

# Cheltenham Borough Council

## Audit, Compliance & Governance Committee – 12 July 2023

### Information Requests Annual Report 2022-23

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**Accountable member:**

Cabinet Member Customer & Regulatory Services, Councillor Martin Horwood

**Accountable officer:**

Darren Knight, Executive Director – Place & Communities

**Ward(s) affected:**

n/a

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**Key Decision:** No

**Executive summary:**

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).

This report details the Council's handling of information requests made during 2022-23. The council has responded to 90% of requests within the statutory 20 working day deadline.

**Recommendation:**

- 1. That Audit, Compliance and Governance Committee considers the progress report and makes comment on its content as necessary.**
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## 1. Implications

### 1.1 Financial, Property and Asset implications

There are no financial, property or asset implications of this report.

**Signed off by:** Gemma Bell, Director of Finance and Assets, [gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

## 1.2 Legal implications

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.

**Signed off by:** Sarah Farooqi, Head of Law, Sarah.Farooqi@onelegal.org.uk

## 1.3 Environmental and climate change implications

None

## 1.4 Corporate Plan Priorities

None

## 1.5 Equality, Diversity and Inclusion Implications

None

## 1.6 Performance management – monitoring and review

Information requests are monitored via the annual report to the Audit, Compliance & Governance Committee and two Key Performance Indicators (KPI) targets in Clearview:

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

% - FOI requests responded to within timescale

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## 2 Background

**2.1** The Council is committed to Freedom of Information as an essential part of the openness and transparency of local government.

**2.2** The Council proactively makes available as much information as possible available on its website and follows the ICOs model publication scheme. Where themes of information requests are identified, information is published on the council's website to reduce further potential requests for information. The Council publishes all information released in response to Freedom of Information requests in its disclosure log.

**2.3** 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 returned to the requestor. Response times are monitored and managed by the information officer. Reminders are sent out before the deadline and any overdue responses are repeatedly followed up.

**2.4** 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.

**2.5** 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 move will improve the customer journey and streamline the internal processes.

### 3 Statistical detail of request handling 2022-23

**3.1** The types of information that are formally treated as Freedom of Information (FOI) or Environmental Information Regulations (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.

#### 3.2 Number of requests received

546 requests for information were received in financial year 2022-23. 522 requests were handled under the FOI Act and 24 were handled under the EIRs.

#### 3.3 2022-23 Information requests by Service Area

Service Area	Number of Requests
Multiple Service Areas	101
Revenues & Benefits	58
Environmental Health	55
Planning	36
CBH	35
ICT (Publica)	34
Finance	28
HR (Publica)	23
Private Sector Housing	19
Licensing	16
Green Space	15
Environmental Services	13
Strategy and Engagement	13
Housing Services	12
Customer and Support Services	12
Parking	11
Climate Change	10
Democratic Services	10
Neighbourhood Team	9
Fleet (Ubico)	7
Chief Executive	5

Building Control	4
Corporate Governance	4
Property and Assets	4
Communications & Marketing	3
Elections	3
Procurement (Publica)	2
Townscape	1
Cemetery and Crematorium	1
The Cheltenham Trust	1
Counter Fraud	1
<b>Total</b>	<b>546</b>

### 3.4 2021-22 Response Timeframe by Service Area

Service Area	Number of Requests	Number responded to in 20 days	% on time	Max response time (days)
Planning	36	34	94%	46
CBH	35	30	86%	41
Finance	28	22	79%	40
Parking	11	10	91%	37
Multiple Service Areas	101	81	80%	34
Private Sector Housing	19	13	68%	32
Environmental Health	55	54	98%	29
HR (Publica)	23	22	96%	26
Housing Services	12	11	92%	25
Environmental Services	13	12	92%	23
Building Control	4	2	50%	22
ICT (Publica)	34	33	97%	22
Fleet (Ulico)	7	6	86%	22
Communications & Marketing	3	2	67%	21
Climate Change	10	8	80%	21
Green Space	15	14	93%	21
Revenues & Benefits	58	55	95%	21
Licensing	16	16	100%	20
Strategy and Engagement	13	13	100%	20
Townscape	1	1	100%	20
Chief Executive	5	5	100%	19
Customer and Support Services	12	12	100%	19
Democratic Services	10	10	100%	19
Neighbourhood Team	9	9	100%	19
Cemetery and Crematorium	1	1	100%	17
Corporate Governance	4	4	100%	17
Procurement (Publica)	2	2	100%	17
Elections	3	3	100%	14
The Cheltenham Trust	1	1	100%	12
Property and Assets	4	4	100%	10
Counter Fraud	1	1	100%	3

### 3.5 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 10 (2%) resulted in an internal review being requested. All requests for review received in 2022-23 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 handled the request and internal review.

During 2022-23 one applicant complained to the ICO following an internal review. Following discussion with the ICO, the council altered our response and issued a refusal notice to the requester. Following which, the ICO took no further action.

## 4 Performance management – monitoring and review

**4.1** The council has responded to 90% of requests within the statutory 20 working day deadline. This meets the target set by the ICO.

**4.2** Key Performance Indicators (KPI) data:

#### % 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 2022/23	The council received 6% 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 within the FOI and EIR legislation, expressed as a percentage of total FOI requests received. This KPI is reported quarterly.

Period	Target	Actual
Quarter 1 <b>2022/23</b>	80%	87%
Quarter 2 <b>2022/23</b>	80%	92%
Quarter 3 <b>2022/23</b>	80%	88%
Quarter 4 <b>2022/23</b>	80%	92%

**Report author:**

Beth Cordingley, Customer Relations and Information Officer

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**Appendices:**

- i. Risk Assessment

**Background information:**

N/A

## Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
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	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	1	1	1	Accept			
3	If personal information is not correctly redacted it may lead to a data incident.	Judy Hibbert	1	1	1	Accept			