



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

[REDACTED]
[REDACTED]

Your ref: RFI 6160
Date: 07 February 2014

Dear [REDACTED],

REQUEST FOR INFORMATION: Costs of the Independent Expert panel

Thank you for your request for information about costs incurred by the Independent Expert Panel (IEP) which we received on 9 January. We have handled your request under the Environmental Information Regulations 2004 (EIRs). We apologise for the delay in responding.

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

You asked for information on the following:

1. Full costs of the panel to date, with breakdown of salary/staffing costs and expenses

The IEP currently consists of 6 people (one panel member left in 2012 due to ill-health). Their details and other information can be found at:

<https://www.gov.uk/government/policy-advisory-groups/badger-culling-pilots-independent-expert-panel>

I would like to clarify that while the IEP are reimbursed expenses for travel and subsistence, and are paid standard consultants' fees for their work, they do not receive a salary, as they are not employed by Defra nor do they employ staff. One Defra employee provides secretariat support for the panel, alongside their other duties.

The costs of the panel are not finalised as yet as they are working on their report at present and so may be subject to change. Approximate costs from March 2012 to December 2013 are £36,500, which includes consultancy fees, travel and subsistence and other incidental costs. The detailed costs are not available as items are still being processed in the accounting system.

2. A copy of the AHVLA report mentioned in the minutes of 6 November.

The AHVLA report is currently being reviewed by the IEP as part of the preparations for writing their own report. As the AHVLA report is still subject to review, your request is being withheld under regulation 12(4)(d), material which is still in the course of completion, unfinished documents or incomplete data.

The Regulations

12(4)(d): relates to material which is still in the course of completion or unfinished data and applies to the AHVLA report which is still subject to review. Releasing the report before the IEP is satisfied with its content and presentation and before the IEP have finalised their report could result in confusion which is counter to the basis of freedom of information.

The Public Interest Test

Regulation 12(4)(d) requires the public authority in question to carry out a public interest test. There is a great deal of interest and strength of feeling around the badger control policy which includes access to the official AHVLA report and the data it contains. However, Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure. Releasing the AHVLA report now before it has been fully reviewed would only mislead and confuse the public. It is logical to wait, and it is in the public interest to wait, until the report has been formally reviewed and critiqued by the IEP rather than release a report which may have to be updated at a later time. The IEP are also preparing their report which will be published alongside the official report.

Defra has publicly committed¹ on numerous occasions to announcing that the report on the culls will be published as soon as possible.

Defra recognises the strength of feeling around the badger control policy. However, in light of the argument above, Defra has concluded that, at this stage, when the information is still subject to review, the public interest in withholding the information sought outweighs the public interest in its disclosure. Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

¹ <http://transparency.number10.gov.uk/business-plan/10/35>

I attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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