

Record of the qualified person's opinion

Section 36 Freedom of Information Act 2000

The public authority		
1. Name of the authority	Office of the Police and Crime Commissioner for the West Midlands	
The qualified person		
2. Name (<i>see Notes below</i>)	Simon Foster	
3. Job title	Police and Crime Commissioner	
4. Subsection of s36(5) under which the qualified person is authorised (<i>see Notes below</i>)	S36(5)o	
Information on which opinion was sought		
5. Brief description of the information requested	Any information held detailing Unite the Trade Union (and/or) the Birmingham Bin Dispute of 2024/25, including but not limited to: minutes of meetings (with attendee lists), direct correspondence from the PCC to West Midlands Police (including send on the PCCs behalf from officers of the OPCC) and correspondence between the PCC (and his office) and Unite the Trade Union.	
6. Information was	shown to the qualified person	y
	described to the qualified person	y
Submission to the qualified person		
7. Date the opinion was sought	19/05/2025	
8. Subsection(s) of s36(2) or s36(3) on which the opinion was sought (<i>see Notes below</i>)	36(2)(a)(i)	n
	36(2)(a)(ii)	n
	36(2)(a)(iii)	n
	36(2)(b)(i)	y
	36(2)(b)(ii)	y
	36(2)(c)	y

	36(3) (neither confirm nor deny)		n/a
9. Arguments put forward as to why prejudice/inhibition would/would be likely to occur	Please see the Arguments put forward, as to why prejudice/inhibition would/would be likely to occur in the Sections Headed: The Prejudice Test Factors Favouring Non-Disclosure In the Public Interest Test, that accompanies this Record of the Qualified Person’s Opinion.		
10. Counter arguments put forward	Please see the Counter-Arguments put forward in the Section Headed: Factors Favouring Disclosure In the Public Interest Test, that accompanies this Record of the Qualified Person’s Opinion.		
11. Any other factors taken in to account	We have also considered the Public Interest Test, which has been documented and included below: Please see the Public Interest Test, that accompanies this Record of the Qualified Person’s Opinion.		
The qualified person’s opinion			
12. (see Notes below) The qualified person’s opinion is that, if the information requested were disclosed, the prejudice/inhibition specified in the following section(s) of the Freedom of Information Act 2000			
36(2)(a)(i)			n
would occur	n	would be likely to occur	n
for the following reasons:			

36(2)(a)(ii)			n
would occur	n	would be likely to occur	n
for the following reasons:			
36(2)(a)(iii)			n
would occur	n	would be likely to occur	n
for the following reasons:			
36(2)(b)(i)			y
would occur	y	would be likely to occur	y
<p>For the following reasons:</p> <p>I confirm, that I have had access to the withheld information to read and consider. I have been sufficiently well informed, to form a reasonable opinion, on whether the information should be disclosed or not.</p> <p>Having carefully reviewed the information placed before me, including the submission outlining the reasons for applying the exemption, as well as the counter arguments in favour of disclosure, I have reached the following conclusion:</p> <p>It is my reasonable opinion, that the information to which this section applies is exempt information, because disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation.</p> <p>Further reasons are set out in the Public Interest Test, that accompanies this Record of the Qualified Person's Opinion.</p>			
36(2)(b)(ii)			y
would occur	y	would be likely to occur	y

For the following reasons:

I confirm, that I have had access to the withheld information to read and consider. I have been sufficiently well informed, to form a reasonable opinion, on whether the information should be disclosed or not.

Having carefully reviewed the information placed before me, including the submission outlining the reasons for applying the exemption, as well as the counter arguments in favour of disclosure, I have reached the following conclusion:

It is my reasonable opinion, that the information to which this section applies is exempt information, because disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation.

Further reasons are set out in the Public Interest Test, that accompanies this Record of the Qualified Person's Opinion.

36(2)(c)			y
would occur	y	would be likely to occur	y

For the following reasons


I confirm, that I have had access to the withheld information to read and consider. I have been sufficiently well informed, to form a reasonable opinion, on whether the information should be disclosed or not.

Having carefully reviewed the information placed before me, including the submission outlining the reasons for applying the exemption, as well as the counter arguments in favour of disclosure, I have reached the following conclusion:

It is my reasonable opinion, that the information to which this section applies is exempt information, because disclosure of the information would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Further reasons are set out in the Public Interest Test, that accompanies this Record of the Qualified Person's Opinion.

36(3) (Neither confirm nor deny)			n
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would occur	n	would be likely to occur	n
for the following reasons:			
13. Date the opinion was given (<i>see Notes below</i>)			01/06/2025
14. Qualified person's signature (<i>see Notes below</i>)			
			

Notes for completing this form

2. If the public authority itself, rather than an individual, has been authorised as the qualified person, the name is that of the authority's highest decision making body.

4. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons. We also provide guidance on 'Who is the qualified person?' within our guidance [Section 36 – Prejudice to the effective conduct of affairs](#).

8. This lists the subsections of section 36 which you asked the qualified person to consider.

section 36(2)

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(a) would, or would be likely to, prejudice—

- (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or
- ii) the work of the Executive Committee of the Northern Ireland Assembly, or
- (iii) the work of the Cabinet of the Welsh Assembly Government.

(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, or

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

section 36(3)

(3)The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)(a) would, or would be likely to, have any of the effects mentioned in subsection (2).

12. This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

13. This is the date on which the qualified person gave their opinion. If you complete the form after that, the date you enter here must still be the date the opinion was given.

14. If the public authority itself, rather than an individual, is authorised as the qualified person, the form should be signed on behalf of the authority's highest decision making body. Please also print the name of the person signing on its behalf.