

**Information Governance Team**

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10 March 2022

Dear Sir/Madam.

**Freedom of Information Act 2000 (FOIA)  
Request ID: FOI393997170**

Thank you for your request for information relating to the ongoing bin driver strike.

You have requested the following information:

**Please provide details of the issues causing the ongoing bin strikes, such as anonymous base salaries, equivalent hourly pay, hours worked including overtime, any other benefit that makes up the salary, offers that have been made to the bin lorry drivers, options discussed by the council to minimise disruptions to Coventry residents. As a council tax payer I am interested in seeing these details so that I can make a fair judgement of what is going on and who is at fault. I appreciate GDPR is applicable so I do not want any names or other PII / SPII, the salaries and hours worked would be useful.**

We can confirm that we hold the information you have requested.

Please find the information as follows below, except for information in respect of:

- **Hours worked including overtime; and**
  - **Offers that have been made to the bin lorry drivers.**
1. **Anonymous base salaries** – please see attached redacted spreadsheet at Annex A (the spreadsheet spans January - December 2021).

2. **Equivalent hourly pay** – please see attached spreadsheet at Annex B (which spans the financial year 2020/21).
3. **Any other benefit that makes up the salary** – please see attached spreadsheet at Annex A.
4. **Options discussed by the council to minimise disruptions to Coventry residents** – please note the following wording from the Council website at: <https://www.coventry.gov.uk/strikeaction> (last updated 27 January 2022):

*“Ongoing negotiations have seen offers made on working between Christmas and New Year and an increase in driver pay towards the bottom of their pay scale, backdated from April last year, rejected by the union.*

*The Council is already one of the highest paying local authorities in the West Midlands for Class II HGV drivers, who drive the city’s bin lorries. It means the Council is limited on what else it can offer, as it must be rightly mindful of the duty it has to all of its 4,500-strong workforce and the possibility of future equal pay claims from other trade unions.”*

Some of the information in the spreadsheet at Annex A has been redacted. The Freedom of Information Act 2000 (FOIA) contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the exemption at s40(2) of the FOIA to the information that is being withheld in the spreadsheet at Annex A.

Section 40(2) of the FOIA states that personal data relating to third parties (i.e. a party other than the person requesting the information) is exempt information if disclosure of the requested information would be contrary to the requirements of the UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption not subject to the Public Interest Test. Provision of information in response to an FOIA request is effectively a public disclosure to the “world at large”. We must take into account that any information released under FOIA will be placed in the public domain, through our own disclosure log or by other means.

In this case, we believe that by disclosing the information we have withheld at Annex A we would risk revealing information that would allow individuals involved (ie employees who are New Starters, or are on reduced pay due to sick leave) to be identified. In such a case we would be disclosing personal information about those individuals.

There are only a small number of employees who are New Starters, or are on reduced pay due to sick leave, making the risk of identification even higher.

Disclosure of the requested information may allow colleagues in the waste refuse to work out who how much New Starters and those on reduced pay due to sick leave are being paid. They would therefore have access to information about individuals, that would not otherwise be shared with them.

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the UK General Data Protection Regulation (UK GDPR).

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We believe that revealing that an individual had been involved in such an investigation would be contrary to the requirements of Article 5(1)(a) of the UK GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject. We note that none of the requested information is publicly available, and indeed great care is taken by those involved to maintain confidentiality.

The data subjects would therefore not have had a reasonable expectation that this information would be made public, either now or at the time the information was created. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the UK GDPR.

We hope this information will meet your requirements, however if you are not satisfied you have the right to a review as detailed at the bottom of this letter.

You have not specified a time span for the information that you have requested in respect of **hours worked including overtime**. While it is reasonable to assume that you would seek the information over the past financial year or past 12 months (as has been provided at points 1-3 above), more significantly this information where recorded, is not held in a centralised or an easily accessible format by the Council.

Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

*"12 Exemption where cost of compliance exceeds appropriate limit*

*(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".*

Hours worked are recorded manually on a paper-based system. Any analysis that might be undertaken in order to answer your original request would require a manual search of all relevant staff members' (approximately 80 people) paper files, which would require the input of a number of administrative and managerial staff.

The Council believes that the analysis required to answer this part of the request would be unreasonable and that it would take a disproportionate amount of time to extract and collate the information requested. Taking into account the likely costs of searching the records and the number of people that would need to be involved, we believe that the cost of complying with your request would far exceed the appropriate limit of £450 (equivalent to 18 hours of work at £25 per person, per hour). Time would need to be spent:

- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Further time would then be needed to put the information together in an understandable format for disclosure under FOIA. At a modest estimate, approximately 30 minutes will be needed to be spent per person on the above activities and this would amount to 40 hours.

We are therefore of the opinion that Section 12 of the FOIA is engaged.

If you would like to discuss ways of narrowing your request to bring it within the cost threshold, please contact us.

Information in respect of **offers that have been made to the bin lorry drivers** has been omitted from the above because the Council believes that this is exempt from disclosure under Section 36(2) of the Freedom of Information Act 2000.

Sections 36(2)(b)(i) and (ii) and 36(2)(c) of the FOIA provide that:

***“36.—(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—***

***(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***

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

These exemptions apply when, in the opinion of the Council’s “qualified person” (the City Solicitor and Monitoring Officer, Julie Newman), disclosure would, or would be likely to, inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation, or would otherwise prejudice, and / or be likely to prejudice, the effective conduct of public affairs.

In this instance, you have requested information about “offers that have been made [*by the Council*] to the bin lorry drivers”. Please note that the matter is of a sensitive nature and the dispute is being negotiated. The dispute is protracted and the positions have changed several times. Disclosure under FOIA is a disclosure to the world at large. If the requested information was to be disclosed, it would inhibit the extent to which advisors to the dispute could provide advice as well as feeling able to communicate openly, thereby prejudicing the Council’s ability to engage in the dispute as effectively and efficiently as possible. The Council believes disclosure of offers on a piecemeal basis in a live dispute would damage the process as it would undermine the negotiations. As a result, we are satisfied that the exemption applies.

Further information on the process used to reach this decision is set out in Annexes C and D, attached.

The supply of information in response to a Freedom of Information request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk).

Please remember to quote the reference number above in your response.

Yours faithfully

**Information Governance**

## **ANNEX C**

### **Section 36: Prejudice to Effective Conduct of Public Affairs**

Section 36 exempts information from disclosure where this would, or would be likely to, have any of the following effects:

- a. inhibit the free and frank provision of advice,
- b. inhibit the free and frank exchange of views for the purposes of deliberation; or
- c. prejudice the effective conduct of public affairs.

Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects, as identified in Annex, D below.

The application of section 36 is subject to the 'public interest' test, as follows:

#### **Factors for disclosure**

- There is an inherent public interest in disclosing information which helps further the public's understanding of the way in which the Council operates so as to increase public trust in the Council's processes. This can particularly be the case when information relates to a high profile matter such as the industrial action over refuse collection.
- Transparency is likely to increase confidence in decisions made by the Council.

#### **Factors for withholding**

- Disclosure of this information would inhibit both the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberating upon the issues around the dispute including negotiations and offers of settlement. This in turn would prejudice the effective conduct of the Council's affairs, insofar as compromising its ability to handle the dispute as effectively and efficiently as possible.
- Disclosure of offers that the Council have made will lead to a breakdown of trust and confidence among the parties in the dispute.

#### **Reasons why public interest favours withholding information**

It is important that the Council's officers are able to consider the strike action in an uninhibited manner, so as to ensure the efficient and effective use of its limited public resources.

The disclosure of the information in respect of offers that have been made by the Council would therefore cause a detriment to the Council's ability to effectively deal with the dispute.

## **ANNEX D**

### **Opinion of the Qualified Person**

Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)**  
**Request ID: FOI393997170**

Thank you for your request for information relating to the ongoing bin driver strike.

The information you requested is being withheld as it falls under the exemption in section 36 of the Freedom of Information Act.

I am a "qualified person", as defined in section 36(2) of the Freedom of Information Act 2000 and am duly authorised by a Minister of the Crown for the purposes of that section.


In my reasonable opinion, disclosure of the information in respect of offers made by the Council would, or would inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation, and so would prejudice the effective conduct of public affairs.

Also, in applying this exemption I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out above at Annex C, the factors I considered when deciding where the public interest lay.

If you have any queries about this letter, please contact:  
[informationgovernance@coventry.gov.uk](mailto:informationgovernance@coventry.gov.uk)

Signed:



Date: 8 March 2022  
Julie Newman  
City Solicitor and Monitoring Officer  
Coventry City Council

| Post Title         | Contractual pay | Bank Hol | Overtime | Holiday Enhancement | Standby, Call out Travel (Gritting) | First Aid | Arrears | Holiday Pay | Grand Total |
|--------------------|-----------------|----------|----------|---------------------|-------------------------------------|-----------|---------|-------------|-------------|
| HGV Driver Class 2 |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class 2 |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class 2 |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class 2 |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class 2 |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class2  |                 |          |          |                     |                                     |           |         |             |             |
| HGV Driver Class 2 | £25,255.26      | 232.26   | 229.96   | 19.11               |                                     |           |         |             | £25,736.59  |
| HGV Driver Class2  | £25,255.26      | 232.26   | 523.16   | 43.47               |                                     |           |         |             | £26,054.15  |
| HGV Driver Class2  | £25,255.26      | 232.26   | 2753.84  | 228.85              |                                     |           |         |             | £28,470.21  |
| HGV Driver Class2  | £25,255.26      | 232.26   | 2404.93  | 199.85              |                                     |           |         |             | £28,092.30  |
| HGV Driver Class2  | £25,938.03      | 605.27   | 572.61   | 47.59               |                                     |           |         |             | £27,163.50  |
| HGV Driver Class2  | £25,938.03      | 511.44   | 1919.45  | 159.51              |                                     |           |         |             | £28,528.43  |
| HGV Driver Class2  | £26,457.33      | 548.59   | 2659.99  | 221.03              |                                     |           |         |             | £29,886.94  |
| HGV Driver Class2  | £26,986.05      | 0.00     | 114.40   | 589.21              | 2226.32                             |           |         |             | £29,915.98  |
| HGV Driver Class2  | £27,480.56      | 0.00     | 4757.22  | 922.12              | 6388.06                             |           |         |             | £39,547.96  |
| HGV Driver Class 2 | £28,075.35      | 511.54   | 1807.51  | 150.20              |                                     |           |         |             | £30,544.60  |
| HGV Driver Class 2 | £28,075.35      | 400.46   | 9635.27  | 800.69              |                                     |           |         |             | £38,911.77  |
| HGV Driver Class 2 | £28,075.35      | 400.46   | 57.12    | 4.75                |                                     |           |         |             | £28,537.68  |
| HGV Driver Class 2 | £28,633.80      | 295.14   | 166.61   | 13.85               |                                     |           |         |             | £29,109.40  |
| HGV Driver Class 2 | £27,911.38      | 126.94   | 253.89   | 21.10               |                                     |           |         |             | £28,313.31  |
| HGV Driver Class 2 | £28,888.09      | 418.90   | 684.55   | 56.89               |                                     |           | 193.37  |             | £30,241.80  |
| HGV Driver Class 2 | £29,081.26      | 190.03   | 1828.67  | 151.96              |                                     |           |         |             | £31,251.92  |
| HGV Driver Class 2 | £28,523.00      | 143.79   | 524.83   | 43.62               | 2284.35                             |           |         |             | £31,519.59  |
| HGV Driver Class 2 | £28,522.17      | 261.57   | 414.37   | 34.43               |                                     |           |         |             | £29,232.54  |
| HGV Driver Class 2 | £28,690.27      | 133.00   | 1193.45  | 100.17              |                                     |           | 3931.32 |             | £34,048.21  |
| HGV Driver Class 2 | £31,957.20      | 334.32   | 188.72   | 15.68               |                                     |           |         |             | £32,495.92  |
| HGV Driver Class 2 | £31,957.20      | 251.64   | 86.27    | 7.17                |                                     |           |         |             | £32,302.28  |
| HGV Driver Class 2 | £31,957.20      | 377.46   | 5945.67  | 494.09              |                                     |           |         |             | £38,774.42  |
| HGV Driver Class 2 | £31,957.20      | 251.63   | 5773.11  | 479.73              |                                     |           |         |             | £38,461.67  |
| HGV Driver Class 2 | £31,957.20      | 115.03   | 6988.16  | 580.72              |                                     |           |         |             | £39,641.11  |
| HGV Driver Class 2 | £31,957.20      | 503.28   | 5169.22  | 429.57              |                                     |           |         |             | £38,059.27  |
| HGV Driver Class 2 | £31,957.20      | 208.50   | 1475.61  | 101.72              |                                     |           |         |             | £33,743.03  |
| HGV Driver Class 2 | £31,957.20      | 287.58   | 0.00     | 400.74              | 4912.43                             | 243.12    |         |             | £37,801.07  |
| HGV Driver Class 2 | £31,957.20      | 334.32   | 6977.44  | 579.82              |                                     |           |         |             | £39,848.78  |
| HGV Driver Class 2 | £31,957.20      | 86.27    | 1653.57  | 158.02              |                                     |           |         |             | £33,855.06  |
| HGV Driver Class 2 | £31,957.20      | 143.79   | 7764.58  | 879.78              | 2853.95                             | 243.12    | 13.72   |             | £43,856.14  |
| HGV Driver Class 2 | £31,850.07      | 585.95   | 898.69   | 71.68               |                                     | 87.58     |         |             | £33,493.97  |
| HGV Driver Class 2 | £31,957.20      | 460.13   | 1563.71  | 129.95              |                                     |           |         |             | £34,110.99  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 690.20   | 69.30               |                                     |           |         |             | £32,019.29  |
| HGV Driver Class 2 | £31,957.20      | 287.58   | 805.23   | 66.92               |                                     |           |         |             | £33,116.93  |
| HGV Driver Class 2 | £31,957.20      | 287.58   | 16868.13 | 1692.79             | 3574.37                             |           |         |             | £54,380.07  |
| HGV Driver Class 2 | £31,957.20      | 0.00     | 2760.79  | 229.42              |                                     |           |         |             | £34,947.41  |
|                    |                 |          |          |                     |                                     |           |         |             | £31,116.00  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 287.58   | 23.90               |                                     |           |         |             | £31,715.06  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 4779.22  | 739.27              | 11340.75                            |           |         |             | £41,128.42  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 1031.69  | 85.74               |                                     |           |         |             | £32,521.01  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 5728.31  | 738.23              | 3003.56                             |           |         |             | £40,873.69  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 1010.12  | 83.94               |                                     |           |         |             | £32,353.85  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 287.58   | 23.90               |                                     |           |         |             | £31,571.27  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 0.00     | 0.00                |                                     |           |         |             | £31,259.79  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 524.84   | 288.41              | 2972.93                             |           |         |             | £35,045.97  |
| HGV Driver Class 2 | £35,967.32      | 143.79   | 2645.81  | 276.57              | 682.38                              |           |         |             | £39,715.87  |
| HGV Driver Class 2 | £31,116.00      | 143.79   |          |                     |                                     |           |         |             | £31,259.79  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 287.58   | 23.90               |                                     |           |         |             | £31,571.27  |
| HGV Driver Class 2 | £31,116.00      | 0.00     | 210.29   | 17.48               |                                     |           |         |             | £31,343.77  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 7087.02  | 809.89              | 2750.87                             |           |         |             | £42,051.36  |
| HGV Driver Class 2 | £31,116.00      | 158.17   | 3404.24  | 530.48              |                                     | 6.54      |         |             | £35,215.43  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 869.93   | 72.29               |                                     |           |         |             | £32,345.80  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 16062.99 | 1627.01             | 3565.55                             |           |         |             | £52,515.34  |
| HGV Driver Class 2 | £31,116.00      | 143.79   | 118.63   | 9.86                |                                     |           |         |             | £31,388.28  |
| HGV Driver Class 2 | £31,116.00      | 287.58   | 287.58   | 23.90               |                                     |           |         |             | £31,715.06  |
|                    |                 |          |          |                     |                                     |           |         |             | £31,116.00  |
| HGV Driver Class 2 | £31,116.00      | 0.00     | 4917.57  | 408.65              | 13.50                               |           |         |             | £36,455.72  |
| HGV Driver Class2  | £31,957.20      | 0.00     | 10352.73 | 860.29              |                                     |           |         |             | £43,170.22  |
| HGV Driver Class2  | £31,957.20      | 0.00     | 64.71    | 5.38                |                                     |           |         |             | £32,027.29  |

All of these employees are either New Starters or are on reduced pay due to sick leave.



