

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2012

Public Authority: London Borough of Newham

Address: Newham Dockside
1000 Dockside Road
London
E16 2QU

Decision (including any steps ordered)

1. The complainant requested information which included a breakdown of the staff costs involved in the production of the 'Newham Mag'.
2. The Commissioner's decision is that the London Borough of Newham ('the council') does not hold the requested information. No further action is required.

Request and response

3. Following the council's response to a previous request (council ref. E8243), the complainant requested the following information on 28 February 2011 (council ref. E8559):

"Thank you for the information you provided. But, frankly, it poses more questions than it answers.

Mainly, the details of the actual questions asked by Communications Tracker Research. I would like both the actual questions asked and the findings of the last 4 surveys conducted.

You mention the a [sic] telephone survey of 600 people is conducted. Could you specify whether this is by land line or mobile phone-and if by only land line how can you then justify [sic] that no bias is being introduced.

Finally, you state that the total cost of the Newham Mag is £455 685.08. I would like a complete breakdown as how this figure has been

arrived at. In an age of the Internet and in the present economic climate even a cost of this magnitude is hardly justified [sic] for Council Propaganda!"

4. The council responded on 31 March 2011 providing some of the information requested and withholding some under the exemptions at sections 36, 40(2) and 41 of the FOIA. In relation to the breakdown of the cost of the 'Newham Mag', the council provided the following information:

"Print: £352,279.10
Distribution: £180,103.60
Others: (Photos, crosswords): £14,033.63
Total: £546,416.33

Income: £90,731.25

Cost to council: £455,685.08"

5. The complainant expressed dissatisfaction with the response on 7 April 2011 which included requesting the aggregate gross salary cost of the 'Newham Mag' team. An internal review response was provided by the council on 11 May 2011. The council provided some further information as well as clarification of information previously supplied and maintained its reliance upon the exemptions at sections 36 and 41 of the FOIA.
6. In relation to the request for the aggregate salary cost of the 'Newham Mag' team, the council noted that the complainant had widened the original request. It clarified that there are two officers whose responsibilities include writing and editing across the council's publications and a designer with similar responsibilities and stated that no officers work exclusively on the Newham Mag. The council also stated that it does not generally account for staff time on particular projects and confirmed that the list of people that was previously printed in the magazine, which the complainant had quoted, recognised the council communications team staff for their contributions to that particular issue rather than reflecting a permanent staffing list.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The complaint focused on the breakdown of staff costs and also specifically mentioned requiring details of the 'stratified random quota sample technique'.

8. The Commissioner contacted the complainant on 27 October 2011 to clarify the scope of the complaint and it was agreed that the investigation would cover the request for staff costs involved in the production of the 'Newham Mag' only.
9. For the avoidance of doubt, the Commissioner did not investigate the council's application of the exemptions at sections 36, 40(2) and 41 of the FOIA.

Reasons for decision

10. Sections 1(1)(a) and (1)(1)(b) of the FOIA state that any person making a request for information is entitled to be informed by the public authority whether it holds the information and if so, to have that information communicated to him.
11. The complainant has asserted that an apportionment of staff salaries should be included in the total cost and believes that the council must hold records allocating staff time, and costs, to the production of the magazine.
12. The council have confirmed that as it does not keep records relating to how much individual or total staff time, or costs, is spent on the 'Newham Mag', it would not be possible to locate this information by conducting a search.
13. The council explained to the Commissioner that a core team of two officers are responsible for commissioning, editing, producing and distributing the magazine, along with a designer. All three have other duties including the production of a number of other council publications, management of the council's image library and support for other officers in communications and beyond. A wide range of other staff across the council are involved in a number of aspects of producing the 'Newham Mag' such as the generation of story ideas, providing data or other information for articles, proof reading service-based articles and coordinating the input of the Mayor and Councillors to each edition. As the magazine is published every fortnight, logging and collating the allocation of staff time would necessitate a significant use of staff resource.
14. The council further explained that a small amount of activity undertaken by the council's communications team is subject to a corporate recharge to other service areas internally in accordance with Best Value Accounting guidelines and is therefore subject to estimates of staff time and costs but the 'Newham Mag' is not one of those activities. The

Deputy Head of Communications confirmed in writing at the time of the original request that staff time and costs are not accounted for against the majority of specific projects or publications, including the 'Newham Mag'. This has subsequently been verified in writing by both the Head of Communications and the relevant officer in Finance.

15. The Commissioner asked the council to provide further information as to why the 'Newham Mag' is not an activity subject to a corporate recharge to other service areas internally in accordance with Best Value Accounting guidelines.
16. The council explained that the cost of the Newham Magazine is accounted for by the council as a central overhead rather than recharged to individual services. It stated that to correctly apportion overheads across the services in line with the seven principles outlined in the Best Value Accounting Code of Practice, it would be required to demonstrate how the overhead relates to the individual service area receiving the charge and there is currently no way to accurately disaggregate the content of the Magazine to allow accurate, transparent charging to each Service area.
17. The council also stated that it would also be required to ensure that recipient services were clear what each individual recharge covers and provide them with sufficient information to enable them to challenge the approach the council have followed and any resultant recharge.
18. In reaching a decision as to whether the requested information is held, the Commissioner has considered whether there was any legal requirement or business need for the council to hold the information. He is satisfied that there is no clear business need to hold the information and could not identify a legal requirement to hold the information.
19. The Commissioner also considered whether the council had any reason or motive to conceal the requested information. In correspondence with the Commissioner, the complainant expressed his view that the 'Newham Mag' is 'nothing other than a tax-payer funded publicity machine for the Newham Mayor (named individual)' which 'undermines the principles of democracy and is vindicated by the consistent composition of the Newham Council by 100% councillors of the same political party'. However, the Commissioner does not view this as evidence that the council is concealing information.
20. In the circumstances, the Commissioner does not consider that there is any evidence that would justify refusing to accept the council's position that it does not hold the information requested in this case. The Commissioner is therefore satisfied that on the balance of probabilities, the information requested is not held by the council. Accordingly, he

Reference: FS50414333



does not consider that there was any evidence of a breach of section 1 of the FOIA.

Right of appeal

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

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

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Signed

Andrew White
Group Manager
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