

Freedom of Information Request – Response – 27809

I'd like to make a request under the Freedom of Information Act 2000 about the council's Constitution and any work being done on it since the election.

I've been following how several councils have been reviewing their constitutions and rules of procedure over the past year, and I'd like to understand what, if anything, is happening at Suffolk. My request runs from 7 May 2026 to the date you receive this.

What I'd like to know:

1. Whether any review of the Constitution, or of any part of it, is underway, planned or has been completed — even if it isn't being called a constitutional review — including any review of the Rules of Procedure, standing orders or member protocols on their own. If so, what prompted it, who asked for it, when, what it covers, and what the timetable is.

Suffolk County Council (SCC) has not undertaken a review of the Constitution.

2. Any proposed or draft amendment to the Constitution, whether or not it has yet gone to a committee, together with any note explaining what each change would do.

SCC does not hold a proposed or draft amendment to the Constitution.

3. Any advice, briefing or report prepared for members or officers about changing any part of the Constitution, including the Rules of Procedure, the scheme of delegation, the scrutiny arrangements, the call-in procedure, the rules on questions and motions at Council, or the Members' Code of Conduct, or any protocol, guidance or procedure note affecting how councillors ask questions, obtain information from officers, or comment publicly, whether or not it forms part of the Constitution itself.

SCC does not hold any advice, briefing or report prepared for members or officers about changing any part of the Constitution.

4. Whether any external adviser, law firm, consultant or membership body has been asked for advice or assistance on constitutional or governance arrangements, who they are, what they were asked, and what it has cost.

Counsel was consulted about governance arrangements, at the time of your request final costs are not held but are being prepared.

Any information beyond that already disclosed is exempt from disclosure under section 42 of the Freedom of Information Act 2000 (FOIA.) s.42 enables a public authority to protect confidential communications between a client (SCC) and their legal advisor which have been made for the purpose of seeking and receiving legal advice. The ability of a client to seek and obtain frank legal advice in confidence is a fundamental principle of the legal system.

As s.42 is a qualified exemption SCC have also considered the public interest test.

Factors in favour of release:

- Promoting transparency and accountability.
- Providing greater public understanding of decisions.

Factors in favour of withholding:

- There is a strong and well-established public interest in preserving professional privilege and enabling public authorities to obtain full and frank legal advice in confidence.
- Disclosure would undermine the confidentiality of communications between SCC and its legal advisers.
- Releasing additional information to that already provided would likely inhibit SCC's ability to seek candid legal advice in the future and would weaken the protection afforded by Legal Professional Privilege.

Having considered the public interest test SCC has concluded that the public interest test in maintaining the exemption outweighs the public interest in disclosure and is therefore withholding the remaining information under s.42.

5. Any correspondence with another local authority, or with officers or members of another local authority, about constitutional arrangements, rules of procedure, scrutiny, call-in, or the conduct of council meetings. If the council has obtained or been sent another authority's constitution, amendments or committee papers on these subjects, I'd like to see what was obtained and from whom.

Monitoring Officer to Monitoring Officer correspondence in relation to governance being withheld under s.42 and s.36 of FOIA.

s.36 enables a public authority to withhold information where, in the reasonable opinion of the Qualified Person, disclosure would be likely to inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. In this case disclosure would also be likely to prejudice the effect conduct of public affairs.

The correspondence was exchanged in confidence to enable a frank discussion of governance and procedural matters. Local authorities must be able to seek candid views and professional advice from their counterparts when considering sensitive constitutional and governance issues. Disclosure of such exchanges would be likely to discourage officers from providing similarly frank and comprehensive advice in future, or result in advice being offered in a more guarded manner. This would reduce the quality of deliberation and decision making available to public authorities.

As s.36 is a qualified exemption SCC must consider the public interest test.

Factors in favour of disclosure

- Promoting openness and transparency in relation to SCC's governance arrangements.
- Enhancing accountability regarding the information and advice taken into account by SCC.

Factors in favour of withholding

- SCC must be able to obtain and exchange candid professional advice when considering governance and constitutional matters, releasing this information would weaken this ability.
- Disclosing the requested information would likely inhibit the willingness of officers in local authorities to provide frank views on sensitive matters in the future,
- SCC and other public authorities require a private space in which to discuss and test views before reaching decisions. The Information Commissioners Office (ICO) recognises that s.36 can protect such deliberative processes where disclosure would harm their effectiveness.
- Releasing the requested information would likely undermine the ability of local authorities to seek informal governance advice from experienced peers.

Having considered the public interest test SCC has concluded that the public interest test in maintaining the exemption outweighs the public interest in disclosure and is therefore withholding the remaining information under s.36.

The information requested also captures legal advice provided by another Monitoring Officer acting in their professional legal capacity. Disclosure of the correspondence of details of the advice provided would disclose information subject to legal professional privilege or enable the substance of that advice to be inferred.

As s.42 is a qualified exemption SCC have also considered the public interest test.

Factors in favour of release:

- Promoting transparency and accountability.
- Providing greater public understanding of decisions.

Factors in favour of withholding:

- There is a strong and well-established public interest in preserving professional privilege and enabling public authorities to obtain full and frank legal advice in confidence.
- Disclosure would undermine the confidentiality of communications between SCC and other local authorities more generally to obtain legal advice in confidence..
- Releasing additional information to that already provided would likely inhibit SCC's ability to seek candid legal advice in the future and would weaken the protection afforded by Legal Professional Privilege.
- Releasing the requested information would prejudice the confidentiality attached to legal advice and would weaken the protection afforded by Legal Professional Privilege.

Having considered the public interest test SCC has concluded that the public interest test in maintaining the exemption outweighs the public interest in disclosure and is therefore withholding the remaining information under s.42.

6. Any record of a councillor or officer raising a concern, difficulty, frustration or criticism about the Constitution or the Rules of Procedure, or suggesting that any part of them should be changed. I'm thinking of things like complaints that a procedure is cumbersome, that meetings take too long, that questions or motions are being used unhelpfully, that call-in is being overused, or that dealing with councillors' enquiries and requests for information takes up too much officer time.

SCC can confirm that information is held that falls within the scope of this request however it is being withheld under s.40 and s.36 of FOIA.

s.36 – Effective conduct of public affairs

The information requested comprises of internal discussions, opinions, concerns and observations expressed by officers and/or councillors regarding constitutional and procedural matters. In the reasonable opinion of SCC's qualified person, disclosure of this information would likely inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. Disclosure would also be likely to prejudice the effective conduct of public affairs. The ICO recognises that s.36 may be

applied where disclosure would inhibit candid discussions and undermine the ability of public authorities to deliberate effectively on sensitive issues.

It is vital to the effective running of SCC that officers and councillors can raise concerns, frustrations, observations and make suggestions regarding governance arrangements and constitutional procedures in a candid manner. Such discussions assist SCC in understanding whether its governance arrangements remain effective and whether procedural improvements may be required.

Releasing the comments made during internal deliberations would likely discourage participants from expressing views fully and frankly in the future, particularly where those views are critical of existing processes or identify operational difficulties. This would reduce the quality of internal discussions and hinder SCC's ability to consider and evaluate governance matters effectively.

As s.36 is a qualified exemption SCC must consider the public interest test.

Factors in favour of disclosure

- Promoting openness and transparency in relation to SCC's governance arrangements.
- Increase public understanding of concerns raised.

Factors in favour of withholding

- SCC requires a protected safe space for candid discussions on governance and constitutional matters.
- Officers and councillors must be able to express concerns, criticisms and suggestions without concern that their comments will be subsequently disclosed publicly.
- Disclosure would likely inhibit future contributions and weaken the quality of internal deliberation and decision making.
- In order to run SCC effectively there must be robust and frank internal discussions take place and there is a public interest in ensuring these can continue by protecting the safe space in which they occur.

Having considered the public interest test SCC has concluded that the public interest test in maintaining the exemption outweighs the public interest in disclosure and is therefore withholding the remaining information under s.36.

s.40 – Personal Data

In addition, some of the requested information constitutes personal data relating to identifiable individuals, including officers and councillors.

Disclosure of such information into the public domain under the Freedom of Information Act would contravene the data protection principles set out in the UK General Data Protection Regulations and the Data Protection Act 2018. The information is therefore exempt from disclosure under section 40(2) of the Freedom of Information Act.

SCC considers that the individuals concerned would have no reasonable expectation that comments expressed during internal discussions on governance and procedural matters would subsequently be disclosed to the public under FOIA.

7. Any communications plan, handling note, lines to take, draft statement or press briefing relating to constitutional change or to any review of the Constitution.

SCC does not hold any communications plan, handling note, lines to take, draft statement or press briefing relating to constitutional change or to any review of the Constitution.

8. If any group, working party, board or panel — whatever it is called, and whether formal or informal, member-level or officer-level — is looking at, has looked at, or is planning to look at any of the matters above, its current terms of reference and membership, and its meeting dates, agendas and minutes since 7 May 2026.

Suffolk County Council holds no recorded information falling within the scope of this request.

Between 7 May 2026 and 21 August 2026, no group, working party, board or panel, whether formal or informal, member-level or officer-level, was established, convened or tasked with considering constitutional arrangements, rules of procedure, scrutiny, call-in procedures, or the conduct of council meetings.

Accordingly, the Council holds no terms of reference, membership lists, meeting dates, agendas or minutes falling within the scope of this request.

A meeting of the Constitution Working Party was originally scheduled for 25 June but the meeting didn't go ahead and no agenda was produced.

Where changes to the Council's Constitution are put forward, these are presented to the Constitution Working Party; agreed changes are then submitted to a County Council meeting for agreement.

Any such papers can be found by searching the Council's [published database of committee papers](#) by selecting 'County Council' as the committee and using the search term 'Constitution' in the title box.

