



## **Public Relations and Economic Development Sub (Policy & Resources) Committee**

**Date:** TUESDAY, 11 JUNE 2019

**Time:** 3.00 pm

**Venue:** COMMITTEE ROOM 3 - 2ND FLOOR WEST WING, GUILDHALL

**Members:** Deputy Catherine McGuinness (Chairman)  
Simon Duckworth (Deputy Chairman)  
Deputy Keith Bottomley  
Tijs Broeke  
Dominic Christian  
Karina Dostalova  
Anne Fairweather  
Alderman Prem Goyal OBE JP  
Christopher Hayward  
Deputy Jamie Ingham Clark  
Deputy Edward Lord  
Andrew Mayer  
Jeremy Mayhew  
Alderman William Russell  
Deputy Tom Sleigh  
Sir Michael Snyder  
James Tumbridge  
Alderman Sir David Wootton

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**John Barradell  
Town Clerk and Chief Executive**

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES FOR ABSENCE**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 7 May 2019.  
**For Decision**  
(Pages 1 - 4)
4. **EDO UPDATE**  
Report of the Director of Economic Development.  
**For Information**  
(Pages 5 - 14)
5. **CORPORATE AFFAIRS UPDATE**  
Report of the Director of Communications.  
**For Information**  
(Pages 15 - 18)
6. **PARLIAMENTARY UPDATE**  
Report of the Remembrancer.  
**For Information**  
(Pages 19 - 24)
7. **CORPORATE RISK 10: ADVERSE POLITICAL DEVELOPMENTS**  
Report of the Remembrancer.  
**For Information**  
(Pages 25 - 28)
8. **FEEDBACK FROM EU ELECTIONS**  
The Remembrancer and the Director of Communications to be heard.  
**For Discussion**
9. **NEW POLICY FOR COMMERCIAL FILMING AT CITY OF LONDON CORPORATION'S BUILDINGS AND OPEN SPACES**  
Report of the Director of Communications.  
**For Decision**  
(Pages 29 - 58)

10. **SPORT UPDATE**  
Report of the Director of Communications.
- For Information**  
(Pages 59 - 62)
11. **MIPIM PROPERTY CONFERENCE 2019/2020**  
Report of the Director of Built Environment.
- For Information**  
(Pages 63 - 70)
12. **PROMOTING LONDON AND THE UK'S POSITION AS A LEADING GLOBAL CENTRE FOR FINANCIAL AND PROFESSIONAL SERVICES**  
Joint report of the Director of Economic Development and the Director of Communications.
- For Information**  
(Pages 71 - 74)
13. **POLICY CHAIR'S VISIT TO WASHINGTON**  
Report of the Director of Economic Development.
- For Information**  
(Pages 75 - 78)
14. **CAMPAIGN FOR FREEDOM OF INFORMATION SURVEY**  
Report of the Comptroller & City Solicitor.
- For Information**  
(Pages 79 - 126)
15. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
17. **EXCLUSION OF THE PUBLIC**  
MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

**For Decision**

## **Part 2 - Non-Public Agenda**

18. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**
19. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE SUB COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**



## **PUBLIC RELATIONS AND ECONOMIC DEVELOPMENT SUB (POLICY & RESOURCES) COMMITTEE**

**Tuesday, 7 May 2019**

**Minutes of the meeting of the Public Relations and Economic Development Sub (Policy & Resources) Committee held at the Guildhall EC2 at 3.00 pm**

### **Present**

#### **Members:**

Simon Duckworth (Deputy Chairman, <i>who took the Chair</i> )	Christopher Hayward
Keith Bottomley	Andy Mayer
Tijs Broeke	Jeremy Mayhew
Anne Fairweather	Alderman William Russell
Alderman Prem Goyal	Sir Michael Snyder
Deputy Edward Lord	James Tumbridge

#### **Officers:**

Bob Roberts	- Director of Communications
Eugenie de Naurois	- Corporate Affairs, Communications
Sanjay Odedra	- Media, Communications
Peter Cannon	- Corporate Affairs, Communications
Nigel Lefton	- Remembrancers
Laura Davison	- Head of Research, Economic Development Office
Vic Annells	- Executive Director of Mansion House and CCC

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Deputy Catherine McGuinness, Karina Dostalova, Deputy Jamie Ingham Clark and Alderman Sir David Wootton.

### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were no declarations of interest.

### **3. MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 7 March 2019 be approved as a correct record.

### **4. ELECTION OF CO-OPTED MEMBERS**

The Committee proceeded to elect four co-opted Members to the Sub Committee in accordance with its terms of reference.

A list of five Members who had expressed interests was read and Dominic Christian, Alderman Prem Goyal, Andy Mayer and James Tumbridge were duly elected for the ensuing year.

**5. FINAL DEPARTMENTAL HIGH-LEVEL BUSINESS PLANS 2019/20 - COMMUNICATIONS & ECONOMIC DEVELOPMENT OFFICE**

The Sub-Committee received a report of the Town Clerk, Director of Communications and Director of Economic Development presenting the final high-level Business Plans for the Communications Team and the Economic Development Office within the Town Clerk's Department for 2019/20.

**RESOLVED**, that:

- The report be noted.

**6. EDO UPDATE**

The Sub-Committee received a report of the Director of Economic Development providing Members with highlights of the key activity undertaken by the Economic Development Office (EDO) in March and April.

Members heard how the *Locate, Create, Innovate* research publication had received positive feedback at MIPIIM and from other stakeholders. Members requested that actions from visits are brought out more in the update reports.

The Chair of Establishment requested that the Government Equalities Office and City Corporation research into Women's Progression in the Workplace and the Gender Pay Gap be reported to the Establishment Committee for information.

**RESOLVED**, that:

- The report be noted.

**7. CORPORATE AFFAIRS UPDATE**

The Sub-Committee received a report of the Director of Communications providing a monthly update of the Corporate Affairs Team's activities in supporting the City Corporation's strategic political engagement.

**RESOLVED**, that:

- The report be noted.

**8. PARLIAMENTARY TEAM UPDATE**

The Sub-Committee received a report of the Remembrancer updating Members on the main elements of the Parliamentary Team's activity in support of the City of London Corporation's political and parliamentary engagement.

A Member asked for the departmental risk on political instability be reported to this Sub-Committee as well as the Audit & Risk Management Committee.

Members also asked for more information on the Air Quality Bill to be reported to the Port Health and Environmental Services Committee and the Planning and Transportation Committee in due course.

**RESOLVED**, that:

- The report be noted.

9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no questions.

10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no urgent items.

11. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item	Paragraph
12 – 13	3

12. **NON-PUBLIC MINUTES**

The non-public minutes and summary of the meeting held on 7 March 2019 were approved.

13. **NON-PUBLIC NOTE OF THE PUBLIC RELATIONS AND ECONOMIC DEVELOPMENT SUB COMMITTEE AWAY DAY**

The non-public note of the informal meeting held on 2 April 2019 were approved, subject to some comments tabled by the Chair of Policy ahead of the meeting.

14. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no questions.

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE SUB COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no items of urgent business.

**The meeting closed at 3.20 pm**

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Chairman

**Contact Officer: Emma Cunningham**  
**emma.cunnington@cityoflondon.gov.uk**

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<b>Committee</b>	<b>Dated:</b>
Public Relations & Economic Development Sub-Committee	11 June 2019
<b>Subject:</b> EDO monthly update – May	<b>Public</b>
<b>Report of:</b> Director of Economic Development	<b>For Information</b>
<b>Report author:</b> Emily Howell	

## Summary

The following report provides Members with highlights of the key activity undertaken by the Economic Development Office (EDO) in May.

## Recommendation

Members are asked to:

- Note the progress of EDO workstreams.

## Main Report

1. In order to promote London as a destination for foreign direct investment, the Chair of Policy and Resources (CPR) attended China's 2nd BRI Forum in Beijing, one of the most important events of the year in China. The UK's delegation included the Chancellor, Baroness Fairhead and Sir Douglas Flint. In addition to the forum, CPR and the team also met with a number of key Chinese stakeholders including China's securities regulator (CSRC), Insurance Asset Management Association, Asian Financial Cooperation Association and Zhongguancun Group. The GFI-GFC joint initiative, BRI Green Investment Principles, was also formally launched.
2. Dr Rhian-Mari Thomas has been confirmed as the CEO of the Green Finance Institute, which launches at the Green Finance Summit on 2 July. Rhian-Mari was previously the Global Head of Green Banking at Barclays.
3. EDO continues to undertake a range of activities which ensure the FPS sector has access to the digital talent it needs to be globally competitive.
  - a. We continue to support the Sector Deal for Professional & Business Services (PBS). Our teams are working closely on the developing talent (apprenticeships) workstream in the emerging sector deal proposals. They are also contributing to the following workstreams: access to talent (mobility & migration); nurturing talent (social mobility); driving PBS trade and exports (EU & global); and productivity (business clinics; networks to support SMEs). The next PBS Council meeting on 11 July is due to agree the sector deal content for formal submission to BEIS.
  - b. Claire Tunley continues to work on the Financial Services Skills Task Force, which will report in Autumn 2019. A "current state" assessment has been

completed, including literature review and analysis of megatrends reshaping the business environment and affecting business models, processes and tasks, as well as engagement of 50 senior stakeholders from industry, government, and think tanks. Early recommendations are taking shape in preparation for stakeholder input and challenge.

- c. The CAP Talent pilot project, which supports 10-12 week internships paid at London Living Wage (paid by the host business) for undergraduates placed with tech start-ups, has 264 registered students from predominately technology backgrounds from 17 universities, alongside 91 participating start-ups. The project is designed to support and boost the employability of diverse talent upon graduation, while also boosting start-up productivity. Negotiations continue to finalise job descriptions, set up interviews, and keep bringing more businesses on board (including collaboration with Innovate Finance).
4. We held a number of events to promote London as a key market for product and service innovation in cyber.
  - a. Our Brussels office held a roundtable with EU regulators and UK Finance to discuss on cybersecurity policy and resilience in the EU financial sector.
  - b. In partnership with the Global Cyber Alliance (GCA) and the business community, we hosted Cyber Trends at Mansion House;
  - c. We joined a roundtable on Policing Cybercrime with the tech community at Tech UK; and
  - d. We hosted cyber discussions on artificial intelligence (AI) and on operational resilience as part of City Week.
  - e. The LM launched a joint report with Accenture and AXA on the Global Future of Cyber Insurance at Mansion House.
5. The research team has published three new statshots which bring together key facts on the competitiveness and make-up of the FPS sector which:
  - a. Showcase the City as a hub for global talent, and the role played by international workers in its key sectors;
  - b. Provide key figures on professional services; and
  - c. Highlight the key role that the various UK's financial and professional services hubs (with a particular focus on the key centres encompassed by the City Corporation's regional strategy) play in driving high skilled employment, foreign direct investment and exports across the whole of the UK.
6. The IRSG's EU Regulation Standing Committee, supported by EDO and TCUK, met for the third time on 17 May. It exchanged views with Donald Ricketts, Head of Financial Services at Fleishman Hillard on how the UK financial services industry can position itself to support regulatory developments during the next mandate of the European Parliament. The Committee also discussed the incoming Commission's priorities as well as the latest draft of the post-Brexit narrative setting out the basis for engagement with the EU on regulation.

7. The Lord Mayor's Dragon Awards 2019 closed for applications on 16 April, with the Awards continuing to receive a yearly increase in applications. The Preliminary Judging Panel for the Awards met on 15 May and chose the 2019 finalists. 20 companies from across London and UK have been placed on the shortlist, which will be announced on 28 May.
8. The annual BEIS Dinner took place on 16 May at Mansion House. This followed an afternoon conference, which had a distinct regional focus and was attended by 34 out of 38 of the Local Enterprise Partnerships alongside up to three regional businesses of their choice. Andy Street, the Mayor of the West Midlands, and Greg Clark MP, the Secretary of State for Business, Energy and Industrial Strategy, discussed an Industrial Strategy case study from the West Midlands.
9. The Exports & Investment team supported (alongside London Stock Exchange Group) a Lord Mayor trip to Brazil and Colombia between 5-11 May, to promote the City's world-class FPS offer in green finance and infrastructure. In Colombia, the Lord Mayor promoted the UK's expertise in green finance and how the City might support infrastructure pipeline, and met Colombia's President and the Finance Minister. The Corporation will host a Colombia Roadshow event at Mansion House in June as follow up. In Brazil, the Lord Mayor spoke at a UK Sustainable Finance Summit and engaged with key Brazilian investors to promote City expertise in banking - particularly in innovative areas such as fintech and Green Finance. Brazil's emerging privatisation agenda was also a key topic and the Corporation offered to support an inbound roadshow that will highlight the opportunities to UK business as this agenda develops.
10. The team also supported the Mayor of Seoul's visit to London. The visit was particularly focused on promoting London's status as a global hub for FinTech. One of the key opportunities from the visit was to support UK FinTech's to cross the UK-Korea fintech bridge and to promote the \$1 billion pledged by the Seoul Metropolitan Government to support Fintech firms.

Appendices:

1. City of London Attracts Global Talent
2. Financial Services Hubs Around the UK

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The UK as a whole  
exports £78bn in  
financial services

- Financial and professional services employs **2.2 million people** nationwide.
- One of the most productive sectors in the economy creating **7.1% of output**, it provides **11%** of total government tax revenue.
- The UK is the world's largest net exporter of financial services – with **a trade surplus of £61bn**.
- It is a highly interconnected industry and across the country almost **40%** of finance and related jobs are in a firm with a London base.
- Inward investment is **more than double** the amount attracted by any other sector and half the jobs this creates are outside London.
- Jobs in the sector are generally well paid at all levels and highly productive, with **productivity of £116k** per job.

Sources: City of London, EMSI, fDi markets, Financial News, inward investment agencies, ONS BRES data, ONS exports data, TheCityUK, Z/Yen. @Colresearch

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Employment and export data reported at city region level. Figures shown in this publication reflect the availability of data for Northern Ireland's financial and professional services sectors.

# Financial services hubs around the UK

*The sector drives employment,  
productivity and exports  
across the country*

May 2019

# Financial and professional services are UK wide industries

Two thirds of financial services jobs in the UK are outside London

*The UK is home to the world's most global and outward looking financial markets – making it attractive to international investors. The depth and breadth of the nationwide offer for investors means unparalleled opportunities for growth. A culture of innovation means an inspirational ecosystem, where business, and investments, can thrive.*

## Belfast

has a growing reputation as a financial services centre, supported by close links with London and Dublin. The city is home to thriving fintechs like FinTrU, due to expand and create more than 600 jobs across Belfast and Derry/ Londonderry over the next 5 years. The new Financial Services Campus, located within the regenerated Titanic Quarter, is set to attract further jobs and investment to the city.

- Ranked as the number 1 small/ mid-sized city for business friendliness.
- Foreign direct investment in financial services increased from £1.18m in 2015 to £10.95m in 2017.
- Top city in Europe for new FDI software development projects.
- Preeminent hub for worldwide cyber security investment.

## Birmingham

is a well-connected financial and professional services hub, it lies at the centre of the thriving West Midlands region, home to significant concentrations of banks and insurers, as well as the UK's largest legal and accountancy cluster outside London. In early 2020, international accountancy firm PwC are set to move to their new landmark building in the city, housing 2,400 staff.

- Home to major finance and professional service players, including Deutsche Bank, Hogan Lovells and KPMG.
- Hosts one of Europe's largest insurance markets.
- Headquarters of Al Rayan Bank, the UK's first sharia-compliant retail bank.
- Chosen as the headquarters of the retail bank HSBC UK.

## Cardiff

is a fast-growing centre for services, and an increasingly important destination for a range of finance and professional service firms. Fintech scaleup Monzo recently launched a new customer operations centre in the city, bringing 300 jobs.

- Thriving fintech sector with companies such as Bipsync, Delio and Wealthify.
- Major accountancy firms are based in the city, including Deloitte, PwC, Grant Thornton and KPMG.
- Cardiff is a centre of legal and accounting expertise, together employing 11,000 professionals in 2017.

- The city has established strengths in insurance, particularly personal and SME insurance.

## Edinburgh

enjoys a world-renowned reputation as a longstanding financial centre. Its established history of banking means the city is home to the headquarters of major international banks. It is a significant European centre of asset management and asset servicing, with the UK's four top performing global equity managers based in Edinburgh.

- UK's second best performing global financial centre.
- Strong reputation in general insurance, life assurance and pensions.
- Financial services constitute 47% of the city's exports.
- Emerging fintech hub, with burgeoning strengths in blockchain, data analytics, digital identity and cyber security.

## Leeds

is rated as a financial centre of excellence. The city-region is home to a substantial cluster of banking, accountancy and insurance. It is primed to develop as a leading location for fintech, legal tech and insuretech.

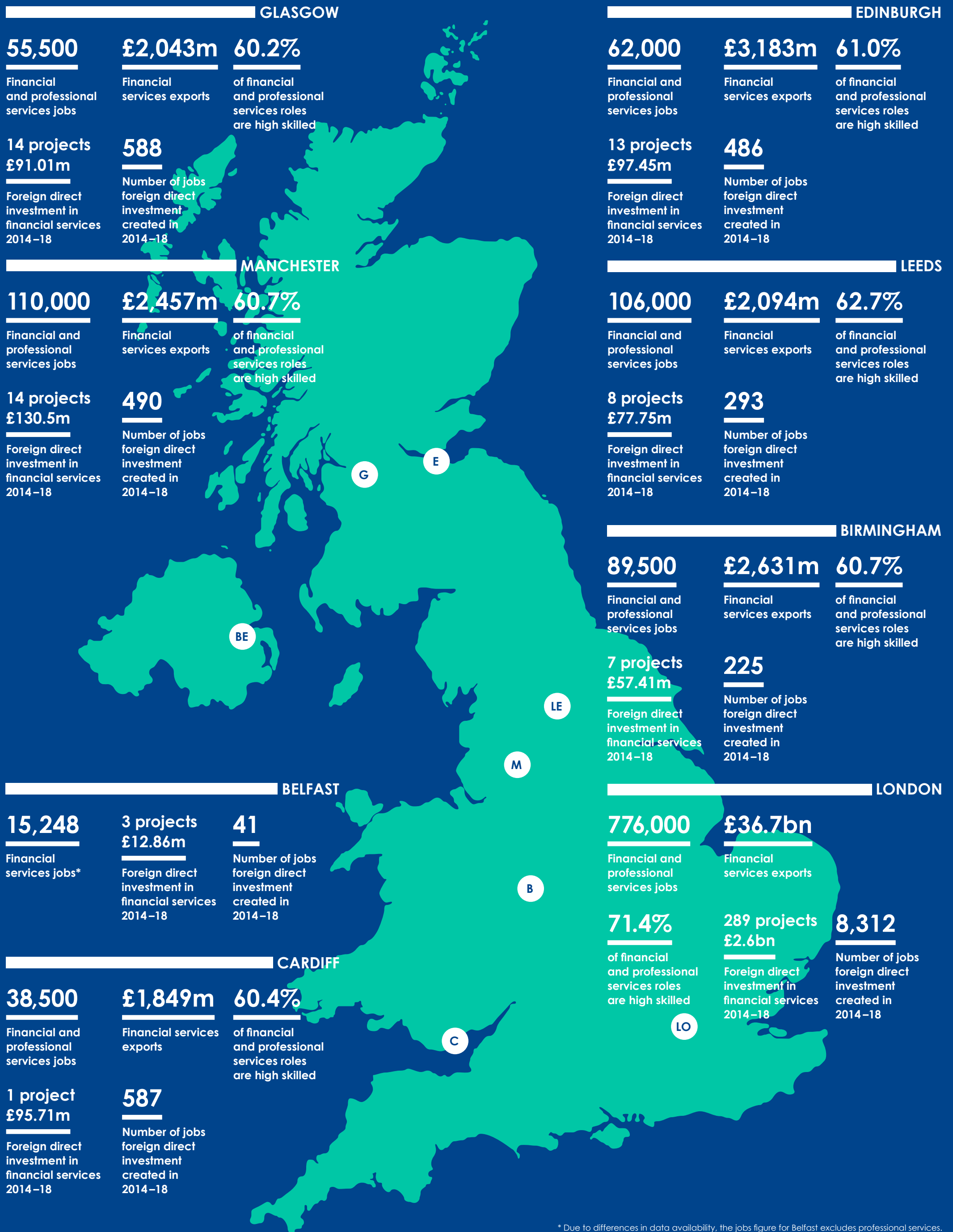
- Increasing foreign direct investment in financial services – from £930,000 in 2015 to £21.15m in 2018.

- Home to 30 national and international banks, the largest pool of banking talent outside of London, and the headquarters of three of the UK's top five largest building societies: Yorkshire, Leeds and Skipton.
- Over 200 legal firms, including major international firms like DLA Piper, Reed Smith, Eversheds, Squire Patton Boggs, Addleshaw Goddard and legal tech business Lexis Nexis.
- 150 accountancy firms are located in the city-region, including the 'Big Four'.

## Manchester

is a significant financial and professional services centre, with particular expertise in the areas of private banking, asset and wealth management, and law. The development of Spinningfields, the city's financial and professional services district, has attracted major players like Barclays, Royal Bank of Scotland and Deloitte.

- Fast-expanding legal sector, with law firms taking up a significant proportion of office floorspace in Manchester city centre.
- Home to 20 private equity firms, the largest hub outside London.
- Substantial general insurance cluster and increasing number of brokers, including Marsh and Swinton.
- Growing fintech ecosystem, with established expertise in payments, software, platforms, analytics and cyber security.



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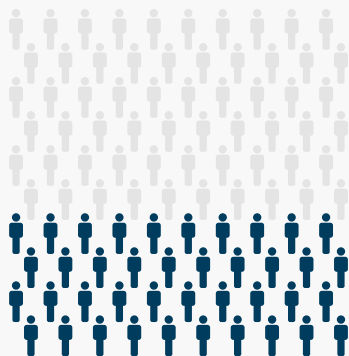
# The City of London attracts global talent

The City is a hub for global talent with

## 40%

of its workforce born abroad in 2017.

The share of international workers has been relatively stable over the last five years.



Most foreign City workers are from outside the European Economic Area (EEA),

## 25%

from outside the EEA



compared to

## 15%

from the EEA.

City workers born outside the UK come from across the globe. **France** and **Ireland** as well as **India**, **Australia**, **South Africa**, and the **United States** are countries that are most common.



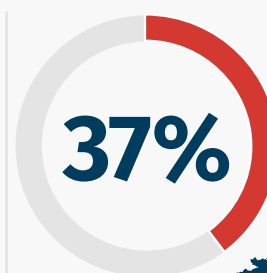
International workers in the City make up

## 43%

of workers in small firms and

## 36%

of workers in medium and large firms.



of international workers in the UK are based in London.



## 59%

of all international workers in London are educated to degree level, compared to 52% in the UK.



## 56%

for EEA nationals in London, compared to 46% in the UK.



## 60%

for those outside the EEA, compared to 57% in the UK.



Sources and notes: ONS user requested data, "Jobs in London, the City of London, and the Regions, by country of birth (UK, EEA and rest of world), broken down in various ways, 2004 to 2017", 2018.

Census 2011, Workplace population (focus on countries of birth represented with 5,000+ workers in the City.)

Workers from the European Economic Area (EEA) includes EU countries plus Iceland, Liechtenstein, and Norway – excluding the UK.

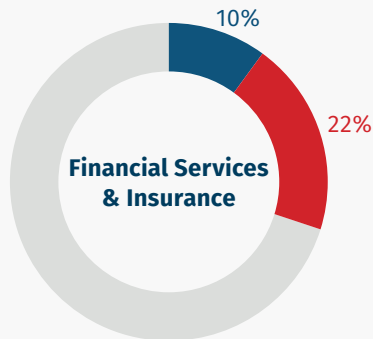
Small firms refers to firms with less than 50 employees, while medium and large are those with 50+.

# Global talent is key to City sectors



International workers are represented across City sectors, large – financial services & insurance – and small – construction.

■ UK ■ From EEA ■ From outside EEA



Financial services are more international than insurance, with



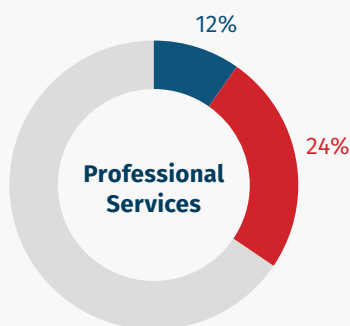
## 38%

compared to



## 16%

of workers born abroad.



Management consultancy is more international than legal services or accounting, with



## 41%

compared to



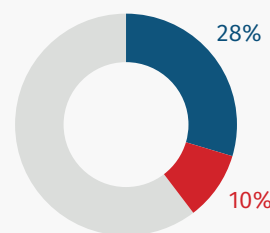
## 29%

of workers born abroad in both of these sectors.

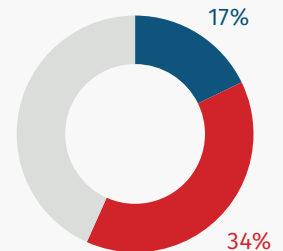
Many tech jobs are on the **UK's shortage occupation list** – including data scientists, cyber security specialists, senior software developers and specialists in computer animation.



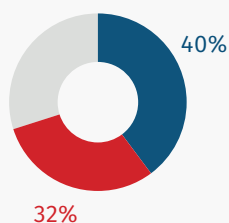
### Technology



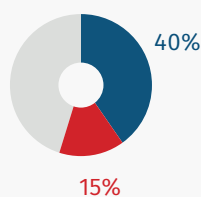
### Administrative and Support Services



### Accommodation & Food Services



### Construction



Some smaller City sectors employ an **exceptionally high share of international workers**, many from the EEA.



Source and notes: ONS user requested data, "Jobs in London, the City of London, and the Regions, by country of birth (UK, EEA and rest of world), broken down in various ways, 2004 to 2017", 2018.

The shortage occupation list forms part of the UK's immigration rules and has been published by the Home Office: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-k-shortage-occupation-list>.

<b>Committee</b> Public Relations and Economic Development Sub (Policy and Resources) Committee	<b>Dated:</b> 11 June 2019
<b>Subject:</b> Corporate Affairs Update	<b>Public</b>
<b>Report of:</b> Bob Roberts, Director of Communications	<b>For Information</b>
<b>Report author:</b> Jan Gokcen, Corporate Affairs Officer	

## Summary

This report provides a monthly update of the Corporate Affairs team's activities in supporting the City Corporation's strategic political engagement.

The Corporate Affairs team coordinates and organises the City Corporation's political engagement and seeks to support both Members and officers in its delivery, with a focus on the activity undertaken by the Policy Chair and Lord Mayor.

The activities documented in this report focus largely on those lead by the Corporate Affairs team. Activities undertaken in partnership with other teams and departments are also included and have been appropriately termed.

Each area of activity is linked back to the objectives outlined in the Communications Business Plan.

The timeframe of this report spans the period lapsed between the previous and current meetings of this Sub Committee.

## Recommendation

Members are asked to:

- Note this report.

## Main Report

### Strategic Objectives

1. To implement and oversee the Corporate Affairs team objectives as outlined in the Communications Business Plan.
2. Based on developments in the domestic political and economic landscape and in line with the City Corporation's corporate priorities, the Corporate Affairs Team has focused its activity in the following areas of engagement.

### Brexit

3. Following the extension to Article 50 granted by the European Union (EU) Council, the Corporate Affairs team:

- a. Continued to monitor latest political developments in the UK and EU following the UK and EU's agreement to extend to the UK's deadline for departure to 31 October;
  - b. Contributed to Brexit updates for the Policy Chair and Lord Mayor;
  - c. Identified and invited ministers, shadow ministers and other Members of Parliament to meetings with the Policy Chair to discuss issues of mutual interest, including, but not limited to, Brexit-related matters.
4. The above links to the following Business Plan objectives:
- a. To have coordinated political engagement activity across the organisation;
  - b. To remain relevant in the policy-making and political sphere.

### **London – Local engagement and London promotion**

5. The Corporate Affairs team seeks to develop and encourage the City Corporation's engagement with the rest of London beyond the Square Mile. To this end, the Corporate Affairs Team:
- a. Briefed and accompanied the Policy Chair on her visit to Sutton, where she met the Council Leader, Ruth Dombey;
  - b. Organised a roundtable discussion on how to improve freight movement across London, in partnership with the consultancy firm Sancroft and former Secretary of State for the Environment, Lord Deben;
  - c. Briefed the Policy Chair for the London Councils Leaders Committee annual general meeting; her meeting with the Leader of Barking and Dagenham Council, Councillor Darren Rodwell; and her attendance at the Crossrail High Level Forum, with input from the Department for Built Environment;
  - d. Drafted the Policy Chair's speaking remarks, and supported the briefing note for, the London Walking and Cycling Conference.
6. The above links to the following Business Plan objectives:
- a. To have coordinated political engagement activity across the organisation;
  - b. To remain relevant in the policy-making and political sphere;
  - c. To bring stakeholders together to discuss policy issues that affect them, and subsequently deliver on any desired outcome of that discussion.

### **Domestic Political Engagement**

7. A key aim of the political engagement organised and undertaken by the Corporate Affairs Team is to foster productive dialogue between the City Corporation and key political representatives and decision-makers in government – at local, regional and national levels. To this end, the City Corporation:



## **National Engagement**

- a. Drafted speaking remarks for the Policy Chair, and reviewed the Lord Mayor's speaking remarks, both given at City Corporation's Parliamentary Terrace Reception;
  - b. Assisted with the briefing for, and speeches by, the Lord Mayor ahead of the Business and Industry Dinner;
  - c. As part of the Policy Chair's upcoming visit to Cardiff, organised meetings with local Welsh politicians and industry figures;
8. The above links to the following Business Plan objectives:
  - a. To deliver clear, consistent and confident public messaging across the City Corporation;
  - b. To have coordinated political engagement activity across the organisation;
  - c. To remain relevant in the policy-making and political sphere;
  - d. To bring stakeholders together to discuss policy issues that affect them, and subsequently deliver on any desired outcome of that discussion.

## **International Engagement**

9. Where relevant, the Corporate Affairs team assists the City Corporation's overseas engagements, such as those undertaken by the Policy Chair and Lord Mayor. To this end, the Corporate Affairs team has:
  - a. Contributed to the briefing pack for the Policy Chair's trip to the United States;
  - b. Assisted with the briefing for, and speeches by, the Lord Mayor ahead of the Easter Banquet;
  - c. Drafted a speech given by the Policy Chair at an event with Chris Giancarlo, Chairman of the US Commodity Futures Trading Commission.
10. The above links to the following Business Plan objectives:
  - a. To deliver clear, consistent and confident public messaging across the City Corporation.

## **Think Tanks and Third-Party organisations**

11. As part of the City Corporation's engagement with think tanks and other external organisations, the Corporate Affairs team has:
  - a. Submitted an essay on behalf of Sir Roger Gifford, Chair of the Green Finance Initiative, on how Green Finance can help tackle climate change for the Social Market Foundation's collection of essays on sustainable finance and climate change;
  - b. Met with the Institute for Public Policy Research and Reform, where future workstreams and initiatives were discussed;
  - c. Discussed future events between the Strand Group (part of King's College London) and the City Corporation;

- d. Met with the Fabian Society to discuss their City Corporation sponsored research project, 'Using Arts and Culture to Enable Deprived Communities to Thrive';
- e. Arranged for the Policy Chair's participation to and respective briefing for a private dinner with Sir John Cunliffe, Deputy Governor of the Bank of England, at Chatham House;
- f. Briefed and provided the speaking remarks for the Policy Chair's participation in Chatham House's corporate event, 'Can British Services Survive Brexit?';
- g. Continued organising the 'Women in Security Conference', to be hosted at Guildhall.

12. The above links to the following Business Plan objectives:

- a. To bring stakeholders together to discuss policy issues that affect them, and subsequently deliver on any desired outcome of that discussion.

### **Party Conference**

13. In preparation of the City Corporation's annual programme at the major political party conferences, the Corporate Affairs team has:

- a. Liaised with think-tank partners – IPPR, Social Market Foundation, Centre for Policy Studies and Policy Exchange – Continued organising City Corporation events at Liberal Democrat, Labour, and Conservative party conferences respectively;
- b. Booked party conference passes for PRED Members who have confirmed their attendance.

14. The above links to the following Business Plan objectives:

- a. To remain relevant in the policy-making and political sphere;
- b. To bring stakeholders together to discuss policy issues that affect them, and subsequently deliver on any desired outcome of that discussion.

### **Priorities for the next quarter**

15. Priorities for the Corporate Affairs team over the next four months are:

- a. Organising the City Corporation's attendance and activities at the Autumn party conferences.
- b. Delivering on the second tranche of London Borough engagement for the Policy Chair.
- c. Continuing to effectively communicate **(a)** Brexit messaging and associated risks based on the political landscape and **(b)** the London Fundamentals messaging, to key political stakeholders
- d. Developing the role and scope of the new Sports Engagement Manager, who has now been appointed.

**Jan Gokcen**

Corporate Affairs Officer

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<b>Committee(s)</b>	<b>Dated:</b>
Public Relations and Economic Development Sub-Committee	11 June 2019
<b>Subject:</b> Parliamentary Team update	<b>Public</b>
<b>Report of:</b> Paul Double, City Remembrancer	<b>For Information</b>
<b>Report author:</b> Michael Comba, Parliamentary Officer	

## Summary

This report has been prepared to update Members on the main elements of the Parliamentary Team's activity in support of the City of London Corporation's political and parliamentary engagement. An oral update will be provided at the meeting on the Government's Brexit parliamentary programme.

This report is written with reference to the top line parliamentary objectives and deliverables of the Remembrancer's Office Departmental Business Plan 2019-20. For the Committee's reference, these are set out in the appendix.

This report spans the period since the last meeting of the Public Relations and Economic Development Sub Committee on 7 May.

## Recommendation

Members are asked to note the report.

## Main Report

### Brexit legislation (Objective 1)

1. The scale of objection to the content of the proposed Withdrawal Agreement (Implementation) Bill, including from some of her own Cabinet, precipitated Theresa May's announcement on 24 May of her intention to resign as Leader of the Conservative Party. Her resignation takes effect on 7 June, after which a leadership election will take place. She will remain as Prime Minister until that election is concluded. The fate of the Withdrawal Bill remains uncertain, but it is unlikely that it will be presented to Parliament in the near future.
2. The Office continues to monitor Brexit legislative developments. In addition, the Office will, in conjunction with other departments, continue to engage where legislation impacts on City Corporation and stakeholder interests.
3. European Parliamentary Elections were held on 23 May. The Brexit Party topped the poll with 32%, followed by the Lib Dems on 20%. The Conservatives came fifth on 9%, behind Labour and the Greens.

## **City Corporation legislation (Objective 2)**

4. Work on the refinements to the drafting of a Private Members Bill relating to air quality, following the approval of the intended provision by London Councils' Transport and Environment Committee on 21 March, is in hand. A parliamentary engagement plan is being prepared ahead of the Bill's anticipated introduction in the next parliamentary session.
5. Preparatory work on a private bill relating to the relocation of the City Corporation's markets continues, following the decision of the Court on 25 April. Initial contact has been made with relevant MPs and will be followed up in connection with the public consultation which is due to begin on 11 June.

## **Parliamentary inquiries (Objective 3)**

6. The Office responded to the following Committee inquiries, working with relevant teams across the City Corporation:
  - The Treasury Select Committee inquiry into the future of UK financial services. The City's written submission, drawn up in consultation with EDO, made a number of recommendations covering areas including UK-EU trade relations, international trade policy and skills;
  - The Environmental Audit Committee inquiry into invasive species. The submission, drafted in consultation with Open Spaces, was referenced in a subsequent oral evidence session and the Committee has followed up with an invitation for the City Corporation to give oral evidence.
  - The Environment, Food and Rural Affairs (EFRA) Select Committee inquiry into plastic food and drink packaging. The submission highlighted the progress of the Plastic Free City Initiative.
7. A report on the Policy Chair's recent visit to the US was also circulated to the relevant select committees and APPGs, with particular interest being shown by the International Trade Select Committee who are currently running an inquiry into the UK's trade in services.
8. The Lords debated the EU Sub-Committee on Energy and the Environment's report on Brexit and UK biosecurity, in which the City Corporation's submission was referenced, on 15 May. During debate, Committee Chairman Lord Teverson (Lib Dem) highlighted the Committee's recent visit to London Gateway port, hosted by the City Corporation, and the concerns raised there over post-Brexit staffing resources.
9. Peers also debated the EU Committee's report on Brexit and the movement of people in the cultural sector. Lord Bilimoria (Crossbench) referenced the City Corporation's submission and its concerns about the unsuitability of the non-EU visa regime for the cultural sector.

## **Responding to issues raised in Parliament (Objective 4)**

10. The Office provided briefing notes to relevant MPs ahead of the following debates:
  - UK policy towards China held by Leo Docherty (Con) on 7 May. The Office briefed Richard Graham (Con), Chair of the China APPG and Trade Envoy for Indonesia, ASEAN Economic Community, Philippines and Malaysia;
  - Negotiations on the UK leaving the EU during the extension period held by Julia Lopez (Con), on 22 May. The note covered the City Corporation's priorities for UK-EU trade relations, following discussions with Julia Lopez.
11. Contact was made with the following peers in advance of their parliamentary questions:
  - Lord Dubs (Lab), proposals to reduce the use of plastics, on 7 May;
  - Lord Fox (Lib Dem), people currently registered as undertaking Intermediate, Advanced, Higher and Degree apprenticeships, on 13 May;
  - Baroness Quin (Lab), Government discussions with the UK's creative industries about future access to European markets, on 15 May;
  - Lord Greaves (Lib Dem), eradicating Japanese knotweed, on 16 May;
  - Baroness Ludford (Lib Dem), preventing fraud perpetrated on bank customers, on 20 May.

## **Enhancing Parliamentary engagement (Objective 5)**

12. The Office arranged the annual Parliamentary Terrace Reception hosted formally by City MP Mark Field. A number of guests noted both the higher turnout and the high calibre of guests attending this year (including a number of senior Ministers and frontbenchers). The event continues to provide an opportunity for the City Corporation and City guests to engage with Parliamentarians on a cross-party basis and across both Houses.
13. Following correspondence concerning Brexit 'cliff-edge' risks, the Office has co-ordinated a meeting between the Policy Chair and Angus MacNeil (SNP), Chair of the International Trade Select Committee, to discuss financial services and port health.
14. Meetings between the following MPs and the Policy Chair are also being supported:
  - Chris Leslie, Change UK Treasury Spokesman, alongside trade association representatives to discuss Change UK's post-Brexit policy agenda and key priorities for the financial and professional services

sector. The Office will also support a meeting with Chuka Umunna, Change UK Spokesman, on 4 June.

15. The Office has co-ordinated the Lord Mayor's speaking engagement at the China APPG, on 10 June. This will cover the Lord Mayor's recent visit to China as part of the Overseas Visits Programme.
16. Office representatives attended a meeting of the China APPG on 13 May with the British Chambers of Commerce in Beijing to discuss their recent position paper on British firms in China.

### **GLA and the devolved institutions (Objective 6)**

17. Working with Open Spaces, the Office is preparing a submission to the GLA Environment Committee's inquiry into green spaces.
18. Florence Eshalomi (Lab), Chair of the Transport Committee, was briefed on the installation of the City's rapid electric vehicle charging points.

### **Key priorities over the next month**

19. Work will continue in support of the markets' relocation programme and the introduction of a private bill, and in respect of the Private Members Bill relating to air quality bill.
20. Meetings are being arranged between the Policy Chair and the following MPs:
  - Wes Streeting (Lab), member of the Treasury Select Committee and Chair of the APPG on Wholesale Finance, to discuss the work of the APPG and opportunities for further engagement;
  - Yvette Cooper (Lab), Chair of the Home Affairs Select Committee, to discuss the UK immigration system, particularly the City Corporation's recent visa research;
  - Tom Tugendhat (Con), Chair of the Foreign Affairs Select Committee, to discuss the Committee's ongoing inquiry into Global Britain and the City Corporation's international engagement programme. A meeting is also being arranged with Alec Shelbrooke, Conservative Vice-Chair (International), on the same subject.
21. Progress of the following relevant legislation, and their next parliamentary stages, is awaited:
  - Financial Services (Implementation of Legislation) Bill (Commons' Report Stage);
  - Immigration and Social Security Co-ordination (EU Withdrawal) Bill (Commons' Report Stage);
  - Trade Bill (Commons consideration of Lords' amendments).

*29 May 2019*

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### **Appendix One: Parliamentary Team Objectives**

1. Propose amendments or new clauses to Brexit-related legislation to reflect City Corporation views and report on the progress of such legislation to Members.
2. Draft and secure the passage through Parliament of City Corporation legislation, with a particular focus on securing legislation on relocating the City's markets and gaining support for the provisions included in a Private Members Bill on air quality.
3. Make submissions to Parliamentary committee inquiries into relevant City Corporation issues in collaboration with the Economic Development Office and other departments.
4. Respond to any issues or concerns raised in Parliament in either debates or tabled questions through briefing relevant MPs and Peers.
5. Enhance Parliamentary engagement through direct contact with members of both Houses on key issues and with relevant All-Party Parliamentary Groups (APPGs).
6. Enhance engagement with the Greater London Assembly (GLA) and the devolved institutions on matters of interest to the City through briefings and submissions to relevant inquiries.



<b>Committee(s)</b>	<b>Dated:</b>
Audit and Risk Management Committee Public Relations and Economic Development Sub Committee	7 May 2019 11 June 2019
<b>Subject:</b> CR10: Adverse Political Developments	<b>Public</b>
<b>Report of:</b> Remembrancer	<b>For Information</b>
<b>Report author:</b> Paul Double, City Remembrancer	

## Summary

Corporate Risk CR10 relates to political developments that might damage the future status and functioning of the City Corporation. This report provides an update to Members on the risk, and the steps being taken to mitigate the risk.

## Recommendation

Members are invited to note the report.

## Main Report

### Background

1. The City Remembrancer is responsible for Corporate Risk 10 (CR10) – adverse political developments undermining the effectiveness of the City of London Corporation. Adverse political developments may arise from causes from specific financial services issues to local government proposals, or may stem from general political hostility.
2. Current political issues or events that could give rise to adverse developments include the consequences for the financial sector of the referendum on the UK's membership of the EU and the growing possibility of a general election before the due date of 5 May 2022.
3. This report provides Members with an update of recent activity to mitigate risk.

### Current risk status

4. The risk status is currently amber. In reviewing this status, the effect of a number of political developments has been considered. These include the impact of the Brexit negotiations; issues about the way some parts of the financial sector operate; and wider party political developments at a national level. The Green Party is currently the only national party to be committed to the abolition of the City Corporation. In the result it is proposed that the risk status be maintained at amber.

## Current activity

5. Government legislation is examined and, where required to meet the City's needs or concerns, drafting issues are pursued with officials. Amendments to Bills are tabled as necessary in either House. Frequent contributions are made to the proceedings of the Commons' and Lords' Select Committees and regular briefings for debates are provided to MPs and Peers. This activity has two key purposes: to advocate policies and proposals reflecting the City Corporation's strategic outcomes and to engage at an early stage of the policy-making process. These steps help to mitigate the risk of adverse political developments.
6. Priority has been given to work on the Bills forming part of preparations for Brexit. These include the EU (Withdrawal) Act 2018, the Trade Bill, the Financial Services (Implementation of Legislation) Bill, the Agriculture Bill, the Immigration and Social Security Co-ordination (EU Withdrawal) Bill and the Taxation (Cross-Border Trade) Act 2018.
7. In addition to work on the above, the Office's legislative activity over the previous 12 months has included scrutiny of, and briefings on the Automated and Electric Vehicles Act 2018, the Offensive Weapons Bill, the Data Protection Act 2018, and the Counter-Terrorism and Border Security Act 2019.
8. The Office has also drafted provisions in a planned Emissions Reduction (Local Authorities in London) Bill to give local authorities powers to reduce emissions from combustion plant (boilers, generators, non-road mobile machinery and combined heat and power plant) and to increase the fine for the stationary idling of a vehicle. The proposals have been approved by London Councils and it is envisaged they will be introduced as a private member's Bill in the next parliamentary session. Provisions which may form the basis of future City Corporation promoted legislation on markets are under examination, with a view to the deposit of a Bill in November 2020.
9. The wide-ranging work of the Corporation has been evidenced through submissions to a number of select committee inquiries, including those on Global Britain, Women in Finance, Movement of People: Sports and Culture, the 25-Year Environment Plan, Trade with Australia and New Zealand, Post-Brexit UK-EU Relations, Economic Crime, the Bribery Act 2010, digital currencies, Brexit and Financial Services, Brexit and Scottish Trade, Modern Slavery, Trade with India, Trade with Latin America, Post-Brexit Food Safety, UK Trade in Services, and Road Safety.
10. In liaison with the Corporate Affairs team, and working closely with Departments across the Corporation, the Office has maintained an active programme of engagement with MPs and peers through briefings on City matters of interest to the City including Brexit 'cliff edge' risks for both financial and professional services and port health, international trade, air quality, immigration, skills, higher education, culture and green finance. The Office has also arranged a series of meetings for the Policy Chair, focusing predominantly on Brexit, with Select Committee Chairs, party groupings, senior backbenchers and MPs with a significant financial services employment in their constituency.
11. The Office has maintained its engagement with the GLA, briefing officers and Members of the London Assembly on matters of interest to the City, including

the Plastic Free City initiative, the Bank on Safety scheme, 'no deal' Brexit risks to UK financial services, cooperation between the City of London Police and the Metropolitan Police, electric vehicle charging infrastructure, air pollution, and Culture Mile and the proposed Centre for Music. Evidence has been submitted to several consultations, including on the Mayoral Economic Development Strategy and the Mayoral Culture Strategy.

12. The Office also seeks to mitigate the corporate risk more generally by promoting the work of the City Corporation in supporting broader interests. These include cultural activities, open spaces, policing, housing and education. Regular contact is maintained with those who advise on and influence policy both at a national and at a local level, designed to ensure that the City's perspective is understood and acknowledged as early as possible in the policy development process. The Office works with the Economic Development Office, the Communications team and Mansion House, and with other departments depending on the nature of the issue.

## **Conclusion**

13. Members are asked to note the actions taken and activities under way to mitigate Corporate Risk 10.

Paul Double  
City Remembrancer

## REM – Corporate Risk 10

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<div>CR10 Adverse Political Developments</div> <div>Page 28</div> <div>22-Sep-2014 Paul Double</div>	<p><b>Cause:</b> Policy issues that may compromise the City’s operation as an international financial marketplace to which the City Corporation’s functions are aligned; other financial services issues that make the City Corporation vulnerable to political criticism; local government proposals that call into question the justification for the separate administration of the Square Mile; overarching political hostility.</p> <p><b>Event:</b> Changes in international relationships particularly those with the EU; reputational questions related to financial institutions; local government changes in London; increase in political hostility to the Corporation.</p> <p><b>Impact:</b> Damage to the City's ability to put its case nationally and internationally and to the City’s standing as a dedicated international financial marketplace. The City of London Corporation would be compromised if the City's position as a world-leading financial and professional services centre were undermined. Loss of City Corporation functions as a result of adverse attitudes towards the Corporation.</p>	<div>Likelihood</div> <div></div> <div>Impact</div> <div></div>	8	<p>Constant attention is given to the form of legislation affecting the City Corporation and the broader City, and any remedial action pursued. Making known the work of the City Corporation in the financial sphere among opinion formers, particularly in Parliament and central Government, is also part of the apparatus by which the City's voice is heard and by which the Corporation is seen to be "doing a good job" for London and the nation for a crucial sector of the economy; the foremost consideration at the present time is the continuing uncertainty in relation to Brexit. The same approach is replicated in respect of professional services; the digital economy; arts and culture; and other activities undertaken by the City Corporation.</p> <p>01 Apr 2019</p>	<div>Likelihood</div> <div></div> <div>Impact</div> <div></div>	8	31-Mar-2020	<div></div> <div>Constant</div>

Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
CR10a monitoring legislation	Monitoring of Government legislation and proposed regulatory changes.	Relevant Bills in the Government's legislative programme will be identified and City Corporation departments alerted to issues of potential significance as the measures are introduced in the new Session. Action taken through negotiation with departmental officials or amendments tabled in Parliament as required. The legislative consequences of Britain leaving the EU as they may affect the Corporation and the City more generally as an international financial centre is a key priority.	Paul Double	01-Apr-2019	31-Mar-2020
CR10b Provision of information	Provision of information to Parliament and Government on issues of importance to the City.	Briefing has been provided for parliamentary debates including on Brexit, air quality, immigration, housing, planning, the creative industry, trade and investment, apprenticeships, economic crime, Fintech and broadband.	Paul Double	01-Apr-2019	31-Mar-2020
CR10c Stakeholder engagement	Engagement with key opinion informers in Parliament and elsewhere. Programme of work to monitor and respond to issues affecting the reputation of the City Corporation.	Liaison with the City's MP and other MPs, Peers and Select Committee of both Houses on matters of importance to the City, including increased engagement on Brexit-related issues. Working with other organisations, including the Financial Markets Law Committee, to analyse the legal framework when an outcome on Brexit is agreed. Continuing engagement on devolution in London and liaison with London Councils and Central London Forward on the application of devolution to the London boroughs and the City, either directly from Central Government or the Mayor.	Paul Double	01-Apr-2019	31-Mar-2020

<b>Committee(s):</b> Public Relations and Economic Development Sub-Committee – for decision Policy and Resources Committee – for decision	<b>Date:</b> 11 June 2019  4 July 2019
<b>Subject:</b> New policy for commercial filming at City of London Corporation's buildings and open spaces	<b>Public</b>
<b>Report of:</b> Bob Roberts - Director of Communications	<b>For Decision</b>
<b>Report author:</b> James Waller – Film Consultant	

## Summary

This paper seeks approval for a new City of London Corporation policy for commercial filming at its buildings and open spaces.

We propose that the 27 buildings and open spaces that are suitable for filming would be promoted using a reputable and established location agency that would liaise directly with the local staff at each location. Great care would be taken to ensure that the reputation and profile of the City is preserved and not placed at risk by the type of film or TV programme being allowed to film.

76% of London boroughs promote filming in a similar way to the City Corporation and use the income generated to invest back into the boroughs.

A more detailed report carried out on City Corporation's filming assets is attached as Appendix 1.

## Recommendation

Members of the Public Relations and Economic Development Sub Committee are asked to recommend to the Policy and Resources Committee that:

- The City of London Corporation's policy for commercial filming at its buildings and open spaces be approved.

## Main Report

### Background

1. The UK film industry is booming and has been growing steadily over the last two decades. Inward investment films generated approximately £1.25bn in 2017, the highest figure since records began. The City of London Film Office (COLFO) was created in 1998 with the aim of providing a one stop shop to assist film makers to film in the City of London and on City of London Corporation land and properties.

### Current Position

2. The City Corporation manages filming across the public streets of the square mile including its city gardens and five bridges. In addition to this it manages 11,000

acres of open space and three large wholesale markets. It has two housing estates in the City and 10 other estates situated in six other London boroughs. Amongst other locations, the City Corporation looks after several schools, the Old Bailey, Mansion House, Guildhall, the London Metropolitan Archives and the Heathrow Animal Reception Centre. The City Surveyors department manages the City Corporation's property portfolio and markets its empty office space.

3. The COLFO levels of staff have remained the same over the last 17 years.
4. A number of open spaces and buildings are not aware that COLFO has a comprehensive filming contract and so use alternatives such as letting contracts and event agreements. Failing to use the filming contract places the City Corporation in jeopardy should a legal dispute take place.
5. As no corporate wide guidance for filming charges exists, a number of similar locations set vastly different rates for productions to film and the film and TV industry find this difficult to understand and problematic when budgeting.
6. When film and TV productions are seeking locations, often their first port of call will be the established location agencies who provide them with a folio of locations for each request. The City Corporation's buildings and open spaces are not registered with any location agencies and so opportunities are missed.

## **Options**

7. Two options for promoting the City Corporation's buildings and open spaces have been examined and they are detailed below together with the estimated financial outcomes:
  - I. Retain current systems and procedures.  
This option requires no changes and so there are no cost implications apart from lost opportunity costs. Expected income over the next three years is estimated to be £1.59m.
  - II. Engage a reputable and established location agency to promote and market the 27 corporation buildings and open spaces.  
This option does require changes to processes and procedures but there are not any costs associated with the implementation. There are costs associated with future income though as a location agency commission of 25% is deducted from income generated. Expected income after 25% commission over the next three years is estimated to be £1.74m which is £151,543 more than Option 1.

**This report is recommending Option 2.**

## **Proposals**

8. It is proposed that the corporation engage a reputable and established location agency to promote and market all the corporation's locations. The reasons for proposing the second option and further details are as follows:

- I. Whilst it is anticipated that more income can be generated by promoting the corporation's buildings and open spaces, it is not guaranteed. Using a location agency means that no incremental costs are incurred and that the 25% agency fee is only incurred when income is generated.
- II. It is expected that income growth from filming will be far greater using an established location agency than could be achieved by the corporation attempting to promote the locations itself. We will seek to negotiate the agency fees to the lowest possible level. We will also look during the procurement process to see if it is possible to pay a lower rate for existing levels of business and a greater rate for incremental income.
- III. To promote the corporation's buildings and open spaces will require that each is visited, photographed and for buildings, floor plans and asbestos reports made available. The cost of photographing 22 locations and managing the distribution of plans and reports will be met by the chosen location agency.
- IV. The reputable and established location agencies provide their location folio service to all the 350 Location Managers working in the UK. Making professionally taken photographs and floor plans of the corporation's buildings and open spaces available via an agency should increase their use by film and TV productions and so generate incremental income.
- V. Currently the City Corporation enters into a legal contract with every film or TV production that uses a City Corporation location and the cost of this administration and the legal risk is borne by the City Corporation. Using a location agency means that the City Corporation has one annual contract with them. All film and TV productions filming at City Corporation locations would then negotiate contracts directly with the agency.
- VI. The 27 buildings and open spaces each have local contacts to facilitate filming and their knowledge and support is very important in enabling filming to go ahead without affecting day to day business. It is proposed that this model remain unaffected and that the established local contacts retain their responsibilities for facilitating filming.
- VII. After internal discussions Senior Officers have rejected a proposal that income from filming at the 27 locations be retained by them to supplement local budgets. Instead, the income will be used to create a fund that departments can apply to for funding improvement projects.

## **Corporate & Strategic Implications**

9. The proposed strategy would be informed by and fully support the Filming Protocol Strategic Guidelines (Appendix 6).

## **Implications**

### **10. Security implications**

The way that filming is managed at each location by local contacts would not change and so the level of risk to security remains unchanged and low in nature. We will continue to ensure that the police are made aware of any on-street filming that may raise security concerns.

11. Financial implications

Using a location agency means that no incremental costs are incurred and that the 25% agency fee is only incurred when income is generated. It is expected that income growth from filming will far greater using an established location agency than could be achieved by the corporation attempting to promote the locations itself.

12. Public sector equality duty

There would be no affect or impact on public sector equality.

13. Resourcing implications

Currently the COLFO team receive enquiries for all 27 locations. They deal directly with Guildhall, Mansion House, Billingsgate, Tower Bridge and Old Bailey, but for open spaces and schools they attempt to pass the enquiry to the local contact. Having a location agency to manage enquiries for the 27 locations would remove this responsibility from the team leaving them more time to manage day to day business.

**Conclusion**

14. Members are asked to approve the proposed City of London Corporation's policy for commercial filming at its buildings and open spaces so that the City Corporation grows the levels of income from film and TV productions using its buildings and open spaces by simplifying the processes and procedures and standardising the legal contracts that are agreed for each filming event. Furthermore, that the promotion of buildings and open spaces is undertaken by a reputable and established location agency.

**Appendices**

- Appendix 1 – Film Consultants report.
- Appendix 2 – List of buildings and open spaces that would be promoted for use by film and TV productions.
- Appendix 3 – Financial model showing three-year income for Option 1 - Retain current systems and procedures.
- Appendix 4 - Financial model showing three-year income for Option 2 - Engage a reputable and established location agency to promote and market all the corporation's buildings and open spaces.
- Appendix 5 – Process chart showing how location enquiries for the 27 locations would be managed.
- Appendix 6 - Filming Protocol Strategic Guidelines.

**James Waller**

Film Consultant to the Communications Team

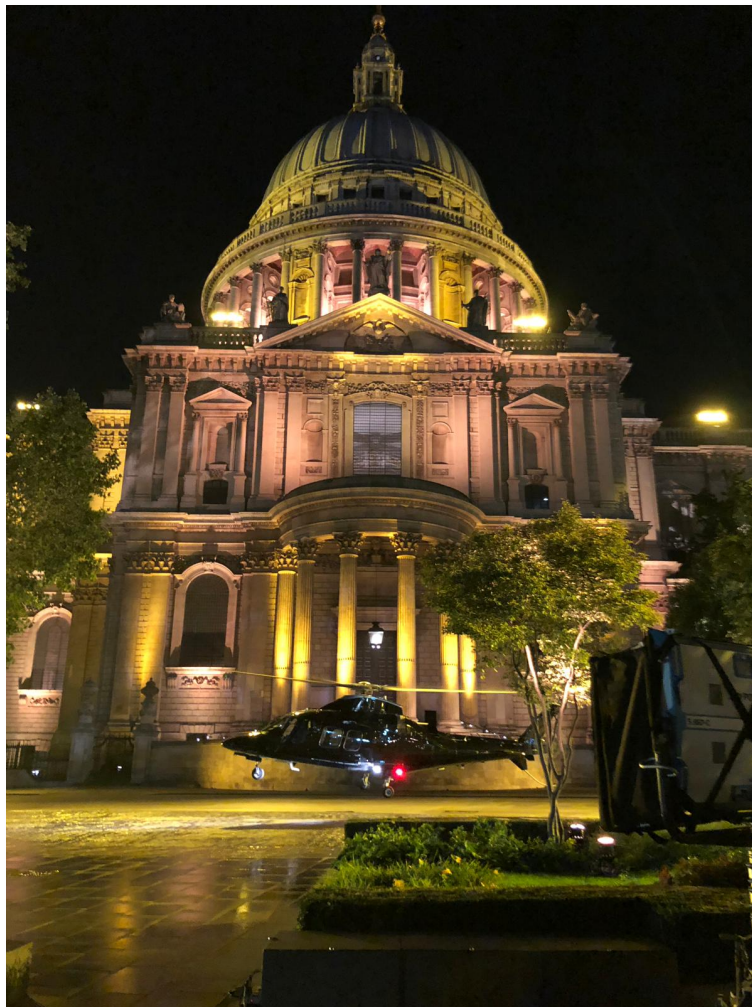
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# RELLAW

## Film Consultants report for The City of London Corporation.



*September 2018: Filming Hobbs & Shaw at St Paul's Cathedral*

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## Executive summary

This report sets out a strategy for commercial filming for the City of London Corporation's buildings and open spaces. The vision for this strategy is that the corporation grows the levels of income from film and TV productions using its buildings and open spaces by simplifying the processes and procedures and standardising the legal contracts that are agreed for each filming event. Furthermore, that the corporation promotes its buildings and open spaces via an established and reputable location agency.

It is estimated that over the next three years an additional £151,543 of income can be generated by taking this approach.

76% of London boroughs promote filming in a similar way and use the income generated to invest back into the boroughs.

The primary 27 buildings and open spaces that are suitable for filming would be promoted by selecting a reputable and established location agency that would liaise directly with the local staff at each location. The agency chosen would take great care to ensure that the reputation and profile of the City is preserved and not placed at risk by the type of film or TV programme being allowed to film.

## Background

### Tax relief

Since 2007 the UK Film Tax Relief has encouraged productions into the country – with blockbusters including *The Bourne Ultimatum*, *Gravity*, *The Dark Knight Rises*, *The Martian*, *Fast & Furious 6* and *Star Wars: The Force Awakens* all making use of the UK's world-class industry.

Tax reliefs announced in 2013 and 2014 offer the same benefits to high-end television, animation for broadcast, and video games. In 2015 the film tax relief was broadened, and reliefs for children's television made more accessible.

### Industry growth.

Due to the tax relief, the UK film and TV industry is booming and has been growing steadily over the last two decades. 2018 saw 202 feature films go into production with an interim total spend of £1.924 billion, the second highest recorded level of production spend on record.

2018 has seen a further boost in high-end television productions made in the UK with an interim spend of £1.173 billion across 119 productions, an increase of 4% on 2017's consolidated spend of £1.13 billion and also the highest level of spend since the introduction of tax relief.

The commercial and cultural strength of the UK's production sector is grounded in international confidence in the excellence of UK crews, the quality of the UK's state-of-the-art studios and facilities, our film-friendly locations, the expertise provided by the British Film Commission which is funded to deliver on inward investment and the attractive fiscal environment created by the Government's screen sector tax reliefs. This winning combination continues to cement the UK's reputation as the global destination of choice for film and TV production as well as making exportable films and television programmes.

#### Film locations

From iconic landmarks to seemingly indistinct woodland, London's range of locations is rivalled by none and although London is often used to represent itself, it has also been put to good use as a double for other parts of the world such as the US, Russia and many European countries.

Film London estimate that 70% of film and TV production takes place in and around London and the demand for suitable locations has never been greater.

#### Location agencies

Location agencies generate income by representing multiple locations and managing relations on their behalf with film and TV productions. They promote the locations that they represent via sophisticated web-based marketing tools and by offering search facilities to productions looking for specific locations. Most agencies take payment from productions in advance and so this protects owners from late or non-payment of location fees.

#### Filming days

During 2018, it is estimated that productions filmed on location for more than 15,000 days which means over 40 crews on location in London every day.

#### Income to local economy

Feature films shot on location in London made £168 million for the capital in a year. The study, commissioned by Film London, found for filmmakers spending £10,000 a day on council fees, an extra £27,600 was generated for the local economy.

TV dramas shot in London also boosted council coffers by £5,300 per filming day in 2017, the report by BOP Consulting found. For every pound spent on local authority charges, such as admin fees and logistical costs, including road closures for feature

film-making, an additional £2.76 was generated, including £1.79 spent in or with local businesses, the report found.

#### London boroughs

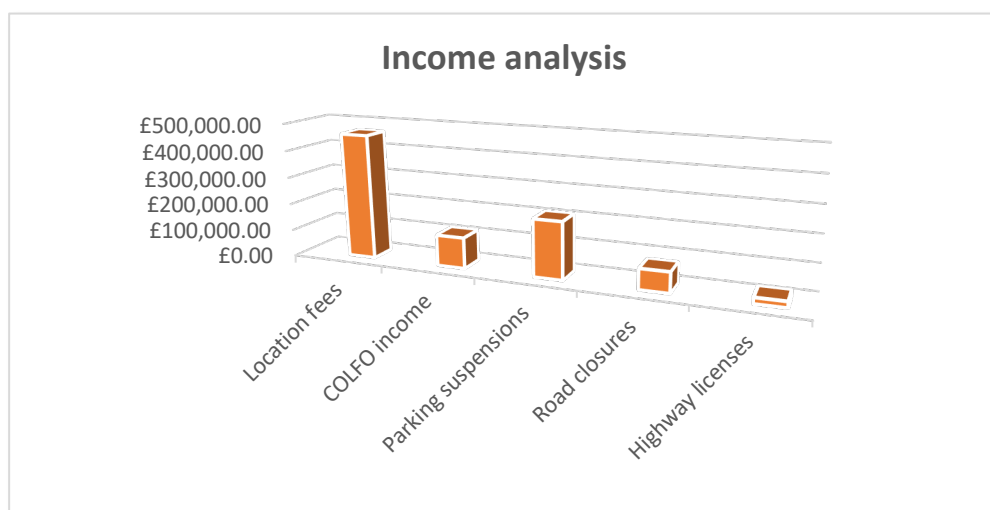
All 32 London boroughs and the City of London derive income from film and TV productions by charging for services such road closures, parking bay suspensions and licensing fees.

In addition, 25 boroughs also promote council owned buildings and open spaces to film and TV productions and charge a daily rate for their use. The income generated is then invested back into the boroughs.

#### City of London

The City Corporation manages filming across the public streets of the square mile including its city gardens and five bridges. In addition to this it manages 11,000 acres of open space and three large wholesale markets. It has two housing estates in the City and 10 other estates situated in six other London boroughs. Amongst other locations, the Corporation looks after several schools, the Old Bailey, Mansion House, Guildhall, the London Metropolitan Archives and the Heathrow Animal Reception Centre. The City Surveyors department manages the Corporation's property portfolio and markets its empty office space.

Total income to the City from filming during 2018 was £880,667 and breakdown of proceeds can be seen below



The City Corporation does not actively promote its buildings and open spaces to film and TV productions and instead relies on them to make their own enquiries. When film and TV productions are seeking locations, often their first port of call will be the established location agencies who provide them with a folio of locations for each request. 25 of the corporation's 27 buildings and open spaces are not registered with any location agencies and so opportunities are missed.

## Project methodology

Working closely with the City of London Film Office (COLFO), 34 City Corporation owned buildings and open spaces were identified that had either been used for filming in the past, or were considered to have the potential as film locations:

Old Bailey	Parliament Hill Fields
Mansion House	Golders Hill Park & Pergola
Guildhall	Keats House
Barbican Art Centre	Epping Forrest
Barbican Estate	Burnham Beeches
Avondale Estate	Queens Park
Golden Lane Estate	Highgate Woods
Middlesex Street Estate	City of London Cemetery
Leadenhall Market	Monument
Chartered Inst Insurers	City of London School Girls
Billingsgate Market	City of London School Boys
Smithfield Market	Guildhall School of Music & Drama
New Spitalfields Market	Freeman's School
Heathrow Animal Recep	Sir John Cass School
Tower Bridge	Walbrook Wharf
Hampstead Lido & City Ponds	London Metropolitan Archive
Hampstead Heath, body of the Heath	Barking Power Station

Over a three-month period (November 2018 until February 2019) 33 locations were visited to establish their suitability for filming. The City of London Cemetery was not visited as it was quickly established that due to the number of funerals taking place each week, filming would not be possible. During each visit a questionnaire was completed to establish if filming would be possible without disrupting day to day business.

Following the site visits, five locations were identified as being out of scope for filming because of operational reasons or that the site was not suitable for film and TV productions:

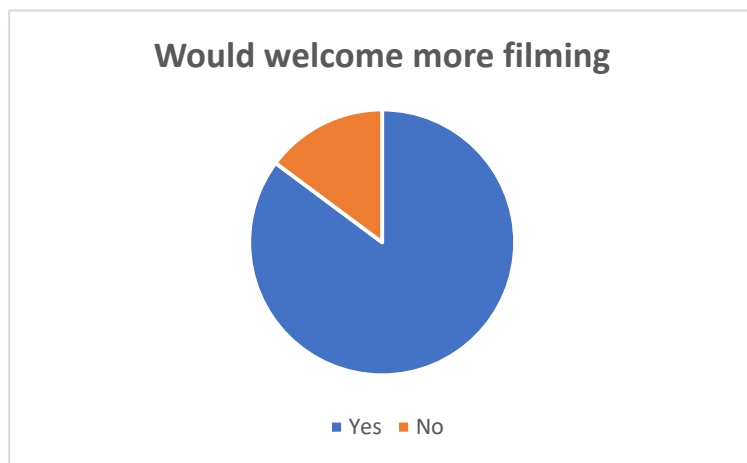
Highgate Woods	Keats House
Walbrook Wharf	London Metropolitan Archive
Heathrow Animal Recep	

## Findings

Data from the questionnaires for the remaining 27 locations that remained in scope can be seen below:

Would the location welcome more filming and the associated income?

88% of the buildings and open spaces had recent experience of filming and would welcome the opportunity to promote their location.



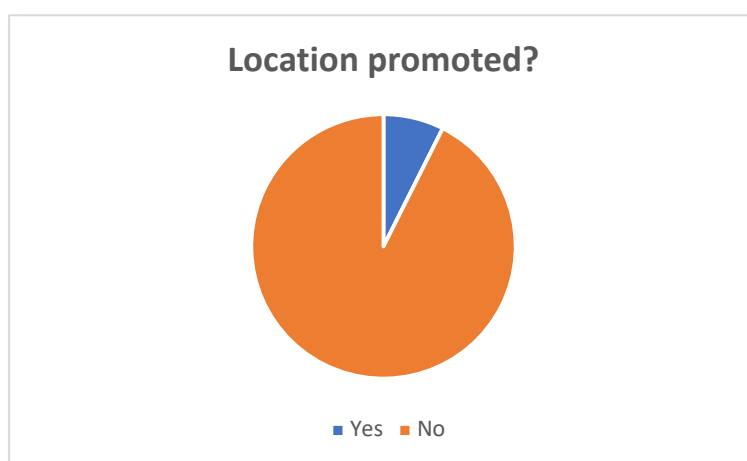
Four locations would prefer not to increase levels of filming:

Barbican Estate                      Middlesex Street Estate  
Golden Lane Estate                  Hampstead Lido and City Ponds

All four cited objections from local residents and resident's associations as the key difficulty.

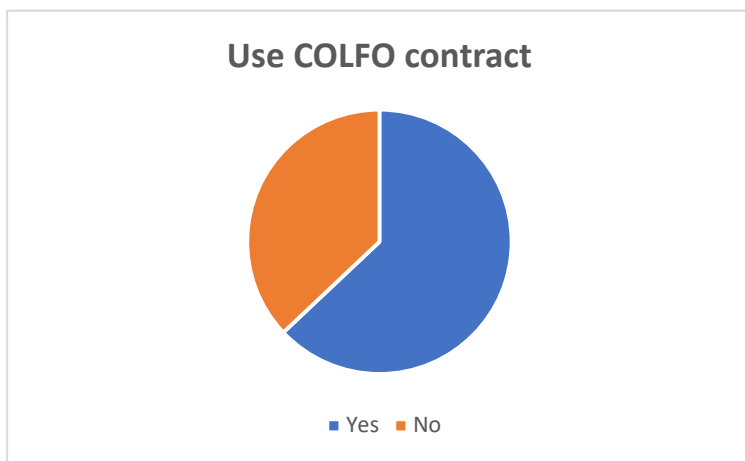
Is the location promoted to the film and TV industry?

Only two locations (Freemen's School and Sir John Cass School) are currently promoted and this is done via Surrey Film Office and Tower Hamlets Film Office respectively.



### City of London Corporation Filming Contract

A number of buildings and open spaces are not aware that COLFO has a comprehensive filming contract and so use alternatives such as letting contracts and event agreements. Failing to use the filming contract places the corporation in jeopardy should a legal dispute take place.



### Filming charges

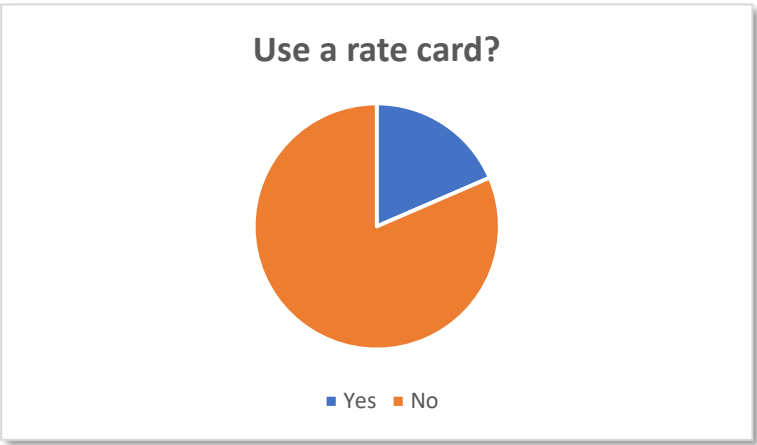
The film and TV industry are used to a tiered system of charges for filming at locations with larger productions paying more than smaller ones. See 'rate card' example below from Royal Parks:

FEATURE, TV DRAMA & COMMERCIAL (Includes but not exclusive to; corporate films, commercial virals and luxury brand fashion photography)						
	St James's Park, The Green Park, Hyde Park, Kensington Gardens, The Regent's Park, Grosvenor Square, Victoria Tower Gardens, Primrose Hill, Brompton Cemetery			Greenwich Park, Richmond Park, Bushy Park		
CAST AND CREW	Up to 4 hours	Up to 8 hours	Up to 12 hours	Up to 4 hours	Up to 8 hours	Up to 12 hours
1 – 20	£1,000 +VAT	£1,500 +VAT	£2,000 +VAT	£730 +VAT	£1,100 +VAT	£1,450 +VAT
21 – 40	£1,700 +VAT	£2,200 +VAT	£3,500 +VAT	£1,250 +VAT	£1,600 +VAT	£2,550 +VAT
41 – 60	£2,500 +VAT	£3,900 +VAT	£5,300 +VAT	£1,800 +VAT	£2,800 +VAT	£3,800 +VAT
60+	By negotiation only					

Currently, the COLFO team negotiate fees on a case by case basis using their experience and and by judging the scale of the production.

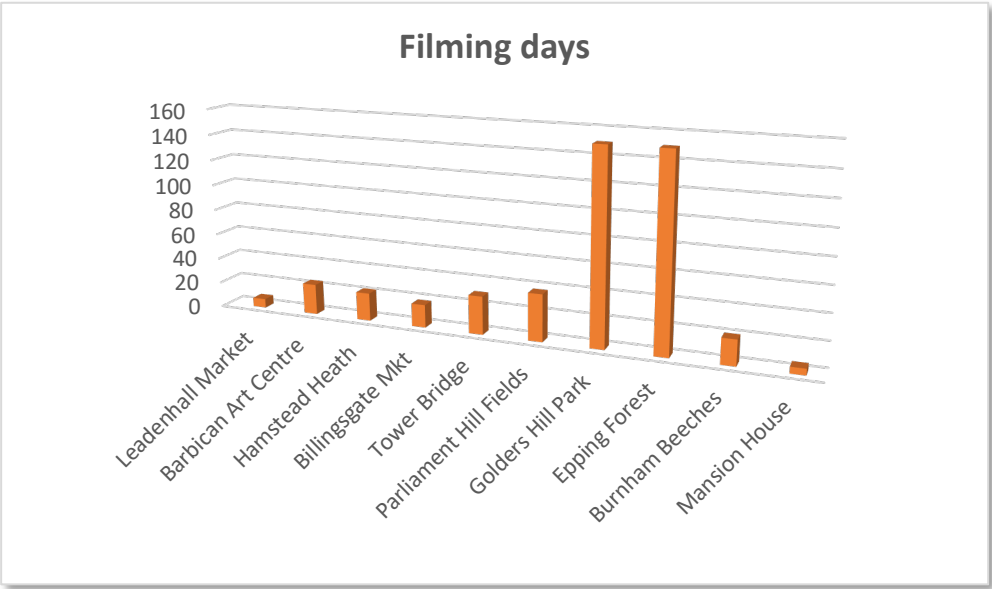


Only five locations have a rudimentary rate card with the remainder negotiating a rate with each production in turn.



Filming days

Overall filming days during 2018 from film and TV productions using the 27 Corporation locations was 741. The top ten locations generated 62% of the total and they can be seen below in more detail:



### Income

Overall income during 2018 from film and TV productions using the 27 City Corporation locations was £466,194.

1	Old Bailey	£2,000
2	Mansion House	£35,000
3	Guildhall	£400
4	Barbican Art Centre	£73,794
5	Barbican Estate	£0
6	Avondale Estate	£2,300
7	Golden Lane	£4,825
8	Middlesex Street Estate	£16,750
9	Leadenhall Market	£7,300
10	Chartered Inst Insurers	£0
11	Billingsgate Market	£61,325
12	Smithfield Market	£0
13	New Spitalfields Market	£0
14	Tower Bridge	£29,550
15	Hampstead Lido & City Ponds	£0
16	Hampstead Heath, body of the Heath	£0
17	Parliament Hill Fields	£31,000
18	Golders Hill Park & Pergola	£70,000
19	Epping Forrest	£41,200
20	Burnham Beeches	£55,000
21	Queens Park	£1,500
22	City of London School Girls	£8,250
23	City of London School Boys	£14,000
24	Guildhall School of Music & Drama	£0
25	Freeman's School	£8,500
26	Sir John Cass School	£3,500
27	Barking Power Station*	£0
* Only available for 9 - 12 months		
		<b>£466,194</b>

The top ten locations generated 93% of the total income and they can be seen below in more detail:



## Conclusions

The UK's reputation as the global destination of choice for film and TV production means that London continues to benefit from the huge demand for both locations to film and studio space. The City in particular has always been popular with productions because of the architecture and its unique weekday working pattern.

The current level of filming income to the City Corporation is significant and over 50% is derived from making its buildings and open spaces available as locations.

However, a much greater level of income could be generated by promoting its locations effectively to film and TV productions, adopting a clear and transparent rate card structure and ensuring a consistent approach to legal contracts.

## Recommendations

This report makes the following recommendations.

That:

1. The City Corporation promotes its 27 primary buildings and open spaces via an established and reputable location agency.
2. The City Corporation retain the remaining 41 other locations as they are rarely used for filming and the income is de minimis.
3. The agency selected be a member of the London Filming Partnership to ensure compliance with the Film London Code of Practice.
4. The income derived from filming at locations be distributed back to the buildings and open spaces to ensure their continued support and cooperation.
5. The City Protocol Strategic Guidelines be maintained.
6. The local staff at each building and open space remain involved in filming at their location.

### Benefits

1. Whilst it is anticipated that more income can be generated by promoting the City Corporation's buildings and open spaces, it is not guaranteed. Using a location agency means that no incremental costs are incurred and that the 25% agency fee is only incurred when income is generated.
2. It is expected that income growth from filming will be far greater using an established location agency than could be achieved by the City Corporation attempting to promote the locations itself.
3. To promote the City Corporation's buildings and open spaces will require that each is visited, photographed and for buildings, floor plans and asbestos reports made available. The cost of photographing 27 locations and managing the distribution of plans and reports will be met by the chosen location agency.
4. The established and reputable location agencies provide their location folio service to all the 350 Location Managers working in the UK. Making professionally taken photographs and floor plans of the City Corporation's buildings and open spaces available via an agency should increase their use by film and TV productions and so generate incremental income.
5. Currently the City Corporation enters into a legal contract with every film or TV production that uses a Corporation location and the cost of this administration and the legal risk is borne by the Corporation. Using a location agency means that the Corporation has one annual contract with them. All film and TV productions filming at Corporation locations would then negotiate contracts directly with the agency.

### Financial benefits

It is estimated that over the next three years an additional £151,543 of income can be generated by promoting the City Corporation's buildings and open spaces via a location agency.

The figure has been calculated by comparing income levels for the next three years between the current business model and that recommended in this report.

Current business model income forecast.

	2019/20	2020/21	2021/22	
Current model	2%	2%	2%	TOTAL
Current total locations income	£466,194.00	£490,292.88	£514,873.74	£1,471,360.62
Income from Barking Power Stn	£50,000	0	0	£50,000
Plus growth for locations	£9,323.88	£9,805.86	£10,297.47	£29,427.21
Plus COLFO admin fees	£14,775.00	£14,775.00	£14,775.00	£44,325.00
Locations Total	£540,292.88	£514,873.74	£539,946.21	£1,595,112.83

## Location agency income forecast.

		2019/20	2020/21	2021/22	
Promote via Locations Agency	Growth:	40%	15%	10%	TOTAL
Current total locations income		£466,194.00	£652,671.60	£750,572.34	£1,869,437.94
Income from Barking Power Stn		£100,000.00	0	0	£100,000.00
Plus growth for locations		£186,477.60	£97,900.74	£75,057.23	£359,435.57
<b>Locations Total</b>		<b>£752,671.60</b>	<b>£750,572.34</b>	<b>£825,629.57</b>	<b>£2,328,873.51</b>
Agency fees @	25%	£188,167.90	£187,643.09	£206,407.39	£582,218.38
<b>Net total</b>		<b>£564,503.70</b>	<b>£562,929.26</b>	<b>£619,222.18</b>	<b>£1,746,655.14</b>

## Q&A

**Q:** Could the City Corporation promote its buildings and open spaces instead of a location agency?

**A:** The established location agencies each represent thousands of buildings and so are often the first port of call when film and TV productions are looking for locations. They use sophisticated web-based marketing tools that allow productions to search for locations using multiple search criteria.

The agencies also employ experienced staff who will carry out large scale searches on behalf of productions and provide folios of suitable locations.

It would be prohibitively expensive for the City Corporation to invest in the staff and technology to offer a comparable service.

The main problem however, would be that such a service would only offer 68 locations (27 primary and 41 secondary) and so would not attract adequate enquires.

**Q:** Can the 25% agency commission be reduced?

**A:** 25% is the average location agency level of commission. It is entirely possible that a rigorous procurement process in selecting an agency could reduce the level of agency commission.

**Q:** Are all location agencies the same?

**A:** In simple terms, all the agencies find and provide locations in return for a commission paid for by the location owner.

Film London lists 28 location agencies that specialise in London locations. Of the 28 though, only a handful would have the financial resources and ability to scale that would be required when taking on 27 buildings and open spaces at once.

## **Risks and mitigation**

### **1. Reputational risk.**

With film and TV productions being managed by a location agency rather than the City Corporation, there is a risk that the footage broadcast could portray the City negatively or associate the City with disreputable activities.

This risk can be mitigated by ensuring that the City Filming Protocol Strategic Guidelines are incorporated into the contract between the City Corporation and a location agency.

### **2. Financial risk.**

There is a risk that a location agency could mis-manage the promotion of the City Corporation's buildings and open spaces resulting in reduction in income from filming activities.

This risk can be mitigated by ensuring that during the tender process managed by Procurement, the agencies bidding are provided with historical income figures and asked to provide detailed income forecasts. When an agency is chosen and appointed, the contract between them and the City Corporations, should include a clause requiring them to report actual income versus forecast income on a monthly basis. The contract should also contain a clause giving the City Corporation the right to cancel the contract at its discretion should income forecasts not be met.

### **3. Impact on day to day business.**

A reputable and established location agency will promote the City Corporation's buildings and open spaces to the UK and international film and TV industry. There is a risk that the promotion generates a level of filming activity that begins to affect day to day business for the location.

This risk can be mitigated by ensuring that the contract between the location agency and the City Corporation contains a clause that allows the Corporation to refuse filming at its discretion.

### **4. Financial security of the location agency.**

There is a risk that the location agency chosen fails to promote the City Corporation's building and open spaces affectively due to financial stress leading to potential insolvency.

This risk can be mitigated by ensuring that the tender process requires the location agencies bidding to demonstrate their financial stability and capital reserves. The COLFO team should also have prepared a disaster recovery plan in advance of a location agency being appointed. The plan would include all measures required to quickly and seamlessly take back the promotion and management of the City Corporations buildings and open spaces.

### **5. Filming booked by location agency but declined by the location**

It is possible that a film or TV production could book a location for filming with the location agency, but on being notified the location itself wishes to decline the booking.

This risk can be mitigated by ensuring that all buildings and open spaces are notified of bookings by the location agency in a timely manner. Also, that the processes and procedures agreed between the City Corporation and the location agency include the ability for COLFO to adjudicate in circumstances where the location agency and the location fail to agree on whether to accept a booking.

#### **6. Filming production overruns.**

It is not unusual due to weather, actor availability or local conditions for productions to overrun. In such circumstances, the production will often ask to film later than agreed or to return at a later date to complete the filming.

This risk cannot be mitigated by the City Corporation. However, overruns occur regularly and an established reputable location agency will have standard procedures for managing them and liaising with the respective location.

#### **7. Health and safety.**

There is a risk with film and TV productions that an incident will occur during filming that will cause injury or death to a member of the cast or crew.

This risk cannot be mitigated by the City Corporation. However, in comparison with other industry sectors the film and TV industry has an excellent health and safety track record. It is also important to understand that the legal responsibility and liability for health and safety rests with the Executive Producers and not with the location owner.

#### **8. Centralisation of income.**

There is a risk that if income that is currently retained by the 27 locations is centralised and so not retained by them to supplement local budgets, their continued support and cooperation could be lost.

This risk can be mitigated by creating a fund from the income generated that departments can apply to for funding improvement projects.

## Appendices

List of primary and secondary locations



Primary and  
secondary City

Royal Parks rate card



Royal Parks  
filming\_and\_photo

City Filming Protocol Strategic Guidelines



Filming protocol  
strategic

Film London Code of Practice

[Link](#)

Film London LFP membership list

[Link](#)

Film London listing of location agencies



Film London  
location agencies

COLFO income breakdown 2018/19



April Accounts  
Calculator Graph

COLFO income breakdown 2004 – 2018



April Accounts  
Calculator



## **Locations suitable for film and TV productions**

**Old Bailey**

**Mansion House**

**Guildhall**

**Barbican Art Centre**

**Barbican Estate**

**Avondale Estate**

**Golden Lane**

**Middlesex Street Estate**

**Leadenhall Market**

**Chartered Inst Insurers**

**Billingsgate Market**

**Smithfield Market**

**New Spitalfields Market**

**Tower Bridge**

**Hampstead Lido & City Ponds**

**Hampstead Heath, body of the Heath**

**Parliament Hill Fields**

**Golders Hill Park & Pergola**

**Epping Forrest**

**Burnham Beeches**

**Queens Park**

**City of London School Girls**

**City of London School Boys**

**Guildhall School of Music & Drama**

**Freeman's School**

**Sir John Cass School**

**Barking Power Station**     \* Only available for 9 - 12 months

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**Retain current systems and procedures**

	2019/20	2020/21	2021/22	
Current model	2%	2%	2%	TOTAL
Current total locations income	£466,194.00	£490,292.88	£514,873.74	£1,471,360.62
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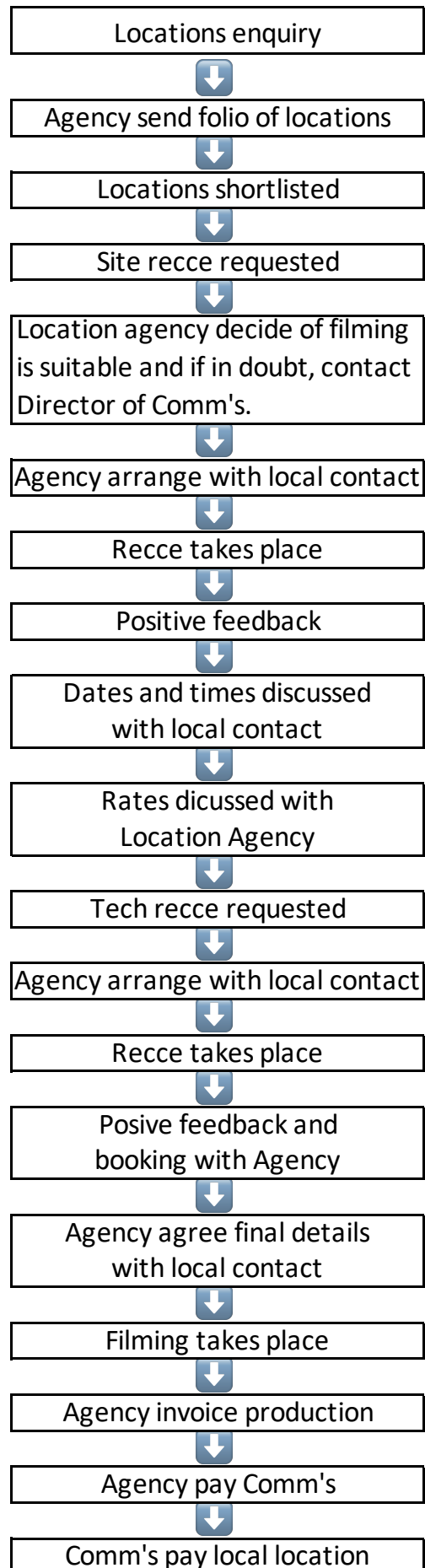
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**Location Agency manage all locations**

	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	
<b>Promote via Locations Agen Growth:</b>	<b>40%</b>	<b>15%</b>	<b>10%</b>	<b>TOTAL</b>
Current total locations income	£466,194.00	£652,671.60	£750,572.34	£1,869,437.94
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## Process chart for locations agency model



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### **Filming protocol strategic guidelines**

1. As guidelines, we propose to support and facilitate productions that meets the following criteria:
  - Enhances the reputation of the City of London as a vibrant and thriving City in a diverse and sustainable capital
  - Generates income for the City of London Corporation
  - Contributes to a flourishing society and supports local communities
  - Inspires enterprise, excellence, creativity and collaboration
2. As guidelines, will not support and facilitate a production which:
  - Damage the reputation of the City of London
  - Is disproportionately disruptive to residents, workers, visitors and business
  - Requires a disproportionate amount of time and commitment to facilitate it safely and successfully
  - Disrupt the traffic network to a significant degree
  - Undermines our corporate aim that people are safe and feel safe (for example filming of a car explosion, terror attacks or bombings could cause unnecessary fear or alarm.
3. Barring exceptional circumstances, and at the discretion of the Director of Communications, this would usually mean one major production would be permitted to film on the public highway in the City at a time as more would cause disproportionate disruption.
4. If we were asked to support or facilitate any filming on the street outside these guidelines or which would cause excessive disruption, the Director of Communications would seek the approval of the PR & ED Sub Committee.

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<b>Committee:</b>	<b>Date:</b>
Public Relations and Economic Development Sub Committee	11 June 2019
<b>Subject:</b> Enhancing Sport Engagement – Progress Update	<b>Public</b>
<b>Report of:</b> Director of Communications	<b>For Information</b>
<b>Report author:</b> Sam Hutchings, Sport Engagement Manager	

## Summary

This report provides an update on progress being made in taking forward the City of London Corporation's new approach towards sport engagement, as requested by Members of this Sub Committee at the end of last year.

Since Members agreed to fund a new post to support this work, a consultant has been working on a part-time basis to seek out upcoming sport engagement opportunities, as well as building links with key partner organisations involved in organising major sport events. The full-time permanent position has now been filled and the new Sport Engagement Manager will start in the role on 10<sup>th</sup> June.

Since the last update report in March, partnership and engagement opportunities have continued to be taken forward and these are detailed in this report.

## Recommendations

That, Members note the contents of this report

## Main Report

### Background

1. At the end of last year, Members of this Sub Committee agreed a new process for supporting the City of London Corporation's enhanced approach towards sport engagement and that funding should be allocated to the Town Clerk's budget from April 2019 to cover the additional costs of a new post to oversee this work. These proposals were subsequently endorsed by the Resource Allocation Sub Committee and the Policy and Resources Committee. In addition, this Sub Committee's Terms of Reference have also been updated to incorporate its responsibility for overseeing sport engagement matters.
2. Since December, a consultant has been employed on a part-time basis to seek out sport engagement opportunities for the City of London Corporation to pursue as

part of its enhanced approach. The focus has been around opportunities to support Major Sport Events taking place in London and the UK over the next few years, and specifically engaging with key partners to explore ways of working together to promote this agenda. A Sport Engagement Manager for the City Corporation has now been appointed and starts on 10<sup>th</sup> June. Given the full-time commitment of this role, the remit of the work will widen to reflect this.

## **Major Sport Events**

3. Plans are still underway to celebrate major sport events taking place in London this year, specifically the Cricket World Cup and the inaugural Major League Baseball event. Owing to the nature of these tournaments and the number of organisations involved in running them, arrangements are continually evolving. However, the current position is as follows:
  - Cricket World Cup 2019 (30 May – 14 July 2019): Guildhall has already played host to a number of operational events for the Cricket World Cup, including the Host City Workshop and Digital Workshop. Both were a huge success. It was also used as the backdrop for the launch of the Cricket World Cup charity campaign in association with UNICEF. Discussions are also underway with the International Cricket Council (ICC) on plans to celebrate during the tournament, with a possible event at Tower Bridge involving the winning team to take place after the final. Through this engagement, City schools and academies have been offered bespoke cricket coaching opportunities as well as World Cup celebration packs. The English Cricket Board (ECB) are also keen to continue a dialogue on shared legacy objectives after the summer, which include plans for public facility improvements across London, school coaching and promoting the diversity opportunities in cricket and sport generally.
  - Major League Baseball (29/30 June 2019): The first ever Major League Baseball (MLB) game to take place in the UK will occur on the evening of 29<sup>th</sup> June at the London Stadium. Prior to this game, a high-level business event is being hosted by the Lord Mayor at Mansion House to bring together key US stakeholders alongside senior officials from the MLB to discuss business and investment opportunities. It is anticipated that the Greater London Authority (GLA) and London & Partners (L&P) will be also be represented at this event.
  - European Football Championships 2020 (12 June – 12 July 2020): Officers are working closely with the Mayor of London's office to help co-ordinate the celebrations for next year's football championships, which will see London host a number of group games along with the Semi-Final and Final. Plans for this tournament are still being considered and regular meetings have been set up with the Mayor's office to discuss the City of London's involvement. This is likely to incorporate the City's visitor and cultural offer, as well as its hosting provision. Following on from the Euros it is hoped that Wembley Stadium will play host to the Champions League Final and the City Corporation could support a bid through some form of hospitality provision.

## Partner Engagement

4. A fundamental part of the City Corporation's new sport engagement approach is to engage more positively and pro-actively with key partners involved in delivering and overseeing sport activities. Through this engagement the City Corporation will be able to seek out new opportunities to take forward its corporate aims and also enhance recognition for its role in supporting sport. Recent partner engagement includes:
- GLA / L&P – as part of an enhanced dialogue between the City Corporation and the GLA and L&P, regular meetings are taking place between officers to discuss opportunities for upcoming Major Sport Events in London. The Mayor is often responsible for delivering these events and, as the City Corporation is now a strategic partner in support of his new Major Sport Event strategy, it is expected to play a more active role in supporting preparations. The next quarterly meeting is due to take place in September;
  - UK Sport – as the government agency responsible for delivering British sporting success, UK Sport is keen to work closely with the City Corporation on upcoming international relations programmes and initiatives. The newly appointed Chief Executive of Chief Executive, Sally Munday, is keen to work with the City Corporation on shared objectives, having previously been CEO of England Hockey. Current ideas for joint working include an event to launch a Government research report on the 'Soft Power' influence of sport later this summer.;
  - UK Active – as the membership body that promotes the fitness and physical activity industry, UK Active has indicated it would be very keen to work with the City Corporation on plans to celebrate National Fitness Day in Guildhall Yard again this year. National Fitness Day will take place on 25<sup>th</sup> September and the Yard has been booked for this occasion. Current thinking is that the day will be separated into three parts to include a media launch in the morning, school participation in the afternoon and a business team competition in the afternoon;
  - London Youth Games – Members may be aware that the London Youth Games recently secured a new corporate backer – Nike – as part of its efforts to enhance revenue. However, since then there has been a change of management and its Chief Executive departed and consequently discussions on potential future support for the Games have stalled. However, it is expected that these will resume once a new permanent CEO has been appointed;
  - London Sport – initial informal discussions have taken place with London Sport about shared objectives to help enhance sport technology opportunities in London and also enable the Capital to become one of the most physically active cities in the world; and
  - UK Athletics – in view of the close relationship that already exists between Hampstead Heath and UK athletics, options are being explored to help celebrate various competitions including the 'Night of 10kpbs' running event that takes place each year on Parliament Hill athletics track. In 2020 the event

will be used to determine qualification for Team GB athletes in the Tokyo Olympic Games.

## **Conclusion**

5. As this report demonstrates, a great deal of work has already been undertaken in order to ensure the City of London's new sport engagement approach is a success. Many key partner organisations involved in sport promotion are keen to engage with the City Corporation to take forward this approach. There are also a number of Major Sport Event opportunities for the City Corporation to support and it is anticipated that this will only increase as the future schedule develops.

**Sam Hutchings**

**Sports Engagement Manager**

Town Clerk's Department

E: [sam.hutchings@cityoflondon.gov.uk](mailto:sam.hutchings@cityoflondon.gov.uk)

<b>Committee(s)</b>	<b>Dated:</b>
Policy & Resources Committee – for decision	06/06/2019
Public Relations and Economic Development sub-committee – for information	11/06/2019
Property Investment Board – for decision	12/06/2019
Planning & Transportation Committee – for decision	18/06/2019
<b>Subject:</b> MIPIM property conference 2019/2020	<b>Public</b>
<b>Report of:</b> The City Surveyor / Director of the Built Environment	<b>For Information</b>

## Summary

This report informs your Committees of the City of London Corporation's activities at the MIPIM property exhibition in March 2019 and seeks approval for City of London Corporation attendance at MIPIM 2020. This report also identifies potential areas to develop to maximise the benefit of the City Corporation's attendance at MIPIM 2020.

MIPIM provided an opportunity to engage with local and international representatives of the property industry together with high-level representatives of other international and UK cities and regions. It provided a unique opportunity to engage in the debate relating to key issues and demonstrate how the City Corporation will provide leadership in taking forward matters of local and international importance. The programme of activities was extremely well received by delegates attending.

Key activities from MIPIM 2019 included:

- Promote the City and London;
- Relationship building with UK/international cities and regions;
- Launch of the *Locate, Create, Innovate: London in a changing world* research report;
- A pre-MIPIM research launch event hosted by the City Property Association and related media interviews to generate publicity on the research report before MIPIM;
- A City-hosted dinner with high-level guests;
- An evening reception hosted jointly with the City Property Association and the London Chamber of Commerce;
- Meetings with high-level representatives of property companies and stakeholders active in the Square Mile;
- Participation in panel sessions involving the Chair of Policy and Resources Committee, the Chairman of Planning & Transportation Committee and the Director of the Built Environment;
- Production of a new promotional video for the City stand;
- Significant media coverage in international, national, local and trade publications.

The cost of representation at MIPIM 2018 was below the approved budget of £94,000 totalling £90,596.00.

### **Recommendations**

- That the Public Relations and Economic Development Sub Committee note this report on MIPIM 2019;
- That the Policy & Resources, Planning & Transportation Committees, and the Property Investment Board, approve that the City of London Corporation should attend MIPIM 2020 with a total budget of £92,000 to be funded via the Central Communications Director budget (£5K), Planning & Transportation Committee budget (£11,250.00), the Property Investment Board (£21,750.00), and from the CPAT budget (£54,000.00.)

### **Main Report**

#### **Background**

1. MIPIM is widely recognised as the world's leading and most influential event for the property sector. It is a global marketplace that offers the opportunity to connect with key players in the industry, from investors to end-users and local government to international corporations. This year 28,000 delegates attended from 100 countries.
2. The focus of The City Corporation's attendance at MIPIM 2019 centred on the following headline objectives:
  - a. Promoting the City to the domestic and international property investment market, incorporating the key messages from this year's research theme: *Locate, Create, Innovate: London in a changing world*;
  - b. Managing relationships with and extending hospitality to new and existing investors, developers and influencers;
  - c. Positioning the City as a thought leader in property and place making;
  - d. Supporting the London stand and related organisations including: London Councils, London First and London Chamber of Commerce;
  - e. Building relationships with UK cities and regions to support the development of the Regional Strategy.
3. The City Corporation representatives attending MIPIM 2019 were the Chair of Policy and Resources Committee, Chairman of Planning and Transportation Committee, Deputy Chairman of the Property Investment Board in addition to the City Surveyor, Director of the Built Environment and the Director of the Investment Property Group. The senior team were supported by three representatives from the City Property Advisory Team and one officer from the Communication's team.

#### **City Corporation events and speeches:**

4. The City Corporation jointly hosted a seminar with the City Property Association (CPA) to launch *Locate, Create, Innovate: London in a changing world* – based on [research](#) undertaken by the City Corporation's research team. The seminar was



chaired by the Chair of Policy & Resources Committee. The seminar examined the ways in which technology is becoming a major driver of change with far-reaching consequences particularly for financial services, law and insurance sectors. The report also picked up on the themes of collaboration and consolidation in terms of work spaces becoming drivers of innovation and efficiency.

5. The Head of Research in the Economic Development Office was flown over for 24 hours to present the findings of this report at the seminar. The cost of flights and accommodation were covered by the City Property Association.
6. A pre-MIPIM launch of the research was hosted by the CPA with the Deputy Chairman of Planning and Transportation Committee providing the keynote address at an event in the City.
7. In addition to the seminar, the Chair of Policy and Resources also participated in five other sessions. The Chair was invited to participate on a panel in the main MIPIM conference programme as part of the "*Post-Brexit investment strategies*" session. The Chair hosted a seminar on the Department for International Trade (DIT) stand titled "*Integrated UK: How London and the regions have built a global financial centre*" together with representatives of Leeds, Cardiff and Birmingham. In addition, the Chair also sat on a panel as part of a City Property Association session titled "*The London HQ City*" the keynote opening panel session opening the London Stand programme on "*Knowledge Economy*" and a panel on the main London Stand programme titled "*Cultural Infrastructure*".
8. The Chairman of the Planning & Transportation Committee participated in a specific panel session hosted on the London Stand entitled "*City of London: A place for people*" which looked at what the City Corporation is doing to create a positive environment for City workers through improvements to amenities and the public realm.
9. The Director of the Built Environment was invited to sit on the Digital Connectivity panel session which examined the importance of digital connectivity and whether London is investing enough into its infrastructure.
10. One City dinner and one evening reception was held during MIPIM 2019. The City dinner was hosted for 6 high level guests and a joint evening reception was hosted in conjunction with the CPA and the London Chamber of Commerce where 156 delegates attended. The evening was funded in partnership with the London Chamber of Commerce (LCCI) and the City Property Association (CPA). Delegates from across the property sector attended the event. The event provided considerable opportunities to make new contacts and develop existing relationships.
11. The Chair of Policy and Resources participated in a programme specifically designed to engage with UK and European cities to promote new contacts and enhance relationships and support development of the Regional Strategy. A focussed engagement programme with the UK regional cities and regions included: Belfast, Manchester, Birmingham, Scotland, Leeds and Cardiff. The Chair also met

with senior level representatives from Paris and Berlin. The meetings were felt to be a valuable opportunity to establish / reinforce relationships in these key areas.

## **Meetings**

12. Programmed meetings were held with 19 developers and investors actively investing in London. The meetings were wide ranging focussing on the general investment market and emerging strategies and policies being promoted in the emerging local plan and transport strategy. In addition, there were several un-programmed meetings relating to inquiries that MIPIM provides an opportunity to engage in.

## **City Stand**

13. The design of the City stand was revamped this year with an open “lounge” style meeting area alongside the City model and a more traditional enclosed meeting room. The new layout received positive feedback and it was decided that the one remaining office should also be replaced next year with a further open plan discussion area. The stand design incorporated a new film jointly commissioned by CPAT and the City Property Association that highlights key elements of the City’s economy and built environment which showcases many of the vibrant new developments recently completed in the City as well as future opportunities and developing strategies such as Culture Mile.

## **Media campaign and coverage:**

14. Media consultants FTI Consulting provided support for the City’s attendance of MIPIM, working closely with the Communications Officer, as part of its year-round engagement to support development of key messages relating to initiatives being delivered by the Department of the Built Environment. Key messages were delivered through a co-ordinated campaign which commenced in the week prior to MIPIM when briefings were undertaken with international, national, local and trade media. The campaign picked up on key City messages which aligned closely with the research launched the week before MIPIM *“Locate, Create, Innovate: London in a changing world”*.
15. The campaign secured much greater coverage than in previous years including articles in: Construction News, The Times, Architect’s Journal, Estates Gazette, Property Week, MIPIM News, The Evening Standard, City AM, CoStar, Building Magazine, Nikkei Real Estate Market Report, Financial News, Malay Mail, 24 Matins, Le Monde, Commercial Observer, Property EU, Bisnow and Relocate Global. A complementary social media campaign was launched on Twitter.
16. A new prospectus, *“The City of London: The Original Connected City”* was created to highlight the City’s interconnectedness in terms of transport, the gigabit city, property, leisure and culture.

## **MIPIM 2020**

17. The MIPIM 2019 programme provided an opportunity to fully engage with local and international representatives of the property industry together with high level representatives of other London boroughs and UK cities. It provided a unique opportunity to engage in the debate relating to key issues and demonstrate how the City Corporation will provide leadership in taking forward matters of local and international importance. The programme of activities was extremely well received by those who attended. Due to the value derived from the programme, it is considered that there will be similar/better opportunities to develop a programme that would be beneficial to the City Corporation's attendance at MIPIM 2020.
18. There are areas where further thought will be given to ensure the value of the City Corporation's attendance at MIPIM 2020 is maximised to support strategic priorities whilst ensuring best value. This will include ensuring the Regional Strategy is further developed to demonstrate the City has a clear and focussed agenda for working with the key cities. Exploring opportunities to more coherently promote key messages for London as part of the London Stand and looking at opportunities to reduce costs relating to travel and accommodation which vary considerably in price from year to year.

### **MIPIM Team**

19. As with last year it is not intended to hold meeting relating to individual development which can be done in London. The programme will be focussed on strategic engagement both in terms of identifying opportunities to support the promotion of London and the City and through engagement with those investors looking to invest in London. The proposed team to attend MIPIM will specifically support the delivery of the tailored programme and provide the necessary support to ensure all aspects run smoothly. The proposed team to attend MIPIM 2020 is : The Chair of the Policy & Resources Committee, the Chair of the Planning & Transportation Committee and the Chair of the Property Investment Board (or representative) who will be accompanied by the Director of the Built Environment, the City Surveyor, the Investment Property Director and the CPAT Team Manager. To ensure the smooth running of the event, two members of the CPAT team and one member of the Communications team will also be in attendance.

### **MIPIM Expenditure**

20. The total spend for MIPIM 2019 was £90,596 which was £8,601 less than spent at MIPIM 2018 (£99,197) and £3,404 less than the approved budget of £94,000 (which included a £3,000 contingency). The reduced cost was as a result of reducing the team by one person, the CPA paying for the cost of the hiring an auditorium to host the research launch and the CPA and London Chamber of Commerce making an increased contribution to the cost of hosting the evening reception. The costs of hotels and flights remain volatile and vary from year to year which in 2019 saw hotel prices increasing significantly. It is hoped that the cost of accommodation can be reduced for 2020 by looking at accommodation still within walking distance but slightly further away from the main trade show.

21. The City Property Association is happy to support the delivery of joint research to be launched at MIPIM 2020 and it is anticipated that as with 2019 they would pay any costs relating to the launch of the research at MIPIM and will also continue to jointly host the evening reception.
22. The table below sets out a full cost comparison between 2019-20. It is proposed that the baseline budget for MIPIM 2020 should be reduced to £89,000 with a contingency of £3,000 from the CPAT local risk budget to cover any unforeseen costs.

### **MIPIM 2019/2020 Budget**

<b>Item</b>	<b>Approved budget 2019</b>	<b>Actual spend 2019</b>	<b>Proposed budget 2020</b>
Exhibition and attendance costs: City Model, stand delegate passes, artwork graphics, furniture hire and technical support	£56,850	£56,840	£57,000.
Travel (including transfers) accommodation and subsistence expenses	£21,650	£24,167	£22,000.
Corporate hospitality (evening reception and dinner)	£12,500	£9,538	£10,000.
Contingency	£3,000		£3,000
<b>Total</b>	<b>£94,000</b>	<b>£90,596</b>	<b>£92,000</b>

23. In the previous seventeen years, each committee has contributed a sum of money for MIPIM in approximate proportion to the level of representation and relevance to the work of each committee.
24. The contributions from the three IPG funds have been slightly altered to 35% City Fund, 45% City Cash and 20% Bridge House Estates respectively based on the market values of the three estates as at 31 March 2019.
25. The anticipated contributions from existing budgets for MIPIM 2019 are:

Communications Director Budget	£5,000. – City Fund
Planning & Transportation Committee	£11,250. – City Fund
Property Investment Board	£21,750. –
( to be split 35% City Fund, 45% City Cash and 20% Bridge House Estates)	
City Property Advisory Team	£54,000. – City Fund

Total: £92,000

### **Legal implications**

26. The main purpose of the City's attendance is to support key adopted strategies to promote the City as a leading world business centre and encourage inward

investment. As such, its power to undertake the activity in its City Fund capacity and to incur City Fund expenditure is in Section 1 of the Localism Act 2011. No power is required in respect of its City's Estate capacity and expenditure. In respect of its involvement and expenditure in its capacity as trustee of Bridge House Estates, this may be considered in the best interests of the charity in that, as a significant owner of property within the City, it is in the charity's interests that inward investment be encouraged, and the City's status as leading business centre be promoted. In addition, potential investors with an interest in any particular BHE property will have an opportunity to explore that interest.

## **Conclusion**

27. MIPIM 2019 provided the City Corporation with an excellent opportunity to showcase the City's attributes as a place to live, work and invest. MIPIM is still the premier event of its kind, and it is felt that there is no real alternative to MIPIM at which the City Corporation's City of London message would be as effectively disseminated, given the predominance of senior and influential property professionals and the increasing number of representatives of UK and European cities attending MIPIM, and the amount of press attention that it receives. It is also felt that the City Corporation's attendance is a key factor in promoting the Square Mile as a place to invest and do business in the face of increasing competition from other centres and countries, and underpinning confidence in London post Brexit, as the leading global financial centre.

28. MIPIM 2020 takes place from 09-12 March 2020 and will provide similar opportunities as experienced at MIPIM 2019. The Policy & Resources Committee, Planning and Transportation Committee, and the Property Investment Board are now asked to decide if the City Corporation should attend MIPIM 2020.

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<b>Committee(s)</b>	<b>Dated:</b>
Public Relations & Economic Development Sub-Committee – For Information	11/06/2019
<b>Subject:</b> Promoting London and the UK’s position as a leading global centre for financial and professional services: update on progress	<b>Public</b>
<b>Report of:</b> Director of Economic Development Director of Communications	<b>For Information</b>
<b>Report author:</b> Isabelle Almeida	

## Summary

City stakeholders have long pointed to the need to positively promote and showcase London and the UK’s strengths as a leading global centre for financial and professional services (FPS). Members agreed in July 2018 to the creation of a promotional standalone platform to deliver this, so that the City had a digital tool for its long-term campaign in promoting London and the UK’s world-leading offer in FPS to global businesses and investors.

Building on the ‘Future of London’ messaging work presented by London & Partners in January 2019, this report updates Members on progress regarding the new promotional platform and accompanying collateral, due to launch on June 20.

## Recommendation(s)

Members are asked to note the report.

## Main Report

### Background

1. In the context of Brexit uncertainty and the campaigns by other financial services centres to attract parts of the City’s FPS sector, there is a need for increased promotional efforts on behalf of London and the UK as a location for FPS.
2. In December 2017, Members endorsed key message testing undertaken in conjunction with London and Partners, and the GLA. “London: City of Creative Energy” was deemed the strongest message, while “London: City of Opportunity” was well received by business audiences.

3. In January 2019, Members received a presentation by London & Partners (L&P) on their 'Future of London' messaging, building on the above message testing, during which L&P put forward three core messaging pillars, and invited City Corporation teams to work with them to develop this work for their audiences.
4. Senior City stakeholders have called for stronger messaging and collateral for FPS. Members agreed in July 2018 to the creation of a promotional standalone platform and supporting collateral, to act as a key channel in a long-term campaigning approach to promoting London and the UK's world-leading offer to FPS businesses and investors globally.
5. To frame and populate the website, we have developed a range of collateral. This includes, but is not limited to, industry fact sheets, case studies, and a promotional video. Building on L&P's invitation to work with them, an underpinning messaging framework has also been developed. L&P have been consulted in developing this messaging and are supportive.

## Current Position

6. The promotional platform *TheGlobalCity* has been developed to provide a central resource bringing together a range and depth of detailed evidence on core competitiveness factors currently not available in one place online, with a close focus on the financial and professional services sector. It will form a central marketing channel in a long-term campaigning approach to promoting London.
7. The platform is scheduled for launch in June 2019, with an announcement at the Bankers and Merchants Dinner.
8. Content is organised to reflect key competitiveness factors (for example – connectivity, talent, depth and breadth of the offer), and by key industry sub-sectors. Content includes a promotional video, a series of case studies and testimonials from firms locating in the UK and factsheets for industry subsectors. The platform is City Corporation branded, and will link extensively to other corporate sites, as well as the sites of relevant partner agencies.
9. Building on the three pillars of the L&P 'Future of London' messaging, a core messaging approach provides a framework, for the FPS-focused audience of the site, to ensure we're consistently aligned in marketing communications messages for this audiences.
10. The overarching messaging proposition is:

*Opportunity, creativity, innovation: the UK's offer for financial and professional services.*

Key message pillars:

- *We have a global outlook which means we understand you:*
- *The depth and breadth of our offer mean unparalleled opportunities to grow*
- *Innovation is what we do: creating an inspirational ecosystem where you can thrive*



11. The same messaging is intended to be rolled out across other supporting collateral, such as brochures and PowerPoint slide decks.

### **Corporate & Strategic Implications**

This work helps to achieve the Corporate priority of supporting a thriving economy. In particular by:

- promoting the City as a world leading global centre for financial and professional services; and
- promoting London for its creative energy and competitive strengths and attract and retain investment.

It will do this by providing a clear, audience-focused resource. This will support delivery of a clear evidence base to support case making for the UK as a location for FPS business and investment, and implementing coherent message discipline across City Corporation marketing collateral for FPS audiences. It will also ensure that that City Corporation messaging is well aligned with partner messaging, so that key FPS stakeholders receive a coherent and convincing story about London's competitive strengths.

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<b>Committee(s)</b>	<b>Dated:</b>
Public Relations and Economic Development Sub Committee	11 June 2019
<b>Subject:</b> Chair of Policy visit to Washington DC. May 2019	<b>Public</b>
<b>Report of:</b> Damian Nussbaum. Director of Economic Development	<b>For reference</b>
<b>Report author:</b> Duncan Richardson. Senior Adviser	

## Summary

The City of London Corporation's Chair of Policy and Resources visited Washington for a series of meetings with senior government officials, politicians, financial regulators, policymakers and business representatives from 7-9 May.

## Overview of key messages:

- The US continues to watch and wait for progress on Brexit – it is prepared for every eventuality.
- With respect to the future UK-US economic relationship Washington and the White House remains focused on trade. China and USMCA absorb nearly all bandwidth.
- There is desire for deeper bilateral dialogue on “shared equities”. But on immediate market access issues in services, the US has few short-term asks of the UK.
- Longer-term, there is recognition that Brexit offers opportunities for greater UK-US alignment and leadership in the international regulatory space.
- These views are underpinned by a nervousness about the direction of the EU's upcoming legislative cycle.

## Recommendation(s)

Members are asked to note the report.

## Background

1. The Policy Chair visited Washington DC from 7-9 May.

## Main Report

Brexit: Puzzlement replaces concern

1. Brexit is no longer a political issue in the US. March's Westminster dramas set nerves jangling across the investment community, but not to the same extent in the White House. This is likely indicative of where Brexit features in this administration's packed priority list: “a blip on the radar”.

2. At a technical level, puzzlement has replaced concern. All consider the US to be as well-prepared as possible for every eventuality. There is disappointment and some surprise that the UK has not made more progress. We also fielded several searching questions about Brexit's impact on the UK's ability to effectively influence global affairs.

#### Trade: Current agenda and implications

##### *Bandwidth issues: China, USMCA, WTO reform*

3. Trade policy is leveraged as a tool for advancing US geopolitical interests. President Trump and United States Trade Representative Robert Lighthizer remain committed to reducing trade deficits and believe tariffs to be the only lever available for levelling global playing fields.
4. US-China relations and the United States-Mexico-Canada Agreement (USMCA) ratification absorb considerable bandwidth. Levelling the playing field and national security considerations underpin perceived defensive actions. Policymakers should note the USMCA 'China clause' (article 32.10) as an indication that the US will assess future trading partners based on their commercial links with China.
5. USMCA's ratification is however not certain. The evolving Democratic agenda is firmly consumer oriented. Republican free traders oppose USMCA's sunset provision for fear that it will discourage investment, and there is considerable disquiet at the near elimination of investor state dispute settlements (ISDS) from the agreement.
6. WTO issues are concentrating minds. Principal among concerns is the Appellate Body's operation against the backdrop of Chinese non-market activity. US officials seek "restoration rather than reform" and interpret the Body's regularly exceeding the 90-day decision-making commitments as evidence of an organisation overstepping its mandate.

##### *Implications for a UK-US FTA: 'Wait and see'*

7. The US is in "wait and see mode" when it comes to future UK-US trade. No significant investment of resource will go into the process until the future UK-EU relationship is better defined.
8. Many commentators expect a post-Brexit UK to have greater flexibility in services. Some see a future trading relationship underpinned by a series of mutual recognition agreements in services as a distinct, indeed the most likely, possibility.
9. Many countries are making concerted pushes to market themselves as attractive destinations for and sources of post-Brexit US investment. Ireland, the Netherlands and Germany lead the pack, in many cases with the backing of business chambers.

## Trade: Focusing on financial regulation

10. Early efforts should focus on deepening regulatory relationships between the UK and the US. All are motivated to pursue greater dialogue where the UK and US have “shared equities”. The UK should not expect, however, an emergence of a ‘G2’ in international affairs.
11. The US has few specific short-term ‘asks’ of the UK. The bilateral relationship in financial and professional services (FPS) already works well. All recognise that some barriers to market access exist but that there would be value in binding current UK-US openness as a first step. Looking forward, experts see potential for developing a UK-US framework which identifies upcoming regulatory issues before they arise.
12. Emerging technology in the data-heavy FPS sector would be a natural area of focus. In these areas, philosophical UK-US agreement would be of value for the UK’s future negotiations with the EU. We found agreement that the US-UK Financial Regulatory Working Group, which meets again at the end of the month, could become the forum for rounding out these conversations.

## US views on the EU: Philosophical divide

13. The US is watching closely as the EU prepares for a new legislative cycle. There is some trepidation as to what form the new Commission and Parliament will take with most expecting increased prescriptiveness around third country relations. EMIR 2.2 proposals are a source of concern. US reaction will focus firstly on guaranteeing future US openness based on deference before advocating a similar approach from ESMA and the European Commission.
14. This specific debate highlights the political, economic and cultural divide that exists between both jurisdictions. The idea of “legislating towards competitiveness” does not sit easily in the US.

## Domestic policy agenda in FPS:

### *FBO proposals*

15. The Fed’s focus is on tailoring post-crisis reforms based on addressing unintended consequences, especially for small and community banks. Fed officials underlined that the shape of proposed legislation was informed by industry input and are requesting comment on these latest adjustments ([here](#)).
16. One of the Fed’s objectives is that regulatory reform should not impede global flows of dollars except in situations where sound management of liquidity risk in US is threatened. Fed officials see natural kinship with UK counterparts owing to shared host and home country experience.

### *Market fragmentation*

17. The market fragmentation agenda has generated positive discussions. Fed teams are identifying areas for more specific focus: derivatives markets, capital requirements, mutual recognition. There is interest in the Financial Stability Board's next steps, with the organisation already engaged on a vulnerabilities-tracking exercise.

### *ESG*

18. ESG has the potential to become a classic example of market fragmentation should jurisdictions pursue the development of standards without co-ordination. US concerns about EU taxonomy proposals relate to their specificity. US institutions are yet to properly address this agenda. The Bank of England is credited for its work on Green Finance specifically and all agree that this is an area in which UK-US cooperation in standard setting would bear fruit.

### *FinTech. Digital. Privacy*

19. US objectives in the FinTech and Digital Assets space are still taking shape. Data privacy is an immediate issue as Congress considers pursuing federal privacy legislation. In emerging technology, there is a strong sense that the UK and US are best-placed to drive standard-setting.

### **Reporting and next steps:**

20. On her return, the Policy Chair sent visit reports to the Chancellor of The Exchequer and Secretary of State for International Trade. In parallel, the EDO circulated a report across the sector.

### **Conclusion:**

21. The Policy Chair is building strong relationships with key actors who will play a central role in shaping the post-Brexit transatlantic relationship. The City of London is well-placed to influence this debate and is recognised as operating in a unique space. American interlocutors value our insights, understand our core objectives, agree with our philosophy and are grateful for our energetic engagement.

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<b>Committee(s)</b>	<b>Dated:</b>
Public Relations and Economic Development Sub (Policy & Resources) Committee	11/06/2019
<b>Subject:</b> Campaign for Freedom of Information Survey	<b>Public</b>
<b>Report of:</b> Michael Cogher, Comptroller & City Solicitor	<b>For Information</b>
<b>Report author:</b> Michael Cogher, Comptroller & City Solicitor,	

## Summary

This report attaches for the Sub-committee's information the Campaign for Freedom of Information's ("CFOI") survey of London Local Authorities "FOI Good Practice – a survey of London Local Authorities" which was published in March 2019.

The Corporation performs well in terms of compliance with statutory FOIA obligations and the CFFI's view of best practice. Only two authorities, the Corporation and Haringey achieve "green" results across all CFFI's criteria and the Corporation is cited as an example of various aspects of best practice.

## Recommendations

1. Members are asked to note the report.

## Background

2. The Freedom of Information Act 2000 (FOIA) came into force in 2005 and applies to specified public authorities in England and Wales including all local authorities. It applies to the Corporation in its capacity as local authority, port health authority and police authority only. The City of London Police has its own arrangements for dealing with FOIA requests.
3. FOIA enables any person to make a request for information to a public authority which must be responded to within 20 working days. Where the information is held by an authority it must be disclosed unless one or more statutory exemptions apply e.g. where information subject to a duty of confidence or likely to cause commercial prejudice to the authority or a third party. Many of the exemptions are subject to a public interest test. The regime is overseen and enforced by the Information Commissioner, who has a range of enforcement powers.
4. FOIA requests in the Corporation are dealt with under a framework adopted in 2005 under which each Department and Institution has a number of Access to Information Network Representatives", around 50, who deal with FOIA requests supported by a central team of three information governance specialists located in the Comptroller and City Solicitor's Department who co-ordinate requests, provide technical advice and support, monitor performance and deal with complaints to the ICO. The system is also used for data protection compliance.

5. The Comptroller and City Solicitor has reviewed CFI's recommendations (which have no formal status). The Corporation already adopts most of them already but there are some exceptions. In particular, we report annually rather than quarterly (recommendations 1 and 4), we do not currently have an online system for requests (recommendation 7) and we do not currently publish our guidance to staff on our FOI web page (recommendation 12), although we disclose it where requested, and we are considering doing so.

## **Appendices**

### **Appendix 1: CFI Good Practice Report Survey**

#### **Michael Cogher**

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# FOI Good Practice

A survey of London local authorities



March 2019

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## About the Campaign for Freedom of Information

The Campaign for Freedom of Information was set up in 1984. It played a key role in bringing about the Freedom of Information Act 2000 and improving what started out as an extremely weak bill. The Campaign now works to defend and improve the FOI Act, advise the public about their rights to information and provide training for both requesters and public authorities. It is funded by individual donations and by grants from the Joseph Rowntree Charitable Trust, The Indigo Trust and Trust for London.

## This report

This report is part of a programme of work funded by Trust for London.

Research by Katherine Gundersen.

## **Home Office staff sit in on council interviews with migrant families**

*Guardian 28.10.18*

Home Office workers embedded in local councils are sitting in on interviews with destitute migrant families to “conduct real-time immigration status checks” on families applying for support. FOI disclosures revealed that 10 London boroughs have employed on-site immigration officers.

Hackney, Haringey, Southwark, Greenwich, Enfield, Barking and Dagenham, Lewisham, Harrow, Croydon and Bexley have all employed officers. Some have since amended or cancelled the arrangements

Lawyers and charities expressed concern that the presence of a uniformed Home Office worker at interviews is invasive and risks deterring destitute families from accessing support.

## **London council splashes out on £90,000 Rolls-Royce for bigwigs as it cuts childcare**

*Evening Standard 18.1.16*

Westminster Council came under fire for spending tens of thousands of pounds on chauffeur-driven cars as it prepares to slash funded childcare for primary pupils.

Westminster bought a Rolls-Royce Silver Seraph for £90,000 in 2015 and spent a further £11,800 running it. It paid nearly £30,000 to lease an Audi A8L over the previous three years. The Lord Mayor, six former Lord Mayors and five Alderman of the City have access to the vehicles for hundreds of ‘engagements’ every year.

The Freedom of Information figures came as it emerged last month that nearly 50 play workers and support staff were set to be axed as part of plans to cut youth services.



## London councils 'spending millions of pounds renting back right-to-buy homes'

London councils are spending more than £22 million a year renting back homes sold to former tenants under the 'right to buy'. A survey using the FOI Act by London Assembly member Tom Copley has shown that at least 42% of homes sold through the 'right to buy' are now rented to private tenants in London, rather than being lived in by the former council tenants. At least 54,000 former council homes are now on the private rental market of which 2,333 are being rented back by London councils to house homeless families. It has been suggested that councils may be deterred from building new homes by the prospect of being forced to sell them to tenants at a discount - and then having to rent them back.

<https://tomcopley.com/wp-content/uploads/2014/01/Tom-Copley-AM-Right-to-Buy-Wrong-for-London-report-January-2019.pdf>

## Garden Bridge procurement flaws revealed

Before the cancellation of the proposed Garden Bridge across the Thames in 2017, a series of FOI requests by the Architects' Journal (AJ) had revealed serious flaws in the procurement of the design contract. These appear to have provided a clear advantage to Thomas Heatherwick, the designer working with Joanna Lumley, the bridge's leading advocate.

In response to one FOI request the Greater London Authority revealed that, before the tender specification had been published, Mr Heatherwick had attended four meetings on the project with the London Mayor Boris Johnson or his senior officials. Another FOI request indicated that Mr Heatherwick had joined Mr Johnson at a meeting in San Francisco in an attempt to persuade Apple to sponsor the Garden Bridge. Mr Heatherwick who had been working on the bridge's concept pro bono was apparently being treated as the bridge's intended designer, before the procurement process - which requires equal treatment of all bidders - had even begun.

An FOI request to Transport for London revealed that Mr Heatherwick's bid for the design contract had been scored 4 out of 5 for 'relevant design experience', though he had previously built only one bridge. The other two bidders received scores of 3 out of 5 though one had previously built 25 bridges. Significantly, the 2013 tender specification had referred only to a *pedestrian* bridge and made no reference to a garden element. Mr Heatherwick's prior involvement meant that he would have been aware of the preference for a Garden Bridge.

A further FOI request by the AJ showed that the bidders' fixed prices had been ignored and the bids scored on the basis of their daily rates. Although their daily rates were not the same each had received the identical score for commercial criteria. Heatherwick Studios' total price was later revealed to have been more than three times more expensive than the next highest bid.

# Introduction

**This report examines the extent to which London councils are following good practice in complying with the Freedom of Information (FOI) Act.** It is based on an examination of the councils' own FOI policies, guidance, performance reports and statistics, the handling of our own FOI requests to them and a review of relevant Information Commissioner (IC) decisions. **Although the specific data relates to London local authorities the issues are common to all public authorities and the recommendations may be of wider relevance.**

The research has been funded by a grant from *Trust for London*.<sup>1</sup>

The FOI Act and related Environmental Information Regulations (EIR) have been in force since 2005. They give the public powerful rights to information from public authorities about their decisions, policies and services. Nationally, the rights are used by hundreds of thousands of people a year. Around 60,000 requests are made annually to London councils.<sup>2</sup>

Requesters can enforce these rights by complaining to the IC and, beyond that, by appealing to a tribunal and the courts. But as important to the Act's effectiveness, is the spirit in which authorities approach it.

An authority that approaches FOI positively, recognising it as an important right and an opportunity to be open and accountable will respond in an entirely different way to one that is indifferent, badly informed, or worse, actively obstructive.

Some of the indicators of good practice that we consider in this report include:

- How well London councils comply with the statutory time limits for answering requests
- Whether they monitor and seek to improve their own FOI performance
- Whether they publish their FOI compliance statistics
- How they fulfil their duty to advise and assist requesters
- Whether they publish the information they have disclosed under FOI, so that it is available to the wider public and not just the requester
- The quality of the FOI guidance they produce for their staff
- Any special procedures they adopt in dealing with requests likely to attract publicity.

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<sup>1</sup> <https://www.trustforlondon.org.uk>

<sup>2</sup> This figure has been compiled from information published by individual councils or released to us in response to our FOI requests.

## Methodology

Our research covers London's 32 borough councils plus the City of London Corporation and Greater London Authority. We started by carefully searching each authority's website for its published information on FOI. We then made FOI requests to each, tailored to exclude the publicly available information. The request asked for copies of or links to any other information showing (a) their FOI policies and guidance (b) any FOI performance reports produced during the last two years, and (c) annual FOI statistics for the last two years. Our initial requests were made in 2016. We made further requests limited to more recent statistics/performance reports in January 2017, January 2018 and August 2018.

In this report, we generally use the term 'FOI' to refer to both the FOI Act and the EIR, unless the context indicates otherwise. We use the term 'London council' to refer to the 34 authorities covered by this report.

## Number of requests

The number of FOI requests received by each London council is shown in Figure 1.<sup>3</sup> The precise figures can be found in Appendix 1.

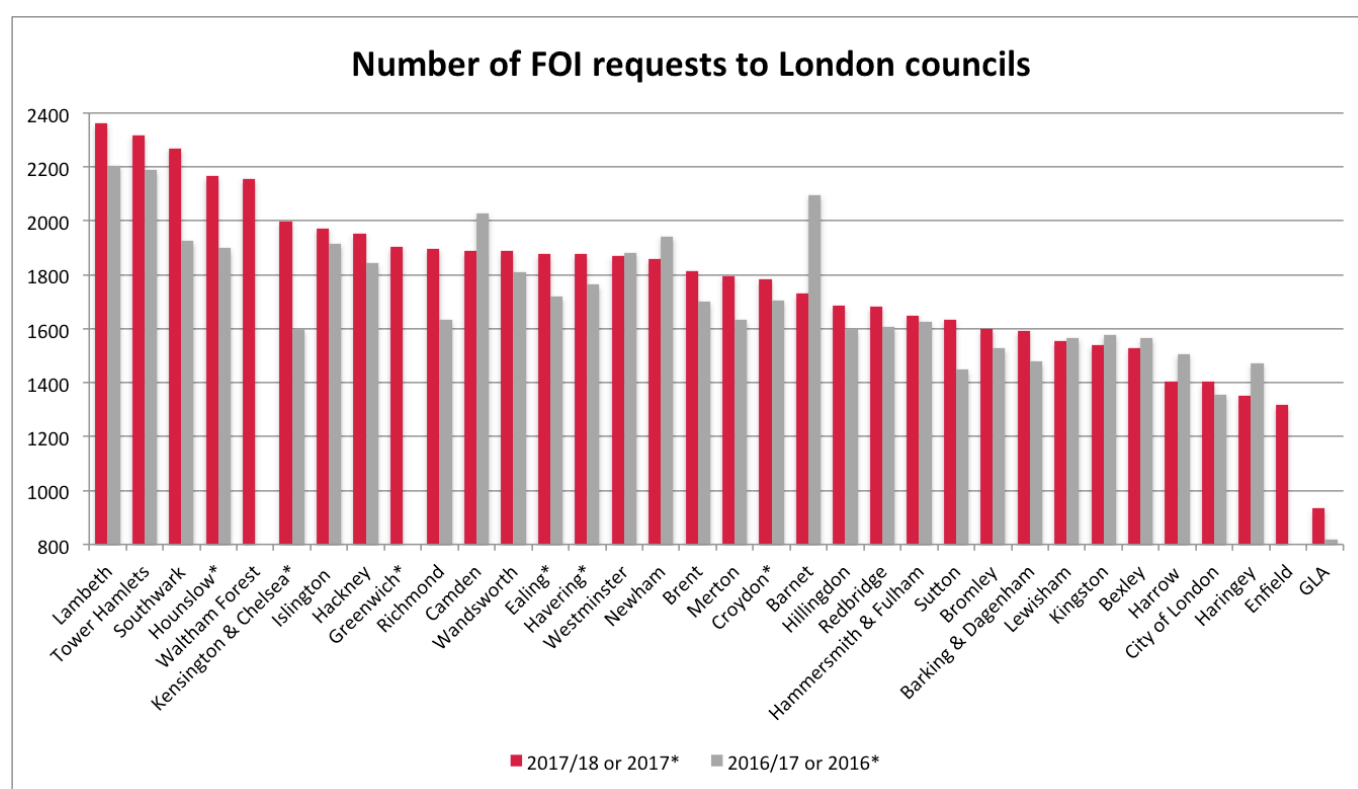


Figure 1 Number of FOI requests to London councils in 2017/18 & 2016/17 or 2017\* & 2016\*

<sup>3</sup> Most of the statistics in Figure 1 and Appendix 1 are for the financial years 2017/18 or 2016/17, however those for Croydon, Ealing, Greenwich, Havering, Hounslow and Kensington & Chelsea are for the 2017 and 2016 calendar years. *Waltham Forest* wasn't able to extract the number of requests received in 2016/17 from its system. *Greenwich's* published statistics for 2016 cover an irregular period (5/11/15 – 31/12/16) and have therefore been omitted. *Bromley's* statistics for 2016/17 include subject access requests, made under the Data Protection Act. *Enfield* provided an extremely high figure for 2016/17 that was 50% greater than the previous year and 38% higher than the following year. This is likely to be an inaccurate figure caused by the switch in that year to a new IT system for recording FOI requests and has been omitted from the chart.

Across all London councils there was an average increase of 4.2% in the volume of requests between 2016/17 and 2017/18.<sup>4</sup> However, the volume of requests to some councils fell during the period, most notably in **Barnet** where a substantial increase in the volume of information published proactively has led to a fall in the number of FOI requests.

## Compliance with time limits

Public authorities are required to respond to FOI requests promptly and within 20 working days, though extensions are permitted in certain circumstances.<sup>5</sup>

**Some London councils deal with virtually all FOI requests within 20 working days, others only manage to answer around 60% within this period - a deeply disappointing level of performance.**<sup>6</sup> In 2017/18 (or 2017 in certain cases):

- Three London councils (**City of London**, **Tower Hamlets** and **Barnet**) answered more than 95% of requests on time. The next most punctual responders were **Richmond** (93%), **Barking & Dagenham** (93%), **Redbridge** (92%) and **Brent** (91%). These seven councils' figures refer solely to requests answered within 20 working days and do not include requests answered within 'permitted extensions'. The **GLA** and **Greenwich** both answered 90% of requests on time.
- At the other end of the scale, **Hounslow** answered just 60% of requests on time. The next least punctual responders were **Lewisham** (61%), **Bromley** (64%), **Enfield** (66%), **Harrow** (68%) and **Croydon** (69%). These council's figures refer to requests answered in 20 working days. **Hackney** answered 66% on time, including those answered within a permitted extension.
- Three quarters of London councils (**25/34**) failed to meet the IC's expectation that authorities should respond to at least 90% of requests on time.<sup>7</sup>

Detailed figures are shown in *Figure 2* below and *Appendix 2*. For further notes on some councils' figures see the footnote below.<sup>8</sup>

<sup>4</sup> Although this figure refers to the financial years 2016/17 and 2017/18 it includes data from 6 councils which provided statistics for the calendar years 2016 and 2017. It excludes 3 councils for whom we did not have reliable data for both years.

<sup>5</sup> The FOI Act contains a series of exemptions, but in many cases even exempt information may have to be disclosed if the public interest in disclosure equals or is greater than the public interest in upholding the exemption. Where an authority is considering disclosure in the public interest it may extend the Act's normal 20 working day time limit by a 'reasonable' period. The ICO says any extension should not normally exceed a further 20 working days, making 40 working days in total. The EIR position is different. The only permitted extension is where the authority reasonably believes that the volume and complexity of the requested information makes it impracticable to comply within 20 working days in which case an extension of up to another 20 working days is permitted.

<sup>6</sup> A timely response to an FOI request is often vital. If there are significant delays the information may be too late to be of any use. For example, in a case involving a request for information about school travel plans, the IC found: *'The complainant had a vested interest in receiving this information as he required it to prepare for a planning application meeting, for development adjoining his property. In this case the delay of 61 working days, whilst not only being considerably outside the 20 working day limit, also meant that the complainant did not have the information he required for the planning meeting.'* Decision Notice FER0524908, London Borough of Richmond upon Thames, 21 May 2014.

<sup>7</sup> The ICO says it may decide to monitor an authority's performance if *'it appears that less than 90% of requests are receiving a response within the appropriate timescales.'* How the Information Commissioner's Office selects authorities for monitoring, v4, 3 March 2017, <https://ico.org.uk/media/action-weve-taken/monitoring/2791/how-the-ico-selects-authorities-for-monitoring.pdf>

<sup>8</sup> Most of the statistics in *Figure 2* and *Appendix 2* are for the financial years 2016/17 and 2017/18. However those for Ealing, Greenwich, Havering, Hounslow and Kensington & Chelsea are for the 2016 and 2017 calendar years. Kingston wasn't able to extract a figure for the number of requests answered on time in 2016/17 from its system. Greenwich's published statistics for 2016 cover an irregular period (5/11/15 – 31/12/16) and have therefore been omitted. Bromley's figure for 2016/17 includes subject access requests made under the Data Protection Act. The following London councils said their statistics for requests answered 'on time' meant answered within 20 working days: These were Barking & Dagenham, Barnet, Brent, Bromley, City of London, Croydon, Enfield, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington & Chelsea, Lambeth, Lewisham, Redbridge, Richmond, Southwark, Sutton, Tower Hamlets and Westminster. The remaining third of councils include requests answered within a permitted extension as 'on time'

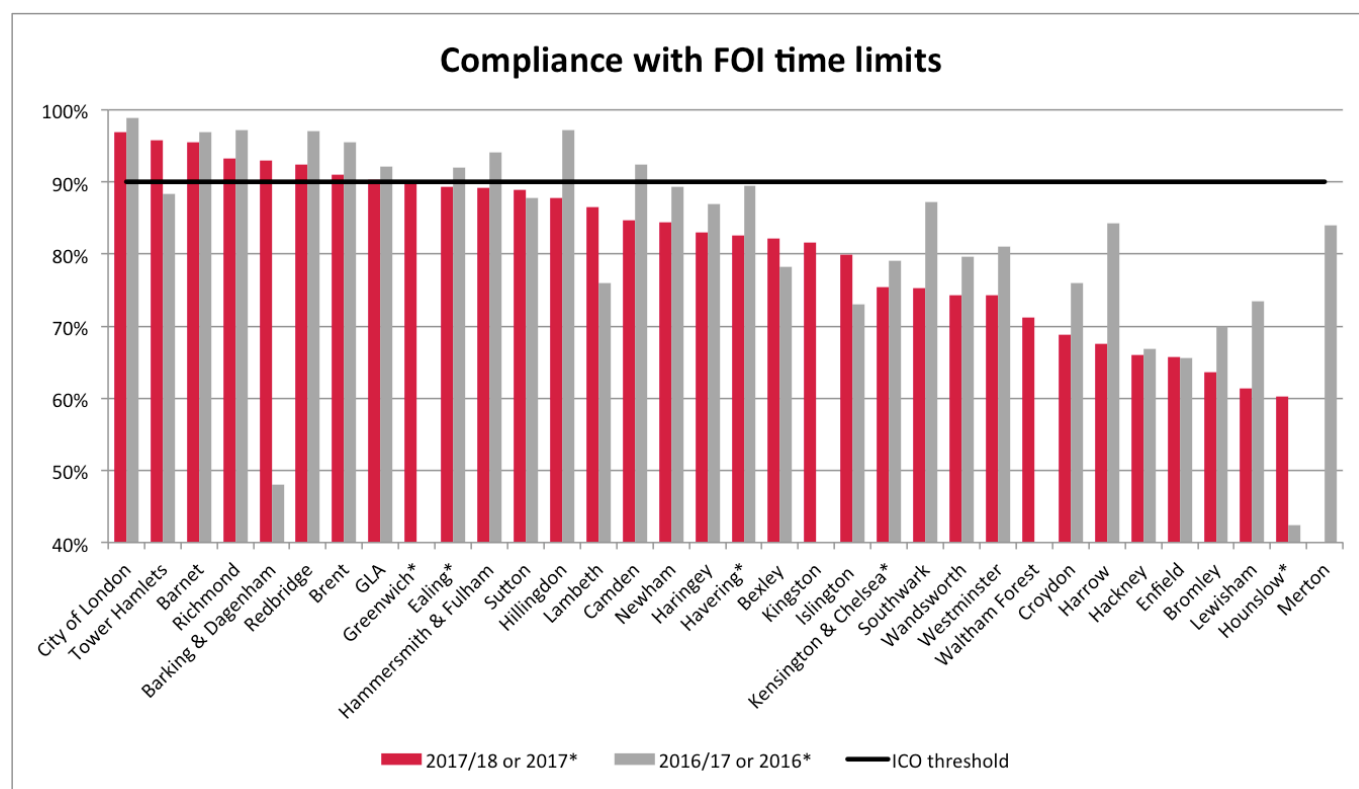


Figure 2 Percentage of FOI requests answered within the statutory time limits in 2017/18 & 2016/17 or 2017\* & 2016

There was a similar disparity in the time taken to respond to our own 2016 request for London councils' FOI policies, guidance, performance reports and statistics. Response times varied between 1 and 220 days.

- A few councils replied almost immediately – **Haringey** provided the information the next day, **Redbridge** and the **Greater London Authority** within two working days, **Harrow** within 3 working days, **Camden** and **Merton** within 4 working days.
- **Most councils (25/34) replied within the required 20 working day time limit.** Four others replied slightly outside the limit, after 21 to 25 working days.
- **Enfield** took almost 5 months to reply, **Wandsworth** almost 4 months.
- The most delayed responses came from **Kingston** and **Greenwich**. Both took **more than 10 months to reply** and only did so after the IC intervened.
- **Barking & Dagenham** took 55 working days to reply, then wrongly claimed that it did not hold the requested information: its own web site clearly indicated that it did.<sup>9</sup> It subsequently ignored our requests for it to carry out an internal review, only doing so when the IC intervened.<sup>10</sup> **After almost a year, it finally disclosed 9 documents it had previously claimed did not exist.**

Detailed results are shown in *Figure 3* and *Appendix 3*.

<sup>9</sup> Our FOI request included a request for any internal FOI guidance produced by Barking & Dagenham. A report to a council committee available on its web site said 'An updated FOI guide has been produced and the FOI process has been revised. The new guide has been supported by additional material published on the Council's intranet.'

<sup>10</sup> Decision Notice FS50649699, London Borough of Barking & Dagenham, 17 January 2017.



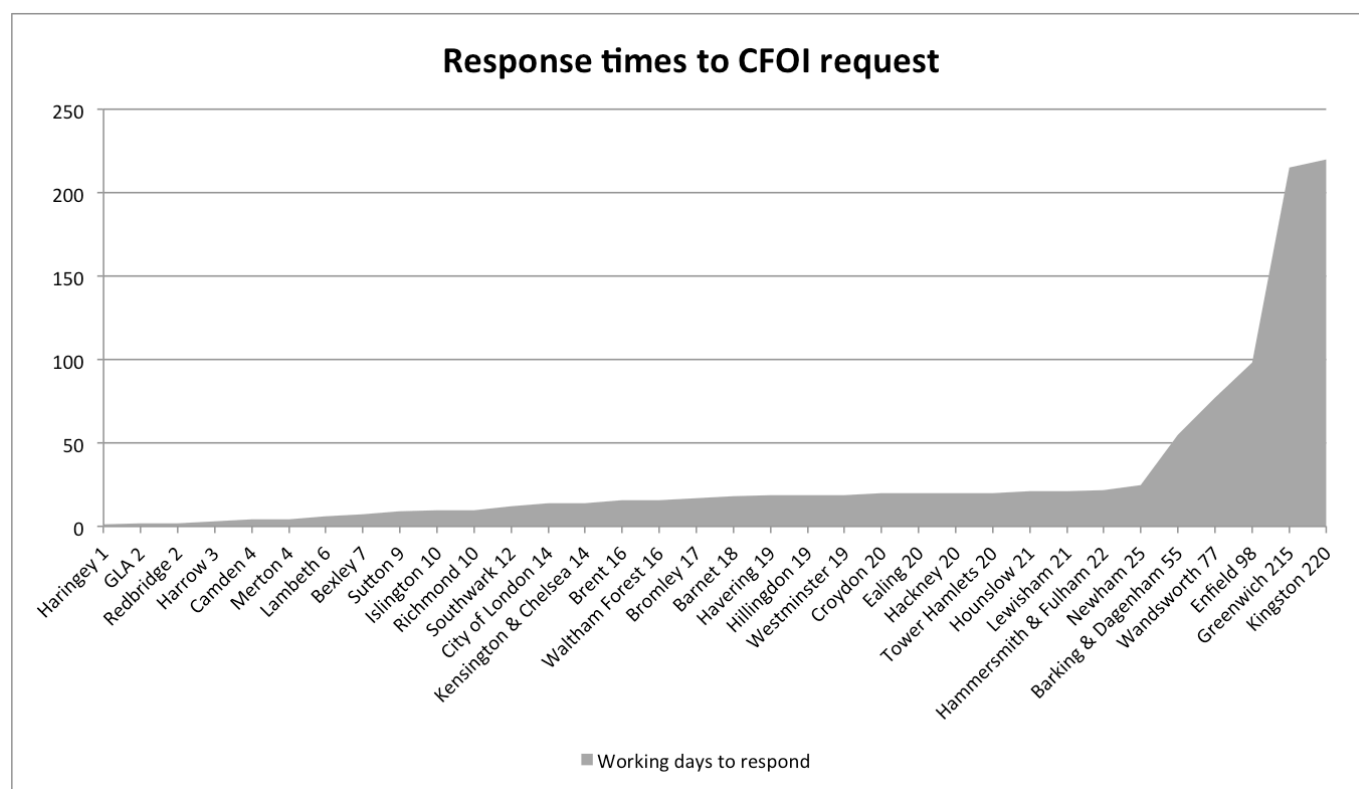


Figure 3 Number of working days to respond to CROI request made in 2016

## Complaints to the Information Commissioner

In the course of this project, we have had to make eight complaints to the IC about seven London councils which had failed to respond to one or more of our requests for information or internal review.<sup>11</sup>

The complaints about **Barking & Dagenham**, **Greenwich**, and **Kingston**, have been referred to above.

Having found that some councils had ignored our earlier requests for up to 10 months until the IC intervened, we complained to the IC promptly about delayed answers to our subsequent requests. We made five further complaints to the IC about delays in providing more recent council statistics. The most significant were:

- **Kensington & Chelsea** which had failed to respond to our request for two and a half months. After being contacted by the IC it provided the figures **59** working days after the request.
- **Wandsworth** failed to respond to a request for statistics, or to a reminder from us, or an email from the IC. After being served with a decision notice it provided the statistics after **70** working days.
- **Hackney** failed to answer a request from us for over 4 months, despite two reminders. After being contacted by the IC the council finally supplied its statistics after **110** working days.

<sup>11</sup> The Information Commissioner will usually not investigate a complaint unless the requester has first asked the authority to reconsider its decision and this 'internal review' has been completed.

We received no response from **Westminster** to an August 2018 request for recent statistics despite a reminder from ourselves and several IC interventions, including a decision notice. After the passage of the 35 calendar days allowed for complying with the decision notice, a warning of action for contempt of court if it did not comply within another 7 days, and contact preparatory to such action by the IC's lawyer, Westminster finally responded to the IC. It claimed to have replied to our request more than three months earlier, and provided the IC (though not us) with a copy of the reply that had purportedly been sent. No such reply had been received by us or, despite repeated checks, been found in our spam folder. Assuming it had indeed been sent on the day in question, the council had displayed remarkable disrespect to the IC by ignoring its requests for action or explanation. We received the statistics via the IC **104** working days after our request.

**The severe delays in the handling of our requests by some councils are remarkable because:**

- **We had expressly stated that our requests were for a report to be published on good FOI practice. It must have been obvious that failure to answer would be conspicuous evidence of poor practice.**
- **The requests were for information about FOI policies, performance and statistics which the FOI teams would have held themselves. They would not have needed to chase other departments for information and should have been able to answer promptly.**

### Further evidence of delays

**The problems that we experienced are not unique. Many other cases of severe delay can be found in the decision notices published by the IC between 2016 and 2018:**

- A request to **Lewisham** was unanswered after **231** working days (more than 11 calendar months). The request asked for policies on the provision of accommodation and financial support to families whose immigration status barred them from obtaining most benefits. The IC twice intervened to tell the council to answer, without success, until finally ordering it to reply.<sup>12</sup>
- A different request to **Lewisham** on the same topic was still unanswered after **112** working days, despite twice being chased by the requester. The council claimed to be relying on a permitted extension to the normal time limit<sup>13</sup> but had not taken any of the steps necessary to invoke it, eliciting a forceful rebuke from the Commissioner.<sup>14</sup> The council then withheld some of the requested information, adopting the correct procedure. After significant delay on the IC's part, this eventually resulted in a second decision notice ordering its disclosure, by which time the requester had been waiting for **301** working days or **fourteen and a half months**.
- Another requester asked **Lewisham** for information relating to the care of her deceased brother and associated information. The request was still outstanding after **111** working days, despite three IC reminders to the council.<sup>15</sup> In 2017/18 Lewisham answered only 61% of requests on time.

<sup>12</sup> Decision Notice FS50633026, London Borough of Lewisham, 14 June 2016.

<sup>13</sup> The Act allows an extension to the 20 working day response period where this is required to consider disclosing exempt information in the public interest. Where an authority is relying on this provision, it must notify the applicant within 20 working days and provide an estimate of when its decision on the public interest test will be reached.

<sup>14</sup> The decision states: '*The Commissioner does not regard the Council's handling of this request as acceptable and understands why it has given rise to considerable frustration on the part of the complainant. He expects the Council to rectify its failings as a matter of urgency and would not expect to see a recurrence of similar problems in future.*' Decision Notice FS50625137, London Borough of Lewisham, 23 June 2016.

<sup>15</sup> Decision Notice FS50729759, London Borough of Lewisham, 9 March 2018.

- A request to **Newham** was unanswered after **136** working days. The applicant was seeking information about the council's rights to social housing built in the Olympic Park. This was the applicant's third request, the previous two having been refused as too broad. The requester had been trying to obtain the information for **9 months** by the time the IC ordered the council to respond.<sup>16</sup>
- Another request to **Newham** for copies of two fire risk assessments at a specific address was answered after **84** working days. The requester chased the council three times before it disclosed the information.<sup>17</sup>
- A request to **Waltham Forest** about its policies to assist male partners and their children fleeing from domestic violence remained unanswered after **133** working days, although the IC had twice asked the council to respond.<sup>18</sup>
- Another request to **Waltham Forest** about planning decisions relating to Leyton High Road was still unanswered after **112** working days.<sup>19</sup>
- A request to **Southwark** about the leases and development of two day centres had not been answered after **121** working days, at which point the IC ordered it to respond.<sup>20</sup>
- A request to **Bromley** for information about the Adult Social Care Precept was answered after **112** working days.<sup>21</sup>
- A request to **Wandsworth** for information about a market rate evaluation of allotments was outstanding after **111** working days. The IC had chased the council without success.<sup>22</sup>
- A request to **Ealing** about the outcome of an application for a sexual entertainment venue licence (which the licensing subcommittee had said had been refused) was still outstanding after **109** working days. The requester had chased the council three times and the IC had twice asked it to reply before finally ordering it to do so.<sup>23</sup>
- A request to **Hammersmith & Fulham** for information relating to parking meters and the introduction of the new £1 coin was outstanding after **106** working days.<sup>24</sup>
- Two requests to **Croydon** for information about planning applications were outstanding after **104** and **64** working days respectively. The council later explained that it had changed its FOI email address but that its old mailbox, which was no longer being checked, had continued to accept correspondence without always generating an automated response.<sup>25</sup>

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<sup>16</sup> Decision Notice FS50640394, London Borough of Newham, 1 December 2016.

<sup>17</sup> Decision Notice FS50723127, London Borough of Newham, 1 March 2018.

<sup>18</sup> Decision Notice FS50625951, London Borough of Waltham Forest, 13 June 2016.

<sup>19</sup> Decision Notice FS50648096, London Borough of Waltham Forest, 4 January 2017.

<sup>20</sup> Decision Notice FS50681158, Southwark Council, 29 August 2017.

<sup>21</sup> Decision Notice FS50761605, London Borough of Bromley, 30 July 2018.

<sup>22</sup> Decision Notice FS50766218, London Borough of Wandsworth, 7 September 2018.

<sup>23</sup> Decision Notice FS50609184, London Borough of Ealing, 12 April 2016.

<sup>24</sup> Decision Notice FS50750956, London Borough of Hammersmith & Fulham, 27 July 2018.

<sup>25</sup> Decision Notice FER0745851, London Borough of Croydon, 28 June 2018.

- No fewer than 8 decision notices were served on **Kensington and Chelsea** on a single day in March 2018 for failing to respond to requests about the Grenfell fire. In the most delayed case there had been no reply after **178** working days. The Commissioner recognised that the council was faced with *'exceptional and difficult circumstances'* but said that the council's *'complete failure to engage with her office in any way'* had made any attempt at informal resolution of the complaints *'impossible'*.<sup>26</sup> The problem was not restricted to requests about Grenfell: the IC later issued two decision notices against the council for ignoring other requests and the IC's emails about them. These involved a lease with a local school<sup>27</sup> and street trading licences for the Notting Hill Carnival.<sup>28</sup> The council had failed to respond to the latter for **8 months**.

**Most of these decision notices would simply have required the council concerned to *respond* to the request rather than disclose information. If the council then withheld the information, for example on the grounds that an exemption applied, there might be further months of delay while those grounds were challenged.**

The first stage in challenging an authority's refusal to disclose is to ask it to carry out an 'internal review' to reconsider its decision. The IC says this process should take *'no longer than 20 working days in most cases, or 40 in exceptional circumstances.'*<sup>29</sup> However, decision notices show that:

- **Hackney** took **153** working days to carry out one internal review.<sup>30</sup>
- An internal review by **Waltham Forest** took **112** working days before confirming its decision that its housing benefit policies and legislation on the subject could be found on the internet.<sup>31</sup> The time needed to confirm this should have been minimal.
- An internal review by **Islington**<sup>32</sup> and one by **Lambeth**<sup>33</sup> each took **109** working days.
- An internal review by **Lewisham** took **94** working days.<sup>34</sup>
- One by **Westminster** took **85** working days.<sup>35</sup>
- **Hammersmith & Fulham** took **84** working days in one case<sup>36</sup> and **79**<sup>37</sup> in another.
- **Croydon** took **67** working days to respond to one request with the subsequent internal review still outstanding after a further **79** working days.<sup>38</sup>

**The overwhelming majority of London councils (31/34) publish no statistics on the time they take for internal reviews - so the actual delays may be worse than these examples suggest.**

<sup>26</sup> Decision Notice FS50700493, Royal Borough of Kensington & Chelsea, 2 March 2018

<sup>27</sup> Decision Notice FS50733831, Royal Borough of Kensington & Chelsea, 18 May 2018

<sup>28</sup> Decision Notice FS50730437, Royal Borough of Kensington & Chelsea, 18 May 2018

<sup>29</sup> Guide to Freedom of Information, page 60,

<https://ico.org.uk/media/for-organisations/guide-to-freedom-of-information-4-9.pdf>.

<sup>30</sup> Decision Notice FER0620853, London Borough of Hackney, 8 February 2017.

<sup>31</sup> Decision Notice FS50610846, London Borough of Waltham Forest, 9 May 2017.

<sup>32</sup> Decision Notice FS50651501, London Borough of Islington, 25 September 2018.

<sup>33</sup> Decision Notice FS50619532, London Borough of Lambeth, 3 May 2017.

<sup>34</sup> Decision Notice FER0623313, London Borough of Lewisham, 20 October 2016.

<sup>35</sup> Decision Notice FER0655597, London Borough of Westminster, 6 May 2017.

<sup>36</sup> Decision Notice FER0616171, London Borough Hammersmith and Fulham 2 August 2016

<sup>37</sup> Decision Notice FS50599759, London Borough of Hammersmith and Fulham, 26 May 2016.

<sup>38</sup> Decision Notice FER0767380, London Borough of Croydon, 5 September 2018.

Some councils have been slow to respond to the IC's requests to reply to requesters or have ignored the IC altogether. The same has sometimes been true of her requests for information needed for an ongoing investigation. On occasions, the IC has had to issue or threaten to issue a formal Information Notice,<sup>39</sup> compelling councils to provide her with information:

- **Hammersmith & Fulham** failed to reply to IC's inquiry about property development schemes for three and a half months, leading the IC to serve an Information Notice. The IC had asked a relatively straightforward question: why the council considered the information fell under the FOI Act and not, as would normally be the case for such schemes, under the EIR.<sup>40</sup> In another case an Information Notice was served on the same council after the IC reported that she had experienced '*several significant delays*' in obtaining information from it.<sup>41</sup>
- **Lewisham** was served with an Information Notice during an investigation into a complaint about the refusal to disclose a PFI contract relating to housing stock. The council failed to comply with the notice within the required period. Although the information was eventually provided the Commissioner noted that '*this significantly delayed the completion of her investigation and wasted a considerable amount of her staff's time.*'<sup>42</sup>
- The IC cited **Croydon's** '*poor engagement*' with her office during a 2018 case, noting that '*It took the London Borough two months and the potential of an Information Notice to provide a substantive response to her initial investigation. When the London Borough did respond, it disclosed the wrong information and provided arguments in relation to that incorrect information.*'<sup>43</sup>

## Progress of individual authorities

Some councils have been struggling to meet the statutory time limit for several years:

- **Lewisham** answered only 61% of requests on time in 2015/16, improved to 73% in 2016/17 and returned to 61% in 2017/18.<sup>44</sup>
- **Wandsworth's** performance has deteriorated steadily from 89% answered on time in 2014 to 74% in 2017/18. Performance in Quarter 2 of 2018/19 was just 56%.<sup>45</sup>
- **Bromley's** performance slid from 77% in 2014 to 71% in 2015, 70% in 2016/17 and 64% in 2017/18. Since 2012 requests have been handled by officers in individual departments after budget savings resulted in the removal of its central FOI resource. Concerns were expressed at the time '*that capacity for coordinating requests and holding expertise centrally was being lost*'.<sup>46</sup>

<sup>39</sup> Issued under section 51 of the FOI Act.

<sup>40</sup> Decision Notice FS50601532, London Borough of Hammersmith & Fulham, 26 May 2016.

<sup>41</sup> Decision Notice FS50649977, London Borough of Hammersmith & Fulham, 19 April 2018.

<sup>42</sup> Decision Notice FS50612528, London Borough of Lewisham, 6 December 2016.

<sup>43</sup> Decision Notice FS50737881, London Borough of Croydon, 20 November 2018.

<sup>44</sup> Figures supplied in response to our FOI requests.

<sup>45</sup> London Borough of Wandsworth, Finance and Corporate Overview and Scrutiny Committee on 22 November 2018, Progress Report - including Q2 Performance on Toplines and Key Issues (Paper No. 18-430), page 10, <https://democracy.wandsworth.gov.uk/documents/s62171/Paper%20No.%2018-430%20-%20Progress%20Report%20-%20Including%20Q2%20Performance%20on%20Toplines%20and%20Key%20Issues.pdf>.

<sup>46</sup> London Borough of Bromley, Minutes of the General Purposes and Licensing Committee held on 14 March 2012, <https://cds.bromley.gov.uk/documents/g4084/Printed%20minutes%20Wednesday%2014-Mar-2012%2019.30%20General%20Purposes%20and%20Licensing%20Committee.pdf?T=1>.

- **Enfield's** performance was below 65% in five successive quarterly periods (from Q2 2017/18 to Q2 2018/19). A November 2018 report stated that performance in responding to FOI requests, complaints and member's enquiries '*has significantly reduced following centralisation of the team and a reduction in resources.*' A number of actions are reportedly being taken to improve performance by the end of 2018/19.<sup>47</sup>
- **Hackney** answered only 54% of requests on time in 2013/14 and despite improving since then has only been answering between 66% and 70% on time in the three years to the end of 2017/18.<sup>48</sup>
- **Hounslow's** performance fell sharply from answering 72% of requests on time in 2014 to 42% in 2016 and was only up to 60% in 2017/18. In January 2018 the council reported that despite measures to improve its efficiency it was still 'poorly performing' partly because of a backlog of requests.<sup>49</sup> It answered 71% of requests on time in Quarter 2 of 2018/19, but was predicting performance of 60% for the following two quarters.<sup>50</sup>
- The IC required **Islington** to sign an undertaking in 2011 to ensure that it answered requests on time.<sup>51</sup> Despite this, its performance actually deteriorated in each of 4 subsequent years, falling from 82% in 2011/12 to 63% in 2015/16. The council's performance improved to 73% in 2016/17 and 80% in 2017/18, although it is still below the IC's standard.

### However, some councils have achieved substantial improvements:

- **Barnet** was monitored by the Information Commissioner's Office (ICO) in 2010 when it was answering only 71% of requests on time. By 2012/13 it was answering 92% on time. Between 2013/14 and 2017/18 it consistently answered at least 96% of requests in 20 working days.<sup>52</sup>

The measures it took included recruitment to address understaffing, a new case management system to track requests, a disclosure log to publicise released information, proactive publication of datasets containing regularly requested information and monthly and weekly performance monitoring reports.<sup>53,54</sup>

<sup>47</sup> London Borough of Enfield, Cabinet meeting on 12<sup>th</sup> December 2018, Q2 Performance Report, Appendix 2, page 3.

<https://governance.enfield.gov.uk/documents/s72005/newCabinet%20Q2%20APDX2%20002.pdf>

<sup>48</sup> Figures obtained from Hackney Council show the percentage of requests it answered on time was 54% in 2013/14, 73% in 2014/15, 70% in the 2016 calendar year, 67% in 2016/17 and 66% in 2017/18.

<sup>49</sup> 'Last year there were over 2,000 FOIs and there is a legacy of 200 overdue FOIs...A new case management system which logs complaints and FOIs has been implemented. Directors monitor performance monthly in order to improve this position. There is also an effort to improve the range of stock answers to answer repeat FOIs.' Minutes of the Overview and Scrutiny Committee held on 22 January 2018

<https://democraticservices.hounslow.gov.uk/documents/g9993/Printed%20minutes%20Monday%2022-Jan-2018%2019.00%20Overview%20and%20Scrutiny%20Committee.pdf?T=1>.

<sup>50</sup> London Borough of Hounslow, CEX 335 Quarter Two (July to September 2018) Performance Monitoring Report, Appendix 3 Revised action plans – Q2 2018/19, <https://democraticservices.hounslow.gov.uk/documents/s147476/Appendix%203%20-%20CEX%20335%20Revised%20Action%20Plans.pdf>.

<sup>51</sup> ICO press release 'Government departments facing regulatory action for transparency delays', 12 April 2011,

[https://webarchive.nationalarchives.gov.uk/20110601171824/http://www.ico.gov.uk/~media/documents/pressreleases/2011/foi\\_monitoring\\_news\\_relea](https://webarchive.nationalarchives.gov.uk/20110601171824/http://www.ico.gov.uk/~media/documents/pressreleases/2011/foi_monitoring_news_release_20110412.ashx)

[se\\_20110412.ashx](https://open.barnet.gov.uk/topic/council-democracy?tag=FOI).  
<sup>52</sup> Datasets on Barnet's performance against the 20 working day time limit are published on its Open Data portal <https://open.barnet.gov.uk/topic/council-democracy?tag=FOI>.

<sup>53</sup> Letter from Interim Chief Executive of Barnet Council to Information Commissioner, 30 April 2013.

[https://www.whatdotheyknow.com/request/159944/response/395622/attach/html/8/130430 ICO response from Chief Executive FINAL.pdf.html](https://www.whatdotheyknow.com/request/159944/response/395622/attach/html/8/130430%20ICO%20response%20from%20Chief%20Executive%20FINAL.pdf.html).

<sup>54</sup> Examples of Barnet's monitoring reports were disclosed in response to our request and can be viewed on its disclosure log by searching requests received on 14/1/16 and 'freedom of information'.



Although the annual volume of requests Barnet received increased by 36% in the four years between 2012/13 and 2016/17 (from 1,542 to 2,097) it then fell by 17.5% (to 1,731) in the following year. The council attributed this to the volume of open data it had published and the publication of a disclosure log. **A third of all requests and no less than 73% of those dealing with business rates and parking were dealt with by referring requesters to such published information. This is a striking indication of the value of proactive publication targeted at issues attracting large volumes of requests.**<sup>55</sup>

- **Brent** went from answering only 55% of its requests on time in 2013/14 to answering 96% on time in 2016/17 and 91% in 2017/18. The steps it took included an upgrade of its case management system, FOI officers began circulating a list of requests due in the next 3 days, strategic directors were sent reports indicating requests that were due and overdue and the Corporate Management Team were provided with monthly performance information.<sup>56</sup>
- **Tower Hamlets** answered 96% of requests in 20 working days in 2017/18, an improvement on the 88% figure for 2016/17 and 85% in 2015/16. In the same period, the volume of requests it received increased by 19%. It attributed the improvement to an *'increase in awareness and officers becoming more familiar with the new [case management] software.'*<sup>57</sup> It also said *'Monitoring measures were emphasised to improve performance which was effective as the rate of responding in time improved throughout the year.'*
- **Ealing** answered 92% of requests on time in 2016, a 9% improvement on 2010, despite a 72% increase in the number of requests during the period. In 2017 it answered 89% of requests on time.<sup>58</sup> A significant factor appears to have been the use of internal deadlines for dealing with each stage of a request and the systematic chasing of staff to comply with them.
- **Greenwich** answered only 37% of requests on time in 2013 and only 43% on time in 2014. This led the IC to carry out extended monitoring of the council for a full year. By 2017 it was answering 90% of requests on time. A number of measures have been put in place to maintain this, including regular reports to senior management, updated guidance and procedures, regular meetings of departmental FOI staff to deal with any issues, a recently improved IT system, random checks on the quality of responses and the review by the council's legal services of all exemptions claimed.<sup>59</sup>

<sup>55</sup> London Borough of Barnet, Information Management Report, 19 January 2018 and presentation by Barnet's Information Management Officer at a seminar held by Campaign for Freedom of Information in July 2018.

<sup>56</sup> London Borough of Brent, Audit Committee meeting on 26 June 2014, Internal Audit Year End Progress 2013/14, June 2014, <http://democracy.brent.gov.uk/documents/s24778/4.1%20Internal%20Audit%20Progress%20Report%20appendix%201.pdf>.

<sup>57</sup> London Borough of Tower Hamlets, Complaints and Information Governance Annual Report 2016-17, , <https://democracy.towerhamlets.gov.uk/documents/s116863/CI Annual Report 2016 2017 Draft 2017 Sep 04 v2 1.pdf>. This report is marked draft but was considered by the Overview and Scrutiny Committee on 23 November 2017.

<sup>58</sup> London Borough of Ealing, Standards Committee meeting on 22 March 2018, Overview of the Council's Freedom of Information Performance, available from <https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5628/Committee/10/Default.aspx>.

<sup>59</sup> London Borough of Greenwich, Corporate Finance and Performance Scrutiny Panel meeting on 27 September 2017, Responses to Freedom of Information Requests, <http://committees.royalgreenwich.gov.uk/documents/s59324/FOI%20Reports.pdf>.

- **City of London** says it has reduced the average time taken to answer a request from 9.42 hours in 2005 to 4.2 hours in 2015 *'in spite of a perceived trend towards larger and more complex individual requests.'*<sup>60</sup> It says this improvement is *'a reflection of the continuing build-up of expertise within departments (under central guidance and supervision).'* It also says better request handling has reduced the number of complaints to less than 1% of requests in 2015, with significant savings of staff time.<sup>61</sup>
- **Barking & Dagenham's** compliance with the time limit was extremely poor for a number of years, falling from 77% in 2013/14 to just 53% in 2016/17. The council brought its FOI team back in-house in April 2015 (it had been outsourced to a joint venture) and established a new centralised team.<sup>62</sup> In 2017/18 it answered 93% of requests in 20 working days, an improvement of 40% over the previous year despite receiving 8% more requests. It stated that workshops were taking place to support further improvement and it was in the process of publishing its FOI requests, responses and performance rates online.<sup>63</sup>
- Some poor performance may partly be explained by something as simple as the loss of an experienced FOI officer. In **Newham** the return of such an officer from leave helped performance recover from 66% in 2015/16 to over 90% in April 2016, though better monitoring, more proactive publication and other measures were also said to have contributed.<sup>64</sup> In 2017/18 it answered 84% of requests on time.
- **Lambeth** reported that a dip in its performance coincided *'with the departure of the Council's FOI Coordinator in June [2016] and the gap before a replacement joined in October and the absence of other staff responsible for coordinating responses to FOI requests...With appointment of a new FOI Coordinator and other Corporate Complaints Unit staff caseloads are at a more manageable level.'*<sup>65</sup> Performance improved from 76% in 2016/17 to 87% in 2017/18 despite a 7% increase in the volume of requests over the period.

<sup>60</sup> A report to its chief officers, which was disclosed in response to our request, says: *'It is considered that these improvements are a reflection of the continuing build-up of expertise within departments (under central guidance and supervision).'* City of London Corporation, Freedom of Information / Environmental Information Regulations 2015 Annual Report to Summit Group.

<sup>61</sup> It states: *'It is considered that the proper, detailed arguing of exemptions obviates possible complaints, which have the potential to be time consuming and draw in senior management and the Comptroller & City Solicitor's Department; and therefore the standard of responses has been maintained at a high level over the years.'* *ibid.*

<sup>62</sup> London Borough of Barking & Dagenham, Public Accounts and Audit Select Committee meeting on 3 February 2016, Information Governance Annual Report, <https://modgov.lbdd.gov.uk/internet/documents/s98915/PAASC-Report-InformationGovernance.pdf>.

<sup>63</sup> London Borough of Barking & Dagenham, Public Accounts and Audit Select Committee meeting on 24 January 2018, Information Governance Annual Report and Local Government Ombudsman Complaints, <https://modgov.lbdd.gov.uk/internet/documents/s118927/Report.pdf>.

<sup>64</sup> *'Better monitoring and escalation when services do not respond in time are now in place, and regular updates will be given to services on performance, with a breakdown of where delays in receiving information are occurring. Information is shared to identify hot topics that are emerging, so that steps can be made to handle information more effectively through communications, making information available on the web, etc. In addition potential future requests are identified and steps are taken accordingly in order to deal with increase in requests, such as standard responses, information on the web, etc.'* London Borough of Newham, Audit Board meeting on 28 June 2016, Freedom of Information Annual report – Requests received in 2015/16, <https://mgov.newham.gov.uk/documents/s105713/FreedomofInformationFinal2016.pdf>.

<sup>65</sup> London Borough of Lambeth, Corporate Committee meeting on 28 September 2017, Complaints, Members' Enquiries and Freedom of Information Act requests 2016/17, <https://moderngov.lambeth.gov.uk/documents/s91029/Complaints.pdf>.



- **Camden** improved the proportion of requests answered in 20 working days from 83% in 2014/15 to 92% in both 2015/16 and 2016/17, although performance dipped again to 85% in 2017/18. The dip was partly caused by the secondment of staff across the council to help with the evacuation of a housing estate because of concerns about its cladding and the failure of its case management system. The council said it was procuring a new case management system and trying to increase proactive publication. In Quarter 2 of 2018/19 Camden answered 98% of requests on time - the best performance it had ever achieved.<sup>66</sup>

The council has also recorded a fall in the volume of FOI requests which it says is because it is now answering several hundred of its simpler requests on a 'business as usual' basis and no longer including them in its FOI statistics. The ICO permits requests for routine information to be answered in this way as long as it is provided in full. The effect is to reduce the reported volume of FOI requests while increasing the reported average response time, as many easily answered requests have been removed from the statistics. This makes its recent performance of 98% all the more impressive.

- **Kensington and Chelsea** met nearly 80% of its requests in 20 working days in 2016 and 75% in 2017. But following a 25% increase in requests after the Grenfell fire its performance collapsed: for most of 2018 it was meeting only 32% of requests on time. At one point it had 212 overdue requests some having been unanswered for many months. Its problems were exacerbated by the lack of internal performance monitoring and the fact that just a single member of staff dealt with requests, with some help from their manager where possible. It has since introduced a new case management system, trained additional staff in FOI and begun weekly performance reporting bringing its compliance rate up to around 80% in September/October 2018. It is proposing to put regularly requested information online and is studying best practice in other organisations.<sup>67</sup>

These accounts draw heavily on London councils' own performance monitoring reports. However, two London councils (**Bromley and Hackney**) told us they don't produce such reports – and so appear to lack a basic tool for improving performance.

**As these accounts show, poor performance is not inevitable. Some London councils (including Barking & Dagenham, Barnet, Ealing, Lambeth and Tower Hamlets) have not only significantly improved their compliance with statutory time limits, but done so despite an increasing volume of requests.**

**Many of the measures they have used are not cost intensive.** They include better tracking and reminders to staff of approaching deadlines, closer monitoring by authorities of their performance, the use of disclosure logs and proactive publication to publish information known to attract frequent requests and, crucially, the retention of experienced FOI staff. Many authorities have made use of commercial case management systems, which track requests, provide alerts as deadlines approach, generate performance reports and publish released material to a disclosure log at the push of a button. **The similarities in the methods used by councils which have improved their performance suggests how others might go about this.**

<sup>66</sup> London Borough of Camden, Resources and Corporate Performance Scrutiny Committee meeting on 11 December 2018, Quarter 2 Performance Report 2018/19, <http://democracy.camden.gov.uk/documents/s76656/Q2%2018-19%20Corporate%20Services%20performance%20RCP%20Scrutiny%20draft.pdf>.

<sup>67</sup> Royal Borough of Kensington & Chelsea, Executive and Corporate Services Scrutiny Committee on 10 December 2018, Review of Freedom of Information Process, available from <https://www.rbkc.gov.uk/committees/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/669/Meeting/7827/Committee/1539/SelectedTab/Documents/Default.aspx>.

## The Information Commissioner's role

**An essential incentive for authorities to improve their performance is the threat of IC enforcement action. Unfortunately, as this report shows, some authorities are prepared to ignore the IC's interventions altogether, unless made in the form of a legally binding notice.**

If the IC finds a requester's complaint justified, she can issue a Decision Notice requiring the authority to take specified steps to comply with the legislation.<sup>68</sup> Our research has benefitted from several such notices. But while they provide a remedy for the individual complainant, a decision notice cannot require an authority to address a systemic problem.

The IC also has the power to issue an Enforcement Notice where the legislation has been breached even if the infraction has not been the subject of complaint.<sup>69</sup> An Enforcement Notice cannot require an authority to deal with *future* requests on time, but it can require it to respond to all *currently* overdue requests by a set deadline.

**Yet only four Enforcement Notices have been issued since the legislation came into force in 2005, and - inexplicably - only two have ever dealt with delays.<sup>70</sup> It is not clear why successive Information Commissioners have proved so reluctant to use them.**

An Enforcement Notice is capable of assisting dozens or even hundreds of requesters with overdue requests at a stroke. It provides a strong incentive to the authority to take steps to ensure that a build up of overdue requests does recur. It should also reduce the IC's workload, avoiding the need for separate investigations and rounds of correspondence as each requester complains about the same authority.

In 2010 the ICO announced that it would be taking a tougher approach to FOI enforcement:

*'Where there is evidence that a public authority is regularly or seriously failing to meet its obligations, the ICO will not hesitate to take regulatory action, particularly where organisations fail to respond to requests in a timely manner. The ICO has identified timeliness as a key target for action, in recognition that a quarter (between 20-25%) of FOIA complaints to the ICO relate, at least in part, to the time taken for public bodies to respond to requests.'*<sup>71</sup>

A significant element of this approach involved monitoring individual authorities which were not dealing with requests on time, usually for three months. Authorities were warned that if they failed to improve they might face enforcement action.<sup>72</sup>

London councils which have been monitored in the past are:

- **Barnet, Croydon, Ealing, Hammersmith & Fulham, Islington, Newham and Westminster** (all in October to December 2010).
- **Kingston and Southwark** (April – June 2011)

<sup>68</sup> Freedom of Information Act 2000, section 50

<sup>69</sup> Freedom of Information Act 2000, section 52

<sup>70</sup> These were served on the Independent Police Complaints Commission in June 2010 and the Department of Finance and Personnel for Northern Ireland in June 2015.

<sup>71</sup> ICO press release, ICO takes tougher approach to FOI enforcement, 21 July 2010, [https://webarchive.nationalarchives.gov.uk/20101125173822/http://www.ico.gov.uk/~media/documents/pressreleases/2010/ENFORCEMENT\\_POLICY\\_200710.ashx](https://webarchive.nationalarchives.gov.uk/20101125173822/http://www.ico.gov.uk/~media/documents/pressreleases/2010/ENFORCEMENT_POLICY_200710.ashx).

<sup>72</sup> Freedom of Information regulatory action policy, version 3.0, updated December 2012, [https://ico.org.uk/media/about-the-ico/policies-and-procedures/1859/freedom\\_of\\_information\\_regulatory\\_action\\_policy.pdf](https://ico.org.uk/media/about-the-ico/policies-and-procedures/1859/freedom_of_information_regulatory_action_policy.pdf).

- **Barnet** (April - June 2013)
- **Hackney** (January - March 2014)
- **Lambeth and Tower Hamlets** (September - Nov 2014)
- **Greenwich** (May 2014 - May 2015)
- **Newham** (September – November 2016)
- **Lambeth** (January - March 2017)

Monitoring contributed to significant improvements by **Greenwich** (which answered 90% on time in 2017) and **Barnet** (which has been above 95% for several years). After its 2017 monitoring, **Lambeth** improved from answering 76% of requests on time in 2016/17 to 86.5% on time in 2017/18, and acknowledged that the improvement had been '*influenced in no small part*' by the monitoring.<sup>73</sup>

**Other London councils with far worse performance records than Lambeth's appear to have escaped monitoring.** These include **Bromley** (only 64% of requests answered on time in 2017/18), **Lewisham** (61%) and **Hounslow** (60%).

**Three quarters of all London councils - and no doubt innumerable other authorities as well - are failing to meet the IC's trigger for monitoring, of answering at least 90% of requests on time.**

**Yet at the time of writing, the ICO appeared to have all but abandoned formal monitoring.** In 2010, 33 authorities across the England, Wales and Northern Ireland had been monitored. But only two authorities were monitored in each of 2016 and 2017 and none appear to have been monitored in 2018.

This may partly be the result of the ICO having focussed heavily on data protection issues over recent years, which regulation of FOI has received far less attention, an imbalance which urgently needs to be addressed.

The IC's annual report for 2017/18 stated that it had:

*'engaged with a number of public authorities about their handling of responses to freedom of information requests. Following this, progress has been made on the timeliness of those bodies' responses.'*<sup>74</sup>

**The ICO has not named these bodies but the move from publicly announced monitoring to private discussions with unnamed authorities is not encouraging. It makes it difficult to judge the extent and effectiveness of the ICO's efforts and removes a source of public pressure for improvement.**

**The absence of monitoring, coupled with the IC's reluctance to issue Enforcement Notices, suggests that, apart from the occasional Decision Notice, there are few practical repercussions for authorities which consistently fail to meet FOI time limits.**

<sup>73</sup> London Borough of Lambeth, Corporate Committee on 21 March 2018, Complaints - 6-monthly update, <https://moderngov.lambeth.gov.uk/documents/s94086/Complaints%206-monthly%20update.pdf>.

<sup>74</sup> <https://ico.org.uk/media/about-the-ico/documents/2259463/annual-report-201718.pdf>.

**Recommendation 1:** authorities should report publicly every quarter on the number of requests not answered within the required time scale, setting out the causes of the delay and the steps being taken to address them.

**Recommendation 2:** the IC should make clear that authorities which fail to respond to or even acknowledge her emails asking them to deal promptly with an overdue request (as some London councils have done) will make themselves prime candidates for further enforcement action.

**Recommendation 3:** the IC should reinstate its lapsed 2010 enforcement policy, including the monitoring of underperforming authorities, to ensure that authorities answer at least 90% of requests on time. It should demonstrate a readiness to issue Enforcement Notices where persistent delays continue.

## Publication of FOI statistics

Some of the FOI statistics presented in this report were found in publicly available committee papers or published datasets. However, some councils publish no statistics at all and we had to make FOI requests to obtain them. In some cases we had to wait many months for the replies, only receiving them after the IC's intervention.

Figure 4 shows that, as of December 2018:

- **Nearly a third** of London councils (11/34) published **no FOI statistics of any kind**.<sup>75</sup>
- **Most** London councils (22/34) **published the percentage of requests they answered within the statutory time limit** but 6 of these published no other FOI figures.
- **Most** of the authorities (9/12) which **don't publish their timeliness figures are in the bottom half** of the performance table.
- **30 of the 34** councils **failed to reveal the numbers of requests they answered or refused**.<sup>76</sup>
- Only two councils (**Barnet** and **City of London**) said **how long they take to answer those requests not answered on time** - without this people don't know whether delays are modest or run on for multiple months.

<sup>75</sup> These are the councils at the bottom of Figure 4 with a red dot in every column.

<sup>76</sup> The only councils that say how many requests they answer and how many they refuse are Barnet, City of London, Greater London Authority and Haringey. See Column 3 in Figure 4.

- **Half** of London councils (17/34) **failed to publish the number of FOI requests** they received.
- Only **4** councils (**Barnet, City of London, Haringey** and **Tower Hamlets**) said **how long their internal reviews take**.
- **Three quarters** of the councils **don't state how many complaints to the ICO** have been made about them or the outcomes.
- In some cases there is a **significant delay** before statistics appear, resulting in them being out of date by the time they are published.<sup>77</sup>

By comparison, FOI statistics for all central government bodies are published quarterly, and more detailed figures annually, allowing under-performers to be identified.<sup>78</sup> Government guidance issued in 2009, with the support of the Local Government Association, encouraged all public authorities, including councils, to do the same.<sup>79</sup>

- Only two authorities, **City of London** and **Haringey** published statistics on all the key issues.
- The **City of London** went furthest and was the only London council to publish the same range of statistics as is published for central government bodies. The council has itself observed that: *'it is surprisingly difficult to find compliance information for any other authorities.'*<sup>80</sup>

**The fact that some London councils publish few or no FOI statistics makes it harder for requesters and the IC to recognise consistently underperforming authorities, shielding them from pressure to improve.** The routine publication of statistics is an essential prerequisite for any concerted attempt to deal with delays. This problem is unlikely to be restricted to London councils.

Even where statistics are published, they can be hard to find. They often appear in reports to the committee that oversees FOI, which varies from council to council and may be the Audit and Risk Committee, Public Accounts and Audit Committee, Standards Committee, the Corporate Committee, Corporate Finance and Performance Scrutiny Panel or the Residents Committee. Some councils include FOI statistics in corporate performance reports along with other types of performance data. Others include them in their Annual Governance Statement published with their annual accounts.

It would be logical for councils to provide links to their performance statistics on their FOI or open data webpages. In fact, only **Barnet**,<sup>81</sup> **City of London**,<sup>82</sup> **Greater London Authority**,<sup>83</sup> **Harlow**<sup>84</sup> and **Haringey**<sup>85</sup> do so.

<sup>77</sup> For example, Barking & Dagenham's statistics for 2017/18 were published in an annual report nine and a half months after the end of the financial year.  
<https://modgov.lbbd.gov.uk/internet/documents/s128117/Report.pdf>.

<sup>78</sup> <https://www.gov.uk/government/collections/government-foi-statistics>

<sup>79</sup> Ministry of Justice, Summary guidance on publishing Freedom of Information data, Ministry of Justice, 30 July 2009,  
<https://webarchive.nationalarchives.gov.uk/20091009075719/http://www.justice.gov.uk/guidance/foi-guidance-local-authorities.htm>.

<sup>80</sup> City of London Corporation, Freedom of Information / Environmental Information Regulations 2015 Annual Report to Summit Group.

<sup>81</sup> <https://www.barnet.gov.uk/citizen-home/council-and-democracy/data-protection-and-freedom-of-information/freedom-of-information-act.html>

<sup>82</sup> <https://www.cityoflondon.gov.uk/about-the-city/access-to-information/Pages/freedom-of-information.aspx>

<sup>83</sup> <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

<sup>84</sup> [https://www.harlow.gov.uk/info/200031/data\\_protection\\_and\\_freedom\\_of\\_information\\_foi/1032/council\\_wide\\_information\\_datasets](https://www.harlow.gov.uk/info/200031/data_protection_and_freedom_of_information_foi/1032/council_wide_information_datasets)

<sup>85</sup> <https://www.haringey.gov.uk/contact/information-requests/freedom-information-foi>

	REQUESTS			INTERNAL REVIEWS			ICO COMPLAINTS	
	1	2	3	4	5	6	7	8
Authority	Timeliness	Number	Outcome	Timeliness	Number	Outcome	Number	Outcome
City of London	●	●	●	●	●	●	●	●
Haringey	●	●	●	●	●	●	●	●
GLA	●	●	●	●	●	●	●	●
Tower Hamlets	●	●	●	●	●	●	●	●
Barnet	●	●	●	●	●	●	●	●
Greenwich	●	●	●	●	●	●	●	●
Ealing	●	●	●	●	●	●	●	●
Lambeth	●	●	●	●	●	●	●	●
Enfield	●	●	●	●	●	●	●	●
Barking & Dagenham	●	●	●	●	●	●	●	●
Camden	●	●	●	●	●	●	●	●
Harrow	●	●	●	●	●	●	●	●
Newham	●	●	●	●	●	●	●	●
Redbridge	●	●	●	●	●	●	●	●
Sutton	●	●	●	●	●	●	●	●
Kensington & Chelsea	●	●	●	●	●	●	●	●
Bexley	●	●	●	●	●	●	●	●
Brent	●	●	●	●	●	●	●	●
Croydon	●	●	●	●	●	●	●	●
Hounslow	●	●	●	●	●	●	●	●
Merton	●	●	●	●	●	●	●	●
Richmond	●	●	●	●	●	●	●	●
Wandsworth	●	●	●	●	●	●	●	●
Bromley	●	●	●	●	●	●	●	●
Hackney	●	●	●	●	●	●	●	●
Hammersmith & Fulham	●	●	●	●	●	●	●	●
Havering	●	●	●	●	●	●	●	●
Hillingdon	●	●	●	●	●	●	●	●
Islington	●	●	●	●	●	●	●	●
Kingston	●	●	●	●	●	●	●	●
Lewisham	●	●	●	●	●	●	●	●
Southwark	●	●	●	●	●	●	●	●
Waltham Forest	●	●	●	●	●	●	●	●
Westminster	●	●	●	●	●	●	●	●

**Figure 4: publication of FOI statistics**

Column 1: Timeliness statistics: regularly published (green), occasionally (yellow), not published (red)

Column 2: No. of requests received: published (green), not published (red)

Column 3: Outcome of FOI requests (e.g. answered/refused) published (green), not published (red)

Column 4: Timeliness of completing internal reviews: published (green), not published (red)

Column 5: No. of internal reviews carried out: published (green), not published (red)

Column 6: Outcome of internal reviews: published (green), not published (red)

Column 7: No. of complaints to ICO: published (green), not published (red)

Column 8: Outcome of complaints to ICO: published (green), not published (red)

A further problem is that different councils' statistics are compiled on different bases, making direct comparisons difficult. Some consider a request to have been dealt with 'on time' only if answered within 20 working days, others also count those answered within a 'permitted extension', sometimes without making clear that they are doing so.

The statistics for central government bodies are published together in a standardised form that avoids this problem.<sup>86</sup> So are Scottish public authorities' statistics, which the Scottish Information Commissioner publishes quarterly in a format that allows performance to be compared and underperformers to be readily identified.<sup>87</sup>

Some councils' statistics for the same period appear to change:

- **Barking & Dagenham's** figures supplied to us showed that it had answered **82%** of requests within 20 working days in 2017/18, but a subsequent report on its website said it had answered **93%** in 20 working days during that period.<sup>88</sup> On querying this the council told us the latter figure was correct.
- **Croydon** supplied figures to us showing that it had answered **69%** of requests in 20 working days in 2017/18. However, an earlier report to Cabinet, published on its website, stated that it answered only **60.8%** of requests within 20 working days in that year.<sup>89</sup> The council explained such problems may be caused by departments answering requests on time but not notifying the FOI team of this until much later. Belated recognition that these requests had been dealt with on time may improve the reported figure.

In July 2018, the government published a revised statutory code of practice under section 45 of the FOI Act.<sup>90</sup> This states that all public authorities employing more than 100 full time equivalent staff should as a matter of best practice publish quarterly statistics on their FOI performance. The figures which the code says should be included are shown in *Figure 5*.

**Recommendation 4: authorities should publish quarterly statistics on their FOI performance in accordance with the statutory guidance in the July 2018 Freedom of Information code of practice.**

**They should also publish (a) the actual time taken to respond to requests not answered within 20 working days, (b) the number of internal reviews carried out, the time taken to deal with them and their outcomes and (c) the number of complaints to the IC and tribunal appeals, with their outcomes.**

<sup>86</sup> <https://www.gov.uk/government/collections/government-foi-statistics>

<sup>87</sup> <http://www.itspublicknowledge.info/ScottishPublicAuthorities/StatisticsCollection.aspx>

<sup>88</sup> London Borough of Barking & Dagenham, Audit and Standards Committee on 16 January 2019, Information Governance Annual Report, <https://modgov.lbbd.gov.uk/internet/documents/s128117/Report.pdf>.

<sup>89</sup> London Borough of Croydon, Cabinet meeting on 11 June 2018, Appendix 1 – Corporate Plan 2017-18 performance,

<https://democracy.croydon.gov.uk/documents/s7928/Appendix%201%20-%20Corporate%20plan%20AfC%202017-18%20performance.pdf>.

<sup>90</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>.



**Recommendation 5: authorities should link to their published FOI statistics and performance reports from the FOI page of their website.**

**Recommendation 6: the IC should follow the example of the Scottish Information Commissioner and obtain and publish a compilation of all authorities' compliance statistics. The use of online tools for the submission of statistics should allow this exercise to be automated.**

8.5 Public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Act. The information should include:

- The number of requests received during the period;

The number of the received requests that have not yet been processed (you may also wish to show how many of these outstanding requests have extended deadlines or a stopped clock, e.g. because a fee notice has been issued);

The number of the received requests that were processed in full (including numbers for those that were met within the statutory deadline, those where the deadline was extended and those where the processing took longer than the statutory deadline);

The number of requests where the information was granted in full;

The number of requests where the information was refused in full (you may wish to separately identify those where this was because the information was not held);

- The number of requests where the information was granted in part and refused in part;

The number of requests received that have been referred for internal review (this needs only reporting annually).

8.6 It is for individual public authorities to decide whether they wish to publish more detailed information than that set out above (they may, for example, wish to show a breakdown of the exemptions they have used for refusing requests or to show a breakdown of the outcomes for their internal reviews).

*Figure 5. Government guidance on the publication of FOI statistics. Extract from the Freedom of Information code of practice, published by the Secretary of State under section 45 of the FOI Act, July 2018.*



## Assisting requesters

The FOI Act requires public authorities to provide advice and assistance to people who make, or propose to make, requests for information.<sup>91</sup> This is a crucial provision. If the public don't understand how to use the Act, the right of access may be of little benefit.

### Contact details

All London councils' websites provide basic guidance on making requests. Typically, this explains what information can be sought, how a request can be made and by when the authority should respond.

But some make it difficult for requesters to contact them for assistance:

- Four councils (**Bromley, Enfield, Haringey** and **Redbridge**) do not publish an email address to which requests for information or advice can be sent. Instead, they provide a web form through which FOI requests can be made.
- More than half the councils (**19/34**) do not provide a telephone number for an FOI contact that requesters can call for assistance.<sup>92</sup>

The IC's guidance recommends that such details be provided.<sup>93</sup> One of the IC's decision notices describes the difficulties faced by a sight impaired requester with no internet access who could not read the response to his request because, contrary to a prior agreement, it had not been set out in large type. In the absence of a contact phone number he had no easy way of contacting the authority to let it know of his difficulties.<sup>94</sup>

A number of councils provide on-line request forms on their websites, but sometimes no other means of contacting their FOI team. **Enfield** encourages requests to be made via a web form but does not provide an FOI contact email or phone number, although its FOI Policy acknowledges '*the legislation does not oblige the requestor to submit the request on-line and the request is acceptable by post by email or fax*'.

While online request forms can be convenient for authorities, they may be less useful for requesters. If the system does not automatically send them a copy of their request they may have no precise record of its wording or date - essential if they need to chase the authority or challenge a refusal.<sup>95</sup>

### Appeal rights

The information provided to the public about appeal rights also varies:

- Only 4 out of 34 councils publish their target times for dealing with complaints on their web site.
- A quarter of councils (9/34) do not publish details of how to complain about a refusal on their website (though most provided this information when responding to our FOI requests).

<sup>91</sup> FOI Act section 16. A similar duty is found in regulation 9(1) of the EIR.

<sup>92</sup> Those not providing a phone number were: Barking & Dagenham, Barnet, Bexley, Brent, Bromley, Camden, Croydon, Enfield, Greater London Authority, Haringey, Harrow, Havering, Hounslow, Islington, Kensington & Chelsea, Kingston, Newham, Redbridge and Waltham Forest.

<sup>93</sup> The IC says authorities should proactively publish 'a contact address (including an email address where possible); a telephone number; ideally a named individual to help applicants direct their requests for information or assistance.' 'Duty to provide advice and assistance (section 16)', Version 1.1, 20160623, <https://ico.org.uk/media/for-organisations/documents/1624140/duty-to-provide-advice-and-assistance-foia-section-16.pdf>.

<sup>94</sup> Decision Notice FS50654647, Cabinet Office, 23 March 2017.

<sup>95</sup> See Decision Notice FS50738437 of 18 May 2018, London Borough of Hackney, which refers to a request made in this way, as a result of which 'the complainant does not have an original copy of the request'. See also Decision Notice FS50775818 of 19 September 2018, London Borough of Haringey, which states 'As the request was submitted via an online portal he [the requester] does not have a copy of the precise request which was submitted'.

Requesters who are dissatisfied with an authority's response to their request are normally expected to ask it to reconsider by carrying out an 'internal review', and not complain to the IC until this has been done (unless the complaint is about delays).<sup>96</sup> The IC rejected over a third (159/429) of all complaints against London councils in 2016-17 because the requester had not followed this process.<sup>97</sup> It would be helpful if authorities highlighted their internal review procedures on their websites.

**Recommendation 7: authorities should ensure that online request forms automatically send the requester an acknowledgement that includes the text of the request and its date of submission.**

**Recommendation 8: authorities should publish a phone number and email address to which requests for information and assistance can be made.**

**Recommendation 9: authorities should (a) explain the FOI complaints process on their websites, making it clear that the right of appeal to the IC is normally only available once internal review has been completed (unless the complaint is about a significant delay) and (b) state their target time for completing internal review.**

### Advice where requests are refused on cost grounds

Requests under the FOI Act can be refused if the estimated costs of responding exceed certain limits.<sup>98</sup> Where an authority refuses a request on cost grounds it must provide reasonable advice and assistance to help the applicant submit a reformulated request that *can* be answered within the limit, where this is feasible. It should, for example, explain what information *could* be provided within that limit or suggest how the request might be narrowed to reduce the cost. If it is not able to provide any information at all within the limit, it should say so.<sup>99</sup>

The IC's decision notices provide examples of London councils that have satisfied this requirement:

<sup>96</sup> The IC has made clear that internal review is not necessary where the complaint is about delays. Decision Notice FS50587343 of 30 August 2016 dealt with a case where the requester had asked the Cabinet Office to carry out an internal review of its failure to respond to a request made six weeks earlier. The IC wrote: *'The Commissioner would not recommend complainants do this. She would encourage complainants to first seek informal resolution of the delay with the public authority (as the complainant did here). If this is unsuccessful, they should then report any protracted delays in response directly to her.'*

<sup>97</sup> Data extracted from ICO complaints and concerns datasets for the period April 2016 to March 2017, available from <https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>.

<sup>98</sup> FOI requests to councils and most other authorities can be refused if the estimated cost of establishing whether the information is held and if so locating, retrieving and extracting it would exceed £450. Officials' time is costed at a standard £25/hour, so requests can be refused where these likely would exceed 18 hours. For government departments, Parliament and the Welsh and Northern Ireland assemblies the figure is £600, corresponding to 24 hours. A different approach applies under the EIR: requests can be refused if the costs would make responding 'manifestly unreasonable'.

<sup>99</sup> ICO 'Requests where the cost of compliance exceeds the appropriate limit', Version: 1.2, 20150909, paragraph 59, [https://ico.org.uk/media/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/1199/costs_of_compliance_exceeds_appropriate_limit.pdf).

- **Hammersmith & Fulham** refused a request about the sale of a council property arguing that one of the necessary searches would require it to examine over 4,500 emails, exceeding the cost limit. The council suggested that if the request was limited to any dedicated file on the sale held by the specific department responsible, it might be located within the cost limit. The IC found that this was reasonable advice and assistance.<sup>100</sup>
- In another case **Hammersmith & Fulham** was asked for the number of requests to it for compensation for damage to vehicles and the number where legal action had been taken, with the outcomes in each case. It said that this would involve examining 57,000 enquiries over 10 years, substantially exceeding the cost limit. It advised the requester to narrow his request taking into account that such cases would have been handled by a number of different identified departments. The IC considered the explanation helpful, but said a request revised on these lines would still be liable to exceed the cost limit. The council should have indicated what information *could* be supplied within the limit. The requester later proposed to restrict his request just to cases involving legal action but the council said this too would exceed the cost limit. But it added that if this request was limited to those received during a *single year* it would be able to respond. The IC found this final suggestion constituted reasonable advice and assistance.<sup>101</sup>
- **Brent** was asked for 12 sets of figures about the handling of all FOI requests between 2005 and 2014. Some could only be obtained by separately examining each of 6,500 FOI replies, which would exceed the cost limit. However, the IC found that the council's response satisfied the duty to advise and assist as *'Where the Council believed that it did not hold information, it provided the complainant with an indication as to what similar information it did hold that could be provided. Where the Council believed that a response to a particular question would be likely to exceed the appropriate limit, it provided an indication of what information it believed could be provided within the appropriate limit.'*<sup>102</sup>

Sometimes councils' advice and assistance has been found to fall short:

- **Lambeth** was asked how many of its employees had declared membership of organisations '*such as the Freemasons*'. The council said the information could be found in Declaration of Interest forms which were not held centrally but kept by line managers in a variety of different files. Locating them and extracting the information for all staff would exceed the cost limit. The council had advised the applicant to reduce the scope of his request without suggesting how. It later told the IC that it could provide the information for '*the top two management tiers*'. The IC did not accept that this was an adequate response, estimating that the council could provide details for some 2,000 employees within the cost limit. It ordered the council to assist the applicant in obtaining '*as much information of interest as is reasonable*'.<sup>103</sup>

<sup>100</sup> Decision Notice FS50519215, London Borough of Hammersmith and Fulham, 31 March 2014.

<sup>101</sup> Decision Notice, FS50584989, London Borough of Hammersmith and Fulham 13 January 2016.

<sup>102</sup> Decision Notice FS50542440, London Borough of Brent, 16 December 2014.

<sup>103</sup> Decision Notice FS50558777, London Borough of Lambeth, 17 March 2015.

- **Hackney** was asked for any internal discussion over a 3 year period about the possibility of using certain parkland as the site for a temporary school. The council refused the request as ‘manifestly unreasonable’ under the EIR, estimating that the search would cost over £6,000. Both the IC and, on appeal, the First-tier Tribunal agreed. However, the tribunal was critical of the council’s failure to assist the requester. The official who handled the request had spoken to his predecessor about it but had not asked where any relevant information might be found. The sample search used to estimate the costs had been inadequate. The council’s searches had found a large number of documents which it said would each have to be read. It had not acknowledged that its document management system had advanced search functions which could have excluded ‘*masses of irrelevant material*’. The tribunal was left with ‘*the clear impression that the approach adopted was that the Council had no obligation to either use the advanced search facility itself to reduce the number of “hits”, to obtain guidance from colleagues, or to give the Appellant sufficient information about the available tools to enable him to consider how the Request might be reduced in scope.*’<sup>104</sup>

**Recommendation 10:** where the volume of ‘hits’ turned up by an electronic search is too great to be examined without exceeding the FOI cost limit, authorities should consider whether the search is catching large amounts of irrelevant material. If so, they should consider whether that material can be excluded by adjusting the search terms (e.g. find documents containing the term “ABC” but not the term “XYZ”) and carry out that search if it allows the request to be answered within the cost limit. If that search runs the risk of excluding some relevant documents, the implications should be explained to the applicant who should be given the option of asking for it to be done.<sup>105</sup>

## FOI disclosure logs

A particularly valuable FOI resource is a ‘disclosure log’ of the FOI requests the authority has received and any information disclosed in response. These help to:

- Ensure **the public generally** benefits from information released to individual requesters.
- **Reduce the authority’s workload** - requesters who find the information online will not need to request it.
- **Encourage informed use of the Act** by illustrating what can be obtained and what is likely to be exempt. This may also help reduce unnecessary appeals.

<sup>104</sup> First-tier Tribunal, (General Regulatory Chamber) Information Rights, *Nick Rosen & Information Commissioner & London Borough of Hackney*, EA/2017/0047, decision of 15 August 2018.

<sup>105</sup> The Information Commissioner and tribunal are increasingly examining whether authorities have taken steps to exclude clearly irrelevant material from their searches. The Upper Tribunal has expressly encouraged them to ‘*take a sceptical approach and require the public authority to provide persuasive evidence of how they undertook the [costs] estimate, with follow-up questions if necessary*’. *Kirkham v Information Commissioner*, [2018] UKUT 126, paragraph 34.

- Demonstrate that the authority is **acting openly** which the IC says ‘helps build public trust in your organisation’.<sup>106</sup>
- **Promote consistency**, and aid corporate memory, by discouraging authorities from withholding information they have previously disclosed.

Figure 6 shows that:

- Some councils publish comprehensive disclosure logs. **Barking & Dagenham**,<sup>107</sup> **Barnet**,<sup>108</sup> **Bexley**,<sup>109</sup> **Camden**,<sup>110</sup> **Hackney**,<sup>111</sup> **Hammersmith & Fulham**,<sup>112</sup> **Haringey**,<sup>113</sup> **Lambeth**<sup>114</sup> and **Tower Hamlet**<sup>115</sup> have disclosure logs which provide (i) all or most of the requests themselves (ii) the letters of response (iii) any disclosed information (iv) are searchable by date and keyword, and (v) are kept up to date.<sup>116</sup> Most of these councils use a software package called ‘iCasework’ which provides an option to automatically publish any selected FOI responses on a disclosure log.
- However, almost two thirds of London councils (20/34) **do not publish any of the FOI disclosures they have made** – despite the potential benefits.
- Some have disclosure logs which are not kept up to date. As of December 2018 **Croydon** had not added anything to its disclosure log for 17 months, **Richmond** for two years and nine months and **Newham** for three years and nine months. **Brent**<sup>117</sup> and **Redbridge**<sup>118</sup> were committed to introducing disclosure logs but had not done so at the time of writing. A **Bromley** working group recommended the introduction of a disclosure log in 2011 to ‘*reduce demand on officer time*’ but that has not been done.<sup>119</sup>

<sup>106</sup> IC ‘Taking a Positive Approach to Information Rights’, v.1.1, 20121212, [https://ico.org.uk/media/for-organisations/documents/1568/information\\_rights\\_top\\_tips.pdf](https://ico.org.uk/media/for-organisations/documents/1568/information_rights_top_tips.pdf).

<sup>107</sup> <https://www.lbld.gov.uk/freedom-of-information>.

<sup>108</sup> <https://www.barnet.gov.uk/citizen-home/foi-requests.html>.

<sup>109</sup> <https://www.bexley.gov.uk/foidisclosurelog>.

<sup>110</sup> <https://www.camden.gov.uk/ccm/navigation/council-and-democracy/publications-and-finances/freedom-of-information/>.

<sup>111</sup> <https://foi.infreemation.co.uk/hackney/>.

<sup>112</sup> <https://www.apps12.lbhf.gov.uk/cus/servlet/ep.appSearch?public=true&byCaseType=false&byKeyword=true&max=20&drilldown=false&title=Disclosure%20log>.

<sup>113</sup> <https://www.haringey.gov.uk/contact/information-requests/freedom-information/common-information-requests#search>.

<sup>114</sup> <https://www.lambeth.gov.uk/elections-and-council/foi/find-answers-to-freedom-of-information-foi-requests>.

<sup>115</sup> <http://www.towerhamletsfoi.org.uk/display.asp>.

<sup>116</sup> On 15/8/2018, seven of the eight disclosure logs referred to in this paragraph had entries added in the last week. The last entry on Haringey’s disclosure log had been added approximately 10 weeks earlier.

<sup>117</sup> Brent’s Corporate Performance Scorecard report from December 2017 states: ‘*Work has proceeded on the setting up of a Disclosure Log and the publishing of certain Business Rates data. These should see a further improvement in time, as there should be less work for some of the services as those seeking information will be referred to where it is already published*’ (Appendix A, pg.24).

<sup>118</sup> Redbridge says it plans to expand the list of FOI requests on its DataShare site to include some of the responses. See <https://www.redbridge.gov.uk/have-your-say/freedom-of-information/disclosure-log/>.

<sup>119</sup> A Report of the New Technology Working Group of the Executive and Resources Policy Development and Scrutiny Committee in May 2011 stated: ‘*Many public bodies now publish all FOI requests online in a disclosure log. Once information is publicly available an FOI request can be rejected on the basis that the information is already easily available and the person requesting the information can be directed towards the relevant page. The Group felt that this simple process could save officers a significant amount of time.*’

<https://cds.bromley.gov.uk/documents/s8214/ER%20PDS%20190511%20New%20Technology%20Working%20Group%20Report.pdf>.

- A few councils publish lists of the requests they have received without publishing any of the disclosed information. **City of London** and **Redbridge** list what has been asked for and say whether it was disclosed. Although requesters could not download the disclosed information directly, they could ask the council for it. **Merton** and **Wandsworth** have published lists of requests *without* indicating if they had been complied with or not. Anyone asking for previously requested information might wait for an answer only to be told that the previous request had been refused – a waste of the requester’s and council’s time. **Wandsworth’s** list of requests (which it describes a ‘disclosure log’) has not been updated for some time. The council plans to resume publishing it and hopes that this together with a new case management system will help reduce its volume of requests.<sup>120</sup> That would only be feasible if the council begin publishing the disclosed information itself.

One of our requests illustrated how a disclosure log might help public authorities. When **Richmond** supplied its FOI statistics to us in 2016 it withheld the precise number of requests refused as vexatious in certain months, maintaining that where these numbers were very low they could help identify the requesters. In certain conditions, disclosing the actual number of individuals in a very small group could, if combined with other available information, point to an individual’s identity - but we could not see how this could occur in this case.<sup>121</sup> We asked Richmond to reconsider and it accepted our argument, disclosing the previously withheld figures. But when we made a follow-up request in 2018 for more recent statistics, it again refused to disclose the equivalent numbers citing the same argument. Authorities need some way of preserving their corporate memory. A disclosure log may help them do so.

**Recommendation 11: authorities should publish and keep up to date a disclosure log. This should (i) describe the requests they have received, and (ii) the outcomes and (iii) include any released information.**

<sup>120</sup> Wandsworth Borough Council, Finance and Corporate Overview and Scrutiny Committee on 22nd November 2018, paper no. 18-430.

<sup>121</sup> For example, if the answer to an FOI request about the number of staff dismissed for misconduct during the year is two and it is known that only two people had left during the year, the disclosure would reveal that the two people who had left had been dismissed for misconduct. What makes this ‘personal data’ is that the anonymous statistic (2) can be combined with other information (who had left during the year) which is known to some people, and point to the identity of those involved. In the case of the small number of requests refused as vexatious it was difficult to see what other available information could identify anyone even if combined with the disclosed figure.

Authority	[1] FOI requests published	[2] Up to date	[3] Responses published	[4] Searchable
Barking & Dagenham	●	●	●	●
Barnet	●	●	●	●
Bexley	●	●	●	●
Camden	●	●	●	●
Hackney	●	●	●	●
Hammersmith & Fulham	●	●	●	●
Haringey	●	●	●	●
Lambeth	●	●	●	●
Tower Hamlets	●	●	●	●
GLA	●	●	●	●
Harrow	●	●	●	●
Croydon	●	●	●	●
Newham	●	●	●	●
Richmond	●	●	●	●
City of London	●	●	●	●
Merton	●	●	●	●
Redbridge	●	●	●	●
Wandsworth	●	●	●	●
Brent	●	●	●	●
Bromley	●	●	●	●
Ealing	●	●	●	●
Enfield	●	●	●	●
Greenwich	●	●	●	●
Havering	●	●	●	●
Hillingdon	●	●	●	●
Hounslow	●	●	●	●
Islington	●	●	●	●
Kensington & Chelsea	●	●	●	●
Kingston	●	●	●	●
Lewisham	●	●	●	●
Southwark	●	●	●	●
Sutton	●	●	●	●
Waltham Forest	●	●	●	●
Westminster	●	●	●	●

**Figure 6: FOI disclosure logs**

Column 1: Are the FOI requests themselves published? green = 50% or more published; yellow = less than 50% published (applies to Croydon, GLA & Harrow); or nothing added for more than 12 months as of July 2018 (Croydon, Newham, Redbridge, Richmond & Wandsworth); red = none published.

Column 2: Is the disclosure log up to date? green = updated within last 6 months as of July 2018; yellow = updated within 6-12 months; red = nothing added for more than 12 months (or no disclosure log).

Column 3: Are the responses to requests published? green = 50% or more published; yellow = less than 50% published; red = none published.

Column 4: Is the disclosure log searchable? green = searchable by text and date; yellow = searchable by predefined category only; red = not searchable or no disclosure log.



## Internal guidance

The IC expects local authorities to pro-actively publish their policies and internal guidance, which would include those on FOI.<sup>122</sup> Although most London councils have these only a few appear to publish them.

- **Barnet** publishes a detailed toolkit for staff<sup>123</sup> as well as its FOI policy<sup>124</sup>
- **Haringey** publish its FOI/EIR procedures<sup>125</sup>
- Other councils publishing their *policies* include **Barking & Dagenham**,<sup>126</sup> **Islington**,<sup>127</sup> and **Westminster**<sup>128</sup>
- **Bexley's** staff guidance was available online at the time we began our research in 2016 but has since been removed.

Our 2016 FOI request to councils asked them for any *unpublished* internal guidance. Nearly all London councils provided at least some, except for:

- **Brent** which told us its guidance had been withdrawn and was being reviewed.
- **Hillingdon** which said its guidance had been produced in 2006 and had not been updated. Our request had asked for 'current' guidance - which would have included any out of date guidance still in use.
- **Westminster** told us it had no discrete guidance as such but provided guidance to staff via online training and other means.
- **Newham** supplied no guidance but told us their FOI staff had all received training.
- **Ealing** supplied no guidance and did not reply to our follow-up question asking them to confirm that none existed.

## Positive commitments

In general, London councils' policies and guidance advised staff to adopt a pro-disclosure standpoint. Examples included:

<sup>122</sup> ICO 'Definition document for principal local authorities', Information Commissioner's Office, Version 3.1, 20130901, [https://ico.org.uk/media/1262/definition\\_document\\_local\\_authorities.pdf](https://ico.org.uk/media/1262/definition_document_local_authorities.pdf).

<sup>123</sup> London Borough of Barnet, 'FOI toolkit' available from <https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/information-management-policies.html>.

<sup>124</sup> London Borough of Barnet, 'EIR and FOI policy' available from <https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/information-management-policies.html>.

<sup>125</sup> London Borough of Haringey, 'Freedom of Information (FOI) and Environmental Information Regulations (EIR) Procedure', [https://www.haringey.gov.uk/sites/haringeygovuk/files/foi\\_eir\\_procedure-v13.pdf](https://www.haringey.gov.uk/sites/haringeygovuk/files/foi_eir_procedure-v13.pdf).

<sup>126</sup> London Borough of Barking & Dagenham, 'Freedom of Information Policy', [https://www.lbdb.gov.uk/sites/default/files/attachments/Freedom%20of%20Information%20Policy\\_0.pdf](https://www.lbdb.gov.uk/sites/default/files/attachments/Freedom%20of%20Information%20Policy_0.pdf).

<sup>127</sup> London Borough of Islington, 'Access to Information Policy', available from <https://www.islington.gov.uk/about-the-council/information-governance/freedom-of-information>.

<sup>128</sup> 'Freedom of Information Policy for Westminster City Council', version 1.5. [http://www3.westminster.gov.uk/docstores/publications\\_store/WCC%20FOI%20Policy%20Approved%20April%202011.docx](http://www3.westminster.gov.uk/docstores/publications_store/WCC%20FOI%20Policy%20Approved%20April%202011.docx).



- **Enfield:** *'LBE is committed to openness about the way in which it operates and makes decisions and there will be a presumption in favour of the disclosure of information where ever possible...Handling requests for information is an important front line service and is everyone's responsibility. All employees will be expected to play their part.'*<sup>129</sup>
- **Islington:** *'The objectives of this policy are to: a) Promote greater openness and increased transparency of decision-making; b) Build the trust and confidence of the public and stakeholders; and c) Provide clarity on the way in which the council will meet its duties under access to information legislations, guidance and best practice.'*<sup>130</sup>
- **Lambeth:** *'The default position is to disclose information unless there is a good reason not to. Our role is to challenge, promote disclosure and make sure that exemptions and exceptions are properly and robustly applied. That is not to say that we should automatically take the opposing view. But where an exemption or exception is proposed we need to make sure that it is being applied correctly in terms of the FOI or EIR.'*<sup>131</sup>

### Inaccuracies

Some councils' guidance was detailed and knowledgeable showing considerable awareness of the IC's guidance and FOI case law.

However, in some instances the guidance, though generally correct, inaccurately described specific provisions in ways that might lead to requests being wrongly refused or unjustified charges being made.

### Charges

Under the FOI Act, the only charges that requesters can normally face are for 'disbursements' such as photocopying, printing or postage.

- **Brent** says it charges *'£25 per hour for staff time if it is necessary for a member of staff to accompany somebody who wants to inspect records.'*<sup>132</sup>

Such a charge would not be lawful. Regulations under the FOI Act expressly prevent any charge for staff time being made.<sup>133</sup> The EIR prohibit any charge for allowing a requester to inspect records.<sup>134</sup>

### The cost limit

Councils can refuse FOI requests if their estimated costs in answering would exceed £450. Only the cost of establishing whether the information is held and if so locating, retrieving and extracting it can count towards this limit:<sup>135</sup>

<sup>129</sup> London Borough of Enfield, 'Freedom of Information Policy', version 1.3, 14 October 2013.

<sup>130</sup> London Borough of Islington, Access to Information Policy, version 4.0, August 2015.

<sup>131</sup> London Borough of Lambeth, 'FOI Caseworker Guidance', version 4.23, updated September 2015.

<sup>132</sup> <https://www.brent.gov.uk/your-council/transparency-in-brent/data-protection-and-freedom-of-information/freedom-of-information/?tab=fees>.

<sup>133</sup> Regulation 6(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

<sup>134</sup> Regulation 8(2)(b) of the EIR.

<sup>135</sup> Staff time is charged at a standard £25 an hour rate, so the £450 limit equates to 18 hours of staff time. This limit applies to all public authorities other than government departments, Parliament and the devolved assemblies, where the limit is £600 (24 hours staff time). A cost only applies to requests under the FOI Act, not to EIR requests.

- **Westminster** says that in calculating whether the cost limit would be reached it includes *'the time taken...to edit information, e.g. if exemptions apply to part of the information contained in a record.'*<sup>136</sup>
- A template letter produced by **Waltham Forest** also suggests the cost of time spent blocking out exempt information is counted towards the cost limit.<sup>137</sup>

In fact, the time spent editing out ('redacting') exempt information *cannot* be included when calculating whether the Act's cost limit would be reached.<sup>138</sup> If these councils' guidance was followed, some requests which should be answered would be wrongly refused on cost grounds.

- **Bexley's** guidance to staff says the costs that can be included when calculating whether the cost limit would be reached include the cost of *'printing, copying, scanning and postage of information'*.<sup>139</sup>

These costs do not count towards the cost limit. These are costs which a requester can be asked to *pay*, a different matter.

### Time limits

- **Waltham Forest's** procedures stated that: *'All requests received after 5pm on any given working day are logged as received on the next working day.'*<sup>140</sup>

In fact, requests must be treated as received on the day they are *actually* received, with the day ending at midnight.<sup>141</sup> Day 1 of the 20 working day period is the first working day after the day on which it was received. The council's approach would allow it *21 working days* to reply to requests received outside working hours. Thus, if a request is received at 6 pm on a Monday, the first of the 20 working days should be the Tuesday, but the council would consider it to be Wednesday. Several other London councils adopted a similar approach and added an extra day to the deadline for responding to our FOI request - and no doubt to others' as well.

- **Croydon's** website advises that *'School-related enquiries will be dealt with within 20 working school days'* instead of the usual 20 working days.<sup>142</sup>

FOI requests to a local authority are *not* entitled to this extension, even if they relate to schools. The extension only applies to requests made *to a school itself* and allows extra time to deal with those made during or just before school holidays.<sup>143</sup>

<sup>136</sup> Westminster City Council, 'FOI Charging Policy - Sept 2008', [http://transact.westminster.gov.uk/publications/publications\\_detail.cfm?ID=3492](http://transact.westminster.gov.uk/publications/publications_detail.cfm?ID=3492).

<sup>137</sup> The letter explains 'Once this information is located, we would have to retrieve/extract the relevant information and in some cases, redact (block out) information which is not relevant, or which is exempt under the FOIA. Our estimate of the total time for compliance with your request is around [insert estimated time required to comply with the request].' London Borough of Waltham Forest, 'Freedom of Information Procedures', updated November 2014, Appendix 14 – Unable to comply with request as aggregation takes it over cost limit.

<sup>138</sup> This has been confirmed by the High Court in *Chief Constable of South Yorkshire Police & Information Commissioner*, [2011] EWHC 44 (Admin)

<sup>139</sup> 'Freedom of Information requests Procedures and staff guidance notes', Bexley Council, Version 1 July 2013, page 7.

<sup>140</sup> London Borough of Waltham Forest, 'Freedom of Information Procedures', updated November 2014.

<sup>141</sup> The IC's guidance states: 'For the purposes of the Act, a 'working day' will end at midnight regardless of the opening hours of the authority. Therefore, any request which arrives before that time should be regarded as having been received that day.' 'Time for Compliance under the Freedom of Information Act (Section 10)', Version 1.1, 20150720, <https://ico.org.uk/media/1165/time-for-compliance-foia-guidance.pdf>.

<sup>142</sup> The FOI advice on its website states: 'The council has 20 working days from receipt of the request to respond - either by providing the information requested or refusing the request. School-related enquiries will be dealt with within 20 working school days.' <https://www.croydon.gov.uk/democracy/data-protection-freedom-information/foia/foi>.

<sup>143</sup> The Freedom of Information (Time for Compliance with Request) Regulations 2004.

- **Lambeth's** guidance on the EIR said: '*If needed, you should claim for an extension of time on the grounds that you need more time to consider the public interest test.*'<sup>144</sup>

No such provision applies under the EIR. An extension to consider the public interest test is only permitted under the FOI Act.

- **Lambeth's** guidance on an EIR exception for information which an authority does not hold described an entirely unrelated FOI exemption for information intended for future publication.<sup>145</sup>

## Factual information

- **Bexley**<sup>146</sup> and **Sutton**,<sup>147</sup> both advised staff to only disclose '*factual*' information, with Sutton expressly advising against the release of '*commentary or opinion*'.

In fact, the right of access applies to *any* recorded information including recorded comments and opinions. The correct advice would be to say that there is no obligation to offer comments or opinions in response to an FOI request if these do not *already exist* in recorded form.

## Exemptions

An FOI exemption may apply to information which an authority had *already decided* to publish before receiving the request.<sup>148</sup>

- **Bexley's** guidance wrongly suggested that information could be withheld if the authority is merely *considering* the possibility of publishing it in future.<sup>149</sup>
- **Hackney's** wrongly stated that the exemption applies to '*Information not yet earmarked for publication, but likely to be done at a future date*' (emphasis added)<sup>150</sup>

If, at the time of a request, an authority is *considering* publishing the information but has not definitely decided to do so, this exemption cannot be used.<sup>151</sup>

Some of the Act's exemptions only apply if disclosure would 'prejudice' specified interests such as law enforcement or commercial interests.

- **City of London** states that a '*Prejudice Test does not apply*' to the FOI exemption for information likely to 'endanger' health and safety.<sup>152</sup> In fact, the IC's guidance suggests that the terms 'endanger' and 'prejudice' are equivalent (though the tribunal has recently warned against treating them as identical).<sup>153</sup>

<sup>144</sup> London Borough of Lambeth, 'FOI Caseworker Guidance', version 4.23, updated September 2015.

<sup>145</sup> London Borough of Lambeth, 'FOI Caseworker Guidance', version 4.23, updated September 2015.

<sup>146</sup> London Borough of Bexley, 'Freedom of Information requests Procedures and staff guidance notes', Version 1, July 2013.

<sup>147</sup> London Borough of Sutton intranet staff guidance

<sup>148</sup> This is just one element of the exemption (in section 22 of the Act) which also requires that it be *reasonable* for the authority to withhold it until the date of publication and that public interest balance favours withholding it till then.

<sup>149</sup> London Borough of Bexley, 'Freedom of Information requests Procedures and staff guidance notes', Version 1, July 2013.

<sup>150</sup> London Borough of Hackney, 'Guidance on Freedom of Information and Environmental Information Regulations requests', January 2015.

<sup>151</sup> ICO 'Information intended for future publication and research information (sections 22 and 22A)', Version 1.1, 20170818,

<https://ico.org.uk/media/1172/information-intended-for-future-publication-and-research-information-sections-22-and-22a-foi.pdf>.

<sup>152</sup> City of London guidance on FOI Exemptions.

<sup>153</sup> ICO, 'Health & Safety (section 38)', 20160527, Version: 1.0. The First-tier Tribunal has cautioned against treating 'endanger' and 'prejudice' as identical, arguing that the distinctive implications of the term 'endanger', particularly in relation to an individual's mental health, should be recognised.

EA/2017/0087, Andrew Lownie & Information Commissioner & The National Archives & Foreign and Commonwealth Office, 12 July 2018.

- The EIR contain an exception for ‘internal communications’. **Redbridge** says this would protect, ‘information between the Environment Agency and the Council’.<sup>154</sup>

This is incorrect: the provision only applies to communications *within* a public authority not to those *between* authorities.<sup>155</sup>

- **Harrow’s** guidance incorrectly advises staff that requests can be refused ‘*Where the wording of the request is identical to a previous request and it is asking for the same information (i.e. information already provided or refused)*’ (emphasis added).<sup>156</sup>

This is incorrect. The relevant provision only applies where the information has previously been *supplied* not where a previous request for it has been *refused*.<sup>157</sup>

**Recommendation 12: authorities should publish their FOI guidance to staff, linking to it from their FOI web page.**

**Recommendation 13: authorities should ensure that their guidance is accurate and is updated periodically in light of new case law and changes to the Information Commissioner’s guidance.**

## Special clearance procedures

The FOI Act is frequently described as ‘applicant blind’. Authorities must consider whether requested information can be made *public* not whether it should be disclosed to the particular *applicant*. With limited exceptions, the requester’s identity and purpose is irrelevant.<sup>158</sup>

Some London councils require FOI responses on sensitive or complex issues to be signed off by the departmental director or other senior official responsible for the area of work. Many also involve their press office when responding to journalists’ requests:

<sup>154</sup> London Borough of Redbridge, ‘Environmental Information Regulations Policy’, Version 1.0, May 2013, page 7.

<sup>155</sup> The IC’s guidance says: ‘Essentially, an internal communication is a communication that stays within one public authority...Communications between other public authorities (eg between central government and a local authority, or between two local authorities) will not constitute internal communications.’ However, communications between different government departments are treated as internal as a result of regulation 12(8). ‘Internal communications (regulation 12(4)(e))’, Version 3, 20130319, [https://ico.org.uk/media/for-organisations/documents/1634/eir\\_internal\\_communications.pdf](https://ico.org.uk/media/for-organisations/documents/1634/eir_internal_communications.pdf).

<sup>156</sup> London Borough of Harrow, ‘Freedom of Information and Environmental Information Regulations Policy and Procedure’, Final Version 1.0, page 18.

<sup>157</sup> The IC’s guidance on this provision (section 14(2) of the FOI Act) says: ‘Section 14(2) may only be applied when...the authority has previously provided the information to the requester or confirmed that it is not held in response to the earlier FOIA request’. ‘Dealing with repeat requests (section 14(2))’, Version 1.2, 2015119, <https://ico.org.uk/media/for-organisations/documents/1195/dealing-with-repeat-requests.pdf>.

The exemption is subject to the Act’s public interest test and does not apply where a reasonable interval has passed since the previous request was complied with.

<sup>158</sup> One situation where the applicant’s identity may affect the outcome is where the request is potentially vexatious. In this case an authority is entitled to consider whether it forms part of a disproportionately burdensome pattern of requests from the same requester. The applicant’s identity will also be relevant where someone asks for their own personal information as such information is exempt under FOI but potentially available to that person under the Data Protection Act or GDPR. In addition, the FOI Act exemption for information which is reasonably accessible to the applicant takes account of the particular applicant’s actual circumstances.

- Internal guidance used by **Camden**,<sup>159</sup> **Hackney**,<sup>160</sup> **Haringey**,<sup>161</sup> **Hammersmith & Fulham**,<sup>162</sup> **Hounslow**,<sup>163</sup> **Lambeth**,<sup>164</sup> **Merton**<sup>165</sup> and **Tower Hamlets**<sup>166</sup> amongst others said that media requests should be copied to the press office. Some guidance also says that the press office must clear any response before release, though this may be implicit under other councils' procedures too.

Some councils included groups other than journalists in their special clearance procedures.

- **Barnet** specifies that not just press requests but those from '*bloggers and campaigners*' should also be sent to the Communications team, along with any other requests that '*may attract media attention*'.

Significantly, Barnet adds that:

*'The request should be dealt with as a standard request, with information gathered, a response drafted and any exemptions/exceptions applied **exactly the same** as for any other request.'*<sup>167</sup>  
(original emphasis)

Other councils throw the net over an even wider range of requesters. **Bromley's** draft guidance advised staff to treat requests from a wide variety of requesters as 'sensitive':

- '*A request may be deemed sensitive because of:*

*Who it comes from e.g.*

- *a journalist/news agency/media or political researcher;*
- *high profile campaign/pressure group like the Tax Payers Alliance, Big Brother Watch, or whatdotheyknow, as well as established local groups;*
- *or an individual known to the Council through frequent and sustained use of our feedback mechanisms including FOI, complaints, public questions at meetings, petitions, the website, etc*
- *The subject matter i.e. it is a hot topic locally/nationally e.g. members' expenses.*

*It is possible any response issued may find its way beyond the applicant into a wider arena and affect public perception. Consequently, responses to sensitive requests must be considered from a reputation management perspective, as well as ensuring we have met our statutory responsibilities.'*<sup>168</sup> (emphasis added)

<sup>159</sup> London Borough of Camden, 'Information in Camden', Version 3.0, 23 March 2015.

<sup>160</sup> London Borough of Hackney, 'Guidance on Freedom of Information and Environmental Information Regulations requests', January 2015.

<sup>161</sup> London Borough of Haringey 'Freedom of Information (FOI) and Environmental Information Regulations (EIR) Procedure', version last updated February 2012, page 6.

<sup>162</sup> London Borough of Hammersmith & Fulham, 'Request for Information – iCasework workflow', Version 1.1.

<sup>163</sup> London Borough of Hounslow, 'Freedom of Information and Environmental Information Policy', version 2.3, 25 March 2015, page 5.

<sup>164</sup> London Borough of Lambeth, 'FOI Caseworker Guidance', version 4.23, updated September 2015.

<sup>165</sup> Freedom of Information guidance on Merton Council intranet.

<sup>166</sup> London Borough of Tower Hamlets, 'Guidance for Handling Information Requests', version 1.2, April 2015.

<sup>167</sup> London Borough of Barnet, 'Freedom of Information Toolkit', V.2, May 2013, page 18.

<sup>168</sup> London Borough of Bromley, Draft Dealing With Sensitive FOI Requests, 20/01/12.

The council's template for handling sensitive requests suggests that a draft response should be circulated to the relevant chief officer for clearance alerting him or her to the sensitivity by a statement such as:

- 'Could you review and advise if you are agreeable for me to send out the spread sheet to the requester *who I suspect could be a journalist*' (emphasis added).<sup>169</sup>

Bromley's reference to 'reputation management' is potentially troubling. Reputation management should not affect FOI decisions. It is possible that the impact of disclosure on a body's reputation could trigger an FOI exemption. For example, revealing unconfirmed suspicions about a supplier's conduct might engage the FOI Act exemption for prejudice to commercial interests (though the final decision would also have to reflect the public interest in disclosure). However, unless disclosure is likely to trigger an exemption, the protection of reputation should not be a factor in FOI decisions.

**Harrow's** guidance says:

- '*Any controversial requests or requests to do with councillors, political groups, or other requests, which may be politically sensitive, must be sent to the Director of Legal & Governance Services before the request can be progressed.*'<sup>170</sup>

Another document supplied by the council advised staff to consider whether:

*'releasing (or withholding) information...could have wider implications...This will be especially important if there is a prospect that the response may draw criticism or cause embarrassment'.*<sup>171</sup>  
(emphasis added)

The possibility of embarrassment or criticism, like concerns about reputation management, should not influence FOI decisions.

**Lambeth's** guidance advises caseworkers to prime the business area dealing with the request about any special handling circumstances they should be aware of. It also suggests that the caseworker may want to:

- '*Google the requestor to understand who is making the request, why and assess the likely impact to the Council (e.g. political, media, legal, commercial, personal data).*'<sup>172</sup> (emphasis added)

This went further than any other London council in its concern with the requester's identity.

**Waltham Forest's** guidance refers to 'High Priority' requests, which it says:

- include media requests, those relating to '*controversial issues or campaigns (e.g. a EDL march)*', those that could lead to individuals being identified, those that are '*part of a series of requests*' and those relating '*high level strategies and plans*'. Responses to such requests must be sent to a Management Board member and the Deputy Head of Strategy & Communications for approval at least 5 days before the deadline for a response, with the deadline clearly specified in the subject line.

<sup>169</sup> London Borough of Bromley, FOI 10913, Standard Wording Templates.

<sup>170</sup> London Borough of Harrow, 'Freedom of Information and Environmental Information Regulations Policy and Procedure', Final Version 1.0, page 6

<sup>171</sup> 'Guidance on the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in relation to Planning and Building Control'.

Document supplied by London Borough of Harrow from its intranet guidance for staff use.

<sup>172</sup> London Borough of Lambeth, FOI caseworker guidance v4.23, updated September 2015.

However, it describes the purpose of the exercise in more nuanced terms, which it says is to ensure that:

- *‘Responses are lawful and complete, including obtaining advice where appropriate;*
- *Where appropriate, responses provide additional information that sets “bare” requested information in context and avoids misinterpretation of information;*
- *There is coordination between services where a request covers a number of areas; and*
- *Notifies key services (e.g. Communications) and Management Board or members about the request in case of further requests or publication.’*

Enfield’s policy was the one that most explicitly respected the FOI principles. It stated:

- *‘If a contentious or novel request, which may be the subject of media interest, is received it should be referred immediately to the Press Office Manager...so that they are aware. The responsibility for dealing with the request remains with the service/s that possesses the information.*

*The Press Manager should also have sight of the final response before despatch for comment and advice. **The Press Manager will only be able to provide assistance on the phrasing of the response and cannot advise you on the actual content (ie the raw information). The substance of the response is determined solely by the request itself; the information that is actually held and any exemptions that may apply.***’ (emphasis added)<sup>173</sup>

Nothing in the Act prevents authorities providing additional explanation when disclosing information to journalists or anyone else. Equally, authorities are entitled to notify affected departments of disclosures on which they may be asked to comment.

**However, some of guidance described here oversteps the mark by focusing on the requester rather than the request. This raises the question of whether the level of disclosure is improperly influenced by the requester’s identity, and whether these special clearance procedures cause extra delay to responses.**

In Scotland, the issue has been investigated by the Scottish Information Commissioner (SIC) who has examined the special clearance procedures used in dealing with requests from the media, Members of the Scottish Parliament and political researchers.

The SIC reported in June 2018 that:

*‘There was evidence that, in 2015/16...media requesters were significantly less likely to receive information, compared to other requesters.’*

*‘in 2016/17 the number of original decisions in journalists’ cases which were overturned or partially upheld on review was considerably higher than the norm’*

*‘The proportion of late responses and failures to respond was considerably higher for journalists, particularly in 2015/16 and 2016/17.’*<sup>174</sup>

The report attributed the extra delays faced by journalists to ‘the additional layer of clearance’ used in handling media requests which it concluded was ‘inconsistent with the applicant-blind principle of FOI legislation’. It recommended that the Scottish Government:

<sup>173</sup> London Borough of Enfield, Freedom of Information Policy, 14.10.2013.

<sup>174</sup> Scottish Information Commissioner, Intervention Report - Scottish Government, 13 June 2018.



*‘ends its practice of treating journalists, MSPs and political researchers differently when processing requests for information because of who or what they are’*

The report also found that these problems had greatly reduced by 2017/18, probably as a result of earlier SIC reports on the issue. However, the number of refusals overturned by the Scottish Government at internal review, was still somewhat higher for journalists than for others, suggesting that their requests were still more likely to be incorrectly refused at the outset than those of other requesters.

Anyone receiving information under FOI is entitled to publicise it and the means of doing so are now so widely accessible, that there is no reason for authorities to differentiate between journalists or campaigners and anyone else. The outcome should be the same whether the requester is a tireless activist or a reserved recluse. Decisions should depend on the likely effect of disclosure to the public not the requester’s perceived readiness to publicise the material.

**This study does not reveal whether special clearance procedures for media or others have led to the unjustified withholding of information. However, the focus of some guidance on the requester’s identity raises this possibility.**

Most of the above guidance stresses that any input from those asked to clear a draft disclosure must be given very quickly so that the statutory response period is not exceeded.

**However, an official from Lewisham council which had been late in responding to our request told us that they were ‘waiting for clearance from a manager’. A response wasn’t received for a further 7 weeks, an indication that such clearance procedures may be part of the delay problem described in this report.**

**Recommendation 14: authorities should ensure that their request handling procedures do not lead to less favourable treatment of journalists or requesters likely to publicise disclosures, either in terms of the content or promptness of the response.**



## Recommendations

1. Authorities should report publicly every quarter on the number of requests not answered within the required time scale, setting out the causes of the delay and the steps being taken to address them.
2. The IC should make clear that authorities which fail to respond to or even acknowledge her emails asking them to deal promptly with an overdue request (as some London councils have done) will make themselves prime candidates for further enforcement action.
3. The IC should reinstate its lapsed 2010 enforcement policy, including the monitoring of underperforming authorities, to ensure that authorities answer at least 90% of requests on time. It should demonstrate a readiness to issue Enforcement Notices where persistent delays continue.
4. Authorities should publish quarterly statistics on their FOI performance in accordance with the statutory guidance in the July 2018 Freedom of Information code of practice.  
  
They should also publish (a) the actual time taken to respond to requests not answered within 20 working days, (b) the number of internal reviews carried out, the time taken to deal with them and their outcomes and (c) the number of complaints to the IC and tribunal appeals, with their outcomes.
5. Authorities should link to their published FOI statistics and performance reports from the FOI page of their website.
6. The IC should follow the example of the Scottish Information Commissioner and obtain and publish a compilation of all authorities' compliance statistics. The use of online tools for the submission of statistics should allow this exercise to be automated.
7. Authorities should ensure that online request forms automatically send the requester an acknowledgement that includes the text of the request and its date of submission.
8. Authorities should publish a phone number and email address to which requests for information and assistance can be made.
9. Authorities should (a) explain the FOI complaints process on their websites, making it clear that the right of appeal to the IC is normally only available once internal review has been completed (unless the complaint is about a significant delay) and (b) state their target time for completing internal review.
10. Where the volume of 'hits' turned up by an electronic search is too great to be examined without exceeding the FOI cost limit, authorities should consider whether the search is catching large amounts of irrelevant material. If so, they should consider whether that material can be excluded by adjusting the search terms (e.g. find documents containing the term "ABC" but not the term "XYZ") and carry out that search if it allows the request to be answered within the cost limit. If that search runs the risk of excluding some relevant documents, the implications should be explained to the applicant who should be given the option of asking for it to be done.
11. Authorities should publish and keep up to date a disclosure log. This should (i) describe the requests they have received, and (ii) the outcomes and (iii) include any released information.
12. Authorities should publish their FOI guidance to staff, linking to it from their FOI web page.
13. authorities should ensure that their guidance is accurate and is updated periodically in light of new case law and changes to the Information Commissioner's guidance.
14. Authorities should ensure that their request handling procedures do not lead to less favourable treatment of journalists or requesters likely to publicise disclosures, either in terms of the content or promptness of the response.

## Appendices

### Appendix 1. Number of FOI requests received by London councils

Local Authority	2017/18 or 2017*	2016/17 or 2016*
Barking & Dagenham	1594	1478
Barnet	1731	2097
Bexley	1528	1567
Brent	1814	1702
Bromley	1598	1528
Camden	1889	2028
City of London	1403	1354
Croydon*	1783	1704
Ealing*	1878	1719
Enfield	1318	
Greater London Authority	934	819
Greenwich*	1904	
Hackney	1954	1844
Hammersmith & Fulham	1648	1627
Haringey	1352	1471
Harrow	1404	1507
Havering*	1877	1764
Hillingdon	1685	1598
Hounslow*	2166	1900
Islington	1973	1917
Kensington & Chelsea*	1999	1598
Kingston	1538	1579
Lambeth	2362	2206
Lewisham	1554	1567
Merton	1795	1633
Newham	1858	1943
Redbridge	1682	1608
Richmond	1895	1634
Southwark	2269	1927
Sutton	1635	1448
Tower Hamlets	2319	2191
Waltham Forest	2156	
Wandsworth	1888	1810
Westminster	1872	1883
<b>Total</b>	<b>60255</b>	<b>52651</b>

## Appendix 2. Compliance with FOI time limits

Local Authority	2017/18 or 2017*	2016/17 or 2016*
Barking & Dagenham	93%	48%
Barnet	96%	97%
Bexley	82%	78%
Brent	91%	96%
Bromley	64%	70%
Camden	85%	92%
City of London	97%	99%
Croydon	69%	76%
Ealing*	89%	92%
Enfield	66%	66%
Greater London Authority	90%	92%
Greenwich*	90%	
Hackney	66%	67%
Hammersmith & Fulham	89%	94%
Haringey	83%	87%
Harrow	68%	84%
Havering*	83%	90%
Hillingdon	88%	97%
Hounslow*	60%	42%
Islington	80%	73%
Kensington & Chelsea*	75%	79%
Kingston	82%	
Lambeth	87%	76%
Lewisham	61%	73%
Merton		84%
Newham	84%	89%
Redbridge	92%	97%
Richmond	93%	97%
Southwark	75%	87%
Sutton	89%	88%
Tower Hamlets	96%	88%
Waltham Forest	71%	
Wandsworth	74%	80%
Westminster	74%	81%

### Appendix 3. Response times to 2016 CFI request for FOI statistics, performance reports and internal guidance

Local Authority	Working days to respond
Barking & Dagenham	55
Barnet	18
Bexley	7
Brent	16
Bromley	17
Camden	4
City of London	14
Croydon	20
Ealing	20
Enfield	98
Greater London Authority	2
Greenwich	215
Hackney	20
Hammersmith & Fulham	22
Haringey	1
Harrow	3
Havering	19
Hillingdon	19
Hounslow	21
Islington	10
Kensington & Chelsea	14
Kingston	220
Lambeth	6
Lewisham	21
Merton	4
Newham	25
Redbridge	2
Richmond	10
Southwark	12
Sutton	9
Tower Hamlets	20
Waltham Forest	16
Wandsworth	77
Westminster	19

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