

Cheltenham Borough Council
Audit, Compliance & Governance Committee – 14 July 2021
Information Requests Annual Report

Accountable member	Cabinet Member Customer & Regulatory Services, Councillor Martin Horwood
Accountable officer	Darren Knight, Executive Director - People & Change
Ward(s) affected	All
Significant Decision	No
Executive summary	<p>Cheltenham Borough Council is responsible for ensuring that it meets its legal requirements under the Freedom of Information Act (2000) and the Environmental Information Regulations (2004).</p> <p>This report details the Council's handling of information requests made during 2020-21. The council has responded to 89% of requests within the statutory 20 working day deadline.</p>
Recommendations	The Audit, Compliance and Governance Committee considers the progress report and makes comment on its content as necessary.
Financial implications	<p>None</p> <p>Contact officer: gemma.bell@cheltenham.gov.uk</p>
Legal implications	<p>The Council is obliged to comply with the requirement to disclose information under the EIR and FOIA no later than the 20th day after the request was received, except in limited circumstances. Any failure to comply with the legislation may result in enforcement action by the ICO including monetary penalties, enforcement notices, undertakings, audits and prosecutions.</p> <p>Contact officer: One Legal – legalservices@onelegal.org.uk – tel no (01684) 272067</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: clare.jones@publicagroup.uk</p>
Key risks	No significant risks identified – see attached risk register
Corporate and community plan Implications	None.
Environmental and climate change implications	None.

Property/Asset Implications	None Contact officer: Dominic.Stead@cheltenham.gov.uk
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Background

- 1.1 The Council is committed to Freedom of Information as an essential part of the openness and transparency of local government. The Council proactively makes available as much information as possible available on its website and also publishes all information released in response to Freedom of Information requests in the disclosure log.
- 1.2 The Council's Information Officer has recently become a fully qualified Freedom of Information Practitioner as part of our approach to continuous improvement.
- 1.3 The Council's information Officer has taken steps to improve the both the standard of handling and responses to information requests. Attention is placed on ensuring that Information requests are handled under the appropriate legislation, in particular that requests for environmental information are handled under the EIRs. There is also increased focus on the correct application of exemptions and explanation of their use to requestors.
- 1.4 Information request response times are monitored and managed. A new 15 day internal deadline has been introduced to encourage early attention to FOIs and provide a buffer for returns approaching the deadline response date. It should be noted that 2020-21 response times were affected whilst the Councils officers prioritised the Councils response to the Covid-19 pandemic, many officers were redeployed from their normal duties. This was not unique to Cheltenham Borough Council. During 2020/2021 the ICO issued the following statement:

"The ICO recognises the unprecedented challenges all are facing during the coronavirus (COVID-19) pandemic. Whilst we can't extend statutory timescales, we will not be penalising public authorities for prioritising other areas or adapting their usual approach during this extraordinary period."

- 1.5 Requests are answered by the business area responsible for the subject matter of the request, and are then quality checked by the information officer before being returned to the requestor. The responsibility for providing the information lies with the Service Manager. The information officer is available to guide and support Service Areas when responding to requests, particularly in the application of exemptions. Either the Service area or the Information Officer can request additional support from One Legal.
- 1.6 Requests are currently recorded and managed in Excel spreadsheets. In the future it is proposed that these will be managed within the digital platform which the council is in the process of procuring. This will enable automation of some elements of the current manual elements of processing, management and monitoring as well as automated reporting.

2. Statistical detail of request handling 20-21

- 2.1 The types of information that are formally treated as FOI or EIR requests and that are reflected in the following statistics are:
 - those submitted directly or passed to the Council's Information Officer; and
 - requests for information that do not reflect day-to-day business because they are usually quite voluminous or involve the collation of information from many Council services; and/or
 - the requester has asked that their request be dealt with under the FOI Act or the EIRs.

2.2 Number of requests received

In total, 610 requests for information were received in financial year 2020-21. 578 requests were handled under FOIA, 32 were handled under the EIRs.

In future years, we expect to see an increase in the number of EIRs as requests for environmental information will be identified, and recorded as such.

2020-21 information requests by service

Service Area	Number of Requests
Revenues and Benefits	96
Public and Environmental Health Team	78
Multiple service areas	42
ICT	41
CBH & Housing Services	41
Planning	38
Finance	37
HR	31
Property and Asset Management	27
Clean Green/Ubico	20
Enforcement	20
Licensing	15
Strategy and Engagement	14
Climate Change	13
Democratic Services	13
Parking	13
Green Space	12
Neighbourhood Team	12
Customer and Support Services	8
Building Control	7
Cheltenham Trust	4
Exec Director People and Change	4
Townscape	4
Bereavement Services	3
Counter Fraud	3
Exec Director Finance and Assets	3
Communications	2
Elections	2
One Legal	2
Procurement	2
Trees Section	2
Governance	1
Total	610

Performance management

2.3 2020-21 Response Timeframe Performance

Requests	No. of Requests*	No. of Requests on Time	No. of Requests Late	% On Time*	Max Response Time (days)
Multiple service areas	40	29	11	72.50%	66
Planning	36	34	2	94.44%	57
Exec Director People and Change	4	3	1	75.00%	47
Cheltenham Trust	3	2	1	66.67%	43
Finance	34	24	10	70.59%	40
Bereavement Services	3	2	1	66.67%	36
Green Space	12	11	1	91.67%	33
Property and Asset Management	25	22	3	88.00%	31
Neighbourhood Team	12	9	3	75.00%	29
Revenues and Benefits	92	83	9	90.22%	29
CBH & Housing Services	36	33	3	91.67%	28
Clean Green/Ubico	17	16	1	94.12%	27
One Legal	2	1	1	50.00%	26
Building Control	7	6	1	85.71%	26
Enforcement	20	18	2	90.00%	26
Public and Environmental Health Team	76	69	7	90.79%	26
Climate Change	13	11	2	84.62%	25
Customer and Support Services	8	7	1	87.50%	23
Parking	11	10	1	90.91%	21
Democratic Services	12	11	1	91.67%	21
Exec Director Finance and Assets	3	3	0	100.00%	20
HR	30	30	0	100.00%	20
Strategy and Engagement	14	14	0	100.00%	20
Townscape	4	4	0	100.00%	20
Trees Section	2	2	0	100.00%	20
ICT	41	41	0	100.00%	18
Governance	1	1	0	100.00%	17
Licensing	14	14	0	100.00%	15
Communications	2	2	0	100.00%	13
Elections	2	2	0	100.00%	8
Counter Fraud	3	3	0	100.00%	4
Procurement	2	2	0	100.00%	3
Total	581	519	62		

An additional 29 cases were either withdrawn or not proceeded with following requests for clarification;

these are omitted from the performance calculation.

2.4 Internal reviews and Appeals to the ICO

Where an applicant is dissatisfied with the way in which the Council has dealt with a request for information they can request an internal review. Of the requests received, only 16 (3%) resulted in an internal review being requested. The majority (87%) of all requests for review received in 2020-21 were responded to on time.

If an applicant is unhappy with the outcome of our internal review, an appeal can be made to the Information Commissioner for a decision on whether we have appropriately dealt with the request and requirement for review. There were no appeals to the ICO in 2020-21.

Report author	Contact officer: judy.hibbert@cheltenham.gov.uk and beth.cordingly@cheltenham.gov.uk
Appendices	1. Risk Assessment

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the exemptions are not utilised correctly it may lead to information being inadvertently published in the public domain, which could lead to reputational damage.	Judy Hibbert	22/6/21	1	1	1	Accept				
2	If there is poor request handling it may result in ICO Interventions and ICO decision notices being issued, which could lead to reputational damage	Judy Hibbert	22/6/21	1	1	1	Accept				
3	If personal information is not correctly redacted it may lead to a data incident.	Judy Hibbert	22/6/21	1	1	1	Accept				

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;

- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on