

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2015

Public Authority: Wigan Metropolitan Borough Council

Address: Town Hall
Library Street
Wigan
WN1 1YN

Decision (including any steps ordered)

1. In a request running to 13 pages, the complainant requested information that he considers would confirm the legal status of Wigan Metropolitan Borough Council ('the Council').
2. The Commissioner's decision is that the Council has released to the complainant all the related information that it holds and has met its obligations under section 1(1) of the FOIA.
3. The Council has, however, breached section 10(1) because it did not provide a response within 20 working days.
4. The Council has responded to the request and the Commissioner does not require it to take any further steps.

Request and response

5. On 26 April, the complainant submitted a request to the Council through the What Do They Know (WDTK) website. Given its length, the request is reproduced in an appendix to this notice.
6. The Council responded to all the parts of the request on 22 June and on 7 July the complainant requested an internal review of this response.
7. Following its review the Council wrote to the complainant on 27 August and addressed the concerns the complainant had raised.

8. The complainant's request for a review included three questions that he had not asked in his original request. The Council handled these questions as a separate request for information. The complainant submitted a complaint to the Commissioner about the Council's response to this separate request. The Commissioner's decision on this complaint is given in the decision notice FS50592450.
9. Following the review, the complainant submitted correspondence to the Council through WDTK on 4 September to say that he considered that its answers to elements of the review conflicted with those it had given in its original response.

Scope of the case

10. The complainant initially contacted the Commissioner on 27 May because he had not received a response to his request.
11. During the Commissioner's investigation the Council responded and then carried out a review of its response. Having corresponded with the complainant, the Commissioner focussed his investigation on the time it took for the Council to respond to the request and whether it has released to the complainant all the relevant information that it holds.

Reasons for decision

12. **Section 1(1)** of the FOIA says that when a public authority receives a request it must confirm or deny whether it holds the information and, if it does, the information must be communicated to the requester.
13. The complainant requested an internal review because he was not satisfied with how the Council had responded to his request. He considered it had not answered all the parts of the request that it should have and that some of its answers did not correctly address the questions he had asked. Following the review, the complainant told the Commissioner that he considered that some of the Council's answers in the review conflicted with answers it had given in its initial response.
14. The Council has provided the Commissioner with a clear breakdown of the review of the request that it carried out, with explanations where there appear to be differences between its initial response and the review. The Council says it had explained these differences in its internal review when it also provided additional information regarding particular parts of the request.

15. The Commissioner drew the Trust's attention to the complainant's correspondence on WDTK dated 4 September, which the Trust said it had not seen before. In this correspondence, the complainant queries the Council's particular response to his questions about Wigan and Leigh Homes, and the Council's permission to issue summonses. Having reviewed this correspondence, the Council confirmed to the Commissioner on 20 November that it considered that the points the complainant raised were addressed in its review of 27 August and it confirmed that the Council has provided to the complainant all the information that it holds that falls within the scope of his request.
16. The Commissioner has reviewed and compared the Council's initial response, internal review and its correspondence to him of 20 November. He agrees with the Council that the 'differences' that the complainant has referred to are instances of further information or clarification provided by the Council which it considered the complainant would find helpful. The Commissioner is satisfied that the Council has addressed all the necessary parts of the complainant's extensive request and has met its obligation under section 1(1).
17. **Section 10(1)** of the Act says that public authorities must comply with section 1(1) promptly, and within 20 working days of receiving the request.
18. In this case, the complainant submitted his request on 26 April. A response was due on 26 May but the Council did not respond until 22 June. The Council therefore breached section 10(1) and the Commissioner notes that it apologised for this delay in its internal review.

Right of appeal

19. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

APPENDIX

"As under the Freedom of Information Act 2000, I politely request could you please answer the following questions as it is causing some confusion and concerns.

As similar request was refused by the Council for lack of evidence of person. I now make this request for answers that should already be in the public domain. You will have my personal ID Monday 27-04-15 to avoid refusing this request on the same grounds as you did the other. The reason for this request is that this topic was covered by W.E.P. and the local media clearly felt this is in the public interest.

As there were no other reason for refusal of Mr Deante's request, I fully expect this to be fulfilled once I have provided you with the ID you have requested.

a) Are you the name of Office "Wigan Metropolitan Borough Council" ?

If so could you please give the answers to the questions : -

"What is the name of the Chief Executive Officer" ?

"Is this Chief Executive Officer a Civil Servant" ?

"What is the Registered address of Office" ?

"What is the Main working address of Office" ?

"What area is defined as the working area "boundaries" of this name of Office" ?

"Is this name of Office a Local Authority" ?

If so please give details.

"Is this name of Office a Local Government" ?

If so please give details.

"Is this name of Office a Billing Authority" ?

If so please give details.

"Does a Section 151 Officer exist for this name of Office" ?

If so please give details and why.

"Is this name of Office a Public Office" ?

If so please give details.

"Is this name of Office a Private by liabilities Company" ?

If so please give details.

"Is this name of Office a Private Company" ?

If so please give details.

"Is this name of Office registered at Company House" ?

If so please give details.

"Is this name of Office a Trust, or issuer of financial or corporate Shares" ?

If so please give details.

"Does this name of Office have any investment interests in Trusts or Private Shares or Public Shares ?

If so please give details.

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"Does this name of Office have any investment interests or financial interests outside the United Kingdom ?

If so please give details.

"Is this name of Office have any Charity registered status" ?

If so please give details.

"Does a Seal of Office exist for this name of Office, who is the issuer (with when and where), and where can it be examined by a member of the Public" ?

If so please give details.

"Does a Royal Charter and Grant of Arms exist for this name of Office, who is the issuer (with when and where), and where can it be examined by a member of the Public" ?

If so please give details.

"Is there any involvement which this name of Office with Serco or Siemens or Telereal-Trilliant" ?

If so please give details.

"Does this name of Office have issue out any PFI or PFI style contracts ?" ?

If so please give details.

"Does this name of Office have any brand names/trademarks or registered brand names/trademarks ?" ?

If so please give details.

"Does this name of Office have any Complaint department or team or designated person ?"

If so please give details.

"Does this name of Office have any Legal department or team or designated person or legal representative partie?"

If so please give details.

"Does this name of Office process or deals with Housing and Council Tax Benefits(/discretionary benefits)?"

If so please give details.

"Does this name of Office process or deals with Council tax?"

If so please give details.

"Does this name of Office collect the Council tax, as such can be defined as the "collector and issuer of an Council tax" ?"

If so please give details.

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If so please give details.

"Does this name of Office issue Council tax liability Summons ?"

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"What is the name of the Legal representation for the name of Office for such Council Tax legal cases and issuer of Summons and Orders ?"

If so please give details.

"Does this name of Office printout and Serve Council tax liability Summons and/or liability Orders and/or does HMCTS and/or does HMCS and/or does MOJ do that for this name of Office ?"

If so please give details.

"When this name of Office printout and Serve Council tax liability Summons and/or liability Orders are they doing it in the names HMCTS and/or HMCS and/or MOJ and/or this name of Office; and are they authorised to do so and by what means in Law, ie does a Master Court Order exists allowing the name of Office to do so in such name or names of Office of a another named party?"

If so please give details.

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If so please give details.

"Where can the Public go to view and/or obtain a copy of the issued Council tax tax liability Summons and liability Orders ,(or Master Bulk Order version) that has the dated, signed by the Bar and Authority Seal of HMCTS and/or Seal of HMCS and/or MOJ and/or this name of Office Seal with makes this Document a live and authorised legal Court Document?", Please note presently the HMCTS and HMCS and MOJ has stated that they do not hold such information nor authorised for such and the name of Office (being the 'Council' the issuer) hold such information. If so please give details.

b) Are you the name of Office "Wigan Metropolitan Council" ?

If so could you please give the answers to the questions : -

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If so please give details.

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If so please give details.

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e) Are you the name of Office "Wigan and Leigh Housing" ?

If so could you please give the answers to the questions : -

"What is the name of the Chief Executive Officer" ?

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I feel that the named Office, being the 'Council' a Public Office of Local Government should be more transparent in matters and a FOI should not be required, and such information should be already be freely be published by such 'Council' a Public Office of Local Government.

In the days of mass theft and fraud, and identity theft and fraud, under the "Money Laundering Regulations 2007", any claims being made to pay should be scrutinised and checked for authenticity and authority and be true of Claims, as it is a criminal offense for someone to pay money to someone not owed it or pay money to someone that has no authority to collect such monies or authority to make such paperwork to state such. That is then leaving the payer to be partie to crime by collusion and conspiracy not known, which is a criminal offense.

As it seems Wigan Local Authority Council are using various names and brand names and headed paper for each area of trading this is giving confusion to the Public. Therefore that is the reason for this FOI request to bring more transparency to matters."