**Cc:** Croft, Charlie; ; [information.governance@veritau.co.uk](mailto:information.governance@veritau.co.uk);  
**Subject:** RE: CF6274

Thanks [redacted] I can see what you mean but I think it's impractical for us to do more in this case.

It is very likely that citizens will make Fol requests because they are dissatisfied with the council and seek evidence. There has to be a point at which information has been disclosed, and matters move on to the next stage, a complaint based on that evidence, or absence of it. That's where we are with this one.

's allegations are far more serious than mere non-compliance with Fol, and should be responded to for their substance, not for the form in which he's made them. Looked at the other way, and I cannot assess whether (for instance) a chair was appointed properly, or whether Nolan principles were, or should have been, followed. All we can do is make Charlie and Gill look again – but that's what a complaint does, and with a quicker outcome.

Our reviews will usually be based on the assumption that council officers are reasonably diligent and honest, and will have acted accordingly the first time round. We will not usually make physical searches for information unless there is plausible evidence of negligence or dishonesty. Lisa, we discussed the need sometimes to challenge service heads in the course of a review (with ; and last week) but we're not there with this one.

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**From:**

**Sent:** 19 December 2013 11:39

**To:**

**Cc:** Croft, Charlie; Phillips, Lisa;

; [information.governance@veritau.co.uk](mailto:information.governance@veritau.co.uk)

**Subject:** RE: CF6274

Hi

I believe he is saying he believes the answers were wrong and that on the basis the answers are wrong, he believes there has been wrong doing.

Some of his quotes are:

**"I regret to say that the answers to my questions have been wrong on the evidence supplied by herself. I am surprised you do not comment on the accuracy of the reply:"**

**"Given the degree of seeming wrongdoing in this WOW board, and the fact that there is no evidence of authenticity for the 2011 rules, I cannot accept them at face value."**

**" accepts this, but concludes incorrectly that Nolan was upheld."**

**"So I would say that 's answer to my final question – whether misconduct had occurred – was incorrect:"**

It is not appropriate for the complaints procedure to consider whether answers to an Fol response were correct and accurate, other than through the internal review. Therefore we cannot investigate whether there has been wrong doing unless we

establish whether the answers were correct. If the answers were correct, then there is no complaint of wrong doing.

\_\_\_\_\_ | Customer Complaints & Feedback Manager  
t: \_\_\_\_\_ | e: \_\_\_\_\_ jk

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**From:**  
**Sent:** 19 December 2013 11:19  
**To:** \_\_\_\_\_; Croft, Charlie  
**Cc:** Phillips, Lisa;  
**Subject:** RE: CF6274

Hi :

The issue isn't whether he got the information he requested, it's the Council's conduct that that information revealed that he is complaining about (the way an individual was appointed to the board, the way minutes were taken etc). The ICO will not look into these matters.

Information Governance Support Officer  
Veritau Ltd  
County Hall, Northallerton, North Yorkshire, DL7 8AL  
Assurance Services for the Public Sector  
Telephone \_\_\_\_\_  
e-mail: \_\_\_\_\_  
For further information about us please visit our website [www.veritau.co.uk](http://www.veritau.co.uk)

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**From:**  
**Sent:** 19 December 2013 11:10  
**To:** \_\_\_\_\_; Cooper, Gill  
**Cc:** Phillips, Lisa; [information.governance@veritau.co.uk](mailto:information.governance@veritau.co.uk)  
**Subject:** RE: CF6274

Hi

I don't think it is appropriate to advise \_\_\_\_\_ to use the complaints procedure for these issues.

As I understand his email, he is effectively saying that the answers provided were inaccurate and incorrect. I am guessing this was part of what you considered as part of the internal review and that Gill would have explained why she thought the information provided was correct and the outcome of your review would have reached a conclusion on whether the answers were accurate or not.

Therefore if \_\_\_\_\_ remains unhappy after receiving the response to the review the next step is to contact the ICO.

\_\_\_\_\_ | Customer Complaints & Feedback Manager

t: \_\_\_\_\_ e: \_\_\_\_\_

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**From:**  
**Sent:** 19 December 2013 10:08  
**To:** Cooper, Gill; M.  
**Subject:** FW: CF6274  
**Importance:** High

Dear both

Please find below the response I received from \_\_\_\_\_ in reply to my writing to him about the outcome of his internal review. The points he raises are clearly not FOI matters but rather service matters.

Are you happy for me to reply to \_\_\_\_\_ as follows:

'Dear \_\_\_\_\_

Thank you for your email. The Council has provided the written information it holds and has fulfilled its FOI duties. I therefore cannot comment further on the matters you raise but I have forwarded it to the Complaints Manager and the relevant Head of Service, so that it can be treated as a service complaint.

You ask which is the service area and to whom I sent your concerns – the relevant service area is the Arts Service and I sent your concerns to the head of this service.

Yours sincerely'

\_\_\_\_\_ am forwarding to you directly as it has become complaints issue rather than an FOI issue – is there a complaints contact email address I can give him?

Kind regards

Information Governance Support Officer

Veritau Ltd

County Hall, Northallerton, North Yorkshire, DL7 8AL

Assurance Services for the Public Sector

Telephone \_\_\_\_\_

e-mail: \_\_\_\_\_

For further information about us please visit our website [www.veritau.co.uk](http://www.veritau.co.uk)

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**From:**

**Sent:** 18 December 2013 15:42

**To:** [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk)

**Subject:** Re: CF6274

Dear \_\_\_\_\_

Thank you very much for your prompt reply to my request for a review of the response to this FOI request.

Whilst I understand that your role is to determine whether the FOI procedures have been fully complied with, I regret to say that the answers to my questions have been wrong on the evidence supplied by \_\_\_\_\_ herself. I am surprised you do not comment on the accuracy of the reply:

- the Chair was not eligible to be nominated according to the published rules of the board. New rules have appeared attempting to correct the wrongdoing retrospectively. I have no means of verifying that the new rules were amended in 2011, as neither minutes nor agendas are in the public domain. The allegedly new rules that were sent to me were unsigned and undated. They could have been written by anybody at any time. You do not address this point. Given the degree of seeming wrongdoing in this WOW board, and the fact that there is no evidence of authenticity for the 2011 rules, I cannot accept them at face value.
- The principles of the Nolan Committee on Standards in Public Life were not adhered to, as a public declaration of interest was not made. \_\_\_\_\_ accepts this, but concludes incorrectly that Nolan was upheld. You do not comment on this.
- \_\_\_\_\_'s statement that a declaration of interest was made but excluded from the minutes suggests serious wrongdoing in public office in order to withhold from the public details of the nominee's significant political activities in York, and the fact that the outgoing Chair was also a member of the same political party. So I would say that \_\_\_\_\_'s answer to my final question – whether misconduct had occurred – was incorrect: there was a clear absence of openness and honesty, and a clear implication of collusion between parties. Again you do not comment on this.

Thank you for forwarding my concerns to the 'service area.' What is the service area, and who did you send my concerns to, please?

Yours sincerely

From: "information.governance@york.gov.uk" <information.governance@york.gov.uk>  
To: ""  
Sent: Tuesday, 17 December 2013, 14:43  
Subject: CF6274

Dear

Thank you for your email dated 13 December 2013 in which you request an internal review of the response you received to your FOI request CF6274.

I have now had the opportunity to read your request, the response you were sent and your request for internal review. The purpose of an FOI review is to establish whether the Council has complied with its duties under the FOI Act. It would appear that the information you requested has been provided to you and therefore I can see no failure to comply with the Act.

Clearly however you have concerns regarding the contents of that information and concerns about the Council's conduct, which I have forwarded onto the service area for consideration. I have been advised that the correct terms of reference and all outstanding minutes will be added to the WOW website.

If you have any further concerns regarding the Council's compliance with the FOI Act please do not hesitate to contact me. You also have the right to seek an independent review from the Information Commissioner. Requests for a review by the Information Commissioner should be made in writing directly to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
[casework@ico.org.uk](mailto:casework@ico.org.uk)  
Tel: 01625 545 700  
Fax: 01625 545 510.

However please be aware that the Information Commissioner would only assess the Council's compliance with the FOIA and not make any judgement or comment on the other matters you raise.

Yours sincerely

Information Governance Support Officer  
Telephone

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\*\*\*\*\*

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