

# **Guildford Borough Council**

Report to: Corporate Governance and Standards Committee

Date: 14 November 2024

Ward(s) affected: Not applicable

Report of Director: Transformation & Governance

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Report Status: Open

## **Freedom of Information Compliance: Update**

### **1. Executive Summary**

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**

That Corporate Governance and Standards Committee notes this report and continues to receive regular updates.

### **3. Reason(s) 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**

No

### **5. Purpose of Report**

5.1 The Corporate Governance and Standards 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 January – June 2024**

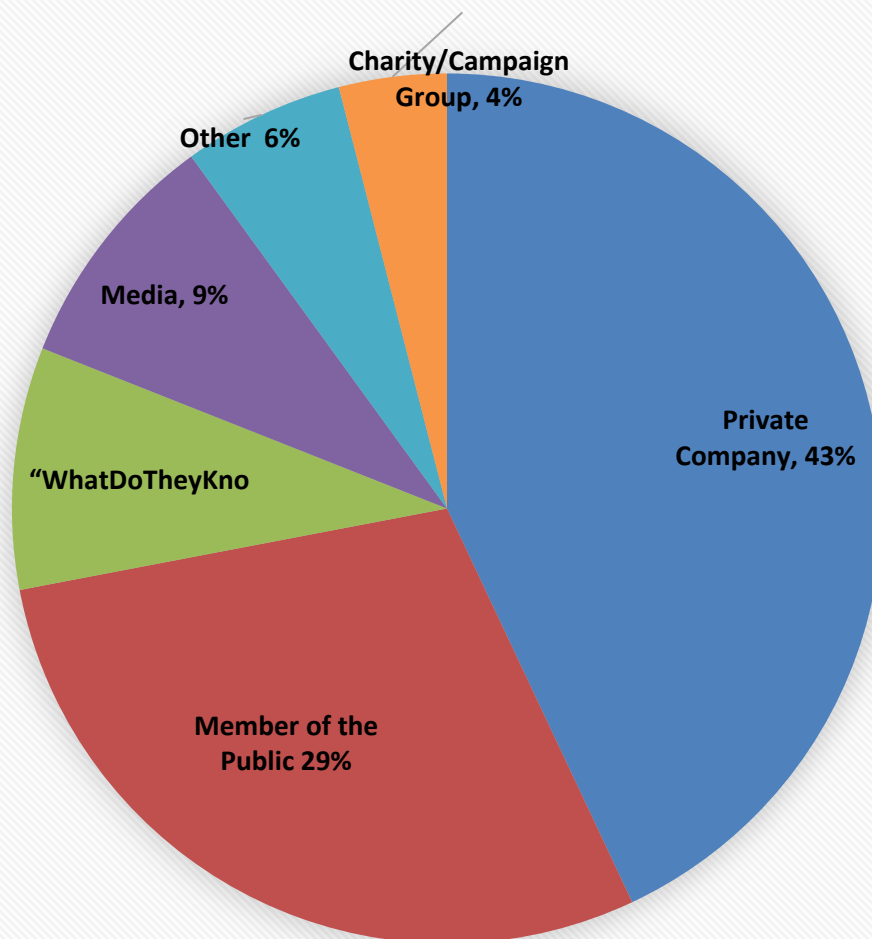
- 7.1. The Council is required to respond to FOI and EIR requests within 20 working days – subject to certain exceptions as long as the requester is kept informed – for example extra time can be taken to consider the Public Interest Test.
- 7.2. During the first six months of 2024 (January to June inclusive – ie Quarter 4 of 2023-24 and Quarter 1 of 2024-25) the Council received 449 FOI/EIR requests – of which 89.7% were responded to within the 20 working day statutory deadline. This falls ever so slightly short of the Management Team’s set target of 90%.
- 7.3. The drop in performance was largely due to structural changes and resourcing, as well as unprecedented internal issues within the wider Council which meant that FOI/EIR requests were not being given the attention required.
- 7.4. Following the Committee’s request to monitor, as an additional target, response rates dealt with promptly within 10 working days (ie half of the statutory time limit), we can report that, during this period 206 requests (36.6% of the total) were responded to within 10 or fewer working days. This marks a similar trend to the equivalent period for last year when 38.5% of requests were responded to within 10 or fewer working days.
- 7.5. Planning received by far the most requests over the six-month period with a total of 100 (accounting for over 22% of the total requests received across all service areas).
- 7.6. The second busiest service area was Environmental Health which received 28 requests, an impressive 96.4% of which were dealt within the statutory time limit.
- 7.7. It is also worth noting that 20 out of a possible 31 service areas (64.5%) have achieved or exceeded the Management Team’s performance

target regulatory of 90%. Notably, 18 of these 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 27 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% of all FOI/EIR requests), closely followed by members of the public at 29% of the total. See chart below for full figures – which reveals a broadly similar pattern to that of previous years. The category entitled “Other”, accounting for 6% of the total includes other local authorities, academics, political organisations, professional bodies, trade unions and legal firms.

**Figure 1 – Categories of Requester, January – June 2024**



\*“Other” includes local authorities, academics, political organisations, professional bodies, trade unions and legal firms.

## **8. Appeals/Reviews**

8.1 Nine internal reviews were received during the period covered (compared with three during the previous six-month period). However, it is worth noting that five of these reviews were instigated by the same requester. In three of the nine cases the Council’s original decision was

partially overturned in that previously withheld or undisclosed information was released as a result of the review.

**Figure 2 – Internal Reviews, January – June 2024**

Case ref	Case Title	Information requested	Received	Original Exemption cited	Outcome
IR2024/00909	Planning App 24/P/00441 - Badger report from Habitat Management & Monitoring Plan	Details of badger report undertaken in relation to a planning application	10/06/24	EIR 12(5)(g) - Adverse effect on protection of environment to which information relates	Original decision partially overturned – some of originally withheld information was subsequently released
IR2024/00786	Hospitality councillors, & officer declarations	To confirm whether there have been any declarations by either Councillors or officers in respect of : 1. University of Surrey Hospitality - ie lunches with councillors or officers 2. Tor&Co hospitality or any with or their senior executives 3. SSE hospitality - solar park development	21/05/24	FOI s. 21 – information available by other means	Original decision fully upheld
IR2024/00685	Communications involving [named member of staff "X"]	All communications on record involving "X" between April and June 2021.	07/05/24	Requester believed that some content had been missing from original response	Original decision fully upheld
IR2024/00678	Communications involving [named member of staff "Y"]	All communications on record involving "Y" between April 2021 and June 2021	09/05/24	Requester believed that some content had been missing from original response	Original decision fully upheld
IR2024/00675	Communications involving [named member of staff "Z"]	All communications on record involving "Z" between April 2021 and June 2021	07/05/24	Requester believed that some content had been missing from original response	Original decision fully upheld – FOI s12 was cited as an additional exemption
IR2024/00616	Communications involving [Named individuals] "Mr & Mrs X1"	All communications on record involving Mr & Mrs X1, currently resided at [named address]	22/04/24	FOI S40 (Personal information)	Original decision fully upheld

IR2024/00610	Licensing Fees	How much money Council has received each year from 2020 to 2024 from licensing for taxis	19/04/24	FOI S21 - Accessible by other means	Original decision partially overturned – some previously undisclosed information that was not accessible from the GBC website was released
IR2024/00601	Planning complaint information request	Copies of all documents, related to handling and investigation of requester’s complaint	10/04/24	Requester believed that some content had been missing from original response	Original decision partially overturned – some previously undisclosed information was released
IR2024/00214	Ash Road Bridge exempt appendices from Executive & council meetings	A copy of the exempt appendices on Ash Road Bridge from Executive & Full Council Meetings of 16/03/2023	05/02/24	FOI S 43(2) - commercial sensitivity	Original decision fully upheld – but was subsequently overturned following a review by the ICO in July 2024

## 9. Data Subject Access Requests (DSARs)

9.1 The Council received 15 DSARs (ie requests for personal information relating to an individual) during January to June 2024. All but one of these requests were dealt with within the standard time limit, a compliance rate of 93%.

## 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. In September 2024 Surrey Police received a public enforcement notice from the Information Commissioner’s Office (ICO) over a backlog of FOI

requests after the organisation's compliance rate for timely responses had dropped by 15% in the space of a year – from 69% to 54%.

## **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 Not applicable.

## **15. Equality and Diversity Implications**

15.1 Not applicable.

## **16. Climate Change/Sustainability Implications**

16.1 Not applicable.

## **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 improved on.



## **18. Conclusion**

18.1. Going forward Performance rates are expected to improve to targeted levels now that the Council is experiencing a more settled period and there is an increasing awareness of the importance of FOI/ER within the wider organisation. The appropriate measures will continue to be carried out in order to achieve this and to improve performance rates further.

## **19. Background Papers**

19.1. Not applicable.

## 20. Appendix

### 20.1. FOI/EIR Requests received by service area, January – June 2024

Service Area	Total requests	Answered in time	Percentage
Asset Management	8	7	87.5%
Benefits	3	3	100%
Business Rates	23	23	100%
Climate Change	4	4	100%
Community Services	11	10	90.9%
Council Tax	15	15	100%
Communications & Customer Services	8	7	87.5%
Democratic Services	9	9	100%
Engineers	1	1	100%
Env Health	29	27	93%
Facilities Management	3	2	66.6%
Finance	22	18	81.8%
Fleet & Waste	19	14	73.6%
Heritage	5	5	100%
Housing Advice	14	9	64.2%
Housing Services	21	15	71.4%
Housing Maintenance	10	8	80%
Human Resources	26	24	92.3%
ICT	13	13	100%
Legal	15	15	100%
Leisure Services	1	1	100%
Licensing	11	11	100%
Neighbourhood & Housing Management	16	14	87.5%
Parking Services	12	12	100%
Parks & Countryside	13	13	100%
Planning	100	86	86%
Private Sector Housing	4	4	100%
Procurement	6	6	100%
Regeneration	4	4	100%
Regulatory Services	19	19	100%
Web Team	4	4	100%
<b>TOTAL</b>	<b>449</b>	<b>403</b>	<b>89.7%</b>

Please ensure the following service areas have signed off your report.  
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<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	31/10/24
Legal / Governance	07/11/24
HR	31/10/24
Equalities	
Lead Councillor	30/10/24
CMB	n/a
Executive Liaison/briefing	n/a
Committee Services	