

## 5a Grounds of appeal or application

Please give your grounds of appeal or application.

Your grounds should explain why you think decision, act or notice (or failure to decide or act) is wrong or why you are making your application. You may find it helpful to refer to individual paragraphs in the decision or notice you disagree with and explain why you disagree with them. If required, please use an extra sheet of paper.

Liverpool City Council reluctantly released documents, four of which were heavily redacted scans of paper copies of emails. Following my complaint to the ICO, the Council released what it claimed were the unredacted documents.

They were not the unredacted paper prints. Some were reproductions of the original emails before the additional comments that would subsequently be redacted had been added. Others appear to be altered versions of the original emails, and not the printouts. These actions appear to have been deliberate attempts to continue to conceal the contents of the redactions.

I wrote two emails to the Commissioner pointing this out in detail, as well as drawing attention to the possibility of other information still being withheld. That notwithstanding, the Commissioner issued a decision notice, thereby allowing the Council to continue to conceal the original information of interest, by replacing the original documents with reconstructed or altered ones.

**Beattie, Brian**

**From:** Parr, Sarah  
**Sent:** 14 July 2020 14:00  
**To:** Beattie, Brian; Ivany, Pauline; Austin, Ed; Turner, Dave; Hobbs, Paula  
**Subject:** RE: Response required HYS

Hi All,

I have responded to Mr Aluko's complaint. As the management respondent to the Stage 1 complaint I sent Pauline a copy of my response. The complaint was not upheld. I am advised that Mr Aluko intends to pursue this via the next step of the process by referring the matter to the ombudsman.

Thank you for your co-operation and assistance

Sarah

Sarah Parr | Divisional Manager | Customer Access

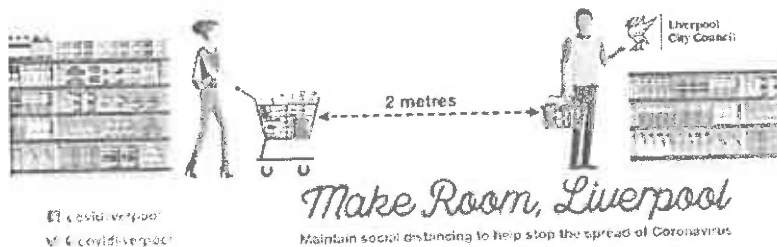
Liverpool City Council | Venture Place | Sir Thomas Street | Liverpool | L1 6BW

E: [sarah.parr@liverpool.gov.uk](mailto:sarah.parr@liverpool.gov.uk)

Online: [www.liverpool.gov.uk](http://www.liverpool.gov.uk)

Postal address:

Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1AH



**From:** Beattie, Brian <[Brian.Beattie@liverpool.gov.uk](mailto:Brian.Beattie@liverpool.gov.uk)>

**Sent:** 14 July 2020 11:36

**To:** Ivany, Pauline <[Pauline.Ivany@liverpool.gov.uk](mailto:Pauline.Ivany@liverpool.gov.uk)>; Austin, Ed <[Ed.Austin@liverpool.gov.uk](mailto:Ed.Austin@liverpool.gov.uk)>; Turner, Dave <[Dave.Turner@liverpool.gov.uk](mailto:Dave.Turner@liverpool.gov.uk)>; Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>

**Cc:** Parr, Sarah <[sarah.parr@liverpool.gov.uk](mailto:sarah.parr@liverpool.gov.uk)>

**Subject:** RE: Response required HYS

Fine with me.

Sarah, may we have an update on the complaint has it been resolved yet?

BRI

Brian Beattie  
Legal Services  
Liverpool City Council  
Cunard Buildings  
Water Street

## Beattie, Brian

---

**From:** Parr, Sarah  
**Sent:** 14 July 2020 14:00  
**To:** Beattie, Brian; Ivany, Pauline; Austin, Ed; Turner, Dave; Hobbs, Paula  
**Subject:** RE: Response required HYS

Hi All,

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Thank you for your co-operation and assistance

Sarah

**Sarah Parr** | Divisional Manager | Customer Access

Liverpool City Council | Venture Place | Sir Thomas Street | Liverpool | L1 6BW

E: [sarah.parr@liverpool.gov.uk](mailto:sarah.parr@liverpool.gov.uk)

Online: [www.liverpool.gov.uk](http://www.liverpool.gov.uk)

Postal address:

Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1AH



**From:** Beattie, Brian <[Brian.Beattie@liverpool.gov.uk](mailto:Brian.Beattie@liverpool.gov.uk)>

**Sent:** 14 July 2020 11:36

**To:** Ivany, Pauline <[Pauline.Ivany@liverpool.gov.uk](mailto:Pauline.Ivany@liverpool.gov.uk)>; Austin, Ed <[Ed.Austin@liverpool.gov.uk](mailto:Ed.Austin@liverpool.gov.uk)>; Turner, Dave <[Dave.Turner@liverpool.gov.uk](mailto:Dave.Turner@liverpool.gov.uk)>; Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>

**Cc:** Parr, Sarah <[sarah.parr@liverpool.gov.uk](mailto:sarah.parr@liverpool.gov.uk)>

**Subject:** RE: Response required HYS

Fine with me.

Sarah, may we have an update on the complaint has it been resolved yet?

BRi

Brian Beattie  
Legal Services  
Liverpool City Council  
Cunard Buildings  
Water Street

Liverpool  
L3 1AH

Tel: 0151 233 0228

From: [REDACTED]

Sent: 09 July 2020 15:42

To: [REDACTED]

<[REDACTED]>

Cc: Parr, Sarah <[REDACTED]>

Subject: RE: Response required HYS

Hi All,

[REDACTED]

Thanks

Dear Mr Aluko,

Thank you for your enquiry.

I would advise you that the option you previously had on this land was terminated as you did not comply with the terms of the agreement and a response to your complaint has been sent to you today.

The City Council will not suspend the current sale of this land as the sale has already been agreed with another party.

I would however, direct you to our web page which gives details of any sites that become available for disposal subject to the purchaser complying with a due diligence procedure.

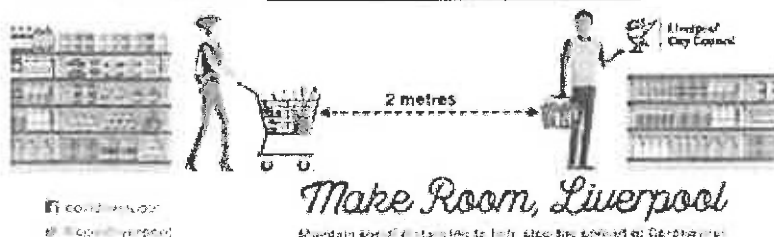
The site can be found at the following link:

<https://property.liverpool.gov.uk/>

Kind Regards

Pauline Ivany MRICS  
Team Leader South  
Property and Asset Management Services

Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1DS  
T: 0151 233 0228 | E: [pauline.ivany@liverpool.gov.uk](mailto:pauline.ivany@liverpool.gov.uk)



Liverpool  
L3 1AH  
Tel 0151-233-0469

**From:** Ivany, Pauline

**Sent:** 09 July 2020 15:42

**To:** Beattie, Brian <[Brian.Beattie@liverpool.gov.uk](mailto:Brian.Beattie@liverpool.gov.uk)>; Austin, Ed <[Ed.Austin@liverpool.gov.uk](mailto:Ed.Austin@liverpool.gov.uk)>; Turner, Dave <[Dave.Turner@liverpool.gov.uk](mailto:Dave.Turner@liverpool.gov.uk)>; Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>

**Cc:** Parr, Sarah <[sarah.parr@liverpool.gov.uk](mailto:sarah.parr@liverpool.gov.uk)>

**Subject:** RE: Response required HYS

Hi All,

please see below – This is the case where Mr Aluko has a three year option on land at Stilisfield road and failed to comply with the terms so we terminated the agreement – he has made two complaints and the land is now being sold to Cobalt – Bri is dealing – any comments on my draft response would be appreciated

Thanks

*Dear Mr Aluko,*

*Thank you for your enquiry.*

*I would advise you that the option you previously had on this land was terminated as you did not comply with the terms of the agreement and a response to your complaint has been sent to you today.*

*The City Council will not suspend the current sale of this land as the sale has already been agreed with another party.*

*I would however, direct you to our web page which gives details of any sites that become available for disposal subject to the purchaser complying with a due diligence procedure.*

*The site can be found at the following link:*

<https://property.liverpool.gov.uk/>

*Kind Regards*

Pauline Ivany MRICS  
Team Leader South  
Property and Asset Management Services

Liverpool City Council I Cunard Building I Water Street I Liverpool I L3 1DS  
T: 0151 233 0228 I E: [pauline.ivany@liverpool.gov.uk](mailto:pauline.ivany@liverpool.gov.uk)



**Importance:**

Liverpool City Council  
Cunard Buildings  
Water Street  
Liverpool  
L3 1AH

**From:**

Sent

To

## Synthesis

### Importance

Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1AH

Hello Paula,  
There is indeed a party waiting in the wings, but we haven't discussed in detail what the Agreement between us would be, because of the uncertainty in the Council's responses. I have a small window of opportunity to meet with them in mid September, before I am due to be out of the country again in connection with my theatrical work. I can try to schedule such a meeting now, but am not sure at present whether it will indeed happen, and what the result might be. If the DOV can be signed in mid (not early) September, I am still concerned with long-stop dates. I paste here advice given to me by my solicitor back in June:

## Beattie, Brian

---

**From:** Beattie, Brian  
**Sent:** 30 August 2018 11:53  
**To:** Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>  
**Subject:** LAND AT STALISFIELD AVENUE L11905

Morning Paula, we can terminate the Agreement under clauses 19 (a) and 19 (n) for the same reason if you wish.

Bri

Brian Beattie  
Legal Services  
Liverpool City Council  
Cunard Buildings  
Water Street  
Liverpool L3 1AH  
Tel 0151- 33-0469

**From:** Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>  
**Sent:** 28 August 2018 09:16  
**To:** Beattie, Brian <[brian.beattie@liverpool.gov.uk](mailto:brian.beattie@liverpool.gov.uk)>  
**Subject:** FW: A greeting from Canada: LAND AT STALISFIELD AVENUE L11905  
**Importance:** High

Bri

Please see the last couple of e-mail comms with myself and Tayo. Its just always stalling tactics as far as I'm concerned. Please can you check the Option agreement to see what our options are for terminating as I feel that this will just go on and on if we don't take a hard stance on this!!

Thanks

**Paula Hobbs** | Surveyor | Property & Asset Management  
Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1AH  
T: 0151 233 0231  
E: [paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk) W:  
[www.regeneratingliverpool.com](http://www.regeneratingliverpool.com)

**From:** Tayo Aluko [<mailto:carthecic@gmail.com>]  
**Sent:** 24 August 2018 17:21  
**To:** Hobbs, Paula  
**Subject:** Re: A greeting from Canada: LAND AT STALISFIELD AVENUE L11905

Hello Paula,

There is indeed a party waiting in the wings, but we haven't discussed in detail what the Agreement between us would be, because of the uncertainty in the Council's responses. I have a small window of opportunity to meet with them in mid September, before I am due to be out of the country again in connection with my theatrical work. I can try to schedule such a meeting now, but am not sure at present whether it will indeed happen, and what the result might be. If the DOV can be signed in mid (not early) September, I am still concerned with long-stop dates. I paste here advice given to me by my solicitor back in June:

## Beattie, Brian

---

**From:** Beattie, Brian  
**Sent:** 01 February 2019 09:46  
**To:** Hobbs, Paula  
**Cc:** Ivany, Pauline  
**Subject:** RE: Further to My Request for More Time

Morning,

Paula, there is nothing we can do. We have served the notice and the option is now terminated, it cannot be resurrected.

[REDACTED]

[REDACTED]

BRI

Brian Beattie  
Legal Services  
Liverpool City Council  
Cunard Buildings  
Water Street  
Liverpool  
L3 1AH  
Tel: 0151 233 0231

**From:** Hobbs, Paula  
**Sent:** 01 February 2019 09:38  
**To:** Beattie, Brian <Brian.Beattie@liverpool.gov.uk>  
**Cc:** Ivany, Pauline <Pauline.Ivany@liverpool.gov.uk>  
**Subject:** RE: Further to My Request for More Time  
**Importance:** High

Brian, can you respond please?

**Paula Hobbs** | Surveyor | Property & Asset Management  
Liverpool City Council | Cunard Building | Water Street | Liverpool | L3 1AH  
T: 0151 233 0231  
E: [paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)  
W: [www.regeneratingliverpool.com](http://www.regeneratingliverpool.com)

**From:** Tayo Aluko [<mailto:carthecic@gmail.com>]  
**Sent:** 31 January 2019 16:49  
**To:** Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>; Kushner, Barry <[Barry.Kushner@liverpool.gov.uk](mailto:Barry.Kushner@liverpool.gov.uk)>  
**Subject:** Further to My Request for More Time

Dear Paula,

I have just had a conversation with Councillor Barry Kushner, who wishes to talk to Darren Hanley and probably yourselves and legal department to see if there are any alternatives scenarios to explore. Can we agree that the "sword of damocles" can be withdrawn from the time being? I won't halt the legals between me and my potential partner for now though.  
Many thanks,



## Beattie, Brian

---

**From:** Beattie, Brian  
**Sent:** 01 February 2019 09:46  
**To:** Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>  
**Cc:** Ivany, Pauline <[Pauline.Ivany@liverpool.gov.uk](mailto:Pauline.Ivany@liverpool.gov.uk)>  
**Subject:** RE: Further to My Request for More Time

Morning,

Paula, there is nothing we can do. We have served the notice and the option is now terminated, it cannot be resurrected.

If we wish Tayo to proceed with a development it will have to be a new deal. I note Pauline aid put it in an Auction , in which case he could bid for it.

BRI

Brian Beattie  
Legal Services  
Liverpool City Council  
Cunard Buildings  
Water Street  
Liverpool  
L3 1AH  
Tel 0151-233-0469

**From:** Hobbs, Paula  
**Sent:** 01 February 2019 09:38  
**To:** Beattie, Brian <[brian.beattie@liverpool.gov.uk](mailto:brian.beattie@liverpool.gov.uk)>>  
**Cc:** Ivany, Pauline <[pauline.ivany@liverpool.gov.uk](mailto:pauline.ivany@liverpool.gov.uk)>  
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**Importance:** High

Brian, can you respond please?

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T: 0151 233 0231  
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W: [www.regeneratingliverpool.com](http://www.regeneratingliverpool.com)

**From:** Tayo Aluko [<mailto:carthecic@gmail.com>]  
**Sent:** 31 January 2019 16:49  
**To:** Hobbs, Paula <[paula.hobbs@liverpool.gov.uk](mailto:paula.hobbs@liverpool.gov.uk)>; Kushner, Barry <[Barry.Kushner@liverpool.gov.uk](mailto:Barry.Kushner@liverpool.gov.uk)>  
**Subject:** Further to My Request for More Time

Dear Paula,

I have just had a conversation with Councillor Barry Kushner, who wishes to talk to Darren Hanley and probably yourselves and legal department to see if there are any alternatives scenarios to explore. Can we agree that the "sword of damocles" can be withdrawn from the time being? I won't halt the legals between me and my potential partner for now though.

Many thanks,

---

**ICO Case Reference: IC-123566-V3B3**

---

**Tayo Aluko** <tayo@tayoalukoandfriends.com>  
To: ICO Casework <icocasework@ico.org.uk>

7 September 2022 at 19:14

Dear Mr. Walley,

Thank you for your letter of 25 August, and for giving me till September 9 to respond to the disclosure from Liverpool City Council. I have a number of comments:

1. I note that the 14 July 2020 email from Sarah Parr is not the actual print out of the copy that had Brian Beattie's name on the top. I would like a clean copy of the two Beattie sheets that were pages 1 and 2 of the original redacted bundle.
2. The same with what were originally pages 31 and 45: a copy of the print out of each please.

Whilst writing, I note the absence of documentation of the instructions to Paula Hobbs from her superiors, as confirmed in an email from her to me on Friday 27 July, 2018 at 15:22. I do not believe that these instructions do not exist, and presume that they were left out of the bundle, inadvertently. I hereby request it.

Thank you,  
Tayo Aluko

[Quoted text hidden]

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**Forthcoming appearances:**

**Oct 14: Just An Ordinary Lawyer.** Birmingham Rep.

**Nov 4: Call Mr. Robeson.** [Grove Theatre](#), Eastbourne, E. Sussex

**Latest Newsletter:**

[British Nigerian Artist Creates and Smuggles Dangerous Voice Amplification Weapon Out of Police Custody](#) 16 August, 2022

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Liverpool L1 4HY  
United Kingdom

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Subscribe for occasional newsletters [here](#)

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**Your email to the ICO - Case Reference IC-123566-V3B3**

---

**Tayo Aluko** <tayo@tayoalukoandfriends.com>  
To: ICO Casework <icocasework@ico.org.uk>

29 September 2022 at 20:51

Dear Mr. Walley,  
Thank you for your email.  
Please allow me to make a few observations on the documents provided, at the second time of asking:

page 1: Including the redactions on the originally redacted sheet of paper, the following were visible:

*Subject: RE: Response required HYS*

**[redactions]**

*Hi All,*

*I have responded to Mr Aluko's complaint. As the management respondent to the Stage 1 complaint I sent Pauline a copy of my response. The complaint was not upheld. I am advised that Mr Aluko intends to pursue this via the next step of the process by referring the matter to the ombudsman.*

**[redactions]**

*Thank you for your co-operation and assistance [redactions]*

*Sarah*

I note that on the two occasions that the Information Team has claimed to have released the document in unredacted form, what has been released is exactly the same previously visible text with the three areas of redactions *missing*. This appears to have been done by deliberately going to the original email, and not to the photocopied sheet that was part of the original redacted bundle. After I mentioned that said sheet of paper had *Beattie, Brian* at the top, someone merely added that to what had previously been sent. To reiterate, the redactions have been deliberately omitted, and the requested document (the photocopy) repeatedly withheld.

page 2: This is similarly not the original photocopied sheet.

page 31: This is also not the original photocopied sheet.

page 45: On the original redacted paper copy, there are two redacted lines, with a space in between. What is claimed to be unredacted is quite different, which means that there has been an alteration carried out here.

Having drawn this to your attention, I wonder if the Commissioner can be persuaded to reconsider her decision not to proceed to a decision notice.

Kind regards,

Tayo Aluko

[Quoted text hidden]