



East Renfrewshire Council

Freedom of Information

Report for the Period Jan 2008 – June 2009

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Information Requests

1 Volume of requests

East Renfrewshire Council dealt with 390 requests for information in 2008 under the Freedom of Information procedures. This represents a very significant increase (45%) on the total number for 2007 (269), and is by some margin the highest number of requests received in any one year.

This trend was even more pronounced in the first half of 2009, with 337 requests dealt with in that six month period alone.

Figure 1 details the number of requests received each month. As in previous years, there were relatively less requests received in summer 2008, while the autumn months again showed a marked increase. The monthly total again dipped in November and December, but has stayed fairly steady throughout 2009. The obvious exception is April 2009, but this is largely accounted for by more than 30 requests from the same source being received on the same day.

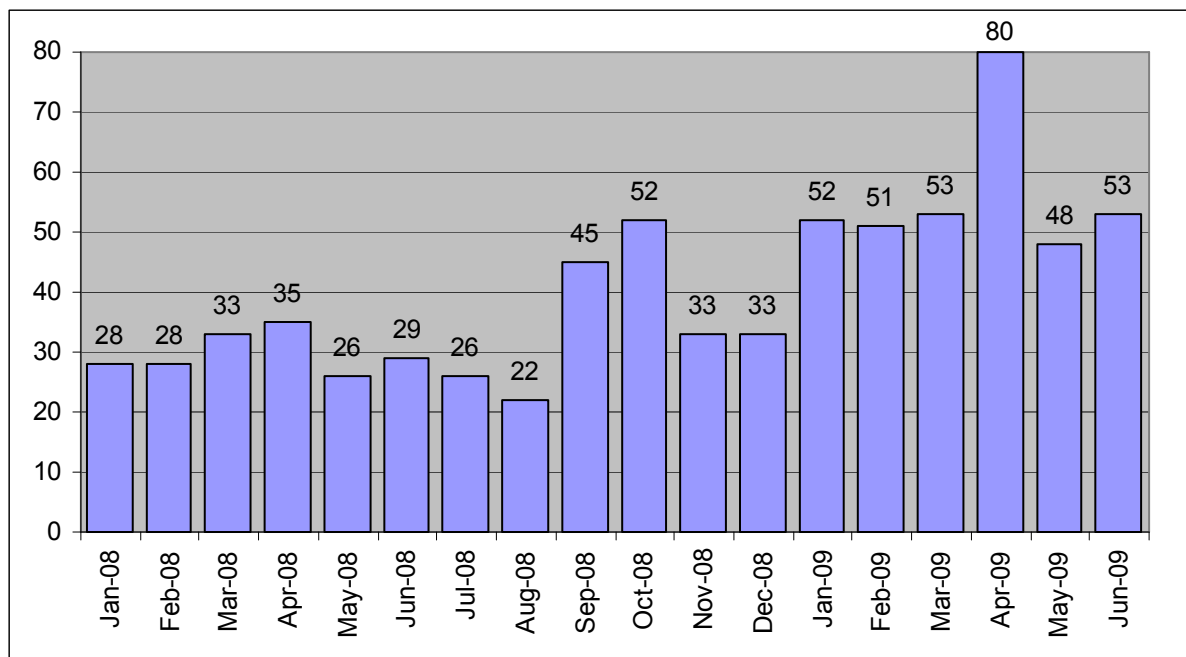


Figure 1

2 Nature of Requests

Examples of subjects, arranged by Department, on which information requests were received during 2008 and the first half of 2009 are given in figure 2 below.

Due to the restructuring of the Council, departments to which requests are assigned changed during 2008. For example, a request for Community Safety information would have been allocated to the Community Services Department in the early 2008, but to Chief Executives for the remainder of

the period. Likewise, an FoI request for Libraries would have gone to Community Services before April 2008, but latterly to Education.

Central Services:	
	Development of the former Braidbar Quarry Land ownership
CHCP:	
	Costs and effectiveness of Community Service Orders Case reviews by Child Protection Committee Charging Policies for non-residential care Details of children taken into care Domiciliary Care Adoption criteria
Chief Executives:	
	Single status issues Tender and contract information Legal fees for PFI projects Use of Regulatory Powers Salaries of senior staff
Community Services:	
	Library stock Refuse collections
Education:	
	Catchment areas and placement issues Violence in schools Pupil misconduct Staff absenteeism Schools' subject provision and exam results
Environment:	
	Non-standard property reports Work on roads Cycling policies Policies on affordable housing Site-specific planning information Animal licensing Planning information
Finance:	
	Insurance claims IT section staff & contract details Expenditure on Christmas trees
Cross Departmental:	
	Home visits made by Council staff Lord Lieutenancy costs Employees convicted of offences Funding of traditional music and song

Figure 2

As well as on a broad range of issues, the Council received requests from a diverse range of applicants. Figure 3 shows that - as in previous years - approx. 2/5^{ths} of requests came from individuals, around 1/5th of requests came from businesses, and a similar proportion came from the media.

The proportion of requests from “Community/Campaign Groups” which includes charities, community councils, etc., was significantly lower than in previous years.

Comparison between these figures and those of previous years would seem to indicate a significant increase in the volume of requests from “MPs/MSPs/elected members” and a marked decrease in those of “public authorities”. In fact, this is largely due to the requests from parliamentary researchers now being classed under the former category.

	2008	Jan to June 2009
Individual	156 (40%)	141 (42%)
Media	88 (23%)	59 (18%)
Business	86 (22%)	63 (19%)
MPs / MSPs / Elected Members	38 (10%)	54 (16%)
Community / Campaign Groups	18 (5%)	20 (6%)
Public Authority	4 (1%)	0 (0%)

Figure 3

Note: the legislation does not permit a public authority to enquire into the identity of the applicant or into the reason for their request. These figures, therefore, are indicative only. Per cent figures may not add to 100% due to the effects of rounding

3 Performance

In 2008, 93% of requests were answered within the statutory 20-day timescale; in the first half of 2009 it was 94% - figures comparable to those of previous years.

The average response time slipped somewhat from 9.9 in 2007 to 11.2 days in 2008. This dip in performance may have been down to the sheer size of the increase in the number of requests, but other factors may be the structural re-organisation in the Council and long-term absence and subsequent staffing changes in Legal Services.

It is pleasing to note that, despite the continued increase in the number of requests, the average response time improved to 9.7 days for the first half of 2009 - a figure better than that of any previous period.

Figure 4 gives a comparison of these results with those from previous years.

Response Times	2005	2006	2007	2008	Jan- June 2009
Average response time (in working days)	10.8	10.6	9.9	11.2	9.7
Percentage of requests answered within timescale (20 Working Days)	92%	96%	94%	93%	94%

Figure 4

The performance figures for each department for 2008 are given in figure 5. As noted above, however, these figures bridge the re-organisation of the Council during 2008: some departments existed only until April 2008, whereas others substantially changed their remit at that time.

Department	No. of requests	Average response time (in working days)	% of requests answered within timescale
Central Services	20	13.9	80%
CHCP	34	13.7	97%
Chief Executive's	66	10.2	97%
Community Services	11	14.1	82%
Education	65	10.8	92%
Environment	116	10.4	91%
Finance	48	11.4	96%
(Cross Departmental)	30	12.3	93%

Figure 5

Since January 2009 new records allocating each request to a particular section, have been developed. These figures will be reported on fully in the annual report for 2009.

2.4 Exemptions

As shown in Figure 6 below, the majority of information requests to the Council were answered in full. For comparative purposes, figure 6 also gives the corresponding figures for previous years.

Disclosure	2005	2006	2007	2008	Jan- June 2009
Full disclosure	80%	88%	87%	89%	92%
Partial disclosure	10%	6%	4%	5%	4%
Request Refused	10%	6%	9%	5%	4%

Figure 6

Note: percentage totals may not add up to 100% due to the effects of rounding.

While the Council attempts to be as open as possible, certain information is exempt from disclosure under Freedom of Information (Scotland) Act. Exemptions, in order of frequency of use, which were applied to information requests in 2008 are detailed at Figure 7:

Exemption		Number of times exemption cited				
		2005	2006	2007	2008	1-6/ 2009
S. 38	Personal Information	20	6	19	12	10
S. 12	Excessive cost of compliance	1	5	0	9	9
S. 25	Information otherwise accessible	13	11	3	8	8
S. 17	Information not held	0	0	6	5	6
S. 33	Commercial interests and the economy	7	6	5	3	2
S. 36	Confidentiality	14	2	3	3	0
S. 14	Vexatious requests	0	0	0	1	0
S. 26	Statutory prohibitions on disclosure	1	3	2	1	0
S. 35	Law enforcement	7	0	1	1	0
S. 27	Information intended for future publication	1	0	1	0	1
S. 30	Prejudice to effective conduct of public affairs	2	8	2	0	1

Figure 7

note: There have been a number of occasions on which more than one exemption was applied. The total number of exemptions noted in the table above, therefore, does not correspond with the total number of requests to which an exemption was applied.

2.5 Fees

The Freedom of Information (Scotland) Act 2002 makes provision for refusing requests which would cost more than £600 to deal with, and for partially recharging those that would cost the authority more than £100. During 2008, East Renfrewshire Council refused 9 requests on the grounds that answering them would in each case have exceeded the statutory cost ceiling. No fees notices were issued for requests costing between £100 and £600.

In the first half of 2009 a further 9 requests were refused due to excessive cost. Two fees notices were issued, one of which was paid (for £11).

2.6 Reviews

Of the 390 information requests dealt with in 2008, the applicant asked the Council to review its decision on 13 occasions (3%), a very similar proportion to the number of reviews requested in previous years (8 from 269 in 2006, 10 from 302 in 2007). So far in 2009 only 4 requests have been made for review (1%)

These reviews were determined as detailed in figure 8.

Requests for reviews	
Number of requests for reviews	17
...of which the review upheld the Council's original decision	6
...of which the review partly upheld the Council's original decision	8
...of which the review overturned the Council's original decision	3

Figure 8

2.7 Appeals

If an applicant is not satisfied with the outcome of their review, they have the right to appeal to the Scottish Information Commissioner. Appeals following East Renfrewshire decisions considered by the Commissioner during the period of this report are detailed in figure 9.

Of the two appeals outstanding at the time of the last annual report, these were determined as follows:		
Fol request number	Subject	Outcome of Appeal
524	Information on Muslim Prayer Facility	Commissioner ordered disclosure
889	East Renfrewshire Neighbourhood Watch	Applicant abandoned Appeal

In addition to the above, two new appeals were made to the Commissioner:		
Fol request number	Subject	Outcome of Appeal
978	Braidbar Quarry agreement	Commissioner upheld Council's decision
1128	Elected members' expenses	Applicant abandoned Appeal

Figure 9

Craig Geddes, August 2009