

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 March 2014

Public Authority: Chief Constable of Cumbria Constabulary
Address: Police Headquarters
Carleton Hall
Penrith
Cumbria
CA10 2AU

Decision (including any steps ordered)

1. The complainant requested information about the cost of a visit by a member of the Royal family. Cumbria Constabulary stated that it did not hold all the requested information. With respect to the information it confirmed it held, it refused to provide that information citing the exemptions in sections 24(1) (national security), 31(1)(a) (law enforcement – prevention or detection of crime)) and 38(1)(a) and (b) (health and safety) of the FOIA.
2. The Commissioner's decision is that the exemptions are not engaged.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - disclose the information withheld by virtue of sections 24, 31 and 38.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 17 July 2013 the complainant wrote to Cumbria Constabulary with a request for information about a visit by the Queen and Princess Anne:

"Please can you provide me (as a Freedom of information request) with the total cost of the Royal visit from the Queen and Princess Anne on 17th July 2013 to Cumbria (including Kendal and Windermere) and if possible, a breakdown of that cost?"

Areas for consideration of cost may be, but not limited to –

1. Security

Including cost of police, risk assessments and health and safety considerations, road closures, crowd safety, barriers etc. Cost of overtime to police, cost of security staff, cost of extra police or security staff used for the visit. Cost of time taken up by security or police staff working on the visit as part of their core duties. Cost of any security equipment, including transport, that was bought or loaned for the event. Cost of any search operations or similar. If any other security costs were met by any other police departments, such as the metropolitan police force. Any subsistence costs from staff.

2. Catering

Including cost of food and drink, catering staff wages and equipment (hired and/or purchased) etc.

3. Organisation

Including cost of time spent by staff to arrange the visit, "rest" facilities, building hire, administration and stationary costs, cost of any gifts, mementous or souvenirs, transport and stewarding etc.

Please could you also inform me if any of the cost was met by any other organisations or bodies or if you received any donations to help meet the cost, or received any sponsorship, who this was from and how much was given?"

6. Cumbria Constabulary responded on 4 September 2013. It told the complainant:

"Information relating to the total cost of the Royal visit you have enquired about and preparation costs etc is not held by the Constabulary as staffing for organising and policing such events is, in the main, provided by police officers and staff as part of their everyday policing duties".

7. It confirmed that it holds information relating to overtime incurred in respect of the 17 July 2013 visit, but refused to disclose that information, citing the following exemptions of FOIA:
 - section 24(1) – National Security;
 - section 31(1)(a) – Law Enforcement; and
 - section 38 (1)(a)(b) – Health and Safety.
8. Following an internal review Cumbria Constabulary wrote to the complainant on 21 October 2013 upholding its original position regarding the citing of exemptions.

Scope of the case

9. The complainant contacted the Commissioner on 21 October 2013 to complain about the way her request for information had been handled.
10. She told him:

"I do not accept the two reasons they give for turning the request down.....

I don't think that it is credible that they aren't keeping this info - or at least something close to it ... as they must have to plan staffing for the event and have budgets they work with. Also other Police authorities do hold this information and release it and surely police authorities must work in similar ways. They say, in their original response, the Police officers involved were carrying out duties as part of their day to day roles but a royal visit is not a day to day occurrence and so the Police officers involved would have been taken away from what they would have been otherwise doing that day, if there hadn't been a royal visit. And therefore that is a cost to the public.

This answer by them also states there was overtime costs on the visits but they will not tell me them because of the second reason they turned down the request.... .

The second reason they give for not releasing this information is that it might be harmful to members of the royal family. Again this cannot be true as i have found many examples of police authorities releasing this information (see above) and I am not asking for the yearly overall cost of security for the royals, just the cost of the individual visits themselves. I am also not asking details such as

how many police officers were involved and what kinds etc, just the cost. I therefore fail to see how this information could pose a threat. It is after all, already out there in the public domain for other royal visits. How can it be fine for some Police Authorities to release this information but not others?"

11. At the start of his investigation the Commissioner wrote to the complainant setting out the scope of his investigation. Specifically he stated that his investigation will look at whether Cumbria Constabulary is entitled to rely on sections 24, 31 and 38 of FOIA as a basis for refusing to provide the withheld information. That information comprises the information Cumbria Constabulary confirmed it holds – information about overtime in respect of the specified visit.

Reasons for decision

12. The Commissioner has previously considered the application of sections 24(1), 31(1)(a) and 38(1)(a) and (b) in relation to a similar request for information to Cumbria Constabulary about a number of other Royal visits. The Commissioner issued a decision notice in that case – case reference FS50515159. His decision in that case was that the exemptions are not engaged and therefore that the withheld information should be disclosed.
13. Having considered all the factors applicable to this case, the Commissioner is satisfied that the similarity between this case and FS50515159 is such that he is able to reach the same decision about disclosure without the need for further analysis.

Right of appeal

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

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

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Signed

Graham Smith
Deputy Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF