

Freedom of Information – Response – 26591

I am writing under the Freedom of Information Act 2000 to request a copy of any enforcement notice(s) relating to fire safety that have been issued to the following management company:

- *Company Name: Anthem Management Ltd*
- *Building Address: Thamesbourne Lodge, Station Road, Bourne End, SL8 5QH,*
- *Timeframe (if known): dating back 2023*

Specifically, I am requesting any enforcement notice issued under the Regulatory Reform (Fire Safety) Order 2005 or related fire safety legislation.

Suffolk County Council can confirm that this information is held however, it is being withheld under s.30 Investigations and Proceedings and s.31 Law Enforcement of the Freedom of Information Act 2000 (FOIA.)

Section 30 – Investigations and Proceedings

The information requested is being withheld under s.30 due to it relating to a live investigation currently being conducted with a view to ascertaining whether a person should be charged with an offence or is liable to civil proceedings. Disclosing this information at this stage would likely compromise the integrity of the investigation and any subsequent enforcement action.

s.30 is subject to the public interest test. This means that even if information is exempt, a public authority is under a duty to consider whether disclosure should nevertheless be made in the public interest.

Factors in favour of disclosure:

- Further understanding of, and participation in, the debate of issues of the day.
- Facilitate the accountability and transparency of Suffolk Fire and Rescues decisions.
- Facilitate openness and transparency in Suffolk Fire and Rescues affairs.

Factors in favour of withholding:

- There is a public interest in maintaining trust and preserving a free flow of information to a public authority where this is necessary for the public authority to perform its statutory functions.
- Would prejudice Suffolk Fire and Rescues ability to prosecute a criminal case to the best of their ability in a fair and unbiased manner.
- Could lead to an adverse impact on the validity/fairness or progress of the trial if the information was released, particularly as the investigation is currently live.
- Would likely cause significant waste of public money if any trial or investigation is postponed or impeded and will have a negative impact on Suffolk Fire and Rescues ability to carry out their duties.

It is accepted, under the legislation, that there is a presumption that information will be disclosed. However, in consideration of the circumstances of this request, it is determined (at this time) that the public interest in withholding the information outweighs the public interest in its disclosure for the reasons identified above.

Accordingly, it is considered reasonable in all the circumstances that the information should be withheld from disclosure.

Section 31 – Law Enforcement

The information requested is also being withheld under s.31 of FOIA as disclosure would likely prejudice Suffolk Fire and Rescue Services functions/exercise in ascertaining whether any person is responsible for conduct which is improper or unlawful. In this case, should the information be released, its disclosure would likely prejudice ongoing compliance checks and enforcement processes under fire safety legislation

s.31 is subject to the public interest test. This means that even if information is exempt, a public authority is under a duty to consider whether disclosure should nevertheless be made in the public interest.

Factors in favour of disclosure:

- Further understanding of, and participation in, the debate of issues of the day.
- Facilitate the accountability and transparency of Suffolk Fire and Rescues decisions.
- Facilitate openness and transparency in Suffolk Fire and Rescues affairs.

Factors in favour of withholding:

- Disclosure could prejudice the investigation by revealing details that may influence evidence gathering or cooperation from involved parties.
- Premature release may compromise potential legal proceedings or enforcement measures, reducing their effectiveness.
- Information taken out of context during an active investigation could lead to inaccurate assumptions about compliance or culpability.
- Disclosure could unfairly damage reputations before the investigation concludes and findings are confirmed.

It is accepted, under the legislation, that there is a presumption that information will be disclosed. However, in consideration of the circumstances of this request, it is determined (at this time) that the public interest in withholding the information outweighs the public interest in its disclosure for the reasons identified above.

Accordingly, it is considered reasonable in all the circumstances that the information should be withheld from disclosure.

