

Guildford Borough Council

Report to: Corporate Governance and Standards Committee

Date: 6 June 2024

Ward(s) affected: Not applicable

Report of Director: Legal & Democratic Services

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Report Status: Open

Freedom of Information Compliance: Annual Report 2023-24

1. Executive Summary

- 1.1 This is a regular report to monitor the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.

2. Recommendation to Committee

- 2.1 That Committee notes the response rates and officer actions and continues to receive regular updates.

3. Reasons for Recommendation:

- 3.1. To ensure that the Committee is kept up to date with developments in the FOI/EIR framework.

- 3.2. To ensure that the Committee has the necessary information to enable requests for information to be made easily to the Council and properly responded to.
- 3.3. To assist with learning lessons and improving performance following requests for information made to the Council.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 The Committee has requested this report to ensure the Council improves its response timescales for FOI and EIR requests and maintains standards.
- 5.2 Effective compliance with information governance, including the management of the Council's FOI/EIR regime plays a key part in achieving these objectives.

6. Strategic Priorities

- 6.1. To promote openness and transparency in Council policy and decision-making in order to uphold public confidence within the Borough and improve prosperity and well-being as outlined in the Strategic Framework – i.e. the Council “will be open and accountable”.

7. Update on Progress 2023-24

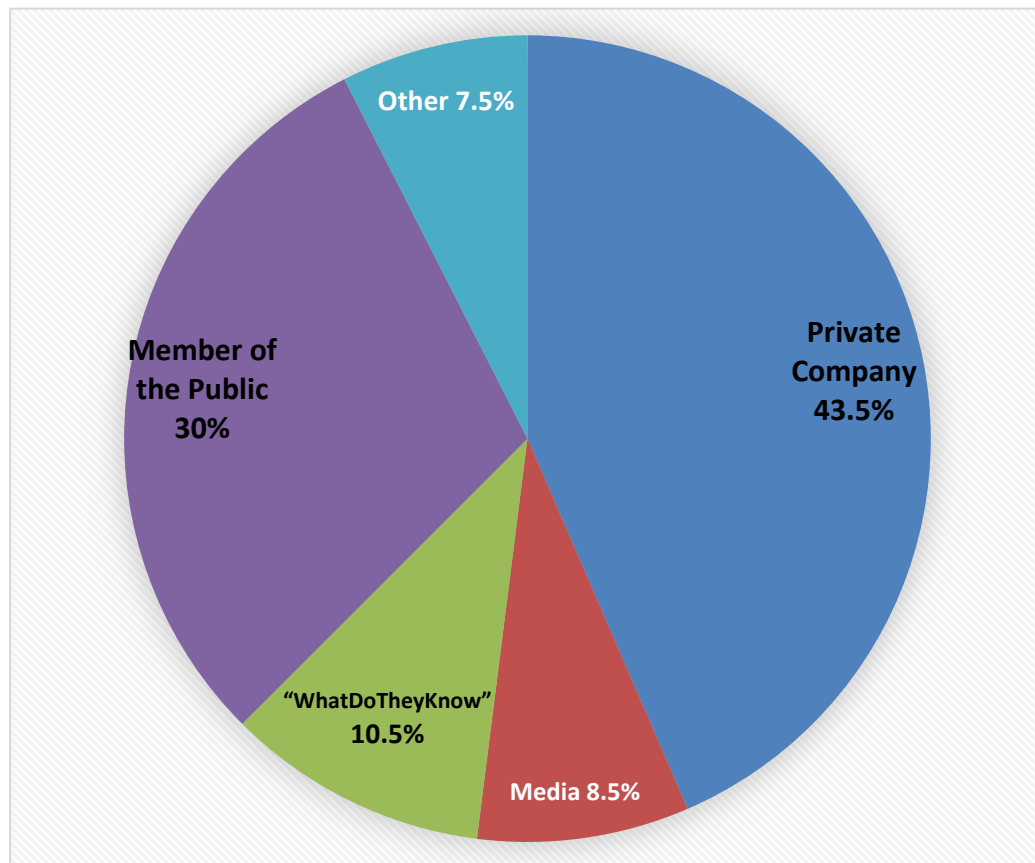
- 7.1. The Council is required to respond to FOI and EIR requests within 20 working days – subject to certain exceptions as long as the requester is kept informed – for example extra time can be taken to consider the Public Interest Test.
- 7.2. The Council received 844 FOI/EIR requests during the financial year 2023-24 (April 2023 – March 2024). Of these requests, 90.5% were responded to within the 20-working day deadline, compared with

92.5% for 2022-23. It should be noted, however, that only 691 requests were received in 2022-23, so this indicates an extra 153 requests since the previous 12-month period - marking a significant 22% increase.

- 7.3 Although there is room for improvement given that 9.5% of requests were overdue, the Council has exceeded the Information Commissioner's performance indicator of 85%, and the 90% target agreed by Corporate Management Board.
- 7.4 Furthermore, following the Committee's request to monitor, as an additional target, response rates dealt with promptly within 10 working days, we can report that, during 2023-24, 385 requests (45.5% of the total) were responded to within 10 or fewer working days.
- 7.5 Planning received the most requests over the twelve-month period with a total of 151 (almost 18% of the total requests received across all service areas).
- 7.6 The second busiest service area was Environmental & Regulatory Services which received 101 requests.
- 7.7 A total of 20 service areas have exceeded the Information Commissioner's Office regulatory performance target of 85%. Notably, 11 service areas deserve special commendation for achieving a 100% compliance rate.
- 7.8 The most frequently used exemption under the Freedom of Information Act for withholding requested information (either partially or completely) was section 21 (information available by other means), which was used on 42 occasions - marking a similar trend to previous years. This is largely due to the information being readily available on the [Disclosure Log](#) section of the Council's website – e.g. information on expenditure, procurement, business rates, public health funerals, planning applications, houses in multiple occupation (HMOs).

7.9 The highest proportion of requests during the stated period came from private companies (43.5% of all FOI/EIR requests), closely followed by members of the public at 30% of the total. See pie chart below for full figures – which reveals a broadly similar pattern to that of previous years. The “Other” category covers the legal, charity, campaign group, trade union, political and government sectors.

Figure 1 – Categories of Requester, 2023-24



8. Appeals/Reviews

- 8.1 If a requester is not satisfied with the response to their FOI/EIR they are entitled to an internal review of the case, which must be carried out independently by an officer who was not involved in the original case.
- 8.2 Five internal reviews were received during 2023-24 (slightly up on the previous 2022-23 year’s total of four). Two reviews upheld the

original decision while the three others overturned the Council's original decision. Details are contained in the table below.

Figure 2 – Internal Reviews, 2023-24

Case ref	Case Title	Information requested	Received	Original Exemption	Outcome
IR2024/00214	Ash Road Bridge	Exempt appendices from Executive & council meetings	05/02/24	S.43 - Commercial interests	Original decision upheld
IR2023/00573	Planning on a piece of land	Disclosure of barrister's opinion	07/12/23	S. 41 – information provided in confidence	Original decision overturned
IR2023/01443	Communication between Council and local Business Improvement District (BID)	A copy of the signed Operating Agreement between Guildford Borough Council and Experience Guildford.	23/10/23	S 43 – commercially sensitive	Original decision overturned
IR2023/00961	Seeking source of information provided on a report	Information relating to a domestic homicide report	09/08/23	Information not held	Original decision upheld
IR2023/00712	Council tax payments in empty property	Details of when council tax was paid	14/06/23	S. 40 – personal information	Original decision overturned

9. Data Subject Access Requests (DSARs)

9.1 The Council received 35 DSARs (i.e. requests for personal information relating to an individual) during 2023-24. This represents an increase of almost 300% from 2022-23 when only 12 such requests were received.

10. Consultations

10.1 Not applicable.

11. Key Risks

11.1 Poor performance rates run the risk of reputational damage for the Council and would affect public confidence and transparency.

12. Financial Implications

12.1 There are no financial implications to this report.

13. Legal Implications

13.1 Failure to respond to FOI/EIR requests within 20 working days is a breach of the respective legislation. Requesters whose FOIs/EIRs have not been answered within the statutory time limit have the right to request an internal review and/or to make a formal complaint to the Information Commissioner's Office (ICO). There are therefore direct legal implications associated with the risk of reputational damage to the Council, adverse publicity and active monitoring by the ICO.

14. Human Resource Implications

14.1 None.

15. Equality and Diversity Implications

15.1 None.

16. Climate Change/Sustainability Implications

16.1 None.

17. Summary of Options

17.1. Continue to closely monitor approaching deadlines and enforce if necessary.

17.2. Directors to ensure that requests in their service areas remaining overdue or approaching their deadline date are resolved as soon as possible so that standards can be maintained, and if possible, improved on.

18. Conclusion

18.1. Now that performance levels are exceeding expected standards in terms of target attainment, it is imperative that these standards are maintained. The appropriate measures will continue to be carried out in order to achieve this and to improve performance rates further.

19. Background Papers

None.

20. Appendices

Appendix 1: FOI/EIR Requests received by service area, 2023-24

Appendix 1

FOI/EIR Requests received by service area, 2023-24

Service Area	Total requests	Total answered in time	Percentage
Asset Management	30	26	86.5%
Benefits	7	7	100%
Bereavement	3	1	33%
Building Control	40	40	100%
Business Rates/Council Tax	65	65	100%
Climate Change & Energy	13	10	76%
Community Services	13	12	92%
Major Projects	5	4	80%
Customer Services	13	12	92%
Democratic Services	23	23	100%
Env & Reg Services	101	99	98%
Events	11	11	100%
Facilities	6	6	100%
Finance	35	30	85.5%
Fleet & Waste	23	17	74%
Heritage & Culture	4	4	100%
Housing Services	99	82	82.5%
Human Resources	63	58	92%
ICT	24	24	100%
Legal	24	22	91.5%
Leisure Services	3	3	100%
Parking Services	33	32	97%
Parks & Countryside	31	29	93.5%
Planning	151	127	84%
Procurement	14	11	78.5%
Private Sector Housing	5	5	100%
Web Team	5	5	100%
TOTAL	844	765	90.5%

