



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637225

E: recordsmanagement@coal.gov.uk

W: www.gov.uk/coalauthority

Peter Ryan

Reference: FOI 41-2023

06 October 2023

Dear Mr Ryan,

Request under the Freedom of Information Act 2000

Thank you for your request for information, which we received on 11 September 2023. We have searched through the Coal Authority's records to locate the information you require.

I can confirm that we do hold the information you have requested, and I have responded to your question below;

In one of the emails which you previously sent me refers to 'the work being same as we are already doing for NPTCBC'

From information by NPTCBC I believe you were requested to undertake tip inspections on their behalf from 2017. Could you send me any communications regarding that engagement. If necessary you can regard this as a freedom of information request.

I have attached the communications concerning Neath Port Talbot County Borough Council engaging the Coal Authority to carry out inspections of tips. Also included are the attachments from the emails as well as the proposal document sent to Neath Port Talbot County Borough Council by the Coal Authority.

Where applicable, you will see that information has been redacted by the use of black panels. This has been done under Section 40(2) of the Freedom of Information Act 2000 – that the information constitutes personal data of which the requestor is not the data subject. This is an absolute exemption and does not require a public interest test.

Additionally, information on the breakdown of our fees and daily rates has been redacted by the use of black panels. This has been done under Section 43(2) of the Freedom of Information Act 2000 – that the information would, or would be likely to prejudice the commercial interests of any

person if released. This is a qualified exemption and subject to a public interest test. This has been included at the end of this response for you, in Appendix A.

As we have redacted personal information as well as commercially sensitive information we have partially refused your request. Therefore this constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000, with Section 40(2) and Section 43(2) applied.

Once again thank you for your interest in the Coal Authority. If you are not satisfied with how we have dealt with your request, details of your complaints rights appear at the end of this letter.

For further information about the Coal Authority, please visit our website:

www.gov.uk/coalauthority

If you have any further queries, please contact our Records Management team on 01623 637225 or email: recordsmanagement@coal.gov.uk

Yours sincerely

Matthew Cheetham
Records Officer

Appendix A

Section 43(2) Commercial Interests

Arguments in favour of disclosure

Open transparency of the Coal Authority's statutory obligations under the Coal Industry Act 1994, the Coal Authority's role is to comply with regulations in relation to mines, mining and its legacy. The Coal Authority has expert knowledge and experience relating to tips and tip safety and consequently, on occasion, local authorities and their consultants may ask us to carry out a technical assessment of the safety and possible remediation measures concerning abandoned tips. Disclosure of these matters enables us to maintain trust and confidence with the public in how we use public funds to support local authorities and their consultants.

Arguments in favour of non-disclosure

Disclosure of breakdown of rates for our services would be likely to prejudice or harm the commercial interests of Neath Port Talbot County Borough Council. In providing the Coal Authority's rates breakdown it is likely to prejudice Neath Port Talbot County Borough Council's ability to receive varied competitive tenders in its commercial activities, were the rates paid to the Coal Authority to become known. This may compromise Neath Port Talbot County Borough Council's ability to participate competitively in their commercial activities, this may be to make a profit or also to be able to cover costs or simply remain solvent.

Balance

On balance the public interest in maintaining the exemption outweighs the public interest in disclosure. At this time disclosure of rates for services would not allow Neath Port Talbot County Borough Council to participate competitively in their commercial activities with other bodies, businesses or organisations. Nor would it allow for competitive tendering in the future. For contracts made between third parties and the Coal Authority, we are able to provide total sums for services provided giving transparency of the use of public funds.

Complaints rights

If you are not content with the way we have handled your request or our response, you have the right to appeal. This is known as an internal review, and is intended to be a fair and impartial means of reviewing your request.

This process is separate to the Coal Authority's complaints policy [Complaints procedure - Coal Authority - GOV.UK \(www.gov.uk\)](#)

How do I appeal?

All appeals should be made in writing within 40 working days of your response and sent to recordsmanagement@coal.gov.uk or:

Records Management
The Coal Authority
200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

When contacting us to appeal, please provide the unique identification number provided with your response and the reason for your appeal.

What if I'm still not satisfied following an internal review?

You can appeal to the Information Commissioner, who can be contacted as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

Web: www.ico.org.uk/foicomplaints