

CITY OF
WOLVERHAMPTON
COUNCIL

Response to Request for Information

Reference FOI 001948
Date 13 February 2018

Shaw Road and Anchor Lane Tip Closures

Request:

Please can you provide:

1. Any emails sent or received by council officials discussing the closure of Shaw Road and Anchor Lane Tips and the proposed opening of a 'Super Tip'.
In response to question 1 above, 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 36 – Prejudice to the effective conduct of public affairs

We can confirm that the Council holds information falling within the description specified in your request. However, Section 36 of the Freedom of Information Act 2000 allows a public authority to refuse a request if disclosure would or would be likely to:

- (b) inhibit the free and frank provision of advice or exchange of views: or
- (c) otherwise prejudice the effective conduct of public affairs.

In order to apply this exemption, a qualified person has given their opinion in the first instance that Section 36 is engaged. This includes the circumstances of this particular case taking into account any relevant factors in order to reach their opinion.

When considering the application of this exemption the Council considered the public interest in disclosure demonstrating openness and transparency of process and furthering the understanding of its business to the wider world.

Public Interest Test

City of Wolverhampton Council is committed to recognise there is a strong public interest to demonstrate openness, transparency and accountability with regards to the Freedom of Information legislation particularly in relation to an individual's right to know. We recognise that disclosure would provide reassurance that the City of Wolverhampton Council is processing the requests that it receives in a timely manner particularly as it would indicate how we are meeting our obligations as outlined in the provisions of the Act.

Considerations favouring Non-Disclosure

City of Wolverhampton Council is committed to publishing information however we do not consider that it is in the public interest to place information into the public domain during the time when:

- There is a need for all parties to have free and frank internal discussions and debates/protecting "internal thinking space" of organisation.
- Preventing premature disclosure of matters still under consideration/policy formulation.
- Allowing the proper running of the organisation in accordance with established practices.
- Allowing policy makers to take and advisers to give free and frank advice.

Therefore, the Council considers that the following provisions apply:

Section 36(2)(b) "would, or would be likely to, inhibit -

- (i) the free and frank provision of advice, or
- (ii) the free and frank exchange of views for the purposes of deliberation."

and

Section 36(2)(c) "would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs."

Therefore, by disclosing the information would inhibit people offering their advice and views and could also affect any transparency around decision making. In turn it could lead to people not wanting to engage with us in the future and could have detrimental effects.

2. Any Q&As the council's press office have prepared for the closure of Shaw Road and Anchor Lane Tips and the opening of a 'Super Tip'
In respect of question 2, it has been established after careful consideration that the Council's Press Office does not hold the above information

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

3. Any Impact and Risk Assessment documents relating to the closure of the Shaw Road and Anchor Lane Tips and the opening of a 'Super Tip'
In respect of question 3, it has been established after careful consideration that the Council does not hold the above information

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".