

## James McLaughlin

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**From:** STEVE PARRY <request-433782-7ada2f99@whatdotheyknow.com>  
**Sent:** 21 October 2017 06:26  
**To:** Freedom Of Information  
**Subject:** Re: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8771

Dear Freedom Of Information,

Many thanks for the information provided in response to request " Brighton & Hove City Council Internal Audit Report (Ref: A118/001/2016) (CONFIDENTIAL - NOT TO BE DISCLOSED)"

I would, however, be grateful if you could clarify, confirm, or correct the following:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, " both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?
2. Please confirm who has received a copy of the original report.
3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?
4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?
5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?

Yours truly,

Steve Parry

-----Original Message-----

Please find set out below the information in response to the above request:

1. Why a decision was taken to restrict the circulation of this report to 8 senior officers including the Author, Mark Winton; who took this decision and when; and if any councillors were informed of this procedure.  
I would also request confirmation that the restricted distribution list was Geoff Raw, Nick Hibberd, Tracey John, Martin Reid, Theresa Youngman, Glyn Huelin, and Nigel Manvell. It appears strange that the Head of Internal Audit and the Audit Manager are not on the distribution list unless this is just taken as understood.

The circulation list is in accordance with Internal Audit's standard reporting protocol. Members are not involved in deciding who to circulate reports to. The distribution list was as you mention above. The Audit Manager and Head of Internal Audit, whilst not specifically named on the circulation list received a copy of the report as part of standard practice and would be actively involved in the review and reporting process. Both the Head of Internal Audit and Audit Manager would review and agree the circulation list as part of this review process.

2. Details of who else within and without of the Council has been provided with a copy of the report since its "publication" on 10.12.15 either in its complete or redacted form.

Redacted versions of the report were shared with members of the Audit & Standards Committee and Housing and New Homes Committee and Mears Ltd.

In relation to officers (the original or a redacted version) was shared with the Head of Procurement, the Executive Director of Finance & Resources, the Executive Director of Neighbourhoods, Communities & Housing, Executive Lead Officer - Strategy Governance & Law, Head of Legal Services, Head of Communications, Democratic Services Manager, two Communications Managers and a Communications Officer.

3. Why only 46 completed repairs were inspected (limited to the period April 2014 – August 2015) despite there being clear evidence of fraud and overcharging. Note that the subcontractor allegedly involved had been used with the "Mears PLC contract" since 2011.

The sample selected required a balance between trying to identify the extent to which work had been completed as paid for whilst not unduly disturbing council tenants. We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern.

4. How the fact that of 468 post inspections carried out by Mears of work undertaken by the subcontractor only 30 failed is reconciled with 39 'door to door' inspections undertaken by this internal audit of which 8 had been post-inspected by Mears (all had passed) yet of these 8 the audit inspection failed 7 for "significant overcharge".

The Council calculated overcharges based on information from the door to door inspections. The Council does not hold further information in relation to this request.

5. Given the information above (4) how could it be that a decision was taken that one subcontractor was responsible for the fraud and overcharging when 7 out of 8 post inspections passed by Mears were failed by this internal audit.

A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers.

6. The report makes 4 "High priority recommendations" yet does not state to whom these recommendations are made. One assumes that a decision such as that to "request" Mears to investigate rather than continue with a comprehensive internal audit would be taken by Members.

All recommendations were agreed and accepted by Officers within the Housing Department in accordance with standard protocol.

7. Who, and under what authority, took the decision that it was acceptable to "negotiate" with Mears on the value of works overcharged between April 2011 and April 2014

A recommendation was made by Audit that Housing should agree a process to quantify the value of overpayments. The management response was that agreement of the total value of the works overcharged was being negotiated with the contractor. The lead officers for this action, acting under delegated authority, were the Interim Head of Property & Investment and Head of Housing Strategy.

Should you have any further queries about this request, please contact us via email to [1][Brighton and Hove City Council request email] quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

Freedom of Information Appeals

Brighton & Hove City Council

ICT 4th Floor

Bartholomew House

Bartholomew Square

Hove BN1 1JE

[2][Brighton and Hove City Council request email]

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

The Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: [3][email address]

Website: [4][www.ico.org.uk](http://www.ico.org.uk)

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## References

### Visible links

1. [mailto:\[Brighton and Hove City Council request email\]](mailto:[Brighton and Hove City Council request email]) 2. [mailto:\[Brighton and Hove City Council request email\]](mailto:[Brighton and Hove City Council request email])  
3. [mailto:\[email address\]](mailto:[email address]) 4. <http://www.ico.org.uk/> 5. <http://www.brighton-hove.gov.uk/>

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Please use this email address for all replies to this request:  
[request-433782-7ada2f99@whatdotheyknow.com](mailto:request-433782-7ada2f99@whatdotheyknow.com)

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<https://www.whatdotheyknow.com/help/officers>

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<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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## James McLaughlin

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**From:** Freedom Of Information  
**Sent:** 30 October 2017 14:20  
**To:** Mark Dallen  
**Subject:** Unclassified Freedom of Information Request - FOI 8943  
**Attachments:** RE: Unclassified Freedom of Information Request - FOI 8771

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Mark,

Please use new FOI reference 8943 for the request below for the follow up to FOI 8771 (attached). New deadline is also in email.

We have received the following Freedom of Information request FOI 8943. We are required to respond to this by **17/11/2017**.

**Please obtain approval of response from your Head of Service and then forward this to [freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)**

FOI advice and guidance is available on the Wave, please visit [Information Governance](#)

The request is as follows:

"I would, however, be grateful if you could clarify, confirm, or correct the following:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, " both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?
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4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?
5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

## James McLaughlin

---

**From:** Mark Dallen  
**Sent:** 30 October 2017 13:47  
**To:** Freedom Of Information  
**Cc:** Sarita Arthur-Crow; [REDACTED] Larissa Reed; Martin Reid; Tracy John  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi James,

Does this count as a new request i.e. what is the timescale for responding?

Many thanks,

Mark

**Mark Dallen**  
Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 29 [REDACTED]  
Email: [mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)



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**From:** Freedom Of Information  
**Sent:** 23 October 2017 3:28 PM  
**To:** Mark Dallen  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi Mark,

The Requestor has come back with some comments in regards to the FOI response, see below.

"I would, however, be grateful if you could clarify, confirm, or correct the following:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, "both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?
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internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Kind regards,

**James McLaughlin**

Information Governance Officer | Information Governance Team | IT & Digital

01273 295959 | Monday-Friday 8am-4pm

[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)



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**GDPR is coming.... To find out more click [here](#).**

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**From:** Mark Dallen

**Sent:** 20 October 2017 3:13 PM

**To:** Katie Rees; Freedom Of Information; Peter Bode

**Cc:** Tracy John; Martin Reid; Larissa Reed; Sarita Arthur-Crow; Mark Winton; Clifford Youngman; Graham Liddell

**Subject:** Unclassified Freedom of Information Request - FOI 8771

Hi Katie,

Please see below the response to FOI 8771 for release.

Thank you all for your assistance with compiling this.

Kind regards,

**Mark Dallen**

Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 29 [REDACTED]

Email: [mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)



Working in partnership

"1. Why a decision was taken to restrict the circulation of this report to 8 senior officers including the Author, Mark Winton; who took this decision and when; and if any councillors were informed of this procedure. I would also request confirmation that the restricted distribution list was Geoff Raw, Nick Hibberd, Tracey John, Martin Reid, Theresa Youngman, Glyn Huelin, and Nigel Manvell. It appears strange that the Head of Internal Audit and the Audit Manager are not on the distribution list unless this is just taken as understood.

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7. Who, and under what authority, took the decision that it was acceptable to "negotiate" with Mears on the value of works overcharged between April 2011 and April 2014

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## James McLaughlin

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**From:** Freedom Of Information  
**Sent:** 13 November 2017 13:43  
**To:** Sarita Arthur-Crow; Mark Dallen  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Sarita,

Please see new allocation email that was sent with new FOI deadline dated **17/11/2017**

Please use new FOI reference 8943 for the request below for the follow up to FOI 8771 (attached). New deadline is also in email.

We have received the following Freedom of Information request FOI 8943. We are required to respond to this by **17/11/2017**.

**Please obtain approval of response from your Head of Service and then forward this to [freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)**

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Kind regards,

**James McLaughlin**  
Information Governance Officer | Information Governance Team | IT & Digital

01273 295959 | Monday-Friday 8am-4pm  
[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)

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**From:** Sarita Arthur-Crow  
**Sent:** 10 November 2017 9:25 PM  
**To:** Mark Dallen; Freedom Of Information  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi Mark,

You may have already had a response to your question from the FOI team, but my view is that the below counts as a new FOI request as in some of them he is asking further/new questions.

Let me know if I can assist.

Thanks,  
Sarita

**Sarita Arthur-Crow** | Lawyer | Brighton & Hove City Council  
Room G101, Hove Town Hall, Norton Road, Hove BN3 3BQ | DX59286 Hove 1  
T 01273 29[REDACTED] | [sarita.arthur-crow@brighton-hove.gov.uk](mailto:sarita.arthur-crow@brighton-hove.gov.uk)

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*The Legal Services of Brighton and Hove City Council, East Sussex County Council,  
Surrey County Council and West Sussex County Council working in partnership*

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**From:** Mark Dallen  
**Sent:** 30 October 2017 1:47 PM  
**To:** Freedom Of Information  
**Cc:** Sarita Arthur-Crow; Mark Winton; Larissa Reed; Martin Reid; Tracy John  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi James,

Does this count as a new request i.e. what is the timescale for responding?

Many thanks,

Mark

**Mark Dallen**  
Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 29[REDACTED]  
[Email: mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)

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All recommendations were agreed and accepted by Officers within the Housing Department in accordance with standard protocol.

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A recommendation was made by Audit that Housing should agree a process to quantify the value of overpayments. The management response was that agreement of the total value of the works overcharged was being negotiated with the contractor. The lead officers for this action, acting under delegated authority, were the Interim Head of Property & Investment and Head of Housing Strategy. "

## James McLaughlin

---

**From:** Mark Dallen  
**Sent:** 17 November 2017 15:47  
**To:** Freedom Of Information  
**Cc:** Sarita Arthur-Crow  
**Subject:** Unclassified Freedom of Information Request - FOI 8943 Response

Please see below my responses to FOI 8943.

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, "both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?

The protocol and standard practice referenced in our previous answer are not written documents. We refer to what is Internal Audit's working practice when circulating reports. As the report was from within Internal Audit, at the time of the report in question, the circulation would have been determined jointly by the Audit Manager and the Head of Audit before release. The circulation list for a final report would normally include the relevant Head of Service and Executive Director, plus other officers as judged to be relevant to the specific report.

2. Please confirm who has received a copy of the original report.

A copy of the original report has been circulated to the Chief Executive, Acting Executive Director of Environment, Development & Housing, Head of Housing, Head of Housing Strategy D&PS, Contract Compliance Manager, Partnering Business Manager, (Acting) Executive Director of Finance and Resources, (current) Director of Finance and Resources, (current) Head of Legal Services, Communications Officer.

3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?

The statement means that the 46 inspections provided sufficient evidence for the council to confirm that over charging had occurred and to initiate a process to recover the overpayment.

4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?

The Council does not have information as to why this is the case and therefore our initial response that the Council does not hold this information is the correct response.

5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Yes the conclusion was reached by internal audit and housing officers. The key housing officer was the Head of Housing Strategy D&PS.

Kind regards,

Mark Dallen

Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 2[REDACTED]

Email: [mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)



---

**From:** Freedom Of Information  
**Sent:** 13 November 2017 13:43  
**To:** Sarita Arthur-Crow; Mark Dallen  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8943

Hi Sarita,

Please see new allocation email that was sent with new FOI deadline dated **17/11/2017**

Please use new FOI reference 8943 for the request below for the follow up to FOI 8771 (attached). New deadline is also in email.

We have received the following Freedom of Information request FOI 8943. We are required to respond to this by **17/11/2017**.

**Please obtain approval of response from your Head of Service and then forward this to [freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)**

FOI advice and guidance is available on the Wave, please visit [Information Governance](#)

The request is as follows:

"I would, however, be grateful if you could clarify, confirm, or correct the following:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, " both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?
2. Please confirm who has received a copy of the original report.
3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?
4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?
5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Kind regards,



James McLaughlin

Information Governance Officer | Information Governance Team | IT & Digital

01273 295959 | Monday-Friday 8am-4pm

[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)



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---

**From:** Sarita Arthur-Crow

**Sent:** 10 November 2017 9:25 PM

**To:** Mark Dallen; Freedom Of Information

**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi Mark,

You may have already had a response to your question from the FOI team, but my view is that the below counts as a new FOI request as in some of them he is asking further/new questions.

Let me know if I can assist.

Thanks,  
Sarita

**Sarita Arthur-Crow** | Lawyer | Brighton & Hove City Council  
Room G101, Hove Town Hall, Norton Road, Hove BN3 3BQ | DX59286 Hove 1  
T 01273 29[REDACTED] | [sarita.arthur-crow@brighton-hove.gov.uk](mailto:sarita.arthur-crow@brighton-hove.gov.uk)

*My usual working days are Tuesdays and Fridays*



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Surrey County Council and West Sussex County Council working in partnership*

---

**From:** Mark Dallen

**Sent:** 30 October 2017 1:47 PM

**To:** Freedom Of Information

**Cc:** Sarita Arthur-Crow; [REDACTED]; Larissa Reed; Martin Reid; Tracy John

**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi James,

Does this count as a new request i.e. what is the timescale for responding?

Many thanks,

Mark

Mark Dallen

Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 29 [REDACTED]

Email: [mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)



---

**From:** Freedom Of Information  
**Sent:** 23 October 2017 3:28 PM  
**To:** Mark Dallen  
**Subject:** RE: Unclassified Freedom of Information Request - FOI 8771

Hi Mark,

The Requestor has come back with some comments in regards to the FOI response, see below.

"I would, however, be grateful if you could clarify, confirm, or correct the following:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, "both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?
2. Please confirm who has received a copy of the original report.
3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?
4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed, you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?
5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Kind regards,

James McLaughlin

Information Governance Officer | Information Governance Team | IT & Digital

01273 295959 | Monday-Friday 8am-4pm

[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)



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---

**From:** Mark Dallen  
**Sent:** 20 October 2017 3:13 PM  
**To:** Katie Rees; Freedom Of Information; Peter Bode

**Cc:** Tracy John; Martin Reid; Larissa Reed; Sarita Arthur-Crow; [REDACTED]; Clifford Youngman; Graham Liddell  
**Subject:** Unclassified Freedom of Information Request - FOI 8771

Hi Katie,

Please see below the response to FOI 8771 for release.

Thank you all for your assistance with compiling this.

Kind regards,

**Mark Dallen**

Audit Manager | Internal Audit and Corporate Fraud

Telephone: 01273 29 [REDACTED]

Email: [mark.dallen@brighton-hove.gscx.gov.uk](mailto:mark.dallen@brighton-hove.gscx.gov.uk)



"1. Why a decision was taken to restrict the circulation of this report to 8 senior officers including the Author, Mark Winton; who took this decision and when; and if any councillors were informed of this procedure. I would also request confirmation that the restricted distribution list was Geoff Raw, Nick Hibberd, Tracey John, Martin Reid, Theresa Youngman, Glyn Huelin, and Nigel Manvell. It appears strange that the Head of Internal Audit and the Audit Manager are not on the distribution list unless this is just taken as understood.

The circulation list is in accordance with Internal Audit's standard reporting protocol. Members are not involved in deciding who to circulate reports to. The distribution list was as you mention above. The Audit Manager and Head of Internal Audit, whilst not specifically named on the circulation list received a copy of the report as part of standard practice and would be actively involved in the review and reporting process. Both the Head of Internal Audit and Audit Manager would review and agree the circulation list as part of this review process.

2. Details of who else within and without of the Council has been provided with a copy of the report since its "publication" on 10.12.15 either in its complete or redacted form.

Redacted versions of the report were shared with members of the Audit & Standards Committee and Housing and New Homes Committee and Mears Ltd.

In relation to officers (the original or a redacted version) was shared with the Head of Procurement, the Executive Director of Finance & Resources, the Executive Director of Neighbourhoods, Communities & Housing, Executive Lead Officer - Strategy Governance & Law, Head of Legal Services, Head of Communications, Democratic Services Manager, two Communications Managers and a Communications Officer.

3. Why only 46 completed repairs were inspected (limited to the period April 2014 – August 2015) despite there being clear evidence of fraud and overcharging. Note that the subcontractor allegedly involved had been used with the "Mears PLC contract" since 2011.

The sample selected required a balance between trying to identify the extent to which work had been completed as paid for whilst not unduly disturbing council tenants. We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern.

4. How the fact that of 468 post inspections carried out by Mears of work undertaken by the subcontractor only 30 failed is reconciled with 39 'door to door' inspections undertaken by this internal audit of which 8 had been post-inspected by Mears (all had passed) yet of these 8 the audit inspection failed 7 for "significant overcharge".

The Council calculated overcharges based on information from the door to door inspections. The Council does not hold further information in relation to this request.

5. Given the information above (4) how could it be that a decision was taken that one subcontractor was responsible for the fraud and overcharging when 7 out of 8 post inspections passed by Mears were failed by this internal audit.

A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers.

6. The report makes 4 "High priority recommendations" yet does not state to whom these recommendations are made. One assumes that a decision such as that to "request" Mears to investigate rather than continue with a comprehensive internal audit would be taken by Members.

All recommendations were agreed and accepted by Officers within the Housing Department in accordance with standard protocol.

7. Who, and under what authority, took the decision that it was acceptable to "negotiate" with Mears on the value of works overcharged between April 2011 and April 2014

A recommendation was made by Audit that Housing should agree a process to quantify the value of overpayments. The management response was that agreement of the total value of the works overcharged was being negotiated with the contractor. The lead officers for this action, acting under delegated authority, were the Interim Head of Property & Investment and Head of Housing Strategy. "

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**From:** Freedom Of Information  
**Sent:** 17 November 2017 15:51  
**To:** 'request-433782-7ada2f99@whatdotheyknow.com'  
**Subject:** Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please find set out below the information in response to the above request, apologies for the delay:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, " both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?

The protocol and standard practice referenced in our previous answer are not written documents. We refer to what is Internal Audit's working practice when circulating reports. As the report was from within Internal Audit, at the time of the report in question, the circulation would have been determined jointly by the Audit Manager and the Head of Audit before release. The circulation list for a final report would normally include the relevant Head of Service and Executive Director, plus other officers as judged to be relevant to the specific report.

2. Please confirm who has received a copy of the original report.

A copy of the original report has been circulated to the Chief Executive, Acting Executive Director of Environment, Development & Housing, Head of Housing, Head of Housing Strategy D&PS, Contract Compliance Manager, Partnering Business Manager, (Acting) Executive Director of Finance and Resources, (current) Director of Finance and Resources, (current) Head of Legal Services, Communications Officer.

3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?

The statement means that the 46 inspections provided sufficient evidence for the council to confirm that over charging had occurred and to initiate a process to recover the overpayment.

4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?

The Council does not have information as to why this is the case and therefore our initial response that the Council does not hold this information is the correct response.

5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Yes the conclusion was reached by internal audit and housing officers. The key housing officer was the Head of Housing Strategy D&PS.

Should you have any further queries about this request, please contact us via email to [freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk) quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

Freedom of Information Appeals  
Brighton & Hove City Council  
ICT 4th Floor  
Bartholomew House  
Bartholomew Square  
Hove BN1 1JE  
[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

The Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  
e-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: [www.ico.org.uk](http://www.ico.org.uk)

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## James McLaughlin

---

**From:** Freedom Of Information  
**Sent:** 20 November 2017 08:58  
**To:** 'request-433782-7ada2f99@whatdotheyknow.com'  
**Subject:** FW: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Perry,

Apologies, please see additional comments regarding question 4.

In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?

I understand your query is why the Council's inspections identified a higher failure rate than those carried out by Mears. The Council does not have information as to why this is the case and therefore our initial response that the Council does not hold this information is the correct response."

Kind regards,

**James McLaughlin**  
Information Governance Officer | Information Governance Team | IT & D

01273 [REDACTED] | 01273 295959 | Wed-Fri 8am-4pm  
Brighton & Hove City Council



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---

**From:** Freedom Of Information  
**Sent:** 17 November 2017 3:51 PM  
**To:** 'request-433782-7ada2f99@whatdotheyknow.com'  
**Subject:** Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

Please find set out below the information in response to the above request, apologies for the delay:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, " both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?

The protocol and standard practice referenced in our previous answer are not written documents. We refer to what is Internal Audit's working practice when circulating reports. As the report was from within Internal Audit, at the time of the report in question, the circulation would have been determined jointly by the Audit Manager and the Head of Audit before release. The circulation list



for a final report would normally include the relevant Head of Service and Executive Director, plus other officers as judged to be relevant to the specific report.

2. Please confirm who has received a copy of the original report.

A copy of the original report has been circulated to the Chief Executive, Acting Executive Director of Environment, Development & Housing, Head of Housing, Head of Housing Strategy D&PS, Contract Compliance Manager, Partnering Business Manager, (Acting) Executive Director of Finance and Resources, (current) Director of Finance and Resources, (current) Head of Legal Services, Communications Officer.

3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?

The statement means that the 46 inspections provided sufficient evidence for the council to confirm that over charging had occurred and to initiate a process to recover the overpayment.

4. In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?

The Council does not have information as to why this is the case and therefore our initial response that the Council does not hold this information is the correct response.

5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Yes the conclusion was reached by internal audit and housing officers. The key housing officer was the Head of Housing Strategy D&PS.

Should you have any further queries about this request, please contact us via email to [freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk) quoting the reference number given above.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

Freedom of Information Appeals  
Brighton & Hove City Council  
ICT 4th Floor  
Bartholomew House  
Bartholomew Square  
Hove BN1 1JE  
[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

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The Information Commissioners Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  
e-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: [www.ico.org.uk](http://www.ico.org.uk)

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## James McLaughlin

---

**From:** Freedom Of Information  
**Sent:** 22 November 2017 13:33  
**To:** 'STEVE PARRY'  
**Subject:** RE: FW: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Parry,

Thank you for your email.

If you are not happy with your response you can request an internal review.

Kind regards,

James McLaughlin  
Information Governance Officer | Information Governance Team | IT & D

01273 295959 | 01273 295959 | Wed-Fri 8am-4pm Brighton & Hove City Council

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-----Original Message-----

**From:** STEVE PARRY [mailto:request-433782-7ada2f99@whatdotheyknow.com]  
**Sent:** 21 November 2017 9:36 PM  
**To:** Freedom Of Information  
**Subject:** Re: FW: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

Dear Freedom Of Information,  
Thank you for your assumption regarding the reasoning behind your response to part 4 of the initial request.  
(20.11.17)

The query is not why the Council's inspections identified a higher failure rate than those carried out by Mears. It is why, of 8 inspections that were checked by the Council that had previously been passed by Mears Plc, 7 of these were failed by the council audit.

As the Council carried out these checks how is it possible for the council not to hold information on this?

In response to part 3 (17.11.17) you do not explain what is meant by "to try to begin to quantify" especially as it is stated there was no process of quantification only an estimation leading to negotiations between the Council and Mears Plc as to the sums involved.

Yours sincerely,

Steve Parry

-----Original Message-----

Dear Mr Perry,

Apologies, please see additional comments regarding question 4.

In relation to Mears failing 30 of 468 inspections and the BHCC audit failing 7 of the 8 inspections that Mears had passed you claim that "The Council does not hold further information in relation to this request." Could you please confirm this statement is correct as given this is at the centre of the work carried out by the internal audit team it would appear, at the very least, to be rather strange?

I understand your query is why the Council's inspections identified a higher failure rate than those carried out by Mears. The Council does not have information as to why this is the case and therefore our initial response that the Council does not hold this information is the correct response."

Kind regards,

James McLaughlin  
Information Governance Officer | Information Governance Team | IT & D

01273 [REDACTED] | 01273 295959 | Wed-Fri 8am-4pm

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From: Freedom Of Information  
Sent: 17 November 2017 3:51 PM  
To: '[FOI #433782 email]'  
Subject: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI  
8943

Please find set out below the information in response to the above request, apologies for the delay:

1. You state that "the circulation list is in accordance with Internal Audit's standard reporting protocol" yet then go on to say, "both the Head of Internal Audit and Audit Manager would review and agree the circulation list". Providing a copy of the "standard reporting protocol" would perhaps clarify this answer?

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3. In relation to the 46 inspections you state, "We believe that sufficient inspections were completed to enable the council to try to begin to quantify the size of the concern." Could you please explain what this actually means and if "to try to begin to quantify" resulted in an accurate assessment of the size of the fraud?

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5. You state that "A conclusion was reached that overcharging had occurred by one subcontractor based on the work of internal audit and housing officers." Could you confirm that this conclusion was reached by internal audit and housing officers and not Mears PLC as previously reported? Could you also state which housing officers?"

Yes the conclusion was reached by internal audit and housing officers. The key housing officer was the Head of Housing Strategy D&PS.

Should you have any further queries about this request, please contact us via email to [5][Brighton and Hove City Council request email] quoting the reference number given above.

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Freedom of Information Appeals

Brighton & Hove City Council

ICT 4th Floor

Bartholomew House

Bartholomew Square

Hove BN1 1JE

[6][Brighton and Hove City Council request email]

If you are still not satisfied after your Internal Review has been investigated, you can escalate your complaint to the Information Commissioners Office. The contact details are:

The Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Helpline: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

e-mail: [7][email address]

Website: [8]www.ico.org.uk

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### References

#### Visible links

1. <http://www.brighton-hove.gov.uk/>
4. <http://wave.brighton-hove.gov.uk/supportingyou/ict/informationgovernance/Pages/WhatisGDPR.aspx>
5. [mailto:\[Brighton and Hove City Council request email\]](mailto:[Brighton and Hove City Council request email])
6. [mailto:\[Brighton and Hove City Council request email\]](mailto:[Brighton and Hove City Council request email])
7. [mailto:\[email address\]](mailto:[email address])
8. <http://www.ico.org.uk/>
9. <http://www.brighton-hove.gov.uk/>

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Please use this email address for all replies to this request:  
[request-433782-7ada2f99@whatdotheyknow.com](mailto:request-433782-7ada2f99@whatdotheyknow.com)

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## James McLaughlin

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**From:** Freedom Of Information  
**Sent:** 21 December 2017 10:20  
**To:** 'STEVE PARRY'  
**Subject:** RE: Freedom of Information Request - Receipt acknowledgement FOI 8943  
**Attachments:** Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8771;  
Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943; RE:  
FW: Unclassified - RESPONSE TO FREEDOM OF INFORMATION REQUEST FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Parry,

Thank you for your email.

Your initial request regarding " Brighton & Hove City Council Internal Audit Report" was originally logged as FOI 8771. A response was provided on the 20/10/17, please see attached. You then replied on 21/10/17 with further comments and within these additional questions. We therefore created a new FOI, reference FOI 8943 to include these additional comments, in which a response was provided on the 17/11/17 (see attached). You then replied with some additional comments, none of which were asking for any recorded information and therefore did not fall under the remit of the FOIA. Finally you were left with the option to proceed with an internal review on the 22/11/17 (please see attached), to which no response was given and so from our perspective this FOI had been responded too and was now closed.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

[freedomofinformation@brighton-hove.gov.uk](mailto:freedomofinformation@brighton-hove.gov.uk)

Kind regards,

James McLaughlin  
Information Governance Officer | Information Governance Team | IT & D

01273 295959 | 01273 295959 | Wed-Fri 8am-4pm Brighton & Hove City Council

Working in partnership  
GDPR is coming.... To find out more click here.

-----Original Message-----

**From:** STEVE PARRY [<mailto:request-433782-7ada2f99@whatdotheyknow.com>]  
**Sent:** 21 December 2017 9:48 AM  
**To:** Freedom Of Information  
**Subject:** Re: Freedom of Information Request - Receipt acknowledgement

Dear Freedom Of Information,  
YOU SHOULD, BY LAW, HAVE RESPONDED to my request "Brighton & Hove City Council Internal Audit Report (Ref: A118/001/2016) (CONFIDENTIAL - NOT TO BE DISCLOSED)."

Please advise when a response may be forthcoming

Yours truly,

Steve Parry

-----Original Message-----

Thank you for your email. This is an automated email receipt acknowledgement and reply from the Information Governance Team at Brighton & Hove City Council.

This mailbox is monitored during the working hours of 8:00am to 4:00pm on Monday to Friday (excluding Bank Holidays). Emails received outside of these working hours will usually be processed during the next available working day.

If you are submitting a Freedom of Information Request (FOI) we will log your request and allocate it to the appropriate Council team(s)/area(s) to collate the information you have requested. Once we have received the information, we will respond to you directly.

Under the Freedom of Information Act 2000 the Council has a legal obligation to respond to your request no later than 20 working days following the date of receipt.

You can find more information about the FOI process on the Council website through the following link;

[1]Freedom of Information – Brighton & Hove City Council

Regards,

Information Governance Team | 01273 295959 | [2]Brighton & Hove City Council

Notice to recipient:

The information contained in this electronic mail message is intended only for the use of the individual to whom it is addressed and may contain information which is privileged and confidential, the disclosure of which is prohibited by law.

If the reader of this message is not the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify the sender immediately.

Thank you in anticipation of your co-operation.

You can visit our website at [3]<http://www.brighton-hove.gov.uk>

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Please consider the environment, only print out this email if absolutely necessary.

Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

## References

### Visible links

1. <http://www.brighton-hove.gov.uk/content/council-and-democracy/about-your-council/freedom-information>
2. <http://www.brighton-hove.gov.uk/>
3. <http://www.brighton-hove.gov.uk/>

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## James McLaughlin

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**From:** Freedom Of Information  
**Sent:** 21 December 2017 16:14  
**To:** 'STEVE PARRY'  
**Subject:** FW: Freedom of Information Request - Receipt acknowledgement FOI 8943

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Parry,

Thank you for your email,

I Apologise as I missed your request for an internal review, I will send it over to the relevant person now.

Please be aware that in each response provided the FOI reference is included in the subject heading.

Sorry for the added delay.

Kind regards,

James McLaughlin  
Information Governance Officer | Information GovernanceTeam | IT & D

01273 295959 | 01273 295959 | Wed-Fri 8am-4pm Brighton & Hove City Council

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GDPR is coming.... To find out more click here.

-----Original Message-----

**From:** STEVE PARRY [mailto:request-433782-7ada2f99@whatdotheyknow.com]  
**Sent:** 21 December 2017 1:23 PM  
**To:** Freedom Of Information  
**Subject:** RE: Freedom of Information Request - Receipt acknowledgement FOI 8943

Dear James McLaughlin ,

Brighton & Hove City Council Internal Audit Report (Ref: A118/001/2016) (CONFIDENTIAL - NOT TO BE DISCLOSED)

I am in receipt of your "response" dated 21.12.17.

Thank you for providing a FOI reference. In the past a reference was given to each request whenever an initial submission was made and I do not understand why this simple yet effective action has been dropped.

This is the first time I have been informed of a reference for this request and you now send me two! At no stage has there been a request for new information and I fail to understand why a 'new' reference has been attached other than to create confusion over the timescale involved. It is now three months since the initial request.

I find your reference to "further comments and within these additional questions" and to "additional comments, none of which were asking for any recorded information and therefore did not fall under the remit of the FOIA" as misleading. Clarification was sought due to contradictions contained within the response or an absence of information clearly held and requested on 24 September 2017.

I must assume that whoever is responsible for drafting the response agrees with me or they would not have replied.

You refer to your email of 22.11.17 where you state, "If you are not happy with your response you can request an internal review" and go on to claim I did not respond.

I sent the following request 25.11.17;

"Dear Brighton and Hove City Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Brighton and Hove City Council's handling of my FOI request 'Brighton & Hove City Council Internal Audit Report (Ref: A118/001/2016) (CONFIDENTIAL - NOT TO BE DISCLOSED)'.

There appears to be a refusal to provide information that is available and kept by the City Council with regard to why, of 8 inspections that were checked by the Council that had previously been passed by Mears Plc, 7 of these were failed by the council audit. No justification is given for this refusal for providing information that initially the local authority claimed it did not hold.

A full history of my FOI request and all correspondence is available on the Internet at this address:  
<https://www.whatdotheyknow.com/request/b...>"

I received an acknowledgement the same day.

I very much appreciate the type of pressure you must be working under particularly in light of the large percentage and number of ICO investigations that have decided in favour of the complainant. I am sure that life would be much easier if the council asked its staff to work in the interests of transparency rather than conceal information that should be open to public scrutiny. Given that most requests for information are not met anywhere near the prescribed time limit you also need more staff!

I look forward to hearing from you and certainly hope this is before 8 January 2018

Yours truly,

Steve Parry

-----Original Message-----

Dear Mr Parry,

Thank you for your email.

Your initial request regarding " Brighton & Hove City Council Internal Audit Report" was originally logged as FOI 8771. A response was provided on the 20/10/17, please see attached. You then replied on 21/10/17 with further comments and within these additional questions. We therefore created a new FOI, reference FOI 8943 to include these additional comments, in which a response was provided on the 17/11/17 (see attached). You then replied with some additional comments, none of which were asking for any recorded information and therefore did not fall under the remit of the FOIA. Finally you were left with the option to proceed with an internal review on the 22/11/17 (please see attached), to which no response was given and so from our perspective this FOI had been responded too and was now closed.

If you are not satisfied with the handling of your request, you can appeal (Internal Review) within 2 months of the completed FOI. Write to:

[Brighton and Hove City Council request email]

Kind regards,

James McLaughlin  
Information Governance Officer | Information Governance Team | IT & D

01273 29[REDACTED] | 01273 295959 | Wed-Fri 8am-4pm Brighton & Hove City Council

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---

## James McLaughlin

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**From:** Freedom Of Information  
**Sent:** 21 December 2017 16:17  
**To:** Katie Rees  
**Subject:** FW: Freedom of Information Request - Receipt acknowledgement FOI 8943 Internal review

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Katie,

Mr Parry has requested an Internal review for FOI 8943 which is a continuation of the initial request 8771 which I missed previously, hence the previous correspondence below.

Could you have a look at this please as there is already a delay.

Apologies for missing this,

Kind regards,

James McLaughlin  
Information Governance Officer | Information Governance Team | IT & D

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-----Original Message-----

**From:** STEVE PARRY [mailto:request-433782-7ada2f99@whatdotheyknow.com]  
**Sent:** 21 December 2017 1:23 PM  
**To:** Freedom Of Information  
**Subject:** RE: Freedom of Information Request - Receipt acknowledgement FOI 8943

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Steve Parry

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[Brighton and Hove City Council request email]

Kind regards,

James McLaughlin

Information Governance Officer | Information GovernanceTeam | IT & D

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