

CITY OF
WOLVERHAMPTON
COUNCIL

Response to Request for Information

Reference FOI 003421
Date 1 April 2019

Town and Country Planning (Use Classes) Orders

Request:

I would like to make a request under the Freedom of Information Act regarding businesses applying to change the usage of retail spaces in under the Town and Country Planning (Use Classes) order of 1987. The request specifically applies to Class A, covering shops and other retail premises such as restaurants and bank branches.

The questions are as follows:

- Q1. How many applications were made to your council under the Town and Country Planning (Use Classes) Order of 1987 to alter the usage of retail outlets to each of the following classes in the following timeframes?
- 2016
 - 2017
 - 2018

With reference to question 1, your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 21 – Information reasonably accessible to the applicant by other means

We can confirm that the department holds information that you have asked for in relation to the above. However, the information is exempt under section 21

of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it on our website via the following link:

<https://www.wolverhampton.gov.uk/planning/planning-applications-and-decisions>

Section 21(1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/21>

Q2. What was the total number of applications made under the Town and Country Planning (Use Classes) Order of 1987 rejected by your council in the following timeframes?

- 2016
- 2017
- 2018

Please see our response provided to question 1 on page 1.

Q3. How much income was generated by applications under the Town and Country Planning (Use Classes) Order of 1987 to alter the usage of retail outlets in the following timeframes?

- 2016

In response to question 3, your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred 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.*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The information appertaining to your request is not easily accessible and as such this information is not held as a distinct set able to be retrieved or reported on. To get the information would require each application to be looked into as we do not have a separate classification code for this type of work. Over the 3 years there have been just over 4,000 applications and each search would take 2 minutes.

Excess cost removes the City of Wolverhampton Council's obligation under the Freedom of Information, however under Section 16 – (the duty to provide advice and assistance, the Council may be able to provide answers to the request, should you wish to submit a refined request.