

PART

AGENDA
ITEM

4A

Report to: Functions Committee
Date of Meeting: 26th September 2006
Report of: Head of Legal and Democratic Services
Title: Freedom of Information Act Requests January to June 2006

1. **SUMMARY**

Appendices 1 and 2 show the number of Freedom of Information Act requests received in the period January to June 2006.

In addition members will be aware that a charge was introduced at the beginning of the financial year for replying to requests. However following a decision made in relation to charges made by the Information Tribunal in relation to the Environmental Information Regulations in respect of another Council the Council has had to review its policy and has ceased to implement the charge.

2. **RECOMMENDATIONS**

2.1 To note the report

Contact Officer:

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Report approved by: *Corporate Director/Head of Service*

3.0 DETAILED PROPOSAL

- 3.1 Appendix 1 lists 17 requests for information received in the period January to March 2006. Members will note that there are actually 2 entries for 'copy of maintenance records for 154 Munden View' this is not a duplicate entry of the same request. Of those 17, although the appendix indicates that 2 were replied to outside the statutory time period. Enquiries of the services concerned have revealed that replies were in fact within the statutory timescale, they were just not recorded properly. Members will see that the requests cover a wide variety of matters and it is still not possible to find an emerging trend.
- 3.2 Appendix 2 lists 12 requests for information received in the period April to June 2006. Of those the appendix lists 2 replied to outside the statutory time period. Enquiries with the service concerned have revealed that in fact replies were given in the statutory time period; they were just not recorded properly. One is reported as not having been responded to at all. The reason for this has been reported as staffing problems within HR. I have spoken to the Head of service and reminded her of the need for responses to be given promptly. Further the Complaints Officer has reminded Customer Liaison Officers to make sure they accurately log reply dates on to the computer system.
- 3.3 The Information Tribunal in the case of *Markinson v Information Commissioner* has determined that, in relation to charges under the Environmental Information Regulations charging for staff time and the maintenance of information is not permitted and that unless there is a demonstrable case for it a charge of no more than 10p per page should be levied for photocopying documents.
- 3.4 Under Freedom of Information Act we are only permitted to charge for photocopying and postage. In April the Council introduced a standard £10 fee for this for requests. In the light of the Information Tribunal decision the Council has ceased to levy the £10 fee and refunded those who had already submitted their fee. As the Council became aware of this decision in April shortly after the introduction of the fee it did not have a material effect on our income.

4.0 IMPLICATIONS

4.1 Financial

The Director of Finance comments that this report indicates that information is found using existing staff resources. If, in the future, the requests increase in

number and/or complexity then it may become necessary to review this situation.

4.2 Legal Issues (Monitoring Officer)

The Head of Legal & Democratic Services comments that ongoing training will be provided across the council to ensure officers are aware of the Council's responsibilities under the Act

4.3 Staffing

Requests are replied to by Customer Liaison Officers in each department

4.4 Accommodation

None

4.5 Equalities

None

4.6 Community Safety

None

4.7 Sustainability

None

Appendices

Appendices 1 and 2

Background papers:

“The following background papers were used in the preparation of this report (list). If you wish to inspect or take copies of background papers please contact the officer named on the front page of the report”.

Information tribunal Decision Markinson v Information Commissioner

File reference:

None