



Response to Request for Information

Reference FOI 003615
Date 28 May 2019

Upcoming Exit of the United Kingdom from the European Union

Request:

I am writing to you to request, under the Freedom of Information act, copies of the following:

First, any documents from this year (2019) produced by your local authority outlining planning or preparations for the upcoming exit of the United Kingdom from the European Union.

In response to your above question, 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:

states the fact,
specifies the exemption in question and
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.

Second, any risk registers or risk assessments that mention Britain's upcoming exit from the European Union made or used by this local authority in 2019.

In response to your second question, 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. Therefore, please find below links to Audit Committee meetings on Modern.Gov for 10 December 2018 when the Brexit risk was first identified. The Brexit risk is risk 35, brief details on Brexit also appear in risk 8 – BCM.:

<https://wolverhamptonintranet.moderngov.co.uk/ieListDocuments.aspx?CId=169&MIId=9136&Ver=4>

The risk register appears in item 7, the covering report and appendix 1 and 2.

And the meeting on 11 March to discuss the risk.

<https://wolverhamptonintranet.moderngov.co.uk/ieListDocuments.aspx?CId=169&MIId=9137&Ver=4>

The risk register appears in item 5, within the covering report appendix 1, appendix 2 and the Committee minutes.

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>

[NOT PROTECTIVELY MARKED]