



30th May 2025

Further to your information request FOI/EIR 25/26-094, made to Swaffham Bulbeck Parish Council on 1st May 2025, please find your question and our response below.

Request:

Under the Freedom of Information Act, I request the following information held by Swaffham Bulbeck Parish Council:

1. A copy of the letter sent by the Clerk on behalf of Swaffham Bulbeck Parish Council to the Monitoring Officer at East Cambs District Council in November 2024 regarding the error in reporting a vacancy on the Parish Council following the resignation of Cllr N Bates. Contained within this letter was reference to members of the former (Climate Change) working group in which I can be identified. The Monitoring Officer has confirmed this information in written communication to me.
2. The names of Swaffham Bulbeck Parish Councillors who received a copy of the above letter.

Response:

1. As the “qualified person” for East Cambridgeshire District Council under s36(5)(o)(ii) Freedom of Information Act 2000 (“FOIA”), the Monitoring Officer of East Cambridgeshire District Council is of the reasonable opinion that to disclose the information that has been requested would, under s36(3) FOIA, otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs. Your request is therefore refused for the following reasons:

The Clerk to Swaffham Bulbeck Parish Council must have the greatest possible confidence in seeking the advice and services of the District Council’s Monitoring Officer without any concern that information provided may be compromised by being revealed at a later date. The conduct of public affairs is likely to be prejudiced if Parish Council Clerks feel unable to ask for advice from the Monitoring Officer.

There is a reasonable expectation that correspondence seeking advice from the Monitoring Officer would be confidential and therefore could contain frank and free disclosure of information in seeking that advice. Such disclosure could impair the quality of decision making. It is therefore the reasonable opinion of the qualified person that disclosure of the information would otherwise prejudice, or would be likely otherwise to prejudice, the conduct of public affairs.

The qualified person has also placed weight on the “chilling effect” on communications between the Parish Council and the Monitoring Officer if disclosure, with the argued loss of frankness and candour in discussions and requests for advice, which would flow from the disclosure of information.

In addition, the District Council needs a “safe space”, away from public scrutiny, in which to reach decisions and provide advice. It is the reasonable opinion of the qualified person that the disclosure of information would or would like to prejudice the District Council’s ability to make

decisions in such a “safe space” and for these reasons, it is not in the public interest to disclose the information requested.

2. The District Council has been advised that, in relation to the second part of the FOI request, the letter was only shared with the Chairman of Swaffham Bulbeck Parish Council as a matter of courtesy, as the Clerk to Swaffham Bulbeck Parish Council was going on annual leave shortly after receipt of the letter and actions may have been required in her absence.

This concludes your request FOI/EIR 25/26-094.

If information has been refused, please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.