

Freedom of Information Act 2000 (Section 50) Environmental Information Regulations 2004

Decision Notice

Date: 31 January 2011

Public Authority: Cardiff Council
Address: County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Summary

The complainant requested information about any discussions the Council may have had with the BBC, the Welsh Assembly Government and a number of companies/organisations in respect of the Council's 'Media Capital' proposal and the BBC Wales' requirements for relocation. The Council refused to either confirm or deny whether it held information relevant to this request by relying on section 41(2) (information provided in confidence) and section 43(3) (commercial interests) of the Act. The Commissioner finds that if it were held by the Council, a significant proportion of the information is likely to be environmental information as defined by the EIR and that the Council cannot therefore rely on section 41(2) and 43(3) for this. The Commissioner also finds that, to the extent that information, if held by the Council, falls under the provisions of the Act, neither sections 41(2) nor 43(3) are engaged. He has also recorded a number of procedural breaches of both the Act and the EIR.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.
2. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to

Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

Background

3. The Commissioner notes that since these requests for information were submitted, BBC Wales has officially confirmed that it is relocating its operations to the 'Roath Basin' regeneration scheme in Cardiff Bay. The project comprises of two distinct but inter-dependent components which consist of regeneration of the currently derelict, former dock side land at Roath Basin and a BBC Drama village containing television studios and ancillary accommodation as well as new offices which will be operated as a Digital Media Centre.

The Request

4. On 28 January 2009 the complainant contacted the Council to request information under the Freedom of Information Act 2000. The request has been reproduced in full in Annex A of this Notice.
5. On 6 February 2009 the Council requested clarification of the request and the complainant refined his request on 12 February 2009 and asked the Council to:

"1. ...provide copies of all minutes, notes, internal and external correspondence dated between 1 January 2008 and 16 January 2009 concerning meetings or discussions involving Council officials [A to E]... and any of the following:

- *[Named company]*
- *[Named company]*
- *Representatives of the BBC*

2. Please also provide copies of any recorded information held by or on behalf of [council officials A to E] relating to the proposal made to the BBC by the Council, containing a foreword by Council official E and entitled "Media Capital" ("the proposal"). The proposal promotes the use of Cardiff City Centre as "the optimum location for Media Capital" and deals specifically with the BBC's requirements for relocation in

Cardiff. It is believed that the proposal may have been prepared in or about October 2008.

3. Please provide any additional recorded information that the Council holds in the following categories

- Internal correspondence, briefings, minutes and memos relating to the initial development of the proposal within the Council*
- Correspondence with the BBC, including email correspondence and records of meetings with the BBC relating to initial discussions with the BBC about the proposal.*
- Internal correspondence, minutes or memos detailing when the proposal was first made known to Council officers and the names of Council officers concerned*
- Internal correspondence, minutes or memos detailing when the proposal was first made known to Council members and the names of Council members concerned*
- Records of the decisions taken by the administration at the Council in relation to the proposal*
- Records of discussions or meetings[sic] have taken place between the Council and [named organisation] in relation to the proposal, including copies of minutes and any related correspondence.*
- Records of discussions or meetings that have taken place between the Council and developers and landowners (including [named company], or any person acting on their behalf, in relation to the proposal including copies of minutes and any related correspondence."*

6. On 13 February 2009 the Council confirmed that it accepted that the complainant's revised request *"has sufficient clarity...to take the matter forward."*
7. In relation to question 3, bullet point 5 the Council refused to provide the information citing section 21 of the Act (information accessible to the applicant by other means) and provided the link to copies of minutes of Council meetings available on its website.
8. This suggests that the Council viewed this part of the request as relating to public minuted meetings. However, the Commissioner considers that this request refers to records of any decisions (should they exist) as opposed to only records of decisions taken at public minuted meetings.
9. On 16 March 2009, the complainant asked the Council when he could expect a substantive response to his request, pointing out that it had been 20 working days since his refined request had been submitted and 30 working days since his original request.

10. On 17 March 2009 the Council provided its substantive response. The Council refused to either confirm or deny whether it held information relevant to the request citing sections 41(2) and 43(3) of the Act.

11. The Council informed the complainant that:

"Whilst the Council's proposals and ambitions to become a media capital are in the public domain and should be the subject of a further report to the Executive in April...contacts and discussions with individual companies or organisations, as part of the Council's economic development function, are necessarily conducted under an umbrella of confidentiality. To disclose prematurely the existence of discussions with any particular company or organisation would breach that confidentiality. Further such disclosure has the potential to substantially prejudice the commercial or economic interests of both the company or organisation or the Council."

12. The complainant requested an internal review of the Council's decision on 18 March 2009. Following enquiries from the complainant on 16 April and 5 May 2009 regarding the outstanding response to his request for an internal review and intervention of the Commissioner, the Council provided a substantive response on 21 July 2009. The Council informed the complainant that it was upholding its original decision on the basis that to confirm or deny the existence of information relevant to the request would constitute a clear breach of confidence. The Council also stated that it considered:

"...the facts of this case fall within sections 41 and 43 of the FOI Act and the Council has acted within its statutory framework."

The Investigation

Scope of the case

13. On 8 May 2009, the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:

- The Council's failure (at the time) to provide a substantive response to his request for an internal review.
- The Council's application of the section 41(2) and section 43(3) exemptions.

14. On 1 September 2009, the complainant informed the Commissioner that he had received a copy of the Council's internal review. The complainant reiterated his request for the Commissioner to consider the Council's application of the exemption under sections 41(2) and 43(3) of the Act.
15. The complainant also asked the Commissioner - in the event that he determined that the Council's application of the exemptions was incorrect – to direct the Council to provide any information it held that was relevant to the request.
16. The complainant also informed the Commissioner that he would welcome his views on whether the Council had complied with the procedural requirements of the Act.
17. The Commissioner notes that certain sections of the complainant's original request for information dated 28 January 2009 were accepted as valid requests for information under the Act by the Council. Additionally, as outlined in the 'Other matters' section of this Notice, the Commissioner takes the view that questions can in fact be valid requests for information under the Act where a public authority holds recorded information which would answer those questions. This Notice therefore relates to both requests for information.
18. The Council's application of the section 21 exemption in relation to question 3, bullet point 5 of the refined request has not been complained about and does not therefore form part of this investigation.
19. The Commissioner considers that the scope of this Notice is to determine if the Council appropriately applied the exemptions under sections 41(2) and 43(3) of the Act – i.e. to determine whether the Council correctly applied the 'neither confirm nor deny' (NCND) provisions of the relevant exemptions. The Commissioner has not considered the nature of any information that may or may not be held by the Council as this would compromise its right to appeal this Notice to the First-Tier Tribunal.

Chronology

20. On 9 November 2009 the Commissioner contacted the Council for further information to enable him to progress his investigation of this complaint and the Council responded on 14 December 2009.

21. On 29 January 2010 the Commissioner contacted the Council to confirm that his investigation was progressing.
22. On 18 February 2010 the Commissioner contacted the Council with a view to an informal resolution of this complaint. Although the initial indication from the Council appeared positive, on 23 February 2010 the Council confirmed that an informal resolution was not possible and that the Commissioner should proceed to issue a Decision Notice in respect of this complaint.
23. On 16 September 2010 the Commissioner contacted the Council with queries around the likely nature of the information were it to be held as he was of the view that much, if not all of the information if held would be environmental information as defined by the EIR.
24. On 20 October 2010 the Council provided a substantive response to the Commissioner's queries.

Analysis

Substantive Procedural Matters

25. Details of the relevant legislation applicable to this case are reproduced in full in the attached legal annex.

The appropriate legislation

26. The Commissioner notes that the Council initially refused the request for information because it considered it exempt under sections 41(2) and 43(3) of the Act. However the Commissioner has considered, were the information to exist, whether some or all of it would be likely to be environmental information as defined by the Environmental Information Regulations 2004, ('the EIR').
27. It appears that the request relates to information that, if it were held, could relate to the redevelopment of land and might therefore fall under the definition of 'environmental information'. Whilst the Commissioner normally makes his assessment of the appropriate access regime based on the content of the information held by the public authority, in this particular case the Commissioner is not in a position to comment on whether information is or is not held.

28. However, the Commissioner considers that were it to exist, much of the information requested is likely to fall within regulation 2(1)(c) of the EIR:

"measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements."

29. Accordingly, the Commissioner considers that were it to exist, a significant amount of the information requested would be likely to be environmental and should have been dealt with under the provisions of the EIR. Having applied the incorrect access regime to part of the request, the public should consider the relevant elements of the request under regulation 5(1) of the EIR and either inform the complainant if it holds environmental information relevant to his requests or issue a valid refusal notice under regulation 14 of the EIR.
30. The Commissioner is mindful of the fact that under the EIR, the NCND provision is only relevant to information engaging regulation 12(5)(a), which relates to the disclosure of information that would adversely affect international relations, defence, national security or public safety. However, the Commissioner finds it hard to envisage that this exception would apply.
31. The Commissioner does however consider that it is likely that some of the information, if held, would not fall within the definition of environmental information and that the appropriate access regime for this type of information would be the Act.

Exemptions

Section 41(2) – Information provided in confidence

32. The Commissioner's analysis of the Council's application of Section 41(2) of the Act has been discussed in a Confidential Annex for reasons specified in that Annex. However, the Commissioner has concluded that section 41(2) of the Act is not engaged in respect of any information which, if held, does not fall within the definition of environmental information.

Section 43(3) – Commercial interests

33. Section 43(3), read in conjunction with section 43(2), provides that the duty to confirm or deny whether requested information is held does not

arise if disclosure would, or would be likely to prejudice the commercial interests of any person.

34. The Council has argued that it would be impossible to frame an exemption notice which did not either confirm or deny that there was any relationship with the BBC with a view to a major relocation of their facilities. It further argued that such confirmation or denial would have the potential to distort the market against the BBC as there would only be a limited number of potential sites.
35. It added that:

"...the underlying problem is the applicant's linking, within the request, of the Council's Media City proposal which was in the public domain, with the BBC's desire to relocate which was not (at least at that stage to the depth that answering the request would require)."
36. However the public authority has not stated whether the arguments for engaging the section 43(3) exemption are shared by the BBC (and indeed any other named parties) and it appears that these arguments have been advanced by the Council on behalf of all relevant companies and organisations subject to the request.
37. In deciding what weight to attribute to these arguments the Commissioner is mindful of the comments of the former Information Tribunal in the case of *Derry City Council v Information Commissioner [EA/2006/0014]*. In that case, the Tribunal rejected Derry City Council's argument that disclosure of the requested information would prejudice the commercial interests of a third party, Ryanair because the Tribunal had not been provided with any direct evidence from Ryanair to support this argument.
38. The Commissioner's approach in this case, based on the Tribunal, is that speculative arguments on behalf of a third party are given less weight than arguments emanating directly from any possible third party.
39. The Commissioner has considered the Council's arguments that by either confirming or denying whether it held information relevant to the complainant's request that it would be likely to prejudice the commercial interests of the BBC. However, consistent with the former Information Tribunal's decision in *Derry v Information Commissioner* discussed in paragraph 37 of this Notice, he has not given as much weight to the Council's arguments as they appear to have been made on behalf of the relevant organisations and companies rather than directly from them. Further, the Commissioner has also considered the

Council's arguments that the BBC's plans to relocate were not in the public domain (in sufficient depth) at the time of the complainant's request.

40. The Commissioner would wish to highlight a newspaper article published in the *Western Mail* on 29 October 2008. The article, entitled '*BBC Wales looks at sites for a new HQ*' contained details of a number of potential sites under consideration including its current location at Treforest, the Roath Basin regeneration scheme in Cardiff Bay, Morley's Cardiff Waterside estate also in Cardiff Bay, the Tyndall Street project and the south side of Callaghan Square in the centre of the capital with the studios being located at nearby Dumballs Road.

41. The article also contained quotes from a BBC Wales spokesperson which stated:

"Our ambition is to move to a new building...We are currently conducting a property review to meet our future production needs...We are talking to various parties about the range of options and locations available to us and undertaking a detailed financial assessment to ensure any relocation provides value for money."

42. The above article clearly demonstrates that the BBC's plans to relocate were indeed in the public domain at the time of the complainant's request. Therefore, whilst the Commissioner accepts that there was no reference to the Council in this statement from the BBC spokesperson, he is not persuaded the Council's arguments provide any evidence that there would be or would likely to be any prejudice to the commercial interests to the BBC if the Council were either confirm or deny the existence of information falling within the scope of the request.

43. Additionally, the Commissioner is also mindful of comments made by the Council on 18 February 2010, which informed the Commissioner that it might concede on the 'NCND' issue, as even at the time of the request it considered the point to be more a matter of principle as opposed to any harm (prejudice) identified.

44. The Commissioner has therefore concluded that the exclusion of the duty to confirm or deny as provided for in section 43(3) is not engaged in respect of the BBC.

Other specified companies and organisations

45. As stated in paragraph 36 of this Notice, the Council has not put forward any specific arguments (either from the companies and organisations or the Council itself) outlining the prejudice which would

or would be likely to arise from the confirmation of a business relationship with any of the other companies and organisations specified within the request.

46. Additionally, as stated in paragraph 43 of this Notice the Council informed the Commissioner that it might concede on the 'NCND' issue, as even at the time of the request it considered the point to be more a matter of principle as opposed to any harm (prejudice) identified.
47. The Commissioner has therefore no option but to conclude that the exclusion of the duty to confirm or deny as provided for in section 43(3) is not engaged in respect of the other named companies and organisations specified in the request.
48. Since he has decided that the exemption is not engaged it is not necessary to consider the public interest test.

Procedural Requirements

Section 1 – General right of access to information held by public authorities

49. Section 1(1)(a) of the Act states that:

"Any person making a request for information to a public authority is entitled –

to be informed in writing by the public authority whether it holds information of the description specified in the request..."

50. By refusing to either confirm or deny the existence of the information, the Council has breached section 1(1)(a) of the Act.

Section 10 – Time for compliance

51. Section 10(1) of the Act states that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
52. The Commissioner notes that the requests were dated 28 January 2009 and 12 February 2009 yet the Council did not provide its substantive response until 17 March 2009. The Council's failure to respond within the required timescale represents a breach of section 10(1) of the Act.

Regulation 11(4) – Internal review

53. As set out in paragraph 30, above, the Commissioner considers that a significant amount of information relevant to the request would, if held, be likely to be environmental information. As such, the Commissioner considers that the Council should have considered the provisions of the EIR in addition to the Act. Unlike the Act, the EIR contains a specific requirement for the public authority to conduct an internal review. Regulation 11(4) of the EIR states:

“A public authority shall notify the applicant of its decision under paragraph (3) as soon as possible and no later than 40 working days after the date of receipt of the representations.”

54. The Commissioner notes that the complainant requested an internal review of the Council’s original decision on 18 March 2009. However, the Council did not communicate the outcome of its review until 21 July 2009. The Council’s failure to communicate the outcome of its internal review within the specified timescale therefore represents a breach of regulation 11(4) of the EIR.
55. In light of his view that the Council should have handled part of this request under the terms of the EIR rather than the FOI, the Commissioner considers its failure to consider the provisions of the EIR represents a breach of regulations 14(2) and 14(3)(a).

The Decision

56. The Commissioner’s decision is that the public authority did not deal with the request for information either in accordance with the Act or the EIR.
- By incorrectly citing sections 41(2) and 41(3) of the Act, the Council breached section 1(1)(a) of the Act.
 - By failing to provide a substantive response within the required timescales the Council breached section 10(1) of the Act.
 - By failing to conduct an internal review of the request in accordance with the regulations, the Council breached regulation 11(4) of the EIR.

Steps Required

57. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
- In accordance with section 1(1)(a) of the Act, inform the complainant whether it holds the information requested on 28 January 2009 and 12 February 2009.
 - If relevant information is held, either disclose that information to the complainant or issue a refusal notice in accordance with section 17(1) of the Act.
 - In accordance with regulation 5(1) of the EIR, inform the complainant if it holds environmental information relevant to the requests of 28 January 2009 and 12 February 2009.
 - If relevant information is held, it shall either disclose that information to the complainant or issue a refusal notice in accordance with regulation 14(1) of the EIR.
58. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Other matters

59. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

Can questions be considered valid requests for information under the Act?

60. The Commissioner notes that following the original request of 28 January 2009 the Council asked the complainant to clarify his request. The Council's letter asking for clarification of the request contained the following statement:

"So far as scope is concerned:

You pose a number of questions. You should however be aware that the duty under FOIA is to disclose relevant recorded information which is held – not to answer questions as such..."

61. The Commissioner's view is that any written question to a public authority is potentially a request under the Act if the Authority holds recorded information which may answer the question. The Commissioner's external guidance entitled 'Making a request for information' states:

"Your request can be in the form of a question, but the authority does not have to answer your question if this would mean creating new information or giving an opinion or judgement that is not already recorded."¹

62. This view has been reinforced by the former Information Tribunal in the case of Richard Day and the Department for Work and Pensions ('the DWP'). In this case, the complainant had asked a number of questions about the Child Support Agency ('the CSA') and paragraph 15 of the Tribunal's decision stated:

"...The Act only extends to requests for recorded information. It does not require public authorities to answer questions generally, only if they already hold the answers in recorded form."

63. Where a public authority fails to deal with a question as an FOI request, the Commissioner may find the public authority has committed one or more procedural breaches for failing to deal with the request in accordance with the Act.
64. In this particular case, the Commissioner does not accept that it was necessary to clarify the questions contained in the original request. The

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/fop100_how_to_make_a_request_v1.pdf

Commissioner therefore believes that the Council should have provided a substantive response to the complainant within 20 working days (27 February 2009) from receipt of this request (30 January 2009). However, the Council did not provide a substantive response until 17 March 2009.

Blanket approach to request

65. The Commissioner notes that the complainant's request contained a number of subsections which are technically separate requests. However, the Council has adopted a very broad approach to the request and failed to make any distinction between contact with the BBC and other companies/organisations. The Commissioner considers that the Council should avoid taking a blanket approach to applying exemptions and should treat each request as a separate request.

Internal review

66. Whilst there are no timescales specified in the Act for the communication of the internal review, the Section 45 Code of Practice recommends that the internal review should be considered promptly.
67. The Commissioner has also produced guidance in relation to this matter and considers 20 working days from the date of the request for a review to be a reasonable time in most cases. He does nevertheless recognise that there may be a small number of cases where it may be reasonable to take longer. The Commissioner's view is that no review should exceed 40 working days and, as a matter of good practice, the Commissioner expects the public authorities to notify the applicants in cases where more time is needed and to provide an explanation of why that is the case.
68. The Commissioner notes that the complainant requested an internal review of the original decision on 18 March 2009. However, the Council did not communicate the outcome of its internal review until 21 July 2009, well in excess of the maximum 40 days and with no apparent reason for the exceptional circumstances that may have resulted in such a delay. Additionally, the complainant was not informed by the Council why any more time was needed and contacted the Council himself on 16 April 2009 and 5 May 2009 to enquire about the progress of the review. Ultimately, it required intervention from the Commissioner before the outcome of the internal review was communicated to the complainant.
69. The Commissioner considers that this is an unacceptable response to the request for an internal review and does not take account of the

section 45 Code of Practice or his own guidance on the matter. The Commissioner has highlighted his concerns about the Council's practice in this regard in a Practice Recommendation, issued in December 2009.² The Commissioner therefore expects the Council to ensure that all future requests for internal reviews are dealt with in accordance with both the section 45 Code of Practice and his guidance.

² Published on the ICO website here:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/notices/cardiff_county_council_practice_recommendation.pdf

Right of Appeal

70. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

71. 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.
72. Any notice of appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is sent.

Dated the 31st day of January 2011

Signed

**Anne Jones
Assistant Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

Freedom of Information Act 2000

General Right of Access

Section 1(1) provides that -

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

Time for Compliance

Section 10(1) provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Information provided in confidence.

Section 41(1) provides that –

"Information is exempt information if-

- (a) it was obtained by the public authority from any other person (including another public authority), and
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person."

Section 41(2) provides that –

"The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence."

Commercial interests.

Section 43(1) provides that –

"Information is exempt information if it constitutes a trade secret."

Section 43(2) provides that –

"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."

Section 43(3) provides that –

"The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2)."

The Environmental Information Regulations 2004

Regulation 5 - Duty to make available environmental information on request

Regulation 5(1)

Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request.

Regulation 5(2)

Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.

Regulation 11 - Representation and reconsideration

Regulation 11(1)

Subject to paragraph (2), an applicant may make representations to a public authority in relation to the applicant's request for environmental information if it appears to the applicant that the authority has failed to comply with a requirement of these Regulations in relation to the request.

Regulation 11(2)

Representations under paragraph (1) shall be made in writing to the public authority no later than 40 working days after the date on which the applicant believes that the public authority has failed to comply with the requirement.

Regulation 11(3)

The public authority shall on receipt of the representations and free of charge –

(a) consider them and any supporting evidence produced by the applicant; and

(b) decide if it has complied with the requirement.

Regulation 11(4)

A public authority shall notify the applicant of its decision under paragraph (3) as soon as possible and no later than 40 working days after the receipt of the representations.

ANNEX A

Freedom of Information Act 2000 (section 50)

Original request (dated 28 January 2009)

Please provide the following information, pursuant to the Freedom of Information Act 2000.

Please provide the dates of meeting or discussions involving Council officials [A to E]...and any of the following:

[Named company]

[Named company]

Representatives of the BBC

Please specify what was discussed, and produce copies of minutes.

Please provide access to [Council officials A to E]...file and records relating to the Council's "Media City" proposal to the BBC ("the proposal").

When was the proposal first conceived?

When was the proposal first discussed with the BBC?

To which Council officers was the proposal made known, and when?

To which Council Members was the proposal made know, and when?

What decisions have been taken by the administration at the Council in relation to the proposal?

What discussions or meetings have taken place between the Council and [named organisation] in relation to the proposal? Please specify what was discussed, and produce copies of minutes and any related correspondence.

What discussions or meetings have taken place between the Council and developers and landowners (including [named company], or any person acting on their behalf, in relation to the proposal. Please specify what was discussed, and produce copies of minutes and any related correspondence.