On 5 March 2012, the Standards Assessment Sub-Committee of CW&CC considered complaints from Professor Paul Trummel, a member of the public, concerning the alleged conduct of Councillor Eleanor Johnson, Councillor. Mike Jones and Councillor Robert Thompson who are members of Cheshire West and Chester Council (the Council).

The committe has not complied with the procedures described in the Council Consitution - Section 5 and Simon Goacher has withheld the names of the Councillors who participated and documents relating to that hearing. He has neglected to respond to the following request:

Simon Goacher
Head of Legal and Democratic Services
Cheshire West & Chester Council

I received a Decision Notice (14 Mar 12) from the Standards Assessment Sub-Committee, Cheshire West & Chester Council on 18 March 2012. The covering letter, which named Simon Goacher as signatory, was signed per procuration with an illegible signature and the document was backdated to 01 March 2012. Please correct the date and send a copy signed by Goacher.

The Decision Notice was signed by the same proxy which the Tenant also finds unacceptable. The Chair of the Cheshire West and Chester Standards Assessment Sub-Committee must sign the Decision Notice with his/her own signature and print a first/middle/last name, job title and list professional or Council affiliations.

The decision states that the: "The Assessment Sub-Committee consisted of three members of Cheshire West and Chester Standards Committee, supported by a legal adviser. The Sub-Committee was chaired by an independent member, sitting with one borough councillor and one parish/town council representative, in compliance with the legal requirements for standards"
sub-committees" which is insufficient. Please provide the first/middle/last name, job title and a list of professional or Council affiliations of each of those participants including the legal adviser.

Also, furnish copies of all documents (and transcripts of the proceedings) submitted or generated in relation to the decision (or filed by third parties with the Sub-Committee) prepared and signed in accordance with:

COUNCIL CONSTITUTION - SECTION 5 - 5.5, 5.7 and 5.8.
Citizens’ Rights and Responsibilities

5.5 Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later or if reports are marked on the agenda “to follow”, the information will be made available to Councillors and the public as soon as possible and any report (that is not excluded) will be open to inspection at the time it is added to the agenda. All agendas and revised agendas will be published on the Council’s web site:

www.cheshirewestandchester.gov.uk

5.7 Access to Minutes etc after the meeting

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Executive) excluding any part of the minutes of proceedings when the meeting was not open to the public in the case of the Executive or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

5.8 Background papers
5.8.1 List of background papers

Every report will list those documents (called background papers) relating to the subject matter of the report which in the opinion of the Proper Officer:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

The Complainant (Paul Trummel) now requests copies of all the missing documents under the Freedom of Information Act.


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Paul Cardin left an annotation (25 March 2012)

Connection between CWaC Council and abusive Wirral Council:

Simon Goacher has worked at both, and has enjoyed the added privileges (described as safeguards) within the Local Government Act 2000.

This makes monitoring officers extremely difficult to sack or otherwise dislodge.

A corrupt one can wreak havoc and squander public money hand over fist, and is largely free to do so at will.

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Cheshire West and Chester Council
RE: Your request under the Freedom of Information Act 2000

Case Reference: 101000325494

Dear Mr Trummel

Thank you for your email. It will be treated as a request within the meaning of the Act: this means that we will send you a full response within 20 working days, either supplying you with the information which you want, or explaining to you why we cannot supply it. If we need any further clarification or there is any problem we will be in touch.

In the meantime if you wish to discuss this further please contact me. It would be helpful if you could quote the log number 325494.

Yours sincerely

Caroline Timms
FOI Unit
Solutions Team
Cheshire West and Chester Council

show quoted sections

From: Paul Trummel
Dear Cheshire West and Chester Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Cheshire West and Chester Council’s handling of my FOI request ‘Standards Complaint SCC44’.

I have received none of the requested documents within the statutory time frame.

A full history of my FOI request and all correspondence is available on the Internet at this address:

http://www.whatdotheyknow.com/request/st...
(http://www.whatdotheyknow.com/request/standards_complaint_scc44)

also


Yours faithfully,

Paul Trummel
Dear Professor Trummel

Thank you for your e-mail dated 24 April 2012. I can confirm receipt of your request for an internal review on the grounds that you have received none of the requested documents within the timeframe. Please note that the response provided below is within the statutory deadline of 20 working days from receipt of your request. Your request for an internal review is premature. If after receiving the response provided you still wish to request a review please write to me at the address below outlining your grounds for a review.

Further to the acknowledgement of your request under the Freedom of Information Act 2000 dated 25 March 2012, I am now in a position to provide you with a complete response. Your request relates to documents pertaining to a Standards Assessment Sub-Committee meeting dated 5 March 2012. Within your request you have referred to the following: ‘Please correct the date and send a copy signed by Goacher.’ This amounts to a request for the amendment of an existing document. As you know, the Freedom of Information Act provides public access to information held by public authorities and the Act covers recorded information that is held by a public authority. The terms of the Act do not cover requests for the amendment of any information held. Any such requests are dealt with by the relevant Council service and, on application to the service, where appropriate an amendment is made. I refer you to the letter from Mr Goacher, Head of Legal and Democratic Services, dated 28 March 2012 which addresses this part of your request. A copy is attached for your ease of reference.

You have referred to the signatory of the Decision Notice (14 March 2012) , as being signed by a proxy, and indicated your unhappiness with the same. I refer to Mr Goacher’s letter and provide no additional comment as your reference to the Decision Notice does not contain a request under the Freedom of Information Act.
You have asked ‘Please provide the first/middle/last name, job title and a list of professional or council affiliations of each of those participants including the legal adviser’. Although this information has been provided to you by Mr Goacher in the attached letter, in response to this part of your request the participants of the Standards Assessment Sub-Committee dated 5 March 2012 were:

• Mr Paul Ivison, an independent Member of Cheshire West and Chester Council’s Standards Committee. He chaired the Standards Assessment Sub-Committee meeting.

• Councillor Don Beckett, an elected Member of Cheshire West and Chester Council and a member of Cheshire West and Chester Council’s Standards Committee.

• Parish Councillor Peter Guildford, a Parish Council representative member of Cheshire West and Chester Council’s Standards Committee.

• Ms Catherine Gaukroger, job title - Lawyer (Corporate), a qualified Solicitor LLB (Hons), a member of Cheshire West and Chester Council’s Legal Service, attended the Standards Assessment Sub-Committee as legal adviser.

The Information that the Council holds about Councillor Don Beckett is already publicly available via the Councillor’s published details on Cheshire West and Chester Council’s website at:

Councillor Don Beckett:
http://cmttpublic.cheshirewestandchester... (http://cmttpublic.cheshirewestandchester.gov.uk/mgUserInfo.aspx?UID=910)

Other than where already provided within this response, in respect of Parish Councillor Peter Guildford, the Council does not hold the information requested.

I can confirm that Cheshire West and Chester Council does hold information about Ms Gaukroger and Mr Ivison’s middle names, professional and council affiliations (if any). The information is held within:
• Ms Gaukroger’s Individual employment record

• Mr Ivison’s application to be an independent member of Cheshire West and Chester Council’s Standards Committee.

In relation to the information that is held, the council has applied the following exemption:

Section 40 (2) of the Freedom of Information Act

This states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the Act would breach any of the Data Protection principles or section 10 of the Data Protection Act (DPA).

The Data Protection Act Principles:

The council considers that disclosure will contravene the first data protection principle, which states that “personal data shall be processed fairly and lawfully, and in particular, shall not be processed unless –

a) At least one of the conditions in schedule 2 is met, and

It is the council’s view that the request relates to their personal data defined under the Data Protection Act in section 2, release of this information would need to satisfy a condition within section 3 of the Act in addition to a condition within section 2 of the DPA. The underlining principle within the DPA is that disclosure of this information will be likely to be unfair as it comprises information that individuals will
regard as private, thus it is a reasonable expectation of the individual that this information will not be disclosed, in reviewing the information the Council has taken this into account.

Applying the conditions in schedule 3, the council considers that disclosure will not be fair. The Council considers that disclosure will be unfair because:

- The information requested relates to the personal data of the Council’s employee and/or members of the Council’s Standards Committee;
- Disclosure would be likely to cause individual distress
- The information held was not intended for wider disclosure

The information requested is held on the individual employee record and/or the individual member’s record of appointment which are kept confidential. These individuals have a reasonable expectation, and the right, for this information to be kept private and confidential and for the information not to be put into the public domain. The Council takes its role as data controller seriously and a disclosure in these circumstances would be unwarranted. In the Council’s view, releasing the middle name and professional or Council affiliations of the individuals concerned would be extremely unfair and it is the Council’s view that disclosure of the information requested would be a breach of the exemption under Section 40 (2) of the Freedom of Information Act (personal data) and the Data Protection principles.

The Council in considering your request has also considered whether there is a legitimate public interest in disclosure. Whilst the public interest test does not apply to exemptions under Section 40 (2) of the Freedom of Information Act, or under the Data Protection Act, the Council considers that in all the circumstances of this case the public interest in withholding the personal data of employees and/ or members outweighs the public interest in disclosing the personal data. The Council considers that the release of personal data would breach the provisions of the Data Protection Act, in refusing, the Council relies on the exemption under Section 10 (1)(a) (right to prevent processing likely to cause damage or distress) of the Data Protection Act.
It is the Council’s view that the public interest is satisfied by the fact that you have been provided with confirmation of the members of the Standards Assessment Sub-Committee (including their first and last names and positions held within the Council), the Council does not consider that the public interest in being told the full name and professional or Council affiliations would outweigh the unwarranted interference with the rights of the individuals concerned to have the confidentiality of their personal data maintained.

You have asked for copies of all documents submitted or generated in relation to the decision. I refer you to Mr Goacher’s letter dated 28 March:

“You are not entitled to a copy of the report which was considered by the Assessment Sub-Committee. Under Regulation 8 (5) of the Standards Committee (England) Regulations 2008, where a sub-committee of a standards committee is considering an allegation against a member under Section 57A of the Local Government Act 2000 (i.e. assessing a Code of Conduct complaint) there is no public access to the meeting or documents……the usual rules in Part 5 of the Local Government Act 1972 relating to access to agendas and reports at meetings do not apply to meetings of a standards sub-committee when undertaking its role in the assessment or review of a complaint’.

I can confirm that the Council does hold information relevant to this part of your request. However, under the Freedom of Information Act 2000 you are not entitled to this information. This is because there is already an existing statutory bar on disclosure, outlined in Mr Goacher’s letter, and therefore the information is exempt under Section 44 of the Freedom of Information Act 2000.

It is also noted that the documents contained within the report and put before the Committee relate entirely to the complaint made by you against the members concerned. Whilst the information cannot be supplied to you through the Freedom of Information Act 2000, as the person who originally made the Code of Conduct complaint and supplied the supporting documentation, you are already in possession of the documents that you have requested.
The purpose of the Standards Assessment Sub-Committee is simply to decide whether any action should be taken on the complaint – either as an investigation or some other action. The sub-committee makes no findings of fact. The only information that the sub-committee considers in forming their decision is that which the complainant provides and a short summary of the complaint.

In relation to your request for ‘the minutes of the meeting (or records of decisions taken..’ I refer you to my response under the paragraph above. Although under the Freedom of Information Act 2000 you are not entitled to a copy, and as such the Council relies on Section 44 of the Freedom of Information Act 2000, as there is an existing statutory bar on disclosure; it is noted that, as you were the complainant in the case, you will have already been provided with a copy of the Decision Notice outside of the Freedom of Information Act process in accordance with S57A (4) of the Local Government Act 2000, reference is made to paragraph 3 of this request where you state ‘I received a Decision Notice (14 Mar 12).’

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

Solutions Team
Cheshire West and Chester Council
HQ
58 Nicholas Street
Chester
CH1 2NP

If you remain dissatisfied with the handling of your request or complaint, you have a right of appeal to the Information Commissioner at:
The Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: **08456 30 60 60 or 01625 54 57 45**

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

There is no charge for making an appeal.

Yours sincerely

Miriam Wallace

FOI Unit – Solutions Team

Cheshire West and Chester Council

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*show quoted sections*
Stonewalling responses arguably classifies as part of the original merry-go-round orchestrated by Simon Goacher, Head of Legal and Democratic Services, Chester West & District Council (Goacher) in relation to a complaint against Councillor Robert Thompson, Chester West & District Council (Thompson) for fraud by convening a kangaroo court to cover up alleged criminal activity by Chester & District Housing Trust Ltd. (the Trust).

Thompson, a director and chair of the Trust complaints hearing, acted in a distinct conflict of interest when a reasonable person considers that the Tenant has a direct association with him (either negative or positive) as his tenant also his constituent. By that, Thompson neglected to conform with Council Constitution - Section 5 - 5.5, 5.7 and 5.8. Citizens' Rights and Responsibilities in a cover-up of his dereliction and withheld documents related to a case with criminal implications.

It is a well known fact that public sector lawyers and FOI officials delay requests for information as a matter of form and use false and misleading exceptions to the release of documents to cover up alleged crimes by council members, subcontractors and associates. This response meets that description and is nothing more than evasive boilerplate designed to evade the spirit and purpose of the law.

Although they rank as public sector employees with a duty of care (which legally requires openness and accuracy), Council employees have repeatedly delayed and denied justice through machination. By that, they enabled councillors and their associates to perpetuate scams upon a member of the public, in this case a Trust tenant.

Kangaroo courts emulate Star Chamber proceedings used with increasing arbitrariness to enforce royal prerogative in the seventeenth century. They deny due process of law and cover up crimes that legitimate hearings would expose. The whole procedure characterizes dishonesty by violating established legal procedures. Truly democratic organizations have since outlawed them because they delay justice then deny it by effectively silencing dissenters to favor politically-motivated decision making.

Simon C Goacher (Solicitors Regulation Authority, SRA #18914) uses the anomalous title of Head of Legal and Democratic Services although he demonstrates anything but democratic principles. He has elevated a simple appeal of kangaroo court proceedings held by the Trust in a consort with councillors to Star Chamber proportions.

In accordance with Trust regulations, the Tenant filed Stage One
and Stage Two complaints to which the Trust responded with ridicule and an arbitrary general denial that a problem existed. They manipulated and falsified evidence and held a kangaroo court to dispense with the issues without addressing them. Thompson conspired with Trust executive directors and managers by allowing them to enter false and misleading documents and testimony into evidence during the kangaroo court hearing which he chaired. The Tenant received no prior notice of that hearing which certainly required instruction of a solicitor.

Goacher has allegedly obstructed justice with a disingenuous and probably illegal Standards Committee hearing followed by a FOI/DPA merry-go-round in which he has involved several Council solicitors and staff members also the Council FOI Team. They have again denied and delayed due process and the Tenant the contractual rights contained in his lease. Goacher and Gaukroger have not shown “due diligence”, a term formulated by the Crime and Disorder Act 1998. Previous legal precedents quoting due diligence and due expedition remain relevant to expedition in this case.

For example, in an unsigned and undated Executive Summary #4536/45954 on a Trust letter heading (received 14 Jan 12), a Trust journalism source claimed that the problems with gas appliances result from a decreasing availability of spare parts and apply to around 1,000 properties that it manages which have gas back boiler heating systems. That statement shows a lack of due diligence and does not rank as a legal argument; instead it demonstrates gross negligence that puts thousands of people at risk.

An objective standard applies in determining whether the Council acted with all due diligence and expedition. Goacher et al have used general denial and others have used arguments that executive directors and managers did their best in difficult circumstances.

The term "general denial" defines arbitrary and biased statements, innuendo, and assumption that bear no relation to facts. The Council must controvert all the declarations and assertions as common law requires and not use a narrow construction when legal precedents generally require a liberal construction, at least until a judge rules otherwise.

The Council must present a legal argument based upon fact if it wishes to deny the substantiated assertions in complaints and must provide access to public documents. A general denial, in its legal sense, classifies as proscribed behavior. Most courts will not accept a general denial nor should any properly convened investigating panel admit it into evidence in the way that Goacher and Thompson have done. Trust executive directors and managers...
continue to frustrate filing of complaints by repeatedly withholding documents and the health and safety risk continues.

Employee information about public sector workers classifies as public information and the Trust must make copies available upon request. For example, Goacher et alia have refused access to documents required to substantiate complaints. Wallace has made fatuous arguments to provide a reason for a withholding except to make the arbitrary and arguably untrue statement that Freedom of Information Act does not apply.

If the Council denies a document request, then it must identify the document and state the particular exemption and statutory reference that applies and give legitimate reasons for the refusal or redaction. The law does not allow a general denial without substantiation with a legal precedent.

Regarding the refusal of Goacher to provide information on Catherine Gaukroger (a lawyer of record in this case) and to use the Section 40 catch-all used by many disingenuous solicitors to justify their opinions, extends beyond all rational comprehension. Section 40 has two parts. DPA covers first-party (your own) information; however, if the information classifies as third-party (somebody else's) information the Freedom of Information Act 2000 applies although it abides by DPA principles.

Courts have repeatedly concluded that personal data only relates to information that affects privacy (family, business or personal). Any information that applies to an individual working in the public sector no longer meets the definition of personal data and warrants disclosure under the Freedom of Information Act.

Privacy does not rank as an all-embracing right. Individuals going about their personal affairs have an expectation of privacy which Data Protection Act covers. However, public officials conducting public sector business do not have that protection and must disclose their involvement in any public sector activity when requested under FOI. Hence, the rejection and request for reconsideration of Goacher's decision and Wallace's misleading fulmination.

To show good faith, Goacher must now disclose the requested information and the following information under FOI without waiting the 20 days which is the maximum allowed by law for disclosure not the maximum amount of time that he may drag his feet. Goacher must arrange for release of copies of all documents in the original request that support the procedures in this particular case designated by Council Constitution - Section 5 - 5.5, 5.7 and 5.8.
Citizens' Rights and Responsibilities.

As a supplementary request, Goacher must arrange for disclosure under FOI of the following public information (which relates to public sector employees) to enable investigation into the merry-go-round, which he allegedly orchestrated, to go forward and resolution of the issues that formed the basis for the Stage Two hearing fiasco. The information requested under the supplementary request covers two entities: law and freedom of information.

The supplementary request includes:

1. The full names of all CW&CC lawyers and paralegals (First Name, Middle Name and Surname)

2. A job function and description for each public sector employee listed.

3. Decisions that they each make in their official capacity.

4. Expenses that they receive in the course of their job.

5. A list of pay bands showing the minimum and maximum salaries for each band for junior staff members and specific salaries for named senior staff members.

To trigger an understanding of what openness means, the first item on the following public information list shows the required information. Any new or resigned staff members since compilation of the list needs annotation.

Catherine Margaret Gaukroger
[Email Address] [Job Function] [Specific Decisions] [Expenses]
[Salary Band or Salary]

Simon C Goacher
Melissa K Andrews
Martin S Bates
Judith A Bramhall
Kathryn A Brodie
Lorraine A Burke
Gareth J Burroughes
Joanna M Bush
Domenico R Centeleghe
Michael J Cordiner
Daniel J Dickinson
Anne C Greenwood
Lee S Hubbard
Margaret J Ingram
Heloise S Macandrew
Vivienne R Maddocks
Helen Makin
Deborah J Matthews
Nicholas S MacGinn
Karen E McIlwaine
Catharine A Morgan Platt
David P Noble
Gertrude H Odaka
John Richardson
Sarah-Jayne Rowland
Amina Nusrat Shafi
Helen M Vaccaro
Vanessa G Whiting

Full Text and Conclusion at:


From: FOI West
Cheshire West and Chester Council
Dear Professor Trummel

I am writing to acknowledge receipt of your email dated 7 May 2012 timed at 12:55.

Your email is considered to be a request for an internal review into the response provided to you under case reference 325494. An internal review will therefore be arranged and you will be advised of the date of this shortly.

Your supplementary request is considered to be a new request and will be treated as a request within the meaning of the Act: this means that we will send you a full response within 20 working days from receipt of your request, either supplying you with the information which you want, or explaining to you why we cannot supply it. If we need any further clarification or there is any problem we will be in touch.

In the meantime if you wish to discuss this further please contact me via [Cheshire West and Chester Council request email]. It would be helpful if you could quote the log number 450299.

Yours sincerely

Miriam Wallace
FOI Unit - Solutions Team
Cheshire West and Chester Council

From: FOI West
Cheshire West and Chester Council
16 May 2012

Dear Professor Trummel

Further to your email dated 7 May 2012 timed at 12:55. A panel has been convened comprising of an officer from legal services and a tier 4 manager who will conduct the internal review on 30 May 2012. The chair of the panel will write to you following the review with their findings.

Yours sincerely

Miriam Wallace
FOI Unit - Solutions Team
Cheshire West and Chester Council
Simon Goacher, Head of Legal and Democratic Services, Cheshire West & Chester Council should heed the recent ruling by Solicitors Disciplinary Tribunal (SDT) before using any more dirty tricks which involve solicitors on his staff in disciplinary action. The Tribunal considers that it is incumbent upon solicitors to have proper regard for the principles which lie behind the written rules or codes of conduct and not to seek justification for their actions by dissecting the letter of such rules. Because the rules are in place to protect the public, a solicitor has always to bear those fundamental principles in mind when applying the letter of the rules to his own situation.

Goacher has now had more than two months to address the issues but has not responded. The Information Commissioner has ruled that all information relative to lawyers governed by Solicitors Regulation Authority and employed by public sector organizations classifies as public information. Instead of replying with a reasoned response to a complaint about his continued withholding of public documents and staff information, Goacher organized a merry-go-round of panel hearings that do not comply with either SRA regulations or Cheshire West & District Council (the Council) Code of Conduct. Goacher has ignored warnings that the issues will become subject to complaints to the Legal Ombudsman if he does not comply with statutes and regulations and uses any more delaying tactics by convening panel investigations without naming participants, stating the purpose of hearings with particularity or providing procedural documents required by the Council Code of Conduct.

The Freedom of Information requests apply to all solicitors employed by the Council. This notice gives Council solicitors a chance to provide the requested information before the filing of joint and several complaints with the Legal Ombudsman. It also fulfils the complainant’s duty of care. Individual responses from Council solicitors will be treated in confidence and form part of a database that insures that Goacher cannot again use Council solicitors as anonymous proxies and panel participants without the knowledge of the complainant and the solicitors. Secrecy by public sector employees usually indicates absence of academic and professional qualifications needed for their job functions and a need to hide previous transgressions of ethical codes. It also encourages the use of unqualified solicitors to make legal determinations which frequently occurs with the Council and Chester & District Housing Trust Ltd (the Trust). Solicitors must either provide the requested information regarding their
qualifications and experience or recuse themselves from any further involvement in public sector issues.

Cheshire West & Chester Council - Solicitors

The outstanding Freedom of Information requests and the issues related to them now await elevation to the national level due to intervention of due process by Stephen Mosley MP. By that, Mosley (formerly a Chester Councillor) has opened the door to filing the issues at the national level. He has conspired with the Trust on matters solely connected to the Council and simulated Councillor Thompson’s conflict of interest by not representing his constituent.

The required information:
1. The full names of all CW&CC lawyers, paralegals and their staff members (First Name, Middle Name and Surname)
2. A job function and description for each public sector employee dealing with legal issues.
3. Decisions that they each make in their official capacity.
4. Expenses that they receive in the course of their job.
5. A list of pay bands or tiers showing the minimum and maximum salaries for each band for junior staff members and specific salaries for senior staff members.

Example:
Catherine Margaret Gaukroger <[email address]>
[Job Title] [Job Function] [Specific Decisions] [Expenses] [Salary Band or Salary]

The full text on this and associated issues can be found at:
http://contracabal.com/880-37-00.html

The deadline for individual responses by Council solicitors is Friday, 09 June 2012.

All Cheshire West & Chester Councillors have received a copy of this notice.

Any individual solicitor who tries to consolidate this request into a group response or otherwise deviates from the request for single responses will immediately cause a filing with the Legal Ombudsman. The issues relate to personal credentials and legal liability of individual solicitors and complaints will be framed accordingly. Council solicitors who respond before the deadline with the requested information will be exempted from the complaint. The Complainant reveals his credentials relevant to these issues. He has dealt with Freedom of Information issues in both UK and US also Federal and State laws in pari materia as a corporate chief executive officer for 23 years and as a senior administrator and professor at private and public sector universities in the US for 32 years. He has read UK and US law since 1947, but chose not to
join the bar for which he qualified in two US states. First published in 1944, the veracity of his published work has never received a legal challenge.
The Complainant has no fear in revealing his professional and academic achievements although the Data Protection Act 1998 protects such disclosure and international rules governing investigative journalists protect his sources. He expects public sector officials who do not enjoy that protection to release their personal information insofar as it relates to their employment upon request.

Paul Trummel PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK), BSc (UK), FISTD, FIOP
Professor Emeritus, Chairman and Chief Executive Officer
CONTRA CABAL FOUNDATION LIMITED
A Private Limited Company Incorporated under the Companies Act 2006
Registrar of Companies England/Wales #7290470

Technical and Graphic Communication and Investigative Journalism
UK equivalencies in graphic communication recognized by Boston University, Northeastern University, Rochester Institute of Technology, Fitchburg State College, San Jose State University, Rensselaer Polytechnic Institute, and University of Washington with comparability twice certified by International Education Research Foundation (IERF), a credential evaluation service accredited by US Department of Education.
Fellow, International Society of Typographic Designers
Fellow, Institute of Paper Printing and Publishing

Society of Authors, London - #00039806.

From: Paul Trummel
Simon Goacher, Head of Legal and Democratic Services, Cheshire West & Chester Council should heed the recent ruling by Solicitors Disciplinary Tribunal (SDT) before using any more dirty tricks which involve solicitors on his staff in disciplinary action.

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Goacher has ignored warnings that the issues will become subject to complaints to the Legal Ombudsman if he does not comply with statutes and regulations and uses any more delaying tactics by convening panel investigations without naming participants, stating the purpose of hearings with particularity or providing procedural documents required by the Council Code of Conduct.

http://contracabal.com/880-37-37.html#constitution

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This notice gives Council solicitors a chance to provide the requested information before the filing of joint and several complaints with the Legal Ombudsman. It also fulfils the complainant’s duty of care. Individual responses from Council solicitors will be treated in confidence and form part of a database that insures that Goacher cannot again use Council solicitors as anonymous proxies and panel participants without the knowledge of the complainant and the solicitors.

Secrecy by public sector employees usually indicates absence of
academic and professional qualifications needed for their job functions and a need to hide previous transgressions of ethical codes. It also encourages the use of unqualified solicitors to make legal determinations which frequently occurs with the Council and Chester & District Housing Trust Ltd (the Trust). Solicitors must either provide the requested information regarding their qualifications and experience or recuse themselves from any further involvement in public sector issues.

Cheshire West & Chester Council - Solicitors

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The required information:

1. The full names of all CW&CC lawyers, paralegals and their staff members (First Name, Middle Name and Surname)

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3. Decisions that they each make in their official capacity.

4. Expenses that they receive in the course of their job.

5. A list of pay bands or tiers showing the minimum and maximum salaries for each band for junior staff members and specific salaries for senior staff members.

Example:

Catherine Margaret Gaukroger <[email address]>

[Job Title] [Job Function] [Specific Decisions] [Expenses] [Salary Band or Salary]

The full text on this and associated issues can be found at:


The deadline for individual responses by Council solicitors is Friday, 09 June 2012.

All Cheshire West & Chester Councillors have received a copy of this notice.

Any individual solicitor who tries to consolidate this request into a group response or otherwise deviates from the request for single responses will immediately cause a filing with the Legal Ombudsman. The issues relate to personal credentials and legal liability of individual solicitors and complaints will be framed accordingly. Council solicitors who respond before the deadline with the requested information will be exempted from the complaint.

The Complainant reveals his credentials relevant to these issues. He has dealt with Freedom of Information issues in both UK and US also Federal and State laws in pari materia as a corporate chief executive officer for 23 years and as a senior administrator and professor at private and public sector universities in the US for 32 years. He has read UK and US law since 1947, but chose not to join the bar for which he qualified in two US states. First published in 1944, the veracity of his published work has never received a legal challenge.

The Complainant has no fear in revealing his professional and academic achievements although the Data Protection Act 1998 protects such disclosure and international rules governing investigative journalists protect his sources. He expects public sector officials who do not enjoy that protection to release their personal information insofar as it relates to their employment upon request.

Paul Trummel PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK), BSc (UK), FISTD, FIOP

Professor Emeritus, Chairman and Chief Executive Officer
CONTRA CABAL FOUNDATION LIMITED
A Private Limited Company Incorporated under the Companies Act 2006
Registrar of Companies England/Wales #7290470
Technical and Graphic Communication and Investigative Journalism

UK equivalencies in graphic communication recognized by Boston University, Northeastern University, Rochester Institute of
Technology, Fitchburg State College, San Jose State University, Rensselaer Polytechnic Institute, and University of Washington with comparability twice certified by International Education Research Foundation (IERF), a credential evaluation service accredited by US Department of Education.

Fellow, International Society of Typographic Designers

Fellow, Institute of Paper Printing and Publishing
Society of Authors, London - #00039806.

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From: FOI West
Cheshire West and Chester Council
1 June 2012

325494 Trummel intrev 30 05 12.pdf
1.5M Download View as HTML

Dear Professor Trummel

Please find attached the Decision Notice following the internal review of the response you received to your request reference 325494 (your reference SCC44), which the review panel have asked me to send to you on their behalf.

Yours sincerely

Miriam Wallace
FOI Unit - Solutions Team
Cheshire West and Chester Council

show quoted sections
Dear Professor Trummel

Thank you for your enquiry under the Freedom of Information Act 2000 received on 7 May 2012 timed at 12:55. I am able to provide you with the following response and, for your ease of reference, have reproduced your questions below.

1. The full names of all CW&CC lawyers and paralegals First Name, Middle Name and Surname, Email Address

As you have supplied the names listed below it is clear that you are already in possession of the officers’ names and therefore you do not need to be provided with them again. The Council relies on Section 21 of the Freedom of Information Act in relation to these names. However I have amended your list below to remove any names of those who are no longer employed by the council, do not fall within your definition of lawyer and the names of junior staff who although may fall within your definition of paralegal the council considers that an exemption under Section 40(2) of the Freedom of Information act applies (see below for definition).

The Council’s reasons for this are because it considers it would be inappropriate to release the names of such staff on the basis that the staff are junior members of the service and any communication with them should be directed through the more senior members of the service.

Junior Staff therefore have a reasonable expectation that their details will not be provided in accordance with ICO Guidance on Access to Information on Public Authority Employees.

An annotated list reflecting the Council’s additions or deletions are reproduced below this information would normally be widely disseminated. The Council has sought the views of the officers concerned and many have
withheld consent to the release of their middle names on the basis that the information is personal to them and not connected to their professional life. The Council has considered Section 10 of the Data Protection Act in relation to fair process in light of these notified refusals. The Council considers that as the names both first and last have been provided, as the list has been amended for accuracy withholding the middle names of staff will not reduce the value of the information released. The Council has therefore formed the view that the middle names of officers should not be released.

The Council has considered its duty under Section 17 of the FOI Act to provide advice and assistance. As such it is noted that the middle names of staff who are solicitors may be reasonably accessible through a search of the Solicitors Regulatory Authority website via the link:


Section 21 states:

Information accessible to applicant by other means.E+W+S+N.I.

This section has no associated Explanatory Notes

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or
determined in accordance with, the scheme.

The middle name of Catherine Gaukroger has been provided on the basis that this was previously supplied to you.

The middle name of Simon Goacher has been supplied on the basis that as Head of Legal and Democratic Services Mr Goacher holds a position that is of such seniority that the public interest in releasing his full name outweighs the interest in withholding it.

1. Catherine Margaret Gaukroger
2. Simon Christopher Goacher
3. Melissa Andrews
4. Judith Bramhall
5. Kathryn Brodie
6. Lorraine Burke
7. Gareth Burroughes
8. Joanna Bush
9. Michael Cordiner
10. Daniel Dickinson
11. Anne Greenwood
12. Lee Hubbard
13. Margaret Ingram
14. Heloise Macandrew
15. Rachel Maddocks
16. Helen Makin
I can confirm that Cheshire West and Chester Council does hold information about officers’ middle names. Where officers have middle names, this information is held within:

- each Individual employment record

In relation to the information that is withheld, the council has applied the following exemption:

Section 40 (2) of the Freedom of Information Act

This states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the Act would breach any of the Data Protection principles or section 10 of the Data Protection Act (DPA).
The Data Protection Act Principles:

The council considers that disclosure will contravene the first data protection principle, which states that “personal data shall be processed fairly and lawfully, and in particular, shall not be processed unless –

a) At least one of the conditions in schedule 2 is met, and

It is the council’s view that the request relates to their personal data defined under the Data Protection Act in section 2, release of this information would need to satisfy a condition within section 3 of the Act in addition to a condition within section 2 of the DPA. The underlining principle within the DPA is that disclosure of this information will be likely to be unfair as it comprises information that individuals will regard as private, thus it is a reasonable expectation of the individual that this information will not be disclosed, in reviewing the information the Council has taken this into account.

Applying the conditions in schedule 3, the council considers that disclosure will not be fair. The Council considers that disclosure will be unfair because:

- The information requested relates to the personal data of the Council’s employees
- Disclosure would be likely to cause individual distress
- The information held was not intended for wider disclosure
- The information held is not relevant to the individual employee’s role within the Council

The information requested is held on the individual employee record which
is kept confidential. These individuals have a reasonable expectation, and
the right, for this information to be kept private and confidential and
for the information not to be put into the public domain. The Council
takes its role as data controller seriously and a disclosure in these
circumstances would be unwarranted. In the Council’s view, releasing the
middle name of the individuals concerned would be extremely unfair and it
is the Council’s view that disclosure of the information requested would
be a breach of the exemption under Section 40 (2) of the Freedom of
Information Act (personal data) and the Data Protection principles.

The Council in considering your request has also considered whether there
is a legitimate public interest in disclosure. Whilst the public
interest test does not apply to exemptions under Section 40 (2) of the
Freedom of Information Act, or under the Data Protection Act, the Council
considers that in all the circumstances of this case the public interest
in withholding the personal data of employees outweighs the public
interest in disclosing the personal data. The Council considers that the
release of personal data would breach the provisions of the Data
Protection Act, in refusing, the Council relies on the exemption
under Section 10 (1) (a) (right to prevent processing likely to cause
damage or distress) of the Data Protection Act.

It is the Council’s view that the public interest is satisfied by the fact
that you have been provided with confirmation of the first name and
surname of all senior officers employed within the Legal Services
division. The Council does not consider that the public interest in being
told their middle name would outweigh the unwarranted interference with
the rights of the individuals concerned to have the confidentiality of
their personal data maintained.

With reference to your request for the email addresses of all officers the
Council considers that each officer’s email address is already reasonably
accessible to you in that you are already aware, by virtue of your
previous correspondence with officers, that the email address for council
officers comprises [2][email address].
Consequently, the Council considers that the exemption under Section 21 of
the Freedom of Information Act applies in that this information is already
available.

Where you do not have the address already the council considers that it
has complied with its duty to provide advice and assistance by providing you with the -e mail formula. Thus it is not considered necessary to provide you with a fuller list.

2. A job function and description for each public sector employee listed.

The job descriptions for those senior officers listed whose job title includes or equates to ‘Lawyer’ is attached.

As these are the only employees listed your request under (ii) is not considered applicable.

Each officer is expected to undertake other functions, commensurate with their grade that may not necessarily be listed separately in their job description.

3. Decisions that they each make in their official capacity.

The Council has interpreted this as being decisions made for the Authority. Decisions made by officers are made in accordance with their job functions and description provided under question 2 and with the Officer Scheme of Delegation where the Council and the Executive delegate to officers all of the powers that they need to do whatever their role requires of them from time to time. When officers act under delegated powers, they do so in the name of their Head of Service or Director who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.

4. Expenses that they receive in the course of their job.
Officers, as with all Cheshire West and Chester Staff, are entitled to claim travel and subsistence in line with the Council’s staff Terms and Conditions.

5. A list of pay bands showing the minimum and maximum salaries for each band for junior staff members and specific salaries for named senior staff members.

This information is considered reasonably accessible via the Council’s Pay Policy statement approved by Council on 23 February 2012. Consequently, the Council considers that this part of your request is exempt under Section 21 of the Freedom of Information Act as the information can be accessed via the following link to the Council’s website:

[3]http://cmtpublic.cheshirewestandchester...
(http://cmtpublic.cheshirewestandchester.gov.uk/ieSearchResults2.aspx?SS=pay%20policy&DT=3&CA=false&SB=true&CX=2002825&PG=1&)

The Head of Legal and Democratic Services, Simon Goacher, receives a salary of £101,798 (this includes salary, benefits in kind and pension contributions). This information can be found on page 106 of the Council’s most recently published Statement of Accounts 2010-11 available via the following link:


If you wish to view the salary scales and senior officer salaries for 2011/12 then the Council’s accounts for the financial year ending on 31 March 2012 will be open for public inspection from 2 July to 27 July. If you would like to view the accounts, please apply to Head of Finance, Floor 4, HQ, 58 Nicholas Street, Chester, CH1 2NP or telephone 01244 975967.

With reference to your request for the specific salaries for named senior staff members, the Council considers that, with the exception of Simon
Goacher, these are exempt under Section 40 (2) of the Freedom of Information Act namely this is personal data relating to confidential employee records.

As you have been provided with a Salary Scale in which all officers would fall the public interest in providing exact salaries does not outweigh the interference with the rights of the individuals concerned to have confidentiality of their personal data maintained.

Salaries of this type of post are not generally made public. In reaching this view the Council has considered the ICO Guidance on Public Sector Salaries; how and when to disclose.

I trust that this answers your enquiry. If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

Solutions Team
Cheshire West and Chester Council
HQ
58 Nicholas Street
Chester
CH1 2NP

If you remain dissatisfied with the handling of your request or complaint, you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
There is no charge for making an appeal.

Yours sincerely

David P Finlay
The Solutions Team
HQ Building
4th floor
Chief Executives Office

Te: 01244-972235

show quoted sections

References

Visible links
2. mailto:[email address]
3. http://cmtpublic.cheshirewestandchester...
4. http://www.cheshirewestandchester.gov.uk...
Dear Professor Trummel

Thank you for your enquiry under the Freedom of Information Act 2000 received on 7 May 2012 timed at 12:59. I am able to provide you with the following response and, for your ease of reference, have reproduced your questions below.

1. The full names (First Name, Middle Name and Surname) and email addresses of his/her team.

You have asked for this information in relation to the ‘Council FOI Team’. Requests made under the Freedom of Information Act are dealt with by the Council’s Solutions Team within the Chief Executive’s Office. The Solutions Team comprises:

Aleta Steele – Solutions Team Manager

Tammy Dunning – Solutions Officer

David Patrick Finlay – Solutions Officer
However, I have amended the list to remove the names of junior staff who although may be part of the Solutions Team the council considers that an exemption under Section 40(2) of the Freedom of Information act applies.

The Council’s reasons for this are because it considers it would be inappropriate to release the names of such staff on the basis that the staff are junior members of the service and any communication with them should be directed through the more senior members of the service.

Junior Staff therefore have a reasonable expectation that their details will not be provided in accordance with ICO Guidance on Access to Information on Public Authority Employees.

I can confirm that Cheshire West and Chester Council does hold information about the Solutions Team officers’ middle names. Where officers have middle names, this information is held within:

- each Individual employment record

In relation to the information that is held, the council has applied the following exemption:

Section 40 (2) of the Freedom of Information Act

This states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the Act would breach any of the Data Protection principles or section 10 of the Data Protection Act (DPA).
The Data Protection Act Principles:

The council considers that disclosure will contravene the first data protection principle, which states that “personal data shall be processed fairly and lawfully, and in particular, shall not be processed unless –

a) At least one of the conditions in schedule 2 is met, and

It is the council’s view that the request relates to their personal data defined under the Data Protection Act in section 2, release of this information would need to satisfy a condition within section 3 of the Act in addition to a condition within section 2 of the DPA. The underlining principle within the DPA is that disclosure of this information will be likely to be unfair as it comprises information that individuals will regard as private, thus it is a reasonable expectation of the individual that this information will not be disclosed, in reviewing the information the Council has taken this into account.

Applying the conditions in schedule 3, the council considers that disclosure will not be fair. The Council considers that disclosure will be unfair because:

• The information requested relates to the personal data of the Council’s employees

• Disclosure would be likely to cause individual distress

• The information held was not intended for wider disclosure

• The information held is not relevant to the individual employee’s role within the Council
The information requested is held on the individual employee record which is kept confidential. These individuals have a reasonable expectation, and the right, for this information to be kept private and confidential and for the information not to be put into the public domain. The Council takes its role as data controller seriously and a disclosure in these circumstances would be unwarranted. In the Council’s view, releasing the middle name of the individuals concerned would be extremely unfair and it is the Council’s view that disclosure of the information requested would be a breach of the exemption under Section 40 (2) of the Freedom of Information Act (personal data) and the Data Protection principles.

The Council in considering your request has also considered whether there is a legitimate public interest in disclosure. Whilst the public interest test does not apply to exemptions under Section 40 (2) of the Freedom of Information Act, or under the Data Protection Act, the Council considers that in all the circumstances of this case the public interest in withholding the personal data of employees outweighs the public interest in disclosing the personal data. The Council considers that the release of personal data would breach the provisions of the Data Protection Act, in refusing, the Council relies on the exemption under Section 10 (1) (a) of the Data Protection Act.

It is the Council’s view that the public interest is satisfied by the fact that you have been provided with confirmation of the first name and surname of all senior officers employed within the Solutions Team. The Council does not consider that the public interest in being told their middle name would outweigh the unwarranted interference with the rights of the individuals concerned to have the confidentiality of their personal data maintained.

However, where officers have confirmed they have no objections to this disclosure, middle names have been provided in the list.

With reference to your request for the email addresses of these officers the Council considers that each officer’s email address is already reasonably accessible to you in that you are already aware, by virtue of your previous correspondence with officers, that the email address for council officers comprises

[1][email address]. Consequently, the
Council considers that the exemption under Section 21 of the Freedom of Information Act applies in that this information is already available.

Where you do not have the address already the council considers that it has complied with its duty to provide advice and assistance by providing you with the -e mail formula. Thus it is not considered necessary to provide you with a fuller list.

However, the team operate the following generic mailboxes:

1. For comments, compliments and complaints:
   [2][email address]

2. For Freedom of Information requests:
   [3][Cheshire West and Chester Council request email]

   Any communication with the Solutions Team should be directed through these email accounts.

2. A job function and description for each of these public sector employees

Please find attached the job description for:

   i. Solutions Manager

   ii. Solutions Officer

Each officer is expected to undertake other functions, commensurate with their grade that may not necessarily be listed separately in their job description.
3. A list of decisions that they make in their official capacity

The Council has interpreted this as being decisions made for the Authority. Decisions made by these officers are made in accordance with their job functions and description provided under question 2 and with the Officer Scheme of Delegation where the Council and the Executive delegate to officers all of the powers that they need to do whatever their role requires of them from time to time. When officers act under delegated powers, they do so in the name of their Head of Service or Director who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.

4. Expenses that they receive in the course of their job.

Officers, as with all Cheshire West and Chester Staff are entitled to claim travel and subsistence in line with the Council’s staff Terms and Conditions.

5. A list of pay bands showing the minimum and maximum salaries for each band for junior staff members and specific salaries for named senior staff members.

This information is considered reasonably accessible via the Council’s Pay Policy statement approved by Council on 23 February 2012. Consequently, the Council considers that this part of your request is exempt under Section 21 of the Freedom of Information Act as the information can be accessed via the following link to the Council’s website:

[4]http://cmtpublic.cheshirewestandchester...
(http://cmtpublic.cheshirewestandchester.gov.uk/ieSearchResults2.aspx?SS=pay%20policy&DT=3&CA=false&SB=true&CX=2002825&PG=1&)

With reference to your request for the specific salaries for named senior
staff members, the Council considers that these are exempt under Section 40 (2) of the Freedom of Information Act for the same reasons as officers middle names (outlined under the Council’s response to your question 1), namely this is personal data relating to confidential employee records.

Section 40 (2) of the Freedom of Information Act

This states that information is exempt from disclosure if it constitutes the personal data of a third party and its disclosure under the Act would breach any of the Data Protection principles or section 10 of the Data Protection Act (DPA).

The Data Protection Act Principles:

The council considers that disclosure will contravene the first data protection principle, which states that “personal data shall be processed fairly and lawfully, and in particular, shall not be processed unless –

a) At least one of the conditions in schedule 2 is met, and

It is the council’s view that the request relates to their personal data defined under the Data Protection Act in section 2, release of this information would need to satisfy a condition within section 3 of the Act in addition to a condition within section 2 of the DPA. The underlining principle within the DPA is that disclosure of this information will be likely to be unfair as it comprises information that individuals will regard as private, thus it is a reasonable expectation of the individual that this information will not be disclosed, in reviewing the information the Council has taken this into account.

Applying the conditions in schedule 3, the council considers that disclosure will not be fair. The Council considers that disclosure will be unfair because:
• The information requested relates to the personal data of the Council's employees

• Disclosure would be likely to cause individual distress

• The information held was not intended for wider disclosure

• The information held is not relevant to the individual employee's role within the Council

The information requested is held on the individual employee record which is kept confidential. These individuals have a reasonable expectation, and the right, for this information to be kept private and confidential and for the information not to be put into the public domain. The Council takes its role as data controller seriously and a disclosure in these circumstances would be unwarranted. In the Council's view, releasing the salary details of the individuals concerned would be extremely unfair and it is the Council's view that disclosure of the information requested would be a breach of the exemption under Section 40 (2) of the Freedom of Information Act (personal data) and the Data Protection principles.

The Council in considering your request has also considered whether there is a legitimate public interest in disclosure. Whilst the public interest test does not apply to exemptions under Section 40 (2) of the Freedom of Information Act, or under the Data Protection Act, the Council considers that in all the circumstances of this case the public interest in withholding the personal data of employees outweighs the public interest in disclosing the personal data. The Council considers that the release of personal data would breach the provisions of the Data Protection Act, in refusing, the Council relies on the exemption under Section 10 (1) (a) (right to prevent processing likely to cause damage or distress) of the Data Protection Act.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

Solutions Team

Cheshire West and Chester Council
If you remain dissatisfied with the handling of your request or complaint, you have a right of appeal to the Information Commissioner at:

The Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45

Website: [5]www.ico.gov.uk

There is no charge for making an appeal.

Yours sincerely

David P Finlay
The Solutions Team
HQ Building
4th floor

Chief Executives Office

Te: **01244-972235**

References

Visible links
1. mailto: [email address]
2. mailto: [email address]
3. mailto: [Cheshire West and Chester Council request email]

From: Paul Trummel
You have neither acknowledged nor responded to the primary issues. Your neglect requires me to reiterate them; moreover, Aleta Steele, FOI Solutions Team Manager has set up a parallel strategy to the disingenuous and unlawful evasion of issues orchestrated by Simon C Goacher, SRA 18914 (Admitted 02 April 1996). A source discloses evidence of a conspiracy to defraud and evade due process among Goacher, Steele, et alia.

Précis

John Denny, Chief Executive and Paul Knight, Assistant Director of Performance and Income, Chester & District Housing Trust Ltd. and Robert J Thompson, Councillor in a consort with Simon C Goacher, SRA 18914 (Admitted 02 April 1996) have maliciously orchestrated a situation which allows publication in the public domain of the details as a denial of human rights. They have repeatedly mad claims of confidentiality and anonymity which only serve to cover up alleged crimes. By that, they assisted or encouraged other crimes.

Part 2 of the Serious Crime Act 2007 creates, at sections 44 to 46, three inchoate offences of intentionally encouraging or assisting an offence; encouraging or assisting an offence believing it will be committed; and encouraging or assisting offences believing one or more will be committed. These offences replace the common law offence of incitement for all offences committed after 1 October 2008. They allow people who assist another to commit an offence to be prosecuted regardless of whether the underlying substantive offence is actually committed or attempted.

The Tenant (approaching 80 years of age) has now lived in a Trust flat riddled with carbon monoxide and other emissions for almost 15 months when Health and Safety Regulations require repairs within 24-hours. Lack of complex-wide gas emission, structural and void repairs, contravenes current regulations and affects tenants in other Trust complexes which contain about 1,000 flats and houses.

The Tenant has had no heat or hot water for ten months (which includes a winter with below zero temperatures) due to the malicious capping of the gas supply (15 Nov 11) evidently ordered by Paul Knight in an attempt to silence the Tenant. Knight ordered Trust employees to destroy evidence to prevent detection of health
and safety violations then tried to orchestrate an Anti-Social Behaviour Order (ASBO) predicated upon fabricated evidence: the only grounds on which he could obtain an eviction of the Tenant.

For fifteen months, the Trust has neglected to arrange inspection by a qualified surveyor or undertake mandated annual gas inspections. The Trust tacitly admits that denial of an emission of repair service covers up similar conditions in about 1000 other Trust properties. Hopefully, dissemination of this information will warn other elderly people and families about the risk of carbon monoxide poisoning and other health and safety risks that currently exist in Trust flats. It will also inform them about the false and misleading complaints procedure published by the Trust which serves to cover up of potentially fatal health and safety risks through dereliction and malicious behaviour by Trust Executives and Managers and Cheshire West & Chester Councillors in a consort with Council Solicitors.

History

John Denny brought Paul Knight (a former debt collector) on board as Assistant Director of Performance and Income within two months of his appointment as the Trust chief executive (2005). Knight, a ravening psychopath based upon his bizarre and dangerous administrative performance and pathological lying, evades due process. In essence, Denny organized a three-ring circus with Knight as ringmaster and Stuart Crosthwaite as the principal clown surrounded by a crowd of subliterate, sycophantic misfits singing and dancing in praise of dysfunctional oligarchy. Denny uses Knight as his personal “hit-man” to cover up his own inadequacy: an association that frequently exists in psychopathic managerial relationships which predicate upon mutual blackmail.

The issues particularly relate to:

Introduction

http://contracabal.com/880-37-00.html

Carbon Monoxide and Noxious Emissions Complaint (30 March 2011)


Retroactive Preemption and Stitch-Up (15 Nov 11)


Kangaroo Court (23 Jan 12)
Gertrude Hazel Odaka, SRA 161383 (Admitted 01 November 1993).

You letter (10 May 12) marked Private and Confidential was received (12 Jun 12). No PDF copies were electronically transmitted as requested which prevented a prompt response. That construes as stonewalling. I consider the contents moot and will not waste my time responding until both Cheshire West and Chester Council and legal protocols are followed.

1. Odaka has signed as proxy for Goacher. The responsible party must sign the document.
2. Odaka has used false and misleading aliases "Trudie Odaka" and "Miss G H Odaka". Her marital state or sexual proclivity has no bearing on the issues.
3. Odaka has made a series of false and misleading assertions without any attempt to substantiate them or reference precedents.
4. Odaka has neither mentioned nor provided copies of the documentation considered prime to the submission by the Tenant (Paul Trummel) upon which the complaint is predicated.
5. The names of committee participants, titles, and qualifications have not been included.
6. The decision notice signed by Maurice McBride is inadmissible without the documents required for process under Council Constitution - Section 5, Citizens Rights and Responsibilities.

Consequently, I give you until Wednesday 27 June 2012 to provide the Constitution documents, and send both paper signed copies of all the documents referenced in Schedule of Documents, by Royal Mail in addition to PDF copies by email attachment. At that time I will then consider the content and determine what should be done.

This message gives you an opportunity to mitigate your alleged
disingenuous behavior in preparing documents to cover up alleged criminal activity and to evade addressing the issues or using established protocols. After practicing law for almost two decades you have no excuse for such behavior. As a public sector employee you also have a duty of care.

http://contracabal.com/880-37-06.html

Tenant costs for legal and project research to refute the frivolous, vexatious, unsubstantiated assertions used by Chester & District Housing Trust, Goacher and Council employees to evade their duty of care and legal responsibilities to provide information, also the cost of investigating the broadened issues associated with the original request for documents, currently amounts to more than 16,020.00 (28 May 12). That amount does not include costs incurred by the Trust which has already incurred costs of over 100,000.00.

You can find the updated information at:


Neglect to respond by the deadline in the manner I have outlined will result in a professional misconduct complaints against both you and Goacher with both the Legal Ombudsman and other government regulators. Moreover, the content of the documents that you sent are not private and confidential unless you substantiate that claim to my satisfaction or a court decides otherwise. I suggest that you also stop using the false and misleading title "Legal and Democratic Services". Your response is neither legal nor democratic.

Prepublication Notice at:


Table of Contents

http://contracabal.com/880-37-98.html

Paul Trummel PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK), BSc (UK), FISTD, FIOP
Professor Emeritus.

Date: Fri, 15 Jun 2012 11:34:35 +0100
To: Aleta Steele <[email address]>
From: Paul Trummel <[email address]>
Subject: Second Notice - Impending Criminal Complaint - 880-37-39
Cc:
David P Finlay <[email address]>
Caroline Timms <[email address]>
Miriam Wallace <[email address]>

Aleta Steele, FOI Solutions Team Manager.

Cheshire West & Chester Council

cc: Steve Robinson, Chief Executive, Cheshire West & Chester Council

Alleged criminal complaints concern Aleta Steele as a first party. Please advise without delay the Name, Title, Job Description and email address of her immediate supervisor and do not try to stonewall access to that information by making it a Freedom of Information or Data Protection Act issue. I am entitled to that information under procedures which relate to filing charges of criminal acts with police that I allege have been committed by public sector executive managers and staff members.

If any of the named parties do not acknowledge receipt of this message within 48 hours, then I will immediately file a complaint with Cheshire Constabulary, Nantwich, Cheshire that Steele has obstructed the course of justice by delaying the filing of a police report containing a criminal complaint.

The alleged criminal charges relate to Steele's responsibility for acts and information published, with malice aforethought, in the public domain by David P Finlay, Caroline Timms and Miriam Wallace (between 27 March 2012 and 06 June 2012) which create a health and safety risk for which Steele and her supervisor hold ultimate responsibility. I hereby fulfil my duty of care to inform Steele and her supervisor of an impending criminal complaint and need a name and email address to be able to do so.

Assisting or Encouraging Crime

Part 2 of the Serious Crime Act 2007 creates, at sections 44 to 46, three inchoate offences of intentionally encouraging or assisting an offence; encouraging or assisting an offence believing it will be committed; and encouraging or assisting offences believing one or more will be committed. These offences replace the common law offence of incitement for all offences committed after 1 October 2008. They allow people who assist another to commit an offence to
be prosecuted regardless of whether the underlying substantive
offence is actually committed or attempted.

Read the Prepublication Notice at:


and the web page that references several of the impending criminal
complaints:


The URLs containing the actual published material that relates to
the criminal complaint can be accessed at:

http://www.whatdotheyknow.com/request/standards_complaint_scc44

http://www.whatdotheyknow.com/request/stage_two_hearing_documents

including attachments to those URLs.

Table of Contents for other reference information:

http://contracabal.com/880-37-98.html

This email message is for the purpose stated. It requests only the
name and other information about supervisors: Name, Title, Job
Description and email address. It also serves to advise the named
parties of impending police involvement. Each named party must
acknowledge receipt of this message and name their supervisor(s)
and provide additional information about them.

To meet her duty of care to third parties who have a similar name,
Steele must acknowledge that the following information applies to
her:

Aleta Steele, age 40-44, cohabitee with Christopher Steele,
Nantwich, Cheshire, CW5 (full address withheld)

Paul Trummel PhD (RPI ABD), PhD (UW ABD), MS (RPI), MSc (UK), BSc
(UK), FISTD, FIOP
Professor Emeritus, Chairman and Chief Executive Officer

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From: Paul Trummel
Requested Update

Simon Goacher, Head of Legal and Democratic Services, Cheshire West & Chester Council has still not complied with the procedures described in the Cheshire West & Chester Council Constitution - Section 5. He has held kangaroo courts without providing names and documents to the Tenant. Councillor Ann Wright, Conservative Malpas has acted in a similar manner in her capacity as Clerk to No Mans Heath & District Parish Council.

Joint and several stonewalling and deliberate creation of a catch-22 by orchestrating unlawful merry-go-rounds effectively pervert the course of justice by preventing an appeal to the Local Government Ombudsman and other law enforcement authorities. Goacher has allegedly been aided and abetted in his unlawful acts by:

Councillor Robert Thompson (Liberal Democrat, Hoole)
Councillor Ann Wright (Conservative, Malpas).
Gertrude H Odaka (Council Solicitor).
Aleta Steele (FOI Solutions Team Manager) et alia.

As a result of Goacher’s manipulation of the Freedom of Information Act and Council procedures, the Tenant has now occupied a Trust flat riddled with carbon monoxide and other noxious gases for the past sixteen months and has had no heat or hot water for the past nine months due to the malicious and illegal permanent capping of the gas by Ian Doyle (National Grid Gas) and Hamish Laird (Trust Employee) allegedly on the instructions of Paul Knight, Assistant Director of Performance and Income, Chester and District Housing Trust.

See full text at:


Table of Contents at:

http://contracabal.com/880-37-98.html
WhatDoTheyKnow

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