



By email



Your ref:
Our ref: DCR/L/HP/ FOIA EFS 29/2/21
Direct line: [Redacted]
Ext: 2880
Email: [Redacted]
Fax: [Redacted]
Date: 26 April 2021

Dear Councillor Gray

Freedom of Information Act 2000 - Your Request for Information dated 19 March 2021

I refer to the above information request. I have set out below each of your questions in the order received, together with the Council's response.

- Q1. What was the total amount in daily allowances paid to Cllr Bright prior to the Council agreeing to introduce a special allowance for serving on the Board [of EFS]?
- A. £1450. This is included in the amounts shown in Table 1 below and takes into account the fact that Councillor Bright repaid a total of £450 in respect of daily allowances - See Page 31 of the published SIAS Audit Report on the Governance of Council Owned Companies and Table 1 below.
- Q2. Can you provide a breakdown for each council Board Member who received this daily allowance and the totals received?
- A. Other than the information disclosed to you in response to Question 1 above, the Council holds no other recorded information relevant to your request.
- Q3. How much personal tax did the Studios pay for Cllr Bright in relation to these daily allowances by year?
- A. The Council holds no recorded information relevant to you request. Even if it did, the Council would rely on the exemptions at Section 40 and 41 of the Freedom of Information Act 2000 to withhold the disclosure of information relating to the tax affairs of an individual.

Q4. How much was received by each Board Member by year in terms of daily allowances and can you confirm whether taxes were also paid on their behalf by the Studios.

A. Please refer to the reply to Question 2 above. In addition, as I have already stated, even if the Council held relevant information about the tax affairs of an individual, it would rely on the exemptions at Section 40 and 41 of the Freedom of Information Act 2000 to withhold the disclosure of such information.

Q5. How often and in what years did Cllr Bright's wife attend events at Cannes? How much in expense claims were made by Cllr Bright on behalf of himself and his wife?

A. The Council confirms that it holds recorded information relevant to your request concerning the attendance of Councillor Bright's wife at the Cannes Film Festival but declines to communicate that information to you. In addition, the Council confirms that it does not hold any information that indicates that Councillor Bright made expenses claims on behalf of his wife.

As the Council has declined to communicate to you information that it holds, I am required to state the exemption(s) upon which the Council relies.

Section 21 FOIA 2000- Information Accessible to the Requestor by Other Means

The Freedom of Information Act 2000 does not require the Council to disclose information that is reasonably accessible to the requestor by other means. In this case the information held by the Council relevant to this request has already been published by the Council in response to an earlier FOIA request and can be inspected via the FOIA Disclosure Log on the Council's web site. Please click on the link at the end of this response to view this information.

Q6. Did Cllr Bright receive a personal allowance from the Studios when attending hospitality events at Cannes or elsewhere? How much was this on a daily or hourly basis.

A. The Council confirms that it holds recorded information relevant to your request but declines to communicate that information to you.

As the Council has declined to communicate to you information that it holds, I am required to state the exemption(s) upon which the Council relies.

Section 21 FOIA 2000- Information Accessible to the Requestor by Other Means

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Q7. Can you explain who recommended these daily allowances and taxes be paid and who proposed their introduction.

A. The Council confirms that it holds recorded information relevant to your request but declines to communicate that information to you.

As the Council has declined to communicate information to you that it holds, I am required to state the exemption(s) upon which the Council relies.

Section 21 FOIA 2000- Information Accessible to the Requestor by Other Means

The Freedom of Information Act 2000 does not require the Council to disclose information that is reasonably accessible to the requestor by other means. In this case the information held by the Council relevant to this request has already been published by the Council in response to an earlier FOIA request and can be inspected via the FOIA Disclosure Log on the Council's web site. Please click on the link at the end of this response to view this information.

Q8. Harvey Patterson advises me that in relation to expenses by Cllr Bright these were all approved by you [the Managing Director of Elstree Film Studios Limited]. He states: "**So far as I could ascertain, all travel and expenses claims were validated by Company officers, signed off by the Company's Managing Director, Roger Morris, and paid by the Company**". The emphasis in red [shown here in bold] is his. Can you advise whether this was the case, the context of the same when dealing with such claims and whether studio staff including yourself questioned the legitimacy of these claims?

A. This is a request for an explanation originally directed to the Managing Director of Elstree Film Studios Limited. The Freedom of Information Act 2000 confers the right, subject to the available exemptions, to be supplied with recorded information held by the Council or on the Council's behalf. It does not provide any right to an explanation. In any case, the Council is unable offer explanations on behalf of the officers of Elstree Film Studios Limited.

Q9. Harvey Patterson also states "**the Company accounts also state individual Board Director remuneration, including that of Councillor Bright and these are available for public inspection via Companies House.**" Again the red [bold] print is his. I have been unable to trace the record of each of these attributable hospitality, travel and or daily allowance fees paid to Cllr Bright and his wife. Can you [the Managing Director of Elstree Film Studios Limited] advise where these details can be found in the published accounts and provide copies of each claim. I would also welcome being directed to where the claims for daily allowances and taxes paid appear in the company accounts including any VAT payments made as part of the repayments Cllr Bright made for what he described as his "investiture".

A. The Freedom of Information Act 2000 does not provide the right to an explanation of the published accounts of Elstree Film Studios Limited, nor are the published accounts of Elstree Film Studios Limited held by the company on the Council's behalf. Any information held by the Council in relation to allowances and expenses claims is already in the public domain in response to an earlier FOIA request and can be inspected via the FOIA Disclosure Log on the Council's web site or is set out in Table 1 below. I would refer you again to Section 21 of the Freedom of Information Act 2000 which entitles the Council to decline to supply information which is reasonably available to a requestor by other means.

Q10 How much did Cllr Bright receive in payment and allowances for the production of the book on the Studios?

- A. Councillor Bright received Allowances of £2,200 in financial year 2014/15 and £2050 in financial year 2015/16 making £4,250 in total. These amounts are included in Table 1 below.

Q11. What was the total cost to the Studios for the production and launch of this book? Can you advise who commissioned this book and provide a minute, if any, of the same by the Board recording which councillors proposed and voted for this undertaking?

- A. The Council confirms that it holds recorded information relevant to your request but declines to communicate that information to you.

As the Council has declined to communicate information to you that it holds, I am required to state the exemption(s) upon which the Council relies.

Section 21 FOIA 2000- Information Accessible to the Requestor by Other Means

The Freedom of Information Act 2000 does not require the Council to disclose information that is reasonably accessible to the requestor by other means. In this case the information held by the Council relevant to this request has already been published by the Council in response to an earlier FOIA request and can be inspected via the FOIA Disclosure Log on the Council's web site. Please click on the link at the end of this response to view this information.

Q12. Can you advise how much the total cost to the Studios were to respond to the Data Protection requests made by Cllrs Bright and Morris?

- A. The Council holds no recorded information relevant to your request, nor would any such information be held on the Council's behalf.

Q13. The Council is seeking to make cuts to the studios to make savings for the council. Can you provide a summary by Conservative councillor board member of the amount they have received in expenses and allowances since their appointment to the Board?

- A. The Council holds no information prior to financial year 2012/13.

Elstree Film Studios Limited is legally required **not** to pay a councillor-director by way of remuneration any more than the Council would pay a councillor as a special responsibility allowance (SRA) for carrying out duties of an equivalent value. In addition, the Company may also pay travel and subsistence allowances to a councillor-director at the same rates as the Council pays travel and subsistence allowances to councillors. This includes a daily subsistence allowance of £100 per day for meetings outside the Borough involving an overnight stay.

In 2016 the Council's Independent Remuneration Panel advised the Council and Elstree Film Studios Limited that the Chairman's role was equivalent to the role of a Council Executive Portfolio-holder. Consequently, the maximum remuneration that the Chairman of Elstree Film Studios Limited would be entitled to receive from the company (exclusive of travel and subsistence) was a sum equal to the value of the SRA for an Executive Portfolio-holder.

Accordingly, Table 1 below shows for financial years 2012/13 to 2016/17, the SRA payable by the Council to an Executive Portfolio-holder (exclusive of travel and subsistence) and the net total allowances (inclusive of travel and subsistence) received by the Chairman of Elstree Film Studios Limited from the company:-

	2012/13	2013/14	2014/15	2015/16	2016/17
SRA for an Executive Portfolio-Holder	£12,024	£12,024	£12,024	£12,289	£12,412
Total Allowances, including travel and subsistence expenses paid to Chairman (Cllr Morris Bright)	£1,125	1,283	£1,333*	£5,594.79**	£13,289.07**
Notes					
* £250 has been deducted to reflect the repayment of daily allowances.					
** £709.21 has been deducted to reflect the repayment of daily allowances (£200) and 50% of a subsistence claim (£509.21).					
*** £403.93 has been deducted to reflect the repayment of parking charges.					

Table 1

The total allowances (inclusive of travel and subsistence allowances) received by the other councillor-directors of Elstree Film Studios Limited in financial years 2012/13 to 2016/17, are shown in Table 2 below:-

	2012/13	2013/14	2014/15	2015/16	2016/17
Cllr Paul Morris	-	-	£400	£300	£350
Cllr Charles Goldstein	£833	£500	£958	£625	£665
Cllr Pervez Choudhury	£625	£250	£875	£438	-
Cllr Caroline Clapper	-	-	£300	£380	£313

Table 2

The allowances received by all the councillor- directors of Elstree Film Studios Limited in financial years 2017/18 to 2019/20 are disclosed in the company's published accounts. Consequently, in accordance with Section 21 of the Freedom

of Information Act 2000, the Council declines to communicate that information to you because you are able to view it by inspecting the published accounts of Elstree Film Studios Limited at Companies House. Please click on the link given below:-

<https://www.gov.uk/government/organisations/companies-house>

The Council also confirms that it holds recorded information relating to the allowances paid to councillor-directors by Elstree Film Studios Limited in financial year 2020/21. However, the Council intends to publish this information as an integral part of its annual publication of all allowances received by members of the Council in financial year 2020/21. Please note that Section 22 of the Freedom of Information Act 2000 entitles the Council to withhold information intended for future publication. In this regard the Council intends to publish this information on its website by no later than the Annual Meeting of Council on 19 May 2021.

Duty to Advise and Assist

The Council is under a general duty to assist requestors in accessing information held by the Council to which they are entitled. Accordingly, please click on the link below to access information relevant to your request which the Council has already published:-

<https://www.hertsmere.gov.uk/Your-Council/Official-Publications--Guides--Policies/Freedom-Of-Information-Disclosure-Log.aspx>

Right to Request an Internal Review /Complain to the Information Commissioner

If you are dissatisfied with my decision on your request, you have the right to request an internal review. Please email any request for an internal review to:

foi@hertsmere.gov.uk

The Council aims to complete internal reviews within 20 working days of receipt of the request for an internal review.

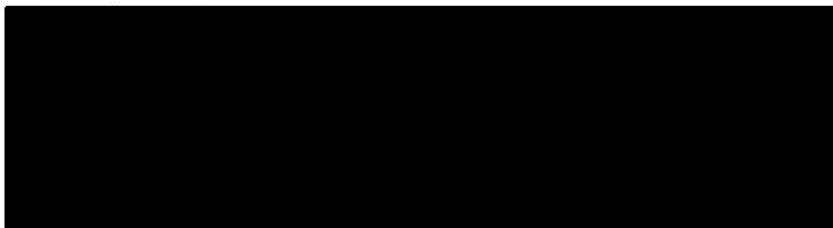
You can also complain to the Information Commissioner at:

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

Telephone: 01625 545700 Website: www.informationcommissioner.gov.uk

Please note that the information Commissioner will normally require you to exercise your right to request and internal review before accepting a complaint.

Kindly include the above reference number on all correspondence relating to this request.



Head of Legal & Democratic Services