

Response to Request for Information

Reference FOI 000489
Date 6 October 2016

Bushbury Crematorium

Request:

Please provide us with a full answer to the following questions in respect of Bushbury Crematorium, Underhill Lane, Bushbury, Wolverhampton, WV10 8JR (“the Bushbury Crematorium”):

1. Which slots – between 09:00 and 17:00 – were booked for a service at the Bushbury Crematorium on each weekday during January 2015?
2. What was the approximate origin of residence of service users of the Bushbury Crematorium in respect of all services which took place during January 2015 by way of postcode district (i.e. WV1, TF11 etc)?

In response to your questions 1-2, the Council has considered the provisions of the exemptions contained at Section 43 of the Act – relating to Commercial Interests.

This requires the Council to conduct a public interest test to balance the factors for and against disclosure of the requested information (the public interest here being defined as something of benefit to the public rather than something the public may be interested in).

Disclosure under the Act’s provisions should also be considered as being made to the wider world and not to a particular individual for a particular purpose.

When applying the public interest test in respect of commercially sensitive information, the Council has considered:

- Prejudice or detrimental effect of disclosure
- Specific circumstances of the case
- Effect of disclosure on the wider world/public

In such cases the public interest factors for disclosure include:

- Demonstrating accountability of public money being spent
- Protection of the public from unsafe practices or rogue traders
- Circumstances in which the information was received
- Competition issues

Further consideration also needs to be given to:

- Whose interests will be prejudiced?
- How will those interests be prejudiced?
 - Usefulness of information/detail
 - Degree of similarity
 - Effect on competition
 - Effect on the market
 - Timing of the request and response
- Can sensitive information be redacted?
- Where is the public interest?
- Is the information commercial in nature? (For this element the information needs to relate to a commercial activity, either of the Council or the Contractor.)
- Is the information subject to confidentiality provided by law?
- Is the confidentiality provided to protect a legitimate economic interest? (This condition is satisfied if disclosure would adversely affect a legitimate economic interest of either the Council or Contractor the confidentiality is designed to protect and harm would be caused to a legitimate economic interest, not just a potential risk that harm might occur.)

In this case, the provision of crematoria and burial services is commercial in nature and there are other public and private sector providers in the market.

The information requested in this respect can be used by the wider world to establish capacity and demographic usage all of which could be used to determine market opportunities and commercial advantage.

The Council does consider that the information requested is not subject to confidentiality by law as it does not relate to any information provided by third parties.

The provision of information would adversely affect the legitimate economic interests of the Council given the specific circumstances in this particular case.

The motives of requesters are not relevant in the above considerations, however for the Council the potential consequences if for example a competitor armed with this information, developed a crematoria service in this area, leading to additional capacity being introduced in the area could potentially be catastrophic with an estimated loss of up to £1 million income annually.

Such a loss would put the viability of both the Council's crematoria and burial service under threat.

Without this income, grounds maintenance standards would inevitably reduce, resources for re-investment in the service would not be available, which would impact greatly upon the service and potentially lead to increased vandalism and theft, as well as increased health and safety concerns due to lack of maintenance of grounds and head stones etc. ultimately leaving some areas of the service as unmanageable. Additionally, competitors that only run a crematoria service do not have to consider the wider needs of maintaining municipal cemeteries.

Bushbury Crematorium is the second busiest single crematorium in the West Midlands and the effect on the market in terms of loss of business and loss of income would have an adverse effect upon the service.

Bereavement Services do undertake periodic user surveys and comment sheets are provided at the crematorium that is used to help improve service provision.

Feedback often relates to the performance of funeral directors and ministers and meetings are held regularly to address customer concerns.

It is worth noting that previous requests for information that have asked for residency information have been refused based on the application of Section 12 of the Freedom of Information Act. This is because individual records are not available electronically and would need extensive manual input to extract the relevant information.

Decision:

Having considered the public interest factors in this particular instance and given the adverse effect the release of this information to the wider world would have on the Council and its ability to provide a Bereavement Service, on this occasion it has been decided not to release the information being requested.