



## Northamptonshire Police and Crime Commission

### Freedom of Information Act Request Response No. 14012016-1

#### Question

“Please can I request the information and documentation for which the “Appendix 2 – SUMMARY OF OPTIONS APPRAISAL STAY – NO STAY WOOTTON HALL” was based on, including how the figures in Table 4 were calculated.”

“Please can I request any cost analysis done in relation to relocating the FCR.”

#### Answer

the Office of the Police and Crime Commission is not obliged to provide the information you have requested under the Freedom of Information Act. In accordance with the Act, this letter represents a Refusal Notice for this particular request.

Section 17 of the Freedom of Information Act 2000 requires The Office of the Northamptonshire Police and Crime Commission, when refusing to provide such information (because the information is exempt within the provisions of the Act) to provide you, the applicant, with a Notice which:

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

The exemptions applicable to the information you have requested are as follows:-

Section 31 (a), (b) and (c) – Law Enforcement (Qualified and Prejudice-based) Disclosure of information, which would be likely to prejudice the prevention and detection of crime, the apprehension or prosecution of offenders or the administration of justice.

Section 38 - Health and Safety - (Qualified and prejudiced based)

Section 40 – Personal Information - (Absolute class based)

Section 43 – Commercial Interests. Disclosure of this information would breach the commercial interests of the company if its disclosure under this act would, or would be likely to, prejudice commercial interests of any person.

This is a qualified and class-based exemption. This means that the legislators, when writing this piece of legislation, considered that the release of this type of information would cause harm to either the authority or individuals involved. Therefore the authority does not need to carry out a harm test for this exemption.

#### Harm test

The Business Case/Feasibility document is in use and forming the current strategy at this moment in time. The document is being used to form our current thinking and it would not be appropriate to release a working document at this time as it would affect those working on this strategy. The document is commercially sensitive to our organisations / landowners and the consultants involved. The document also contains operational information in regards to our estate and the occupants. The review is a review of the whole estate and is not just focused on Wootton Hall. It also includes a review of the Fire Service estate. This document was preceded by an options paper which was the basis to carrying out this estate review.

#### Public Interest Test - Section 31

##### Factors favouring disclosure

By disclosing the information, the public would be aware of where their public funds are spent and there would be better awareness which may reduce crime or lead to more information from the public.

##### Factors favouring non-disclosure

Law enforcement tactics would be compromised which would hinder the prevention or detection of crime and impact on police resources and may increase the commission of crime. Disclosure would enable the geographic mapping of our resources throughout the county.

#### Public Interest Test - Section 38

##### Factors favouring disclosure

Better informed public/staff awareness and debate. An awareness of how public funds are being spent.

##### Factors favouring non-disclosure

Decisions have not been made nor finalised at this time and information relating to staffing may be misinterpreted/inconclusive and cause undue distress to staff.

#### Public Interest Test - Section 43

##### Factors favouring disclosure

Accountability - the public should be aware of how funds are utilised that reflect the effectiveness and efficiency of the Force

#### Factors favouring non-disclosure

Interests of third parties - Third party interests might be jeopardised by release of information relating to sensitive commercial information held about business, financial, contractual or operational issues. Future pricing structures etc may be affected and our relationships with the supplier may be damaged.

#### Balance test

The Police Service is charged with the prevention and detection of crime and the OPCC would not divulge information that could undermine this important role. There is no decision in respect of the disposal or otherwise of Wootton Hall and release of the document would cause unfounded speculation and unnecessary distress to those connected with the decision making. The public interest test is centered on whether this information should be released to the world so that any person can view this information not just you as the requestor. Thus, although this information may be interesting to the public I do not see how its release can benefit the community at large. Having weighed up the argument, I feel the balance lies in withholding this information in order to protect those working on the strategy and staff affected by its outcome. Also the public interest in disclosing commercially sensitive information is outweighed by the potential consequences to the relationship with suppliers.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: John Neilson, Acting Chief Executive, Office of the Northamptonshire Police and Crime Commissioner, West Wing, Force Headquarters, Wootton Hall, Northampton, NN4 0JQ

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF