Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 31 March 2011

Public Authority: **Camden and Islington NHS Foundation Trust**
Address: **Chief Executive's Office**
2nd Floor
St Pancras Hospital
4 St Pancras Way
London
NW1 0PE

Summary

The complainant requested copies of all letters, emails, reports and any other documents held by the Trust that concerned a named company 'and all subsidiaries and parent companies'. The Trust responded that it held no relevant recorded information. The complainant requested an internal review and the Trust upheld its decision.

The complainant referred this case to the Commissioner. On reflection, the Trust confirmed that it couldn't be certain whether it held any relevant recorded information without undertaking work that would exceed the appropriate limit. It therefore explained that it was relying on section 12(2) (the costs limit) in order to be excluded from the requirement to confirm or deny whether relevant recorded information was held. The Commissioner finds that the Trust has applied section 12(2) appropriately on the facts of this case. However, he has found procedural breaches of sections 10(1) and 17(5). He requires no remedial steps to be taken.

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.

Background

2. The complainant is aware that the spouse of a senior member of the Executive Board of Camden and Islington NHS Foundation Trust (the "Trust") is a director of a named company. He also believes that this individual is in control of shares in that named company and has made a request about this company.

3. There are 78 linked companies that fall within the scope of his request.

The Request

4. On 7 May 2010 the complainant requested the following information under the Act (company names redacted):

> *'Under provisions in the Freedom of Information Act 2000, please provide me with copies of all letters, emails, reports and all other documents, including*
>
> *i. all internal communications between Trust staff and directors*
>
> *ii. all communications between Trust staff and directors and other NHS bodies, local authorities and other bodies*
>
> *concerning* ***[Named company redacted]*** *and all subsidiaries and parent companies.'*

5. On 21 May 2010 the Trust confirmed that it had received the request and was considering it.

6. On 11 June 2010 the Trust issued its response. It explained that:

> *'I forwarded your request to the relevant members of staff requesting them to trace any documentation concerning [****named company redacted****]. The Trust then did a search requesting this information and to date nothing has come up regarding [****named company redacted****]. Therefore it is with regret that I am unable to comply with this request as we do not hold any information concerning this company.'*

7. On 12 June 2010 the complainant requested an internal review. On 14 June 2010 the Trust asked if he had any grounds he wanted it to consider. He confirmed the next day simply that he was unhappy with the response.

8. On 13 July 2010 the Trust communicated the results of its internal review. It maintained its position. It explained that it had searched the manual and electronic records of the Board Secretary and the Executive Assistant to the Chief Executive and had found no records for the company in question. It confirmed that it believed its searches were thorough and adequate.

The Investigation

Scope of the case

9. On 22 July 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He explained that he was unhappy with the Trust's failure to provide him relevant recorded information and that there were good reasons to expect that relevant recorded information was held. He explained that the easiest approach may be to ask the senior member of the Trust's Executive Board about it.

10. On 12 October 2010 the complainant and Commissioner agreed the scope of the case. This was the Trust's substantive compliance with the request dated 7 May 2010 and any procedural defects such as delays.

11. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Chronology

12. On 22 September 2010 the Commissioner wrote to the complainant and the Trust to explain that he had received this complaint and that it was eligible for consideration. He asked the Trust to say why it believed it had complied with the Act and it replied on the same day to explain its position.

13. On 5 October 2010 the Commissioner telephoned the Trust to ask about the searches it had conducted in this case. On 6 October 2010 the Trust explained its position further.

14. Also on 5 October 2010 the Commissioner telephoned the complainant to ask for a copy of the internal review he had received. This was sent to him on the same day. He then wrote to the complainant to confirm the scope of his investigation and ask for further arguments about why he believed that relevant recorded information may be held. On 12 October 2010 the complainant provided this information.

15. On 13 October 2010 the Commissioner telephoned the Trust to ask it to identify the parent companies and/subsidiaries of the named company. On 15 October 2010 the public authority provided him with this information.

16. On 24 November 2010 the Commissioner telephoned the Trust and explained that its response of 6 October 2010 was inadequate. He asked the Trust to tell him where it had searched and the parameters of those searches. On 1 December 2010 the Trust asked the Commissioner to put his requests in writing.

17. On 2 December 2010 the Commissioner wrote to the Trust with a detailed set of enquiries. He explained what the request was for, the magnitude of the searches that were required and the detail he needed to determine whether relevant recorded information was held. He also explained that section 12(2) of the Act meant that there was no obligation to search for more than 18 hours and if the Trust was now relying on this exclusion, it should tell him so and provide its detailed arguments. He asked for a response within twenty working days.

18. The Trust did not provide its arguments until 25 January 2011. It confirmed that it still believed it did not hold relevant recorded information. However, the breadth of the request meant that it was unable to guarantee that this was so, even on the balance of probabilities, without exceeding the costs limit. It therefore explained that it was now relying on section 12(2). It detailed the locations it needed to search and the amount of time it estimated this would take. It also explained the advice and assistance it had provided and what further advice it could now provide.

Analysis

Substantive matters

Section 1(1)(a)

19. Section 1(1)(a) imposes a general obligation on a public authority to confirm or deny whether it holds relevant recorded information after it receives a valid request for information.

20. Where providing confirmation or denial under section 1(1)(a) would exceed the costs limit (as set out in section 12(1)), the public authority is excluded from its duty to confirm or deny.

21. In this case the Trust's original position was that it did not hold any relevant recorded information. However, it explained that the only way

that it could be certain that this was so, given the breadth of the request, was to undertake work that would exceed the costs limit. It explained that it believed it was appropriate for it to rely on section 12(2) given that the Act does not require it to undertake work that is estimated to exceed the appropriate limit.

Exclusions - Section 12(2)

22. The Trust raised the application of section 12(2) late and after the date of its internal review, The Commissioner has discretion to accept the late application of exclusions where in the circumstances of the case it is reasonable to do so. In this case, the Trust was clear that it did not hold relevant recorded information in the most obvious places on its original narrow reading of the request. However, this narrow reading was inappropriate and when the Commissioner raised this matter with the Trust it pointed to the very large amount of work it believed it would now need to do.

23. The exclusion was included in the Act to prevent a request from being too burdensome on a public authority. As the Information Tribunal (the "Tribunal") in *Quinn v Information Commissioner & Home Office* [EA/2006/0010] ("*Quinn*") explained:

> *'The fact that the rules drafted pursuant to s.12 have the effect of defining what is a reasonable search and the amount of time and money that a public authority are [sic] expected to expend in order to fulfil their obligations under the Act, serves as a guillotine which prevents the burden on the public authority from becoming too onerous under the Act'* (paragraph 50).

24. The Commissioner has decided that as the purpose of the exclusion is to prevent the work being too onerous and the Trust claims that searches would well exceed the cost limit, it is reasonable for him to consider the Trust's arguments about the application of section 12(2) in this case. However, he will comment further about the original handling of the request below.

25. It is appropriate to consider the operation of section 12(2) first in this case, because there is no obligation to determine whether relevant recorded information is in fact held, where it is applied correctly.

Has section 12(2) been applied appropriately to this request?

26. Section 12(2) applies when the costs limit would be exceeded in determining whether or not relevant recorded information is held. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations") provide that the cost limit

27. In considering the estimate provided, the Commissioner will divide his analysis into three parts.

    - What was the estimate?
    - Whether there were any reasonable alternatives to undertaking the work included in the estimate.
    - If not, whether the estimate applied only to the activities that are allowed to be included and whether it was objectively reasonable.

What is the public authority's estimate in this case?

28. The Trust has provided the Commissioner with a detailed and reasoned estimate about why it believes the work required for it to correctly confirm or deny whether it held relevant recorded information would exceed the costs limit in this case.

29. The Trust began by explaining its understanding of the breadth of the request.

    1. The request was unfocussed in that it asked for every single piece of recorded information held by the Trust for 78 companies in any department and in any context.

    2. It requires the searching of all its manual and electronic files.

    3. The request was not limited in time. The Trust would therefore have to check all the records created since its formation and all the records it inherited for reference to these companies.

30. The Commissioner agrees that the Trust's reading of this request is the only objective reading of this request.

31. The Trust explained that the breadth of the request meant that it would be required to search at least the following departments (which may or may not have relevant recorded information that falls within the scope of the request):

    - Chief Executive's Office;
    - Director of Business and Corporate Development;
    - Director of Finance;
    - Director of Nursing and Performance;

- Board Secretary's Office;
- Payroll Department;
- Finance Department;
- HR Department;
- Camden Borough Director;
- Islington Borough Director; and
- IT Department.

32. The Trust explained that due to the breadth of the request it would need to consider all the files it had in these areas.

    For manual records it would have to:

    - Check all the manual records in the above locations. This cannot easily be done without individual members of staff reading through these records. It would not be possible to identify references to the company through an index or anything similar; and

    - Retrieve all the information from its outside storage facilities (that wasn't electronically stored). It would need to check whether this information had been checked within the electronic records, and if not, it would need to manually check the records.

    For electronic records it would have to:

    - Check all the electronic records in the above locations. This would be easier as electronic search tools can be used, but would still take considerable time as it would have to check for each of the 78 relevant companies individually (and as there is no start date, it would have to commence from when documents first became electronic); and

    - Retrieve all the electronic information held on its backup tapes to check whether it held electronic information that had subsequently been deleted on its main system. It had five years worth of back up tapes and each of these would need to loaded and searched in the same way.

33. It also explained that for accounting reasons, its Finance Department was only required to keep certain information for seven years. That department would therefore be required to check records accrued over the last seven years.

34. It explained that it believed such a wide ranging search would cause each department major disruption from its key functions and would be likely to engage four or five staff in each department.

35. It estimates that merely determining whether or not it held relevant recorded information would take many hours work as follows:

    - 1 hour to identify and liaise with the 11 departments (this work had now been done);
    - Between 18 – 24 hours for each of the 11 departments to check the manual records (taking into account the need to check all records including historical records) – totalling between 198 hours and 264 hours;
    - Approximately 10 hours for each of the 11 departments to check the electronic records – totalling around 100 hours; and
    - A further 24 hours of specialist IT workers' time to bring the backup tapes online and facilitate further checking.

36. The Trust therefore estimated that it would take over 300 hours to determine whether or not it held relevant recorded information. As noted above, the costs limit amounts to 18 hours.

Are there any reasonable alternatives?

37. When considering whether there are reasonable alternatives, the Commissioner has received guidance from the Tribunal in *Alasdair Roberts v the Information Commissioner* [EA/2008/0050] "*Roberts*"). In that case, the complainant offered a number of suggestions as to how the requested information could be extracted from a database. The Tribunal concluded that none of the ways suggested would have brought the request under the costs limit. However, the Tribunal also made the following more general comments on alternative methods of extraction:

> *'(a)…the complainant set the test at too high a level in requiring the public authority to consider* **all** *reasonable methods of extracting data;*
>
> *(b) that circumstances might exist where a failure to consider a less expensive method would have the effect of preventing a public authority from relying on its estimate…'* (Paragraph 15).

38. Those circumstances were set out at paragraph 13:

> *'…it is only if an alternative exists that is so obvious to consider that disregarding it renders the estimate unreasonable that it might be open to attack. And in those circumstances it would not matter whether the public authority already knew of the alternative or had it drawn to its attention by the requestor or any other third party…'.*

39. The Commissioner has considered whether there were obvious alternatives that would render the estimate unreasonable. He notes that the Act (without reliance on section 12(2)) imposes an obligation to find **all** relevant recorded information that is held. In the Commissioner's view the Trust is right that the scope of searches it identified would be required to determine whether it holds information of the nature requested.

40. The public authority explained that due to the disparate locations, the amount of time and the sheer scale of what was held; there was no methodology or approach that would identify whether or not it holds relevant recorded information within the costs limits. It explained that it checked what it believed were the most obvious places in an attempt to be helpful to the complainant.

41. The Commissioner has considered the complainant's arguments about why information must be held. This was that:

- there is a potential conflict of interest;
- the individual that is implicated could be asked as this should narrow the search; and
- it would be possible to check the most obvious places – such as confidential board and committee papers, contracts, negotiations and operational matters and check for all the relevant companies.

42. The Commissioner does not believe that checking with a single individual would allow the Trust to be sure that it had found **all** the relevant recorded information that would potentially fall within the request, given the breadth of the request.

43. The Commissioner has considered whether it would be possible to check only the most 'obvious' places and whether this, on the balance of probabilities, would allow the Trust to be sure it had found **all** the relevant recorded information falling within the request. He is of the view that this approach would not assist it.

44. The Commissioner has considered the complainant's view that it was obvious what he wanted and someone would know where to find it within the costs limit. The Commissioner does not consider this is correct. The breadth of the request would necessitate full searches of all the records that may contain relevant information.

45. The Commissioner has also considered the Trust's conflict of interest policies to understand whether all the information would be transferred to one location if a potential conflict was recorded. The Trust explained that individual Directors are required to note their interests on the

conflicts of interest register, which is published and maintained by the Board Secretary. The Directors are then required to declare their interests at the beginning of each Board meeting. The Trust has not moved all the relevant information to a single location and this does not therefore amount to a reasonable alternative to enable the Trust to be sure of whether it can comply with section 1(1)(a).

46. For completeness, the Commissioner has also considered whether it would be right for the Trust to be required to search up to costs limit. He notes the First Tier Tribunal decision in *Cooksey v Information Commissioner and Greater Manchester Police("Cooksey")* [EA/2010/0113] that explained in paragraph 36 that:

> *'The Appellant argued that there could reasonably have been a search up to the costs limit and that any information found in relation to her original request, even if only partial, would be useful. The Tribunal sympathises with this sentiment, however it does not seem to the Tribunal that this is a correct approach to section 12 FOIA. If the costs limit is engaged, the Tribunal finds that the effect of section 12 is to disapply the duty to comply with the information request. The Tribunal does not consider that the margin of difference between the compliance estimate and the costs limit is a relevant consideration in these circumstances.'*

47. Overall, the Commissioner accepts that the sheer volume of information is problematic in this case and that there appears to be no reasonable alternative to checking all of the records the Trust identified.

Would the work required exceed the 18 hour limit?

48. The issue of what constitutes a reasonable estimate was also considered in *Roberts*. The Commissioner notes the view expressed that *"only an estimate is required" (*as opposed to a precise calculation) and that the costs estimate must be reasonable and only based on those activities described in Regulation 4(3), that is:

> *"(a) determining whether it holds the information,*
>
> *(b) locating the information, or a document which may contain the information,*
>
> *(c) retrieving the information, or a document which may contain the information, and*
>
> *(d) extracting the information from a document containing it."*

49. In this case the only activity that the Trust is considering in its estimate is the activity in Regulation 4(3)(a) – determining whether it holds the

relevant recorded information. It is not therefore including any activities in its estimate that it should not include.

50. The Commissioner is satisfied that the Trust has evidenced that it would take more than 18 hours to be sure whether or not it holds relevant recorded information. This is because it would require the careful consideration of many years' worth of records from at least 11 different departments. He is satisfied that this estimate is '*sensible, realistic and supported by cogent evidence.'* He relies on the Tribunal's decision in *Quinn* (see paragraph 23) to accept this estimate in this case. He therefore determines that section 12(2) has been applied correctly in this instance.

Procedural Requirements

Section 10(1)

51. Section 10(1) requires that a public authority complies with its obligations under section 1(1) as soon as possible and in twenty working days in any event. In this case, the Trust thought it was able to comply with its obligations under section 1(1), yet did so late. The late response constitutes a breach of section 10(1). The Commissioner appreciates that it turned out that the Trust was in fact not obliged to confirm or deny whether information was held by virtue of section 12(2). However, it does not stop there being a procedural breach because its original response was not issued within the time limit.

Section 17(5)

52. Section 17(5) states that any public authority relying on section 12(2) must within the time limit for complying with section 1(1) give the applicant a notice stating that fact. The time limit for complying with section 1(1) is found in section 10(1). This states that a response should be issued as soon as possible and in twenty working days in any event.

53. The Trust failed to explain that it was relying on section 12(2) for the work required to answer the request until during the Commissioner's investigation. Its failure to do this was a breach of section 17(5).

The Decision

54. The Commissioner's decision is that the Trust dealt with the following in accordance with the requirements of the Act:

- *It applied section 12(2) appropriately to exclude itself from its obligations under section 1(1)(a).*

55. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

- *It breached section 10(1) because its original response (denying it held relevant recorded information) was late; and*
- *It breached section 17(5) because it failed to issue an appropriate notice saying that it was relying on section 12(2) within twenty working days.*

Steps Required

56. The Commissioner requires no steps to be taken.

Right of Appeal

57. 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

58. 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.

59. 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 March 2011

Signed ……

Faye Spencer
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Legal Annex

Freedom of Information Act 2000

Section 1 General Right of Access

(1) 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."

(2) Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14."

Section 10 Time for compliance with request

(1) 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."

(2) Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt."

(3) If, and to the extent that –

(a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or

(b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given."

(4) The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day

following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations."

(5) Regulations under subsection (4) may –

(a) prescribe different days in relation to different cases, and
(b) confer a discretion on the Commissioner."

(6) In this section –
"the date of receipt" means –

(a) the day on which the public authority receives the request for information, or
(b) if later, the day on which it receives the information referred to in section 1(3);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

Section 12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit."

(3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases."

(4) The secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –

(a) by one person, or
(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them."

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Section 17 Refusal of request

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.

(2) Where—

(a) in relation to any request for information, a public authority is, as respects any information, relying on a claim—

(i) that any provision of Part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or

(ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.

(3) A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming—

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(4) A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

(6) Subsection (5) does not apply where—

(a) the public authority is relying on a claim that section 14 applies,

(b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and

(c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.

(7) A notice under subsection (1), (3) or (5) must—

(a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and

(b) contain particulars of the right conferred by section 50.'

Statutory Instrument 2004 No. 3244

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

...

The appropriate limit

3. (1) This regulation has effect to prescribe the appropriate limit referred to in section 9A(3) and (4) of the 1998 Act and the appropriate limit referred to in section 12(1) and (2) of the 2000 Act.

(2) In the case of a public authority which is listed in Part I of Schedule 1 to the 2000 Act, the appropriate limit is £600.

(3) In the case of any other public authority, the appropriate limit is £450.

Estimating the cost of complying with a request - general

4. - (1) This regulation has effect in any case in which a public authority proposes to estimate whether the cost of complying with a relevant request would exceed the appropriate limit.

(2) A relevant request is any request to the extent that it is a request-

(a) for unstructured personal data within the meaning of section 9A(1) of the 1998 Act[3], and to which section 7(1) of that Act would, apart from the appropriate limit, to any extent apply, or

(b) information to which section 1(1) of the 2000 Act would, apart from the appropriate limit, to any extent apply.

(3) In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in-

(a) determining whether it holds the information,

(b) locating the information, or a document which may contain the information,

(c) retrieving the information, or a document which may contain the information, and

(d) extracting the information from a document containing it.

(4) To the extent to which any of the costs which a public authority takes into account are attributable to the time which persons undertaking any of the activities mentioned in paragraph (3) on behalf of the authority are expected to spend on those activities, those costs are to be estimated at a rate of £25 per person per hour.'