

Freedom of Information Request – Response – 27842

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Could you please provide any documentation or correspondence held by Suffolk County Council, including that sent to, received by or exchanged between the leader, cabinet members, political advisers, relevant officers and any external consultants or organisations acting on behalf of Suffolk County Council, since May 8 regarding the following:

- Full briefs given to officers regarding financial savings.*

Please include any criteria, methodology, scoring system or guidance given to officers for identifying, assessing or prioritising potential financial savings, as well as any instructions concerning the minimum target level of savings expected.

- Any options presented by officers regarding financial savings.*
- Any implementation, one-off, redundancy, transition or other costs associated with each saving.*
- Any future modelling for savings.*
- Any risk assessments attached to these options.*
- Any decisions made regarding these assessments, including those rejected, deferred or removed from consideration, including reasons for doing so.*

This request includes (but is not limited to) emails, letters, meeting minutes, notes of meetings, internal or external advice, WhatsApp messages, SMS/text messages and any other recorded information concerning the above.

Where documents/conversations are part of a bigger chain, please include the whole chain for context.

Suffolk County Council (SCC) can confirm that it holds this information however, it is being withheld from disclosure under s.12, s.22 and s.36 of the Freedom of Information Act 2000 (FOIA).

Section 22 – Information intended for future publication

SCC is withholding the information under s.22 of FOIA which provides an exemption from disclosure where information is held with a view to publish it at the time the request was received.

The information you have requested forms part of SCC's budget setting process. The budget, including proposed savings and the assumptions that underpin them is intended to be published through SCC's formal budget reports that will be presented to Cabinet and Council in the New Year. The reports will provide detailed and comprehensive information regarding proposed savings and associated financial planning. Therefore, SCC considers

that the information requested was held with a settled intention of publishing the reports in the future at the time your request was received.

As s.22 is a qualified exemption we must consider the Public Interest Test before it can be fully engaged.

Factors in favour of release:

- Promoting openness and transparency regarding SCC's financial planning and decision-making.
- Enhancing public understanding of proposed savings options and budget development.

Factors in favour of withholding:

- There is a strong public interest in ensuring that budget proposals are released in a complete, accurate and contextualised form through SCC's governance and decision-making processes.
- Disclosing draft and evolving information ahead of publication risks creating a misleading or incomplete picture of proposals that continue to be developed and refined.
- SCC has a clear intention to publish the information as part of the formal budget-setting process, and it is reasonable to withhold the information until that publication takes place.
- Alongside the intention to publish staff time has already been set and allocated for the formal budget-setting process and publishing process to bring that forward would mean removing staff from carrying out the work allocated to them at the time impacting negatively on SCC's ability to provide services to the citizens of Suffolk.

Having considered the public interest arguments SCC considers the public interest favours applying the exemption and therefore is withholding the information under s.22 of FOIA.

s.36 – Prejudice to the effective conduct of public affairs

SCC is also withholding the information under s.36(2)(b)(i), (ii) and s.36(2)(c) of FOIA. s.36 enables a public authority to withhold information where disclosure would or would be likely to inhibit the free and frank provision of advice, inhibit the free and frank exchange of views for the purposes of deliberation and otherwise prejudice the effective conduct of public affairs. In order to engage this exemption SCC's monitoring officer must, in their reasonable opinion, agree that disclosure would be likely to have those effects.

The information requested relates to savings proposals that are still under development and subject to ongoing review, challenge and discussion between officers and elected members. The proposals remain a work in progress and are continuing to evolve as part of the budget setting cycle.

SCC considers that disclosure at this stage would be likely to inhibit the free and frank exchange of views and advice necessary for robust financial planning and challenge. It would also be likely to prejudice the effective conduct of public affairs by undermining the space required for officers and members to develop, test and refine options before formal decisions are reached. Guidance from the Information Commissioners Office (ICO) recognises that s.36 may be engaged where disclosure would inhibit free and frank advice

or discussion or where a public authority requires a 'safe space' to formulate and develop policy and decisions.

As well as agreement from the Monitoring Officer s.36 also requires a public interest test to be carried out before it can be fully engaged.

Factors in favour of release:

- Transparency and accountability in relation to SCC's financial planning.
- Supporting the participation of the public in matters affecting expenditure.

Factors in favour of withholding:

- SCC must protect the ability of officers and members to engage in candid discussions and challenges during the formulation of savings proposals.
- It is vital that SCC preserves an appropriate safe space for deliberation while options remain under active considerations.
- SCC must avoid prejudicing the ongoing budget development process and decision-making arrangements.
- Proposals must be able to be properly developed and considered through SCC's governance processes before they are presented publicly.
- There is already a decision in place for the information to be published once it has been finalised and through the governance processes.

Based on the public interest test SCC has concluded that the interest in maintaining the exemption outweighs that of release at this present time and is therefore withholding it under s.36 of FOIA.

s.12 – Cost of compliance exceeds the appropriate limit

In addition to both s.22 and s.36 SCC also considers that complying with your request would exceed the appropriate limits as set out in s.12 of FOIA. Under guidance from the ICO local authorities may refuse to comply with requests where the cost of determining whether information is held, locating it, retrieving and extracting that information would exceed £450 or 18 hours of work at £25 per person, per hour.

Your request seeks a very broad range of information including emails, correspondence, meeting notes, messaging records, advice, spreadsheets, reports and other documentation across multiple service areas, officers, members and external parties.

SCC's process for identifying and assessing savings is undertaken across all service areas. SCC holds budget templates and savings proposals across more than 50 service areas, together with associated emails, working papers, spreadsheets and supporting records. Locating, retrieving and extracting all information falling within the scope of your request would require searches across a substantial number of systems, records and individuals and would significantly exceed the 18-hour cost limit.

Much of the financial information relating to savings proposals, together with the assumptions that underpin them, is intended to be published as part of the Council's budget-setting process once it has been presented to Cabinet and Council in the New Year.

Once this information has been published, if you have further questions about a particular proposal, service area or aspect of the published information, you may wish to submit a more focused request. By refining the scope of your request to specific savings proposals, service areas, time periods or categories of information, the Council may be able to provide information that falls within the cost limits set out in the Act.

The Council would be happy to consider any such refined request on its merits once the budget documentation has been published.