



Department
for Environment
Food & Rural Affairs

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Temple Quay House
2 The Square
Bristol
BS1 6EB
helpline@defra.gsi.gov.uk
www.gov.uk/defra

██████████

Via email to ██████████

Your ref:
Our ref: RFI 00006599
Date: 10th June 2014

Dear ██████████

REQUEST FOR INFORMATION: Appointment of Chairman of Natural England

Thank you for your request for information about the appointment of the Chairman of Natural England and about wild birds, which we received on 20 May 2014.

You have requested the following:

- (a) “any advert for the job of Chair of Rural England, what skills and qualities the applicants needed to possess” (we have taken your mention of Rural England to be a reference to Natural England).
- (b) “How many people were interviewed for the post”
- (c) “What qualifications Andrew Sells has for the job”
- (d) “Who decided Mr Sells was the best man for the job”
- (e) “Were there no other candidates with for the job with environmental and rural experience”
- (f) “Did Sells' 111 thousand pound donation to the Conservative party have any bearing on his appointment”
- (g) “Did Sells mention he was involved in property development before he was appointed to the post and did he mention anything about wild birds hindering new property developments?”
- (h) “What are these health risks caused by the birds to be killed, how long have these risks been known about and do the various leading bird, animal, wildlife charities and organisations agree with the recommendation to kill?”

As you know we have handled your request under the Environmental Information Regulations 2004 (EIRs). 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).



It may be helpful if I explain that the position of Chairman of Natural England is subject to pre-appointment Parliamentary scrutiny. Mr Sells therefore appeared before the Environment, Food and Rural Affairs (ERFA) Committee on 11 December 2013 to answer questions regarding his suitability for the position. The Select Committee has published its report which, together with related information, is available on line at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/environment-food-and-rural-affairs-committee/news/natural-england-pre-appointment-report-substantive-publication/>. The information that you have requested under items (a) to (c) is publicly available and easily accessible from this website address.

With regard to the other information requested:

(d) "Who decided Mr Sells was the best man for the job"

The decision to appoint Mr Sells was taken by the Secretary of State for Environment, Food and Rural Affairs. Background information on the process leading up to his appointment is contained in the ERFA Committee's report.

(e) "Were there no other candidates with for the job with environmental and rural experience"

A total of 54 applications were received. Candidates were asked to provide evidence of how they met the essential criteria set out for the role. In doing so candidates provided evidence of a range of environmental and rural experience. The selection panel identified three candidates (including Mr Sells) who were considered to be appointable to the role.

(f) "Did Sells' 111 thousand pound donation to the Conservative party have any bearing on his appointment"

The Code of Practice for Ministerial Appointments to Public Bodies issued by the Commissioner for Public Appointments requires applicants to declare any significant political activity. Mr Sells declared his political activities at the start of the process (see the ERFA Committee's report) as he was required to do. However, information on his political activities had no bearing on his appointment (except in so far that it was concluded that it would have no effect on his ability to perform in the role).

(g) "Did Sells mention he was involved in property development before he was appointed to the post and did he mention anything about wild birds hindering new property developments?"

In his application Mr Sells stated that he was Chairman of Linden Homes up to 2007 (see the ERFA Committee's report). With regard to evidence of Mr Sells expressing views about wild birds hindering new property developments, I can advise you that no such information is held by Defra.

(h) "What are these health risks caused by the birds to be killed, how long have these risks been known about and do the various leading bird, animal, wildlife charities and organisations agree with the recommendation to kill?"

The consultation referred to in Tom Purge's Blog concerns General and Class licences under wildlife legislation in England, which was issued by Natural England, and closed on 19 May 2014. The information that you have requested is not held by Defra.

Where it is stated above that information is not held by Defra, this means the information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information not held at the time an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in these cases.

I can, however, confirm that some of the information you have requested under item (h) is held by Natural England, who can be contacted at:

Enquiry Service
Natural England
Block B
Government Buildings
Whittington Road
WORCESTER
WR5 2LQ
Telephone: 0845 600 3078
Email: enquiries@naturalengland.org.uk

Guidance on submitting access to information requests is at http://www.naturalengland.org.uk/Images/Submit_an_A2I_%20Request_tcm6-6268.pdf

If you would like, we can transfer your request to Natural England, but before doing so we need your permission to notify it of your name and contact details. If you agree to this, please return the attached declaration to me.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I also 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.

Natural England Sponsorship Team

Declaration

Defra - RFI 00006599

I,*[please insert full name]* hereby
authorise Defra to transfer my information request to Natural England.

Signature:

Date:

Name in BLOCK CAPITALS

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