

**Cheltenham Borough Council**  
**Audit, Compliance & Governance Committee – 13 July 2022**  
**Information Requests Annual Report 2021-22**

<b>Accountable member</b>	Cabinet Member Customer & Regulatory Services, Councillor Martin Horwood
<b>Accountable officer</b>	Darren Knight, Executive Director - People & Change
<b>Ward(s) affected</b>	<b>All</b>
<b>Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<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 2021-22. The council has responded to 92% of requests within the statutory 20 working day deadline.</p>
<b>Recommendations</b>	The Audit, Compliance and Governance Committee considers the progress report and makes comment on its content as necessary.

<b>Financial implications</b>	<p>There are no financial implications of this report</p> <p><b>Contact officer: Gemma Bell – Director of Finance &amp; Assets, <a href="mailto:gemma.bell@cheltenham.gov.uk">gemma.bell@cheltenham.gov.uk</a>, 01242 264124</b></p>
<b>Legal implications</b>	<p>The legal implication of not dealing with requests within the legal timescale or not applying the exemptions in accordance with the relevant legislation is that the ICO can take action against the council and the results of that action are published.</p> <p><b>Contact officer <a href="mailto:legalservices@onelegal.org.uk">legalservices@onelegal.org.uk</a>, 01242 <u>272691</u></b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications</p> <p><b>Contact officer: <a href="mailto:clare.jones@publicagroup.uk">clare.jones@publicagroup.uk</a>, 01242 264364</b></p>
<b>Key risks</b>	No significant risks identified – see attached risk register
<b>Corporate and community plan Implications</b>	None.
<b>Environmental and climate change implications</b>	None.
<b>Property/Asset Implications</b>	<p>There are no property or asset implications of this report</p> <p><b>Contact officer: Gemma Bell – Director of Finance &amp; Assets, <a href="mailto:gemma.bell@cheltenham.gov.uk">gemma.bell@cheltenham.gov.uk</a>, 01242 264124</b></p>

## **1. Background**

- 1.1** The Council is committed to Freedom of Information as an essential part of the openness and transparency of local government.
- 1.2** The Council proactively makes available as much information as possible available on its website and follows the ICOs model publication scheme. Where themes of FOI requests are identified, information is published on the council's website to reduce further potential requests for information. The Council publishes the information released in response to Freedom of Information requests in its disclosure log.
- 1.3** Requests are answered by the business area responsible for the subject matter of the request, the information is then quality checked by the information officer before being sent to the requestor. Response times are monitored and managed by the information officer. Reminders are issued to officers before the deadline and any overdue responses are repeatedly followed up.
- 1.4** 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.
- 1.5** The council is in the process of introducing a new digital platform, the management of information requests will move from Excel to this platform. This will improve the customer journey and streamline the internal processes.

## **2. Statistical detail of request handling 2021-22**

- 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**

581 requests for information were received in financial year 2021-22. 546 requests were handled under FOIA and 30 were handled under the EIRs, there were also 5 hybrid cases where the request crossed FOI and EIR.

## 2.3 2021-22 information requests by Service Area

Service Area	Number of Requests
Revenues and Benefits	73
Multiple Service Areas	69
Environmental Health	62
ICT (Publica)	40
Planning	37
CBH	38
Enforcement	29
Property and Assets	25
Clean Green and Ubico	30
Licensing	19
Director of Environment	18
HR (Publica)	18
Strategy and Engagement	18
Cemetery and Crematorium	13
Finance	11
Democratic Services	10
Housing Services	10
Customer and Support Services	9
Parking	9
Director Finance and Assets	8
Green Space	8
Neighbourhood Team	5
Townscape	5
Corporate Governance	3
Marketing Cheltenham	3
Chief Executive	2
Director of Place and Growth	2
Elections	2
Procurement	2
Counter Fraud	1
Director People and Change	1
Health and Safety	1
<b>Total</b>	<b>581</b>

## 2.4 2021-22 Response Timeframe by Service Area

Service Area	Number of Requests Responded to*	Number responded to in 20 days	% On time*	Max Response Time (days)
Planning	36	22	61%	78
Multiple Service Areas	66	55	83%	60
Townscape	5	4	80%	41
Director of Environment	18	17	94%	37
Environmental Health	62	60	97%	28
Cemetery and Crematorium	13	11	85%	26
Finance	11	10	91%	26
Green Space	8	7	88%	26
CBH	37	35	95%	25
Director of Place and Growth	2	1	50%	25
Clean Green and Ubico	30	28	93%	24
Corporate Governance	3	2	67%	22
Procurement	2	1	50%	22
Property and Assets	24	21	88%	22
Revenues and Benefits	71	70	99%	21
Enforcement	29	29	100%	20
ICT (Publica)	39	39	100%	20
Marketing Cheltenham	3	3	100%	20
Strategy and Engagement	18	18	100%	20
Democratic Services	10	10	100%	19
Housing Services	10	10	100%	19
HR (Publica)	18	18	100%	18
Licensing	19	19	100%	18
Chief Executive	2	2	100%	17
Customer and Support Services	9	9	100%	17
Neighbourhood Team	5	5	100%	16
Parking	9	9	100%	16
Director Finance and Assets	8	8	100%	13
Elections	2	2	100%	12
Director People and Change	1	1	100%	10
Counter Fraud	1	1	100%	1
<b>Total</b>	<b>571</b>	<b>527</b>	<b>92%</b>	

\* Information requests that were withdrawn, or not proceeded with following requests for clarification, have not been included in the performance calculation.

## 2.5 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 9 (3%) resulted in an internal review being requested. All requests for review received in 2021-22 were responded to within the review timeframes.

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.

During 2020-21 one case was decided on by the ICO. The case in question had been incorrectly handled under the FOIA rather than the EIRs, meaning the requested information was withheld under the incorrect exemptions. Once this was rectified and the information withheld under the correct EIR exceptions, the ICO took no further action.

### 3. Performance management – monitoring and review

3.1 The council has responded to 92% of requests within the statutory 20 working day deadline. This is a 3% positive increase on the previous year.

3.2 Information request performance is now monitored and reviewed via two Key Performance Indicators (KPI) targets in Clearview, these are:

#### **% change in FOI requests received when compared with the previous year**

The percentage change in the total number of FOI requests received compared with the total number received in the previous year – this indicator gives an indication of workload. This KPI is reported annually.

Period	KPI data
Annual 2021/22	The council received 5% less request than in the previous year

#### **% - FOI requests responded to within timescale**

The number of FOI requests responded to within the 20 day timescale set by the ICO, expressed as a percentage of total FOI requests received. This KPI is reported quarterly.

Period	Target	Actual
Quarter 1 2021/22	80%	92%
Quarter 2 2021/22	80%	95%
Quarter 3 2021/22	80%	89%
Quarter 4 2021/22	80%	90%

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<b>Appendices</b>	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				
<b>Explanatory notes</b>											
<p><b>Impact</b> – 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)</p> <p><b>Likelihood</b> – 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)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

