Council expenditure and public services, core public service expenditure, senior management costs

Derby City Council has received several requests relating to Council Tax increases which asks for detailed information about expenditure on public services.

The requests cover wide ranging issues that fall under both the Freedom of Information Act 2000(FOIA) and the Environmental Information Regulations 2004(EIR)

FOIA covers general information – finance, budgets, employee recruitment, employee salaries.

EIRs covers environmental information - street cleaning, waste collection/recycling, road repairs/potholes, parks/open spaces, land development, emissions.

The Council confirms it holds information that falls within the description of the request and has provided some information.

However, we have also determined that the Section 12: Exceeds Appropriate Limit exemption and the Regulation 12(4)(b) Manifestly unreasonable – resources exception applies to some of the information.

Information Requested	FOI or EIR legislation	Council Response/Exemption/Exception.
PART ONE: COUNCIL EXPENDITURE AND PUBLIC SERVICES **SECTION 1: FULL EXPENDITURE BREAKDOWN** a.A complete, itemised breakdown of all Council Tax expenditure for the most recent complete financial year, including	FOI	**Section 12: Exceeds Appropriate limit** This absolute exemption applies 1a because it will take more than 18 hours to process this and other parts of the request – please see the

departmental allocations and all spending categories.		Section 12: Exceeds appropriate limit non-disclosure reasons at the end of this table.
SECTION 2: SPECIFIC AREAS OF CONCERN Detailed figures relating to: a.All expenditure on council buildings, including headquarters, refurbishments, and capital projects, with total costs and justifications. b.Total spending on external recruitment consultants and agencies, with a breakdown by contract or supplier where possible. c.The number of employees earning £100,000 or more, their job titles, and the total salary cost of these roles to the public purse.	FOI FOI FOI	**Section 12: Exceeds Appropriate limit** This absolute exemption applies to 2a, 2b, 2d because it will take more than 18 hours to process this and other parts of the request – please see the Section 12: Exceeds appropriate limit non-disclosure reasons at the end of this table **Section 21: Information accessible by other means exemption** This exemption applies to 2c because the information is in the public domain published on our website. Please refer to the Council's Pay Policy

		and Senior Management Salaries section of the DCC website which is updated annually at the following link: https://www.derby.gov.uk/council-and-democracy/open-data-freedom-of-information/open-data-transparency/
d.All expenditure on events, hospitality, catering, food, drink, and provisions for councillors and officers, itemised by occasion or category.	FOI	
SECTION 3: CORE PUBLIC SERVICE EXPENDITURE A clear breakdown of spending on services that directly affect residents: a.Road maintenance and pothole repair, including the number of reported defects versus repairs completed. b.Waste collection, including any changes to collection frequency	EIR EIR	**Regulation 12(4)(d) Manifestly unreasonable – resources** This exception applies to 3a,3b, 3d because it would divert several officers in various departments from their day-to-day work priorities to deal with this part and other parts of the request – please see the Regulation 12(4)(d) Manifestly unreasonable non-disclosure reasons at the end of this table.

in the past two financial years and any associated cost savings. c.Maintenance, investment in, or closure of public parks and play areas. d.Recycling centre operations, including any reductions in opening hours or accessibility.	EIR EIR	Maintenance, investment in, or closure of public parks and play areas = £5,708,473.41
SECTION 4: COST-SAVING MEASURES a.Full details of any cost-saving measures implemented by the council in the two financial years prior to the decision to increase Council Tax, including what savings were achieved and how they were reinvested into front-line services.	FOI	**Section 12: Exceeds Appropriate limit** This absolute exemption applies to 4a because it will take more than 18 hours to process this and other parts of the request – please see the Section 12: Exceeds appropriate limit non-disclosure reasons at the end of this table.

SECTION 5: JUSTIFICATION FOR THE PROPOSED INCREASE a.Copies of, or direct access to, any internal reports, financial assessments, impact analyses, or documented justifications used to support the proposed Council Tax increase, including projected outcomes for residents and any performance metrics or service improvement targets attached to this increase.	FOI	**Section 12: Exceeds Appropriate limit** This absolute exemption applies to 5a because it will take more than 18 hours to process this and other parts of the request – please see the Section 12: Exceeds appropriate limit non-disclosure reasons at the end of this table.
PART TWO: SENIOR MANAGEMENT COSTS **SECTION 6: SENIOR EMPLOYEE SALARIES** 6a. The total number of council employees currently earning a salary of 100,000 pounds or more per annum, inclusive of all contractual allowances and supplements but excluding pension contributions.	FOI	The Council confirms it holds information that falls within the scope of your request for 6a,6b,6c, 6d **Section 21: Information accessible by other means exemption** This absolute exemption applies because the information is in the public domain

6b. A breakdown of those roles by job title, salary band, and department. 6c. The total combined salary cost of all roles earning 100,000 pounds or more, for each of the last three complete financial years. 6d. The number of roles earning 100,000 pounds or more that have been created or newly filled in each of the last three complete financial years.	FOI FOI FOI	published on our website and is publicly accessible. Please refer to the Council's Pay Policy and Senior Management Salaries section of the DCC website which is updated annually at the following link: https://www.derby.gov.uk/council-and-democracy/open-data-freedom-of-information/open-data-transparency/
SECTION 7: EMPLOYER PENSION CONTRIBUTIONS ON HIGH-EARNING ROLES 7a. The total employer pension contributions paid in respect of all employees earning 100,000 pounds or more per annum, for each of the last three complete financial years.	FOI	**Section 12: Exceeds Appropriate limit** This absolute exemption applies 7a, 7b because it will take more than 18 hours to process this and other parts of the overall request – please see the Section 12 non-disclosure reasons at the end of this table.

7b. The employer pension contribution rate applied to these roles.	FOI	
SECTION 8: INTERIM, AGENCY AND CONTRACTED SENIOR APPOINTMENTS This section concerns individuals engaged to perform senior management or director level functions who are not directly employed by the council, including those engaged through personal service companies, staffing agencies, or other intermediary arrangements. 8a. The total number of interim, agency, or contracted individuals performing director level or senior management functions at any point during each of the last three complete financial years. 8b. For each such engagement: the job title or function performed, the daily or hourly rate paid, the	FOI FOI	**Section 12: Exceeds Appropriate limit** This exemption applies to 8a, 8b, 8c because it will take more than 18 hours to process this and other parts of the overall request – please see the Section 12 non-disclosure reasons at the end of this table.

duration of the engagement, and the total cost to the public purse. 8c. The total combined spend on interim, agency, and contracted senior management in each of the last three complete financial years. 8d. Whether any such individuals were subsequently offered or accepted permanent employment with this council following their interim engagement, and if so, in what role.	FOI FOI	Information not held applies to 8d – because there were no individuals engaged via agency at Director level or above.
SECTION 9: SEVERANCE, REDUNDANCY AND COMPROMISE AGREEMENTS 9a. The total number of severance, redundancy, or compromise agreement payments made to employees earning 50,000 pounds or more per annum, in each of the last three complete financial years.	FOI	**Section 12: Exceeds Appropriate limit** This exemption applies to 9a, 9b, 9c, 9d because it will take more than 18 hours to process this and other parts of the overall request – please see the Section 12 non-disclosure reasons at the end of this table.

9b. The total combined value of all such payments in each of those years. 9c. The highest single severance or compromise agreement payment made during this period, stated without identifying the individual recipient. 9d. Whether any individual who received a severance or compromise agreement payment subsequently returned to work for this council in any capacity, including as an interim or contractor, within 24 months of their departure. If so, how many such instances occurred.	FOI FOI FOI	
SECTION 10: RECRUITMENT COSTS FOR SENIOR ROLES 10a. The total spend on external recruitment consultants and agencies specifically for the recruitment of roles paying 75,000 pounds or more, in each	FOI	**Section 12: Exceeds Appropriate limit** This exemption applies to 10a, 10b, 10c because it will take more than 18 hours to process this and other parts of the overall

of the last three complete financial years. 10b. The names of any external recruitment firms used for these appointments, and the total fees paid to each. 10c. The average cost of recruiting a single senior appointment of 75,000 pounds or above via external recruitment, where this data is held.	FOI FOI	request – please see the Section 12 non-disclosure reasons at the end of this table.
SECTION 11: TOTAL SENIOR LEADERSHIP COST a.A consolidated figure representing the total cost to the public purse of the council's senior leadership, defined as all employees and contractors performing at director level or above, for the most recent complete financial year. This should include salaries, employer National Insurance contributions, employer pension contributions,	FOI	**Section 12: Exceeds Appropriate limit** This exemption applies to 11a because it will take more than 18 hours to process this and other parts of the overall request – please see the Section 12 non-disclosure reasons at the end of this table.

car allowances, and any other contractual benefits.		

Section 12 Exceeds Appropriate Limit Non Disclosure Reasons

Section 12 of the Freedom of Information Act 2000 makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit which is set at £450 (18 hours) for local authorities.

This represents the estimated cost of one person spending 2½ working days (£25 a hour) in determining whether the Council holds the information, and locating, retrieving and extracting the information.

The information requests covers several service areas: Council Tax, Finance, Waste, Parks, Human Resources, Road maintenance and would involve a minimum of 6 council officers searching if the detailed information requested is held.

The officer responsible for road maintenance has advised searching for 'Q3a.Road maintenance and pothole repair, including the number of reported defects versus repairs completed' alone would involve:

To locate the information would involve searching 11576 records at 1 minute per record = 192 hours
To extract the information would involve searching 11576 records at 1 minute per record = 192 hours
Total hours = 384 x £25 per hour = £9,600 Total cost which exceeds £450 appropriate limit to process.

(It would likely take the other 5 officers involved in dealing with the request a similar amount of time to search/extract the other information requested).

It would also divert 1-2 Senior Technicians from their day-today work priorities of arranging inspection and repair work and putting long term programmes together.

Advice & Assistance

Please consider refining your request to one section only. Any refined request will be treated as a new request and the information, if held, will be provided within 20 working days unless an exemption or exception applies.

Regulation 12(4)(b) Manifestly Unreasonable (Resources) Non Disclosure Reasons

The Environmental Information Regulations 2004 allow public authorities to refuse a request for information which is manifestly unreasonable. The inclusion of the word “manifestly” means that there must be an obvious or clear quality to the unreasonableness.

• This exception can be used:

-when the request is vexatious; or

-when the cost of compliance with the request would be too great.

Regulation 12(4)(b) of the Environmental Information Regulations states:

‘For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

(b) the request for information is manifestly unreasonable’

Considerations

In terms of the information requested, It would divert 6 officers from their day-to-day finance, waste, parks, road maintenance, human resources, council tax work priorities priorities to deal with this request.

In addition Regulation 12(4)(b) applies if the cost or burden of dealing with a request is too great

The Council has applied a rate of £25 per hour for the cost of staff time (this figure has beenadopted as it is the figure set by the Freedom of Information and Data Protection (Appropriate Limit and Fees} Regulations 2004). These regulations do not apply to the EIR but the Council is of the view, in light of guidance from the ICO, that this is an appropriate figure to use to estimate the costs of compliance under the EIR.

The officer responsible for road maintenance has advised searching for ‘Q3a.Road maintenance and pothole repair, including the number of reported defects versus repairs completed’ alone would involve:

To locate the information would involve searching 11576 records at 1 minute per record = 192 hours
To extract the information would involve searching 11576 records at 1 minute per record = 192 hours

Total hours = 384 hours x £25 per hour = £9,600 Total cost which exceeds £450 appropriate limit to process.

It would also divert 1-2 Senior Technicians from their day-today work priorities of arranging inspection and repair work and putting long term programmes together.

It would likely take the other 5 officers involved in dealing with the request a similar amount of time to search/extract the other information requested.

It is clear based on our estimates above that complying with this request would have significant implications in terms of staff resources/costs.

Public interest test

Public interest favouring disclosure

-There is a presumption of disclosure for environmental information.
-There is a clear public interest in the Council being open and transparent in terms of how public money is collected/spent on providing services within the city.
- Disclosure would help the Council to promote a culture of openness and transparency. There is also a public interest in public awareness and understanding of the issues raised. A better informed public would be able to challenge spending decisions about service delivery.

Public interest against disclosure

-To comply with this request would divert six officers from their day-to-day finance, waste, parks, road maintenance, human resources, council tax work priorities.

-It would expose the Council to disproportionate burden in terms of the number of hours it would take to comply with the request and the associated costs. To search/extract the information for Q3a alone would result in approximately over 384 hours of work

for one member of staff which would take resources away from delivering mainstream services to the public, some of which will be of greater public interest that the information in this request.
-Additionally given the cost implications, using public money to deal with this single request as opposed to spending it on other services is not considered in the public interest.

Public interest balance test

We accept that there is a public interest in the Council being open and transparent regarding the information it holds and complying with the request would promote this. However in this case we have come to the decision that the public interest test in applying the exception outweighs the public interest in releasing the information.

As stated above complying with this request would take resources away from delivering mainstream services, some of which are likely to be of greater public interest than releasing the requested information. The cost of complying with this request is substantial and clearly exceeds the appropriate cost limit of £450 as such we have concluded that the cost of compliance in this case is disproportionate to the value of the information requested.

Advice & Assistance

Please consider refining your request to one section only. Any refined request will be treated as a new request and the information, if held, will be provided within 20 working days unless an exemption or exception applies.