Cheltenham Borough Council

Audit, Compliance & Governance Committee – 10 July 2024

Information Requests Annual Report 2023-24

Accountable member:

Cabinet Member for Housing and Customer Services, Councillor Flo Clucas

Accountable officer:

Claire Hughes, Director of governance and customer services

Ward(s) affected:

n/a

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 Councils handling of information requests made during 2023-24. The council has responded to 91.5% of requests within the statutory 20 working day deadline.

Recommendation:

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

1. Implications

1.1 Financial, Property and Asset implications

None

Signed off by: Ela Jankowska, Finance Business Partner - Ela.Jankowska@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: One Legal – legalservices@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:

% 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 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
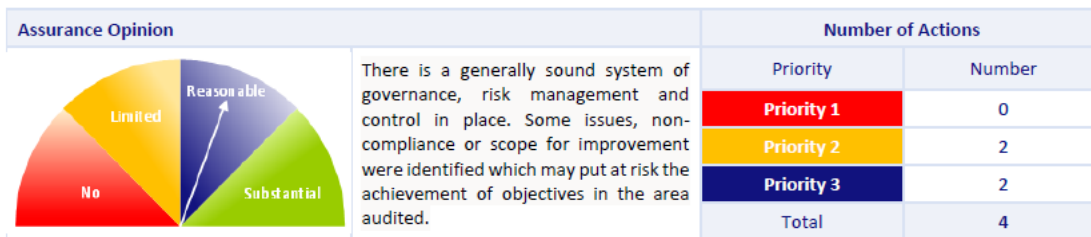
Information Officer can request additional support from One Legal.

2.5 The council has seen a significant increase in the number of requests in the past year. This increase has largely been due to one company circumnavigating the property searches process (CON29 searches) and utilising EIR to request the environmental searches information. This is within the legislation of the EIRs, and although the council cannot refuse these requests we have taken steps to minimise the impact. We have also seen an increase in FOI requests across all service areas.

2.6 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 Audit of CBC Information Requests

3.1 In September 2023 SWAP carried out an internal audit of CBC's information request handling, SWAP gave a Reasonable assurance opinion as shown below:

Assurance Opinion		Number of Actions	
	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.	Priority	Number
		Priority 1	0
		Priority 2	2
		Priority 3	2
		Total	4

3.1.1 Following the audit the following performance statistics, as recommended in the ICO's best practice guidance, are now published quarterly:

- The number of requests received during the period;
- The number of the received requests that have not yet been processed;
- The number of the received requests that were processed in full within the statutory deadline;
- The number of the received requests that were processed in full where the deadline was extended;
- The number of the received requests where the processing took longer than the statutory deadline;
- The number of requests where the information was granted in full;
- The number of requests where the information was refused in full;
- The number of requests where the information was granted in part and refused in part;
- The number of requests received that have been referred for internal review;

4 Statistical detail of request handling 2023-24

4.1 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.

4.2 Number of requests received

1024 requests for information were received in the year 2023-24. This is a significant increase on previous years, see diagram below. Of the requests received 657 were handled under the FOI Act and 367 were handled under the EIRs.

Information requests year on year:
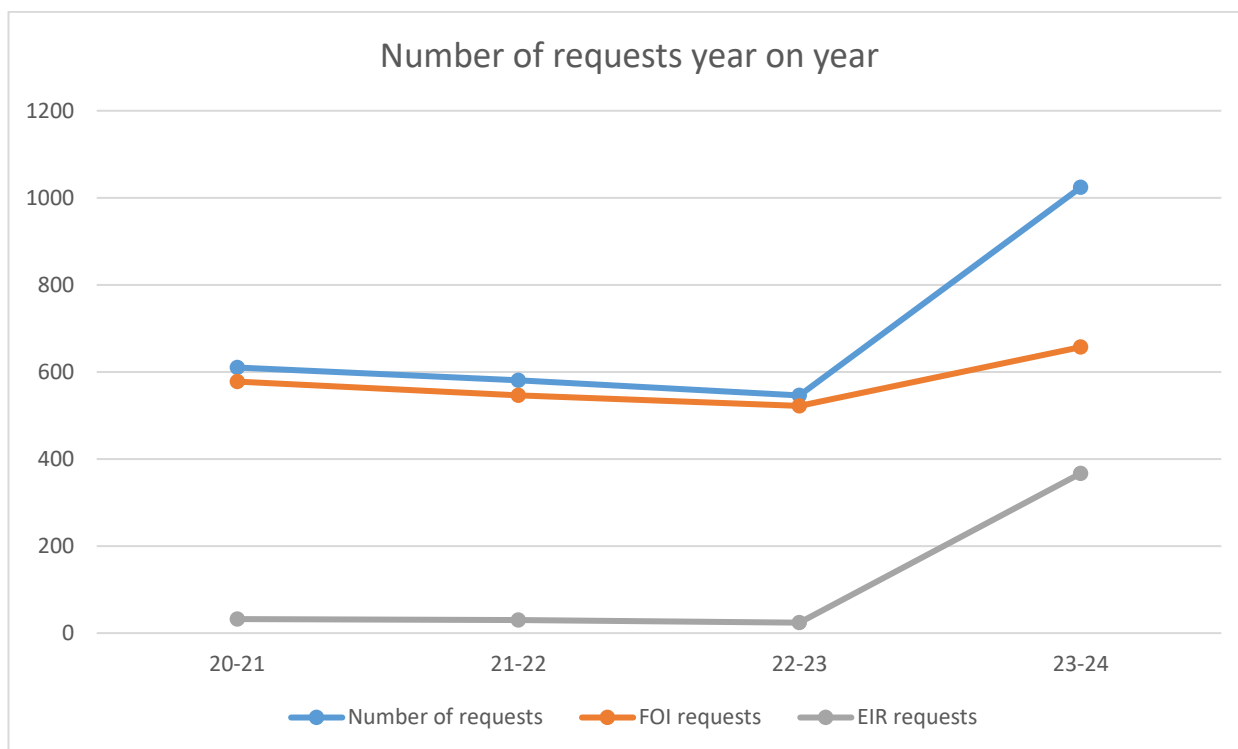
4.3   2023-24 Information requests by Service Area

Service Area	Number of Requests
Multiple Service Areas	403
CBH	71
Revs & Bens	65
Planning	64
Environmental Health	58
Property and Assets	43
ICT (Publica)	39
HR	34
Licensing	31
Finance	26
Clean Green	24
Customer Services and Business Support	24
Communities & Wellbeing	21
Private Sector Housing	14
Democratic Services	13
Housing Strategy	10
Green Space	9
Public Protection	9
Climate Change Team	9
Communications & Marketing	7
Neighbourhood Team	6
Building Control	5
Marketing Cheltenham	5
Parking	5
Cemetery and Crematorium	4
GDPR & Policy	4
Corporate Projects	4
Procurement	4
Golden Valley	3
Townscape	3
One Legal	2
The Cheltenham Trust	2
Chief Executive	1
Commercial & Income Generation	1
Elections	1
Total	**1024**

4.4 Response Timeframe by Service Area

Service Area	Number of requests	Number responded to in 20 days	% on time	Max. Response time (days)
Planning	64	48	75%	80
Communities & Wellbeing	21	20	95%	58
CBH	71	51	72%	46
Multiple Service Areas	403	345	86%	40
Property and Assets	43	40	93%	32
Corporate Projects	4	2	50%	31
Clean Green	24	23	96%	27
Finance	26	25	96%	24
HR	34	32	94%	24
Licensing	31	27	87%	24
Private Sector Housing	14	12	86%	24
Cem and Crem	4	3	75%	23
Environmental Health	58	57	98%	23
Housing Strategy	10	9	90%	23
Climate Team	8	7	88%	22
Revs & Bens	65	62	95%	22
Townscape	3	2	67%	22
ICT (Publica)	39	38	97%	21
Democratic Services	13	13	100%	20
Green Space	9	9	100%	20
Neighbourhood Team	6	6	100%	20
One Legal	2	2	100%	20
Procurement - Publica	4	4	100%	20
Building Control	5	5	100%	19
Chief Executive	1	1	100%	19
Customer Services and Business Support	24	24	100%	19
Golden Valley	3	3	100%	19
Parking	5	5	100%	19
The Cheltenham Trust	2	2	100%	19
Climate Change	1	1	100%	19
Communications & Marketing	7	7	100%	18
Public Protection	9	9	100%	18
Elections	1	1	100%	16
Commercial & Income Generation	1	1	100%	15
GDPR & Policy	4	4	100%	14
Marketing Cheltenham	5	5	100%	8

4.5   Internal reviews and Appeals to the ICO

Where an applicant is dissatisfied with the way in which the Council has handled an information request, they can request an internal review. Of the requests received, only 17 (2%) resulted in an internal review being requested. 94% of requests for review received 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 two applicants complained to the ICO following an internal review. In both cases the ICO found that the council had correctly applied the legislation and no further action was taken.

5   Performance management – monitoring and review

5.1 The council has responded to 91.5% of requests within the statutory 20 working day deadline. This is above ICO target (90%) and a great achievement considering the significant increase in requests received this year.

5.2   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 2023/24	The council received 188% more requests than in the previous year.

As previously noted, the council saw a large increase in EIR requests, due to a company utilising the EIRs to avoid paying for CON29 searches.

% - 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 **2022/23**	90%	94%	
Quarter 2 **2022/23**	90%	93%	
Quarter 3 **2022/23**	90%	85%	
Quarter 4 **2022/23**	90%	94%	

5.2 ICO Compliance Statistics

	Q1	Q2	Q3	Q4
The number of requests received during the period	288	245	219	272
The number of the received requests that have not yet been processed	0	5	0	0
The number of the received requests that were processed in full within the statutory deadline	232	229	186	257
The number of the received requests that were processed in full where the deadline was extended (within the legislation)	40	0	0	1
The number of the received requests where the processing took longer than the statutory deadline	16	12	32	14
The number of requests where the information was granted in full	154	201	191	231
The number of requests where the information was refused in full	116	26	15	17
The number of requests where the information was granted in part and refused in part	12	11	6	7
The number of requests received that have been referred for internal review	6	5	3	3

Report author:

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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.	Beth Cordingley	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	Beth Cordingley	1	1	1	Accept			
3	If personal information is not correctly redacted it may lead to a data incident.	Beth Cordingley	1	1	1	Accept			