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dpo@southwark.gov.uk

Date: 21 October 2021

Ref: 2825691

Gerry Green
Via email to: request-797528-9a87086f@whatdotheyknow.com

Dear Gerry

Freedom of Information (FOI) Request.

I am writing in response to your request for information received by the council on 6 October 2021.

This response is being issued in line with our statutory obligations under the Freedom of Information Act (FOIA) 2000.

Your request

On February 17th in an official statement Southwark council announced that Cllr Leo Pollak has resigned from his post as Southwark council's cabinet member for housing. The statement said: "The monitoring officer will carry out a full investigation before reporting her findings publicly."

*Has the report been completed please?
If so, please could you provide a copy?
If not, why is the report taking so long to complete?*

Our response

In response to your request, we apply Section 22– Information Intended for Future Publication, thereby exempting the release of the information.

Section 22 provides an exemption for information that is intended to be published in the future. Information is exempt if, at the time when the public authority receives a request for it:

- the public authority holds the requested information;
- the public authority intends the information to be published at some future date, whether that date is determined or not; and
- in all the circumstances it is reasonable to withhold the information until its planned publication.

Section 22 is a qualified class-based exemption and consideration must be given as to whether there is a public interest in providing the information prior to the anticipated publication.

Public Interest Test

Southwark Council recognises that there is a strong public interest in demonstrating openness, transparency and accountability with regards to the Freedom of Information Act.

Disclosure of the information under FOIA would also be consistent with the council's commitment to publish data on matters of public interest.

However, we do not consider that it is in the public interest to place information into the public domain, prematurely, before pre-publication procedures have taken place.

We can confirm that whilst a draft report has been produced by the council's Monitoring Officer, the Investigating Officer is still in the process of considering representations, and the report still needs to be finalised. Hence, we do not believe that releasing the report in its current format, when it is likely to be subject to further revision, would be in the public interest.

Furthermore, we believe it is in the interest of the wider public for the report to be accessed simultaneously by the general public rather than by disclosure to a small number of individuals under the FOIA.

To conclude, we have reached the view that, on balance, the public interest is better served by withholding the draft report under Section 22 of the Act at this time.

I hope that this satisfies your request, and clarifies why we are unable to disclose the requested information at this time.

Please note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 Southwark Council ask not to receive unsolicited marketing communications.

You are free to use the information provided for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, requires the permission of the copyright holder. If you have any queries or concerns then please contact us using the above details.

Your rights

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. You should request this review within two months of receiving this response, by contacting accessinfo@southwark.gov.uk. Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your appeal you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have first exhausted our internal appeal procedure and you should contact her within two months of the outcome of the internal review. Further information on the Freedom of Information Act is available through the Information Commissioner's website at www.ico.org.uk.

Kind Regards

Hanna Gibson

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