I am writing on behalf of David Davies to respond to your information requests related to Tinkers Lane Fire Station:

Further to your requests for similar information about the agreement to build a new Fire Station at Windsor to both the Royal Borough of Windsor & Maidenhead (RBWM) and the Fire Authority (FA) our joint response is:

Request 8 March (FOI66274) To know details of the agreement signed between the FA and RBWM regarding Tinkers Lane and in particular to know how long the FA has committed to providing a fire engine for the Tinkers lane fire station and what break clauses exist in the agreement allowing the FA to opt out of its commitment under this agreement.

Response: The parties have entered into an Agreement for the lease of a Fire Station to be built by the RBWM on terms contained in the agreement. The lease for the Fire Station will be signed in accordance with those terms upon the completion of the construction of the Fire Station. The lease is for a period of 30 years only to be used as a whole time fire station. Under the lease the FA can break the term of the lease by giving 3 months written notice to the RBWM if the FA's Operational Funding decreases by 10% or more from the financial year 2013/14 level of £34.492 million. As set out in the lease, the FA will provide an operational fire station for 24/7 365 days a year. In order to do this there has to be a fire appliance, (a fire engine). The appliance will be crewed from Slough fire station for crewing purposes but spend the majority of the time at Windsor and will be the primary pump for operational response to Windsor. However, as with all RBFRS fire appliances, it may be required to be used anywhere and at any time throughout the service in support of operations and emergency cover needs.

Request 9 May (FOI66363) Is it possible to have a copy of the agreement?

Response: Please find attached copy of the agreement for a lease. We have redacted the information regarding the monetary amounts as this information is likely to prejudice the commercial interests of the parties to the agreement. Section 43 is a qualified exemption and is subject to the public interest test (as set out in section 2 of the Freedom of Information Act 2000 (FOIA)). Whilst both the FA and RBWM recognise that the public have an interest in the monies spent by public authorities, as work is still underway to complete and sign the lease agreement, both RBWM and the FA are satisfied that the public interest in withholding the information outweighs the public interest in disclosing it at this time. Although RBWM and the FA have chosen to exempt this information at this time, it will be published in their accounts and therefore section 22 of the FOIA (information intended for future publication) is also engaged.

Request 18 May (FOI66400) To have copies of all the agreements and correspondence between the Royal Borough of Windsor and Maidenhead and The Royal Berkshire Fire and Rescue Service / Fire Authority pertaining to the Tinkers Lane site.
In considering whether the disclosure of correspondence would prejudice the effective conduct of public affairs (section 36) and, in the reasonable opinion of the qualified persons, at RBWM and the FA, section 2(b) is engaged as disclosure of this correspondence 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.

Much of this correspondence is confidential communications between lawyers, or between lawyers and clients. Section 42, Legal Professional Privilege, is a qualified exemption, subject to the public interest test. The client’s ability to speak freely and frankly with his or her legal adviser in order to obtain appropriate legal advice is a fundamental requirement of the English legal system. During the negotiations to finalise the lease there is, and will continue to be, large amounts of correspondence, and, having reviewed information held, both RBWM and the FA have determined that this information is not in the public interest as it would not serve to clarify the agreement.

Therefore this email serves as a part refusal notice in accordance with sections 43, 22, 36 and 42 of the Freedom of Information Act 2000 for the above reasons. In considering the application of Section it has been determined that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Request 7 July (FOI66565) To know if it is correct that Royal Berkshire Fire and Rescue are proposing to only guarantee an appliance for the Tinker’s Lane Site for a period of 5 years.

Response: Please refer to the attachments agreement

If you are unhappy with the information we have provided in response to your request please write to:

Information Management Team Manager
Royal Borough of Windsor & Maidenhead
Town Hall, St Ives Road
Maidenhead
SL6 1RF

or send an e-mail to martin.tubbs@rbwm.gov.uk

We are proud to be one of the leading authorities in England for consistently responding to information requests within the 20 working days set down by statute. Information about our performance and summaries of requests received can be found on our website:

http://www.rbwm.gov.uk/web/foi_information_requests.htm
We are keen to hear about your experience with the Information Management Team here at the Royal Borough of Windsor & Maidenhead and look forward to receiving any comments you have about the way your information request was processed.

Please send any feedback to the Information Management Team Manager either by e-mail martin.tubbs@rbwm.gov.uk or in writing to the address above.

Yours sincerely

David Davies
Information Management Officer
Legal Department
Corporate Directorate
Royal Borough of Windsor & Maidenhead
Town Hall, St.Ives Road
Maidenhead SL6 1RF

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Information Management Feedback Form
FOI66565

1) How would you rate our performance in relation to processing your request:
   Excellent       Good       Fair       Poor
   If you have answered Fair or Poor please suggest how we can improve:

   [Blank space for feedback]

2) Did you receive the response to your request within the advised timescale? Yes/No
3) Did the response meet your needs? Yes/No
   If No, why was that?

   [Blank space for feedback]

4) Prior to submitting your request did you search RBWM's website? Yes/No
   If Yes, why did you then need to submit a request (Highlight all that apply)?
   - Information required not found
   - Information found out of date
   - Information not in required format
- Information insufficient to meet need
- Other please specify:

If No, why was that?

5) Please add any further comments that would help us improve our service:

Thank you for taking the time to complete this form – your feedback is appreciated.