

Yourref/Eich cyf  
Our ref/Ein cyf: PE/23245  
Date/Dyddiad: 8<sup>th</sup> September 2025

Please contact/Cysyllter â Polly Ellis  
Direct line/Llinell union: 01495 742896

Email/Ebost: [polly.ellis@torfaen.gov.uk](mailto:polly.ellis@torfaen.gov.uk)

By Email only: [sherlockjbb@proton.me](mailto:sherlockjbb@proton.me)

Dear Ms Holmes

**FREEDOM OF INFORMATION REQUEST**  
**REF: 25/376 JAYNE'S BABY BANK**

I have been asked to carry out an internal review in relation to the Council's response to your request for information under the Freedom of Information Act 2000.

**Your request**

On 5<sup>th</sup> August 2025 you submitted a request for information under the Freedom of Information Act 2000 in which you requested the following:

*I am writing to request any documentation available regarding the business operating under the name "Jayne's Baby Bank" and/or any associated entities, located at:*

*5 Crane Street / 1 Commercial Street  
Pontypool High Street  
NP4 6LY*

*Specifically, I am seeking records related to:*

- *Inspection reports*
- *Licenses or permits*
- *Contracts*
- *Council fees*
- *Any other documents pertaining to the business's operations*

The Council responded by email on the 2<sup>nd</sup> September 2025 firstly at 16:49, a subsequent response was sent at 17:12. The email of the 17:12 is the substantive response by the Council to your request.

The response was lengthy and is appended to this letter at Appendix 1.

You responded on 2<sup>nd</sup> September 2025 at 19:21 making a request for an internal review. Your request for an internal review does not appear to dispute the information provided or the exemptions applied. Your request is a series of questions as set out below:

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1. Why the subject of the FOI had possession of FOI Ref 25/376 content and the reference number of the requestor?
2. What was shared with the business, when and by whom (including whether a draft response or the final attachments were provided)?
3. The Council's justification for releasing FOI reference details and response content to the subject of the request before the statutory recipient.
4. Confirmation of whether a consultation log exists and provision of this in full (dates, names and precise wording shared).
5. A clear explanation of how the Council will ensure that requestors are not disadvantaged in this way in future.
6. I also ask for a document schedule (as required under FOIA s17) covering all items within scope of my request (inspections reports; licences / permits; contracts; council fees; other records). For each record please state whether it is held, disclosed, or withheld, and the specific exemption relied upon.

As part of your request, you also made a data protection complaint. This complaint does not form part of this internal review and has been passed to the Council's Data Protection Team for a response.

### **Questions 1, 3 and 5**

The questions posed in questions 1, 3 and 5 set out above are not requests for information under the Freedom of Information Act 2000 as they do meet the requirements of Section 8 of the FOIA. They are not a request for recorded information but instead seek further explanation of the Council's actions in responding to your original request.

I will by way of advice and assistance confirm that the Council is under a statutory obligation to answer requests made to it for information under the Freedom of Information Act 2000. In doing so it adheres to the Cabinet Office "Freedom of Information Code of Practice". Part 3 of the Code deals with consultation with third parties. In consulting with the subject of the FOI request the Council is meeting the requirements of Part 3.

[CoP FOI Code of Practice - Minor Amendments 20180926 .pdf](#)

### **Questions 2, 4 and 6**

In respect of questions 2, 4 and 6 these questions in my view do meet the requirement of Section 8 of the FOIA. Rather than deal with these matters as a separate request for information I will respond to them as part of this internal review request.

**Question 2: What was shared with the business, when and by whom (including whether a draft response or the final attachments were provided)?**

Please see attached emails at Appendix 2.

You will note that some information within the emails has been redacted. This is because the exemption in Section 40(2) of the FOIA is engaged in relation to this information for the following reasons:

"Personal data" means any information relating to an identified or identifiable living individual.

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“Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to -

- an identifier such as a name, an identification number, location data or an online identifier, or
- one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

In my view the withheld information identifies and relates to a third party individual.

On that basis I must consider whether the disclosure of that information to a member of the public would contravene any of the data protection principles. This identification would breach the first data protection principle as set out in Article 5 of the General Data Protection Regulation which states:

1. Personal data shall be

- a. Processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

I believe releasing the information into the public domain as requested would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

This is an absolute exemption and does not require a public interest test

**Question 4: Confirmation of whether a consultation log exists and provision of this in full (dates, names and precise wording shared).**

No consultation log with third parties exists.

The only log held is an “FOI Log” of the progress of each FOI request for internal purposes only. Please provide clarification as to whether this is the information you are requesting.

**Question 6: I also ask for a document schedule (as required under FOIA s17) covering all items within scope of my request (inspections reports; licences / permits; contracts; council fees; other records). For each record please held whether it is held, disclosed, or withheld, and the specific exemption relied upon.**

I do not believe that the Council is obliged to provide you with a document schedule, it has supplied you with all information held by it and indicated where it has applied exemptions. In any event, for the avoidance of doubt:

<u>Type of Record</u>	<u>Held</u>	<u>Disclosed</u>	<u>Exemption Applied</u>
Inspection Reports			
Date: 04.07.25	Yes	Yes	N/A
Date: 21.02.24	Yes	Yes	N/A
Date: 15.12.23	Yes	Yes	N/A
Licences and Permits			
None held	N/A	N/A	N/A
Contracts			
None held	N/A	N/A	N/A
Council's Fees			
None held	N/A	N/A	N/A

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Other Records			
Date: 04.12.23 Land Charges Search	Yes	Yes	N/A
Date: 03.09.24 Record of allegation of owner dumping trade waste	Yes	Yes	N/A
Date: 03/10/23 Record of Complaint about possible trade waste	Yes	Yes	N/A
Business Rates Information	Yes	No	Exemption applied: S31(1)(a) Law Enforcement

That concludes my review and I trust that this answers your request. If you are not content with the outcome of this review then you may apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff CF10 2HH Telephone Number 0330 414 6421 or email [Wales@ico.org.uk](mailto:Wales@ico.org.uk).

Yours sincerely

P Ellis

**Polly Ellis**

**Head of Legal Services | Pennaeth Gwasanaethau Cyfreithiol**

**Legal Services/Gwasanaethau Cyfreithiol**

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**APPENDIX A RESPONSE TO REQUEST DATED 2<sup>ND</sup> SEPTEMBER 2025 (17:12)**

Dear Ms Holmes

Please disregard my previous response which is to be replaced with the response below:-

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Dear Ms Holmes

Further to your e-mail below, requesting information under the Freedom of Information Act 2000, I am now in a position to respond to your questions as follows:

**I am writing to request any documentation available regarding the business operating under the name “Jayne's Baby Bank” and/or any associated entities, located at:**

**5 Crane Street / 1 Commercial Street  
Pontypool High Street  
NP4 6LY**

**Specifically, I am seeking records related to:**

- **Inspection reports**
- **Licenses or permits**
- **Contracts**
- **Council fees**
- **Any other documents pertaining to the business's operations**

Please see attached documents

\*I can confirm that we do hold information in relation to Business Rates. However, we consider that the information is exempt from disclosure under Section 31(1)(a) - Law enforcement. Disclosure of this information would be likely to prejudice the prevention or detection of crime.

Section 31(1)(a) is a qualified exemption and therefore is subject to the Public Interest Test. Section 31(1)(a) provides an exemption where prejudice could be caused to allow potential fraudsters to use the information to identify business entities which were entitled to claim credits on their accounts. Once such a business had been identified, there would be a number of avenues open to the fraudsters to seek to obtain funds.

To use this exemption we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure

- Withholding the information could be perceived as the council attempting to retain monies that belong to the public.
- It is in the public interest to be open and transparent about our use of public funds.
- It is also in the public interest to provide some transparency regarding the records we hold in respect of the administration of business rates. This could be of interest to the minority of people

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who are due a refund but have somehow failed to receive the notifications that money is due to them.

#### Factors in favour of withholding

- There is a public interest in ensuring that monies from the public purse, such as rebates on business accounts, are not fraudulently claimed and also a public interest in not making it easier for fraud to be committed.

Our current verification procedure for refund claims is simple and cost effective. Disclosure of the requested information would result in additional verification processes needing to be implemented, at additional cost to the public which appeared disproportionate to the benefits that would accrue from disclosure. The additional verification procedures would also be likely to slow the verification process, resulting in detriment to the genuine ratepayer which would be contrary to the public interest.

In relation to any new verification processes that might be needed, these would be likely to require the production of additional documents by those claiming a rebate which would place a new administrative burden on the majority of those legitimate claimants that did not currently exist. This would be compounded by the fact that the level of scrutiny of those documents would be higher than at present, given the increased suspicion that some of the claims (and associated documents) might well be fraudulent. The result would be that a new verification process would be likely to slow the rate at which credit balance claims could be considered and refunded, causing delay in all refunds and the likelihood of complaints, which would further burden our limited resources.

Disclosure of the requested information would result in the need to implement disproportionate steps and additional expense to the public purse to counter an increased fraud risk that do not exist at present.

The cost consequences of a successful fraudulent claim would:

- have incurred the cost of paying out to the fraudster;
- remain liable to the legitimate rate payer for an equivalent amount, raising the prospect of paying out twice; and
- be faced with the cost (legal and incurrence of internal management time) of seeking to recover the funds wrongly paid to the fraudster.

It would not be in the public interest to expose it to such potential costs and expenses, given that they would be funded from the public purse.

It is considered that the greater public interest, therefore, lies in not providing the information at this time. In coming to that conclusion, the public interest in providing the information has been carefully weighed against any prejudice to the public interest that might arise from withholding the information; in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. This response, therefore, acts as a refusal notice under section 17 of the FOIA.

S31(1)(a) Law Enforcement also states that information is exempt if its disclosure under the Act would or would be likely to prejudice the prevention or detection of crime. There is a concern that

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disclosure of the information would confirm the unoccupied status of properties, which may lead to heightened criminal activity such as vandalism and criminal actions to the detriment of the owner.

There have been several publicised incidents across the borough over recent years. Below are links to relevant media stories that detail the illegal misuse of unoccupied commercial premises:

[Major cannabis factory seized in Abersychan as man charged | South Wales Argus](#)

[The disused town centre properties which become prime real estate for cannabis factories](#)

[Illegal immigrants ran cannabis farm at old Blaenavon club | South Wales Argus](#)

[Men in court charged with growing cannabis in Pontypool | South Wales Argus](#)

The ICO describes the “mosaic effect” as harm that might occur if disclosed information is combined with other related information that is in the public domain. In some cases, a full charge would only apply when an empty relief has expired, or a particular firm would only be liable when there is no tenant. These pieces of information may be used to form a bigger picture and identify the unoccupied properties.

In the First Tier Tribunal decision [Microsoft Word - EA-2011-0007\\_2013-01-22.doc](#), there is detailed consideration of the link between identifying empty properties and criminal activities. Whilst that related to residential properties, we consider that the link remains with commercial properties. In this Authority’s case, the examples provided show that the risk of illegal misuse of properties is real, and providing information would enable easier location of sites.

This exemption is subject to the public interest test. This means that the information can be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure. The matters which were considered in applying the public interest test are as follows:

The factors in favour of disclosure

- Public awareness about the availability of properties and the associated charges and reliefs.
- Transparency about our use of public funds in the administration of business rates.
- Accountability that records are being administered accurately and efficiently.

The factors against disclosure

- The increased danger of criminal damage and activity within the properties. Withholding the data enables property owners to better protect their properties against criminal damage or other invasive activity.
- The cost implications of repairing damage to properties, which in some cases may come from the public purse.
- Residents living in close proximity will also be affected by crime committed in the area, they have a reasonable expectation of feeling secure in their homes.

In view of the above, it is considered that disclosure would be likely to prejudice the prevention of crime and release would therefore not be justified by a wider public interest.

Additionally, we are withholding this under the exemption Section 41 - Information provided in confidence. Section 41 states:-

(a) Information is exempt information if it was obtained by the public authority from any other person (including another public authority),

and

(b) The disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

The Council holds information in relation to Non-Domestic Rates and makes a demand each year. The Council publishes a Privacy Notice and also specifically provides further explanatory notes.

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The Council's General Privacy Notice for Revenue and Benefits was updated 12/03/2021 and states:-  
*"Your data may also be shared externally with organisations to either store personal information or help us deliver our services to you. We may also share your personal information when we feel there is a good reason that's more important than protecting your privacy; For example, we may share your information for the prevention and detection of fraud. Those that we share your information with may include, but not be limited to;*

- *Other Council services and departments;*
- *Bodies investigating or processing claims;*
- *Public sector agencies e.g. Department for Work and Pensions, HMRC, other local authorities, Valuation Office Agency, Welsh Government*
- *Private sector companies engaged by the authority such as credit reference agencies; enforcement agents*
- *Bodies working to prevent fraud and supporting national fraud initiatives.*

*Whilst managing the Covid-19 pandemic Welsh Government have issued a number of grants to assist business during this difficult time. The information collected as part of the grant process may be shared with Welsh Government, Welsh Local Government Association and National Fraud Office. Apart from where previously stated, we do not pass your details to third parties unless we are lawfully required to do so.*

*We will not share your information with third parties other than those specified above"*

<https://www.torfaen.gov.uk/en/Related-Documents/Data-Protection-and-Freedom-of-Information/Privacy-Notices/Resources/Revenues-and-Benefits-Privacy-Notice.pdf>

More specifically the Non-Domestic Rates – Explanatory Notes, updated on 10/03/2021, state:-

*"Data Protection*

*The information that the Council holds in relation to Business Rates will be treated as confidential, personal data will be processed as permitted in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (GDPR) from 25th May 2018. Information may be shared with other Council services for the purposes of fraud prevention and detection and to comply with any legal and regulatory requirements. This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for these purposes. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes".*

<https://www.torfaen.gov.uk/en/Related-Documents/BusinessRates/Business-Rates-Explanatory-Notes.pdf>

The Council's position is that the reasonable expectation on the part of business rate payers when providing information is now that it would only be used for this purpose of meeting this legal obligation apart from circumstance in which the Council is legally obliged to share information to detect and prevent fraud.

Section 41 is an absolute exemption and on that basis there is no public interest test to be carried out under FOIA. However, there is a public interest defence for breach of confidence and the Council does need to consider whether there is a public interest in disclosure which overrides the competing public interest in maintaining the duty of confidence.

The Council has identified that there is a public interest in knowing that the Council is properly collecting business rates and the promotion of economic development opportunities although the Council's position is that this can be achieved through other means.

On balance the Council concluded that there is insufficient public interest to warrant overriding the confidence expected by non-domestic rate payers.

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The Council's position is that the general common law principle of confidentiality is consistent with the meaning of section 41(1) of the FOIA and the exemption provided by section 41(1) should be applied to the whole of the requested information since the date of the last published dataset produced on 02/02/2021. The Council believes that an actionable breach of confidence would arise should it release the withheld information into the public domain without the consent of individual account holders on that basis section 41 (1) is engaged and accordingly the Council is not obliged to disclose the information.

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If you have any queries about this letter or are unhappy about the service you have received in relation to your request and wish to make a complaint or request a review, please do not hesitate to contact me in writing. A request for an internal review should be made within 40 working days of the date of the response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office (Wales) cannot make a decision unless you have exhausted the complaints procedure provided by this Council. The Information Commissioner can be contacted at: The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 0330 414 6421 or e-mail [Wales@ico.org.uk](mailto:Wales@ico.org.uk).

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## **APPENDIX 2: THIRD PARTY CONSULTATION EMAILS**

**From:** TCBC - FOI <FOI@torfaen.gov.uk>

**Sent:** 22 August 2025 12:40

**To:** [REDACTED]

**Subject:** Freedom of Information Request regarding Jayne's Baby Bank - Ref:25/376

Dear 'Jayne's Baby Bank'

We wish to make you aware that Torfaen Council have received the following Freedom of Information Request:

**I am writing to request any documentation available regarding the business operating under the name "Jayne's Baby Bank" and/or any associated entities, located at:**

**5 Crane Street / 1 Commercial Street  
Pontypool High Street  
NP4 6LY**

**Specifically, I am seeking records related to:**

- **Inspection reports**
- **Licenses or permits**
- **Contracts**
- **Council fees**
- **Any other documents pertaining to the business's operations**

**Any information or documentation you can provide under the Freedom of Information Act would be greatly appreciated**

We intend to provide documentation from Trading Standards and Environmental Health and withhold Business Rates. if you have any comments, please let us know by 29<sup>th</sup> August.

Kind regards

[REDACTED]  
**Senior Business Support Officer (Complaints/FOI) / Uwch Swyddog Cymorth Busnes (Cwynion/Rhyddid Gwybodaeth)**

**Resources Directorate/Cyfarwyddiaeth Adnoddau**

**Torfaen County Borough Council / Cyngor Bwrdeistref Sirol Torfaen**

**Phone/Ffôn:** [REDACTED]

**Email/E-Bost:** [REDACTED]

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**[www.torfaen.gov.uk](http://www.torfaen.gov.uk)**

**From:** TCBC - FOI <FOI@torfaen.gov.uk>

**Sent:** 27 August 2025 12:01

**To:** [REDACTED]

**Subject:** RE: Freedom of Information Request regarding Jayne's Baby Bank - Ref:25/376

Good morning

Thank you for your response.

We are unable to disclose who has asked for the information under FOI, however, please be assured that we will not be releasing any personal information. For awareness, I have included the above attachments of the information that we are obliged to release under the Freedom of Information Act.

If you have any further comments, please respond by 29<sup>th</sup> August.

Kind regards

[REDACTED]  
**Senior Business Support Officer (Complaints/FOI) / Uwch Swyddog Cymorth Busnes (Cwynion/Rhyddid Gwybodaeth)**

**Resources Directorate/Cyfarwyddiaeth Adnoddau**

**Torfaen County Borough Council / Cyngor Bwrdeistref Sirol Torfaen**

**Phone/Ffôn:** [REDACTED]

**Email/E-Bost:** [REDACTED]

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**\*Two attachments:** as provided to you previously in response to your request.

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