

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 November 2014

Public Authority: City of York Council

Address: West Offices
Station Rise
York
YO1 6GA

Decision (including any steps ordered)

1. The complainant has requested information relating to a trip a named individual made to South Korea. City of York Council provided some information to the complainant and confirmed more was held within the scope of the request and would be sent to him but it has failed to do so.
2. The Commissioner's decision is that the Council has not provided all of the information it holds relevant to the scope of the request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Either disclose the requested information or issue a refusal notice in accordance with section 17 FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 26 January 2014 the complainant requested information of the following description:

"There have been several freedom of information requests regarding a trip Kersten England made to South Korea in November 2011. I am concerned with six specific issues, as follows:

1. Who paid for Kersten England's travel? In two separate freedom of information requests, on whatdotheyknow two different answers, being issued within 4 days of each other, have been published as to who paid for her travel-

a) <http://bit.ly/1aW0D> this which was internally reviewed with particular attention clearly having been made to a specific list of sponsors (one was added) with no mention of NESTA

b then here <http://bit.ly/MbQ7gq> you say that NESTA paid for her airfare, accommodation and insurance - and what about the phone bill?

Now this cannot be right, there appears to be some significant irregularity here - accordingly I request you produce the flight booking invoices and hotel expenses, all phone expenses and insurance invoice together with recharges or billings to other organisations- with dates on please. It cannot be that the evidence trail cannot be produced for these four items - especially when two differing versions of who paid for Kersten England's travel have been published. Kersten England, as well as being chief Executive and head of paid service of City of York Council is also a Trustee of NESTA - everything needs to be transparent and above reproach.

As you say in a foi answer that 'leads are 'still ongoing' from Ms England's trip' (but decline to identify what these may be!) York rate paying citizens are expected to accept that the only benefit from Ms England's trip is the 'opportunity' to have another run at becoming a unesco culture/media city. We citizens pay a vast salary for Ms England - this trip cost us a lot of money in terms of her salary and benefits and lost office time- we are entitled to have robust information on this and all trips.

2. Please produce an assessment of the success or otherwise of this mission, clearly the attempt to get UNESCO media city failed, but what other outcomes and follow ups were achieved? What was the plan, schedule of meetings and expected outputs?

3. Please attach the media city bid from 2011 and 2013/4
4. In light of this seemingly ineffective mission may I ask for the Council's rationale and cost benefit analysis of joining this 'elite' group of cities - the 2011 rationale and the 2013. Please include here the expected costs and specific benefits, the numbers and locations and frequency of the foreign trips, the anticipated budget and reporting systems and the staff hours & grade of working on this non- priority project.
5. Please publish who made and where the decision was taken to reapply for the Unesco media city 'status' and report on current status.
6. You say that CYC does not pay an allowance for staff when they are away from the city, but in the foi response above nearly £3000 was paid for accommodation & 'subsistence' alone on the spring short trip to Cannes for just two staffers (again with no feedback or follow up information). So please confirm what the policy is and why and how exceptions are made, including for these two highly compensated staffers for their trip to Cannes (director and Head)."
7. In April 2014 the Council responded. It provided the complainant with some information in response to the request.
8. The complainant requested an internal review on 10 April 2014. The Council sent the outcome of its internal review on 5 June 2014. It explained that there was further information held and confirmed that the information would be forwarded to the complainant. This information has not however been provided to the complainant.

Scope of the case

9. The complainant contacted the Commissioner on 19 August 2014 to complain about the way her request for information had been handled.
10. The Commissioner wrote to the Council on 8 September 2014, to ask it to provide the complainant with the information the Council had agreed to disclose in its response dated 5 June 2014. The Commissioner explained that the Council must disclose information requested under FOIA which is not exempt from disclosure.
11. The Council has not responded to the Commissioner.

Reasons for decision

12. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request,

(b) if that is the case, to have that information communicated to him.”

13. In this case the Council confirmed it held further information under section 1(1)(a) FOIA and also agreed that the information would be provided to the complainant. Despite this, the information has not been provided to the complainant in accordance with section 1(1)(b) FOIA.

Right of appeal

14. 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

15. 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.
16. 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
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Wycliffe House
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Wilmslow
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SK9 5AF