



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
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Further to your information request FOI/EIR 23/24-131, please find your question and our response below.

Request:

Please may you provide me, in Microsoft Excel or an equivalent electronic format, with a list of invoices that were not paid within 30 days for the last 6 financial years (2017/18 to 2022/23 inclusive) which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

- The name of the Supplier
- Supplier email address
- Supplier company registration number
- Supplier postal address
- Supplier telephone number
- Supplier website
- The date of the invoice
- The invoice references
- The gross value of the Invoice
- The date the invoice should have been paid by
- The actual payment date of the invoice
- The total amount of interest liability due to late payment of the invoice
- The total amount of interest paid to the supplier due to late payment of the invoice.

Response:

The below table provides information as to the number of invoices that were not paid within 30 days in the years you request. It is not believed that any late payment charges were incurred.

	Total Invoices Paid	Number Late	%
2017/18	3,568	175	4.90
2018/19	2,757	84	3.05
2019/20	3,183	81	2.54
2020/21	2,394	47	1.96
2021/22	2,860	68	2.38
2022/23	3,175	39	1.23

The remaining information requested is being withheld under Section 43 – Commercial Interests

In respect of those requests that are answered in full, partially or the total refused, please take this as notice under FOIA, that we:

- a) Consider the information as exempt from disclosure under the Act;
- b) Claim exempt under sections of the Act:

Section 43(2) Commercial Interests

- c) State why the exemption applies:

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity).

Review Request:

Thank you for your response to my Freedom of Information request. I appreciate the details provided concerning the number of late invoice payments, but I am writing to express my concern regarding the invocation of Section 43 - Commercial Interests exemption for the remaining information requested.

In furthering the spirit of transparency, I would like to emphasize the significant public interest inherent in the disclosure of the requested information. This includes:

- Promoting transparency and accountability in the use of public funds.
- Ensuring that public money is being used effectively, and that the local authority is obtaining value for money when purchasing goods and services.
- Providing a better understanding of how public funds are spent, which would assist in ensuring that East Cambridgeshire Council is following proper processes.

I kindly request that the Council outlines exactly which data points from my request the exemption is being applied to. It seems unlikely that every aspect of my request would be commercially sensitive. A more granular explanation of this would be appreciated.

By invoking the Section 43 exemption, it may appear as though the Council is seeking to avoid scrutiny over its payment performance and potential liabilities for late payment compensation. It is essential to underscore that this Section should not be utilized to protect public bodies from their legal obligations, accountability, or compliance with the law. It is in the public interest to ensure that a public body pays its supply chain on time and is held accountable when it fails to do so.

The primary aim of the Freedom of Information Act is to enforce accountability for public bodies' actions, inactions, and practices, especially when they impact public finances negatively. In this regard, claiming a Section 43 exemption seems to serve the Council's purposes and obstructs due scrutiny.

In light of the above, I respectfully request that East Cambridgeshire Council reconsiders its decision. I would also appreciate your advice on how my request can be revised to align with the Council's concerns while meeting my objectives.

Review Response:

We have considered your review request and our use of the Commercial Interests exemption. We have concluded to uphold our decision to refuse your request, but as well as relying on the Commercial Interests exemption, we are also refusing under Section 12(4)(b) – Manifestly Unreasonable.

We are upholding our decision to exempt under Commercial Interests, due to the level of supplier detail requested.

East Cambridgeshire District Council believes compliance with this request would exceed the appropriate cost limit under Section 12 of the Freedom of Information Act 2000 which is £450 or 18 hours of officer time. Our finance system does not easily provide access to the information requested and therefore each individual invoice would need to be manually checked and information extracted separately. As stated in our original response, we have a total of 494 invoices over the 6-year period requested that would need to be checked. Allowing 10 minutes per invoice this would equate to over 82 hours of staff time.

With regard to your comments above about:

Promoting transparency and accountability in the use of public funds.

- *Ensuring that public money is being used effectively, and that the local authority is obtaining value for money when purchasing goods and services.*
- *Providing a better understanding of how public funds are spent, which would assist in ensuring that East Cambridgeshire Council is following proper processes.*

Information regarding how we effectively use public money, how we obtain value for money and how public funds are spent, is easily accessed through our published Open Data sets: 'Payments over £500' and the 'Contract Register' (these can be found at: <https://eastcamb.gov.uk/notices/open-data>).

This concludes your request FOI/EIR 23/24-131

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.