



Department for Culture, Media & Sport

Freedom of Information Team
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Russell Scott
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FOI2023/11267
17 January 2024

Dear Russell Scott,

Thank you for your correspondence of 20 November, in which you made the following request for information:

On the 23/05/23 Minister Stuart Andrew held a meeting with Manchester City FC to discuss "To discuss the Football Governance White Paper"

My request:

- 1 - Please confirm if you hold a copy of meeting minutes for the meeting referenced above?***
- 2 -if the answer to question 1 is yes, please provide a copy of the minutes.***
- 3 - please also provide a copy of the attendance list, agenda and any ministerial briefings provided to the minister for this meeting.***
- 4 - please provide a copy of any emails between the ministers office and representatives of Man City leading up to the meeting. (Please use a date range of 01/05/23 to the 23/05/23 for you search for relevant emails).***

We have dealt with your request under the Freedom of Information Act 2000 (the Act). I can confirm that the Department for Culture, Media and Sport (DCMS) does have information within scope of your request.

1 - Please confirm if you hold a copy of meeting minutes for the meeting referenced above?

We can confirm that minutes are held for the meeting.

2 -if the answer to question 1 is yes, please provide a copy of the minutes.

We consider the minutes of the meeting to be exempt from release under section 36(2)(b)(ii) of the Act. Section 36(2)(b)(ii) considers information exempt, subject to the public interest test, if the release of the information ‘(b)would, or would be likely to, inhibit— (ii)the free and frank exchange of views for the purposes of deliberation,’. This is a ‘qualified’ exemption and the department is obliged to consider the public interest arguments for the information we hold. The factors we have considered are set out below.

In favour of the release of the information we considered the general, inherent, public interest in governmental transparency. Transparency creates accountability and increases trust. Furthermore, we considered the more specific public interest of insight into ministerial meetings.

In favour of applying the section 36(2)(b)(ii) exemption we considered the strong public interest in protecting the ‘safe space’ around meetings with stakeholders in which it is essential for attendees to be able to discuss matters candidly. In particular, we consider release of the information would be likely to impact on this ‘safe space’ and would be likely to dissuade attendees from being frank and honest. If attendees are concerned that their views and opinions raised in meetings will be released, they may be reluctant to contribute to meetings, or may withhold sensitive but important information.

In order to apply this exemption, the department was required to obtain the ‘reasonable opinion’ of a ‘qualified person’, in this case a minister of the crown. I can confirm that we did indeed seek, and receive this reasonable opinion.

3 - please also provide a copy of the attendance list, agenda and any ministerial briefings provided to the minister for this meeting.

Attendees of the meeting are listed below:

- Minister for Sport
- Simon Cliff (Group General Counsel, City Football Group)
- Adam Conant (DCMS, Head of Sport)

Please note that some personal information has been withheld from the list of attendees under section 40(2) (personal information) of the Act. Section 40(2) is an ‘absolute’ exemption and the department is not obliged to consider whether the public interest favours disclosing the information.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of the information would, amongst other things, contravene one of the data protection principles in Article 5 of the UK GDPR. In this case, we believe disclosure would contravene the first data protection principle, which provides that personal data must be processed fairly and lawfully.

In this instance the withheld information consists of the names of junior staff not already in the public eye.

There was no agenda produced for this meeting. However, we consider the briefing to be exempt from release under section 36(2)(b)(i) of the Act. Section 36(2)(b)(i) considers information exempt, subject to the public interest test, if the release of the information ‘(b)would, or would be likely to, inhibit— (i)the free and frank provision of advice’.

In favour of the release of the information we again considered the general, inherent, public interest in governmental transparency. Transparency creates accountability and increases

trust. Furthermore, we considered the more specific public interest of insight into ministerial meetings.

However, in favour of applying the section 36(2)(b)(i) exemption, we considered the strong public interest in protecting the 'safe space' around officials where they can provide candid briefing to ministers and other senior officials free from the fear of the release of their advice. Officials need to provide detailed, candid advice to ministers on a range of issues to ensure that the decision makers have all the relevant information to enable them to make a fully informed decision. If officials are concerned that their briefings to ministers and senior officials will be released, they may be less willing to provide thorough detailed information in briefings. This may leave the ministers and senior officials unprepared for meetings, reducing their effectiveness, which is not in the public interest.

In order to apply this exemption, the department was required to obtain the 'reasonable opinion' of a 'qualified person', in this case a minister of the crown. I can confirm that we did indeed seek, and receive this reasonable opinion.

4 - please provide a copy of any emails between the ministers office and representatives of Man City leading up to the meeting. (Please use a date range of 01/05/23 to the 23/05/23 for you search for relevant emails).

There are no emails in scope of this request.

Yours sincerely,

Freedom of Information Team
Department for Culture, Media and Sport

Complaints and comments

As is customary in our replies, I should explain that if you are dissatisfied with any aspect of our response to your request for information, and/or wish to appeal against information being withheld from you, please send full details within two calendar months of the date of this response to: foi@dcms.gov.uk. You have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. Please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning an investigation.