

Freedom of Information Act 2000

FOI request - Lidl in Shirley/Villiers Road site



Ref No: **FOI-1718-0628-020382**

Q1: All communications between Council Officers and Lidl (or their representatives) in relation to the Shirley/Villiers Road site (to include the site sale, site demolition and site redevelopment).

Response:

The Council has identified the following information within scope of this part of your request:

- correspondence between Lidl (Direct) and Councils officers
- correspondence between Council Officers and Lidl's representatives

With regard to the correspondence between Lidl (Direct) and Councils officers, we are currently considering the application of Section 43 of the Freedom of Information Act (Commercial Interests) in regards to this and as such, we are currently not in a position to provide this information as requested.

We hope to be able to provide you a response regarding this information as soon as possible, but the Council must undertake certain considerations and ensure that the Public interest test is correctly applied to this matter

With regard to the correspondence between the Council Officers and Lidl's representatives, please see section B of the attached disclosure.

Q2: All communications between Labour Councillors that discuss the Lidl in Shirley/Villiers Road site in any way.

Response:

Following a search of our paper and electronic records, I have established that the information you requested is not held by Southampton City Council.

Councillors do not fall within the definition of "public authorities" under the FOIA, and are therefore not subject to the provisions set by the Act.

As such the Council can only provide records held where they are acting in their role as a member of the Council (e.g. as a member of a committee or as part of meetings on council business), not on their own behalf, or on behalf of a political party.

The Council is satisfied that it does not hold information in scope of this element of your request, where Councillors are acting as a member of the Council.

For clarification, any information the Council holds on behalf of Councillors (e.g. on its IT systems or email servers) will only be in scope of the request, if it is being held in their role as a member of the Council, and not on their own behalf, or on behalf of their political party.

Q3: All communications between Labour Councillors and Council Officers in relation to item 28 of the Cabinet Agenda of December 15th 2015

Response:

Following a search of our paper and electronic records, I have established that the information you requested is not held by Southampton City Council.

There are no specific communications referencing "Item 28" of this agenda, however I can confirm that the documentation provided in regards to Q1 and Q4 includes correspondence discussing the topic of Item 28, the Sale of Villiers Road Depot and Land at Southern Road.

Q4: All communications between Council Officers and Labour Councillors that discuss the Lidl in Shirley/Villiers Road site in any way.

Response:

Please see section A of the attached disclosure bundle.

Please note

The documents provided contain redactions, and we cannot disclose these parts of the information, as they constitute personal information. This is in accordance with the Council's policy on Processing Requests under FOI and EIR (copy available on request).

Personal information is exempt from disclosure under s.40(2) of the Freedom of Information Act 2000 unless one of the conditions set out in Schedule 2 of the Data Protection Act 1998 is met. The Council is satisfied that none of the conditions in Schedule 2 are met in this case and the Council is, therefore, restrained from releasing such information.

The Section, which is an absolute exemption by virtue of Section 40(3)(a)(i), states that the information is exempt if disclosure would breach any of the eight Data Protection Principles in the Data Protection Act 1998. This means that the Council is under no duty to consider whether disclosure should nonetheless be made in the public interest.

Other redactions have been made to the records you have requested where the information is not within scope and cannot be separated from the relevant information. This will be clearly marked within the disclosure bundle.

Please note that the Council cannot guarantee the accuracy of information supplied.

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<http://www.southampton.gov.uk/council-democracy/council-data/freedom-of-information/FOI-search.aspx>

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:

Service Director – Legal and Governance
Southampton City Council
Civic Centre
SOUTHAMPTON
SO14 7LT

Email: legal@southampton.gov.uk

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
Tel: 0303 123 1113
Fax: 01625 524510
Email: casework@ico.gsi.gov.uk