

Response to Request for Information

Reference FOI 002745
Date 7 September 2018

Ramada Park Hall Hotel

Request:

Following the recent issue of a Prohibition Notice to the above premises, please can you provide the following information:

How and when did the council first become aware of a problem with the hot and cold water systems at the above premises

What action did the council take as a result of becoming aware of this problem.

How and when did the council become aware of the presence of Legionella in the hot and cold water systems at the above premises and what action was taken as a result of becoming aware of this.

What remedial action plan did the council agree with the hotel to eliminate the Legionella.

Please provide the dates of any improvement notices issued to the hotel and the remedial action plans approved by the council for the hotel to comply with the improvement notices.

Please provide the date the Prohibition Notice was issued and details of the action plan approved by the council for the hotel to comply with this notice.

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 request, the following exemption applies:

Section 30 – Investigations and Proceedings

We can confirm that the Council holds information falling within the description specified in your request. However, Section 30(1) of the Freedom of Information Act 2000 allows a public authority to refuse a request if disclosure of information which has been held at any time by a public authority for the purpose of any investigation and proceedings.

Applications of the section 30 exemption are subject to the public interest test. There are a number of factors that must be considered and weighed in the balance. These factors are that:

Factors (For Disclosure)

The Council aims to be robust and fair in its regulatory decisions. We acknowledge that there is a legitimate public interest in carrying out investigations in an open and transparent way, and in promoting public understanding of the decisions we make as a regulator.

Factors (Against Disclosure)

The public interest lies in enabling the Council to undertake inquiries as part of its investigation powers so that it can make regulatory decisions based on a firm factual basis and to gather such evidence and facts on a confidential basis. It is in the public interest to maintain this confidentiality, as it encourages the free and frank exchange of information from third parties to the Council without which the Council could not perform its statutory functions.

The Council considers that disclosure of the information you have requested would prejudice the exercise of the Council's statutory functions and its ability to conduct investigations such as in this matter. Whilst the information requested may be of interest to members of the public, disclosure would increase the risk of prejudicing related investigations and proceedings.

Having carefully weighed the public interest relating to possible disclosure of the information requested under Sections 30(1), we are satisfied that it is not appropriate at this time to disclose the information which the Council holds. The Council is satisfied that maintaining the exemption outweighs the public interest in disclosure.