

Guildford Borough Council

Report to: Corporate Governance and Standards Committee

Date: 16 November 2023

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

- 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.
- 1.2 Following a fall in performance standards during 2020-21 largely due to the Covid pandemic lockdown and recent corporate restructures, performance rates for timely delivery of FOI/EIR requests have since improved over the 2021-22 and 2022-23 financial years.

2. Recommendation to Committee

- 2.1 That Corporate Governance and Standards Committee notes this report 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

No

5. Purpose of Report

- 5.1 This 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 2023

- 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 2023 (January to June inclusive – i.e. Quarter 4 of 2022-23 and Quarter 1 of 2023-24) the Council received 376 FOI/EIR requests – of which 90.5% were responded to within the 20 working day statutory deadline. This is in line with the Corporate Management Board’s set target of 90%.
- 7.3. Following the Committee’s request to monitor, as an additional target, response rates dealt with promptly within 10 working days (i.e., half of the statutory time limit), we can report that, during this period 145 (38.5% of the total) were responded to within 10 or fewer working days. This compares favourably with the overall 2022-23 figure of 36.5%.
- 7.4. Planning received the most requests over the six-month period with a total of 60 (almost 16% of the total requests received across all service areas). A creditable 95% of these requests were responded to in time.
- 7.5. The second busiest service area was Environmental & Regulatory Services which received 59 requests, an impressive 100% of which were dealt within the statutory time limit.
- 7.6. It is also worth noting that 12 out of a possible 21 service areas have achieved or exceeded the Corporate Management Board’s performance target of 90%. Notably, 9 of these service areas deserve special commendation for achieving a 100% compliance rate.
- 7.7. 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 19 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).

- 7.8. The highest proportion of requests during the stated period came from private companies (48.5% of all FOI/EIR requests), closely followed by members of the public at 26% of the total. See table below for full figures – which reveals a broadly similar pattern to that of previous years.

Figure 1 – Categories of Requester, January – June 2023

Correspondent Group	No. of requests	%
Private Company	178	47%
Member of the Public	98	26%
“WhatDoTheyKnow”	36	9.5%
Media	33	9%
Other (includes Legal/trade unions/political/local authorities/academics)	21	6%
Charity/Campaign Group	10	2.5%

8. Appeals/Reviews

- 8.1 Three internal reviews were received during the period covered (compared with two during the previous six-month period). In one case the Council’s original decision was upheld, but the other two reviews saw the initial verdict either partly or completely overturned.

Figure 2 – Internal Reviews, January – June 2023

Case ref	Case Title	Information requested	Received	Exemption	Outcome
IR2022/00052	Council Spend data	Annual spending data for the past 3 years along with all invoices and receipts that match this data	19/01/23	FOIA section 12 (Cost of compliance exceeds appropriate limit)	Council's original decision upheld
IR2023/00265	Correspondence between GBC and Ole & Steen bakery on state of building	Correspondence between GBC and the Ole and Steen bakery regarding the state of the building in the lead up to its opening	08/03/23	FOIA section 43 - Commercial interests	Original decision partially overturned – some of originally withheld information released
IR2022/00712	Council tax payments in empty property	Request for council tax records relating to past occupancy of a residential property.	14/06/23	FOIA section 40 (personal information)	Original decision fully overturned – originally withheld information released in full

9. Data Subject Access Requests (DSARs)

9.1 The Council received 8 DSARs (which are requests for personal information relating to an individual) during January to June 2023. All requests (where identification was received) were dealt with within the standard time limit.

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 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 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 (Jan-Jun 2023)