



14<sup>th</sup> November 2019

### Freedom of Information Request Reference N<sup>o</sup>: FOI 003815/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 23<sup>rd</sup> October 2019 in which you sought access to the following information:

- 1 How many pure electric / hybrid / hydrogen powered vehicles are currently in your force's fleet?
- 2 What are the makes and models eg BMW i3, Nissan Leaf etc.
- 3 How much money has been spent on them?
- 4 What tasks are these vehicles currently used for eg diary appointments, CSI visits, pool cars etc.
- 5 Are any of them used for emergency response or pursuits?
- 6 Please give details of any plans you have to procure more in the near future

### Response to your Request

The response provided below is correct as of 23<sup>rd</sup> October 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

- Q1 Norfolk Constabulary has two electric hybrid vehicles.  
Q2 BMW 330e x 1 and BMW 530e  
Q3 These are allocated to the Senior Management Team.  
Q4 The cost of the vehicles has not been provided due to exemptions within the Act. Please see below.  
Q5 These are not used for emergency response or pursuit.  
Q6 New Vehicle Frameworks will be in place for 1<sup>st</sup> April 2020 and these Frameworks will offer an electric electric/hybrid engine as an alternative to petrol and diesel. The Norfolk and Suffolk Transport Strategy is to be reviewed to ensure any future vehicle purchases consider the option of electric/electric hybrids. Numbers are unknown at this stage.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabulary, when refusing to provide such information (because the information is exempt) are to provide you the applicant with a notice ban which:

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

The information is exempt from disclosure by virtue of the following exemption:-

- **Section 43(2) – Commercial Interests**

Section 43 is a qualified, prejudice based exemptions and as such we are obliged to articulate the harm that would be caused by providing this information and apply a public interest test.

### Harm for section 43

Releasing specific pricing details of the vehicles supplied to the Constabularies, would damage the business relationship that exists between the providers and Norfolk and Suffolk Constabularies. It would provide other vehicle suppliers with useful information and would breach the confidentiality owed to third party suppliers. This would result in a disadvantage to future contractual relations with suppliers in the future.

### Section 43 – factors favouring disclosure

There is a public interest in the transparency of how the Constabularies spend public funds. Disclosure of the requested information would provide the public with details of the rates that have been negotiated by the Constabularies, thus allowing the public to evaluate whether funds were being managed appropriately.

The purchase of vehicles is a significant budgetary element of Constabularies expenditure and it is important to ensure the public are aware of such costs.

### Section 43 – factors favouring non-disclosure

The commercial interests of current suppliers would be damaged if the rates were released to the public. The provision of the rates charged would hinder the ability of the current providers to negotiate with other customers, which would damage the commercial interests of our current providers.

Where a contracted service is subject to review and retendering, the rates and other specific information about a current contract should be withheld in order to preserve the Constabularies ability to negotiate best value for money contracts in the future.

### Balance Test

The balance test is to determine if the benefits to the public outweigh the harm that would or may be caused if the information were to be disclosed. Whilst there is a need for openness and transparency regarding how public funds are being managed, it is essential that the Constabularies can negotiate rates in a competitive market place so that we obtain best value for public money. Publication of the prices would hinder the competitive nature of any future tendering process by allowing service providers to tailor their quotes based on what they know the Constabularies have paid, and on what they know their competitors are currently charging. This could result in an increased cost to the public purse.

As well as the commercial interests of the Constabularies, we have a duty to protect the commercial interests of third party suppliers by not publishing their commercially sensitive rates, and thereby allowing their market competitors to have access to information that they could use to their own advantage, and to the detriment of our suppliers.

It is our opinion that for these issues the balancing test for disclosure is not made out.

This letter serves as a refusal notice under Section 17 of the Freedom of Information Act for this part of your request.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700