



Llywodraeth Cymru
Welsh Government

12 January 2016

Dear ,

ATISN 10039 and ATISN 10064 RIFW

Thank you for your requests which I received on the 14 December 2015 and 22 December 2015. You asked for:

- a copy of the minutes of a meeting between the Minister for Housing, Regeneration and Heritage and Amber Infrastructure on 3 July 2012.
- a copy of the minutes of all WEFO management meetings which included discussion of the JESSICA programme and the RIFW project
- a copy all of the RIFW Board meeting's minutes, from its first to its last meeting.

Although you made these requests in separate enquiries, I have aggregated them in accordance with the Freedom of Information Act 2000 because these requests have all been made by you, relate to the same subject matter and have been made within a 60 working day period.

From my preliminary assessment I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

In order to provide you with the information that you have requested would require searches of both electronic and paper files held by WEFO dating back to 2006. Based on an average electronic file search of seven minutes, we have calculated that it would take over 40 hours to fulfil this element of your request. It would also take additional time to search, locate, retrieve and extract the information from paper-based files.

The electronic file search estimate of seven minutes is based on sample exercises conducted to determine which WEFO management meetings the JESSICA project and RIFW project are likely to have been discussed, locating the electronic files on the WEFO / Welsh Government systems, searching for and retrieving the minutes from the electronic files, reviewing the minutes to check for references to JESSICA or RIFW and then

extracting this information into a new document that details the discussions held including the date and WEFO management meeting that these discussions were held.

For example, WEFO Senior Management meetings are held on a monthly basis and, over this period of time, all meeting papers were stored electronically. Assuming 12 meetings per year over a ten year period, this would equate to approximately 120 sets of meeting minutes. Using the estimate of seven minutes to search, locate, retrieve and extract the relevant information from each set of minutes, this would result in a total of 840 minutes or 14 hours. Similarly, Head of Branch meetings are held on a monthly basis and, over this period of time, all meeting papers were stored electronically. Using the same methodology this would equate to a further 14 hours to search, locate, retrieve and extract the relevant information.

Searches have already been conducted for the minute of the Ministerial meeting and the RIFW Management Board minutes between 2010 and 2014. These requests do not therefore significantly affect the calculation. The extraction of the additional information you have requested for Board meeting minutes, which I have taken to cover Management Board meetings conducted during 2015 and minutes of Board sub-committee meetings, has been estimated as taking in excess of two hours.

Overall therefore, the estimate significantly exceeds the time limit. Consequently, I have decided not to provide you with the information you have requested.

You may wish to refine your request by narrowing its scope by being more specific about dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request.

However, I would like to draw your attention to information you may find relevant which exists in the public record. The correspondence that was sent to the Public Accounts Committee (PAC) on the 24th November 2015 by the Deputy Permanent Secretary for Education and Public Services refers to a minute of the Ministerial meeting of the 3rd July (the date referred to in this letter is the 2nd July). As the letter suggests, although a minute of Ministerial meetings would normally be taken, we have no record of the minute on this occasion. However, the Deputy Permanent Secretary was able to confirm that a meeting did take place. You can find a copy of this letter on the National Assembly for Wales website here: <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=12978>

With regard to your request for RIFW Board minutes, we have responded previously to a request including similar information and this has been published on the Welsh Government website as ATISN 9423 RIFW. The published material can be found here: <http://gov.wales/about/foi/responses/2015/jun15/atisn9423/?lang=en>.

You asked a further question regarding the reasons WEFO has been refunded the £25 million granted under the JESSICA scheme to RIFW. When questions were raised about the disposal of the land which was to provide domestic match funding for the investment of EU funds in RIFW (including suggestions that a breach of state aid rules may have taken place), WEFO took them very seriously and asked for a freeze by RIFW on the use of EU funds while the questions were investigated. Investigation was the role of the Wales Audit Office, and WEFO did not therefore perform its own enquiries. WEFO did not at the time, and has not now, reached any conclusions about those questions raised, as EU funds or EU funded investments are not at risk, and WEFO has neither the information nor the remit to make such conclusions.

WEFO's reason for withdrawing all EU funds from RIFW was the practical question of timescales. It was apparent that the issues were complex, that several different parties

were involved, that a long investigative process would be needed and that, whatever its conclusions, there was a good chance of the conclusions being challenged. It is now 2016 and the issue is still being discussed, which bears out WEFO's judgement late in 2013 that there was going to be a long process, likely to extend beyond the programme period.

Funds can not easily be redeployed to good effect at short notice; other potential project sponsors needed to be notified that funding had become available, and their project proposals needed to be scrutinised, approved, mobilised and delivered all within the programme period (by the end of 2015) if they were to qualify for the EU funding. To ensure the full potential value of funding to Wales was realised, WEFO therefore requested a return of the funds in November 2013. RIFW returned the money in full, with interest, in December 2013.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference numbers above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely