

PUBLIC QUESTIONS TO COUNCIL – 13 JULY 2022

a) Question from David Ingham to Councillor S Spencer, Cabinet Member for Corporate Services and Budget (attending)

“At Full Council in December 2021 I raised a query associated to a disciplinary FOI and three officer complaints. On 12th May 2022 a Decision Notice regarding DCC was issued, published by ICO on their website. Following the Centralisation of HR and record archiving, obtaining disciplinary case numbers and decision statistics for even a 12 month period now takes longer than 18 hours to process. Consequently, the Council chose to apply an exemption based on time factor meaning no response had to be provided.

Even if ICO acknowledges a requesters view information sought is in the public interest, as was in this case, the exemption can still be relied upon.

The Decision Notice clearly illustrates the hidden cost of having to respond to officer/member internal questions that necessitate the access of archived data/council systems. As a publicly declared transparent Council how can system cost/time access issues be addressed/FOI barriers reduced.”

Response:

“Thank you, Mr Ingham for the question. We have had numerous lines of correspondence over the months, Mr Ingham, as you are fully aware on various issues of transparency, openness and making sure that the information you have requested has been made available to you. We endeavour to do that as a Council. We endeavour to be transparent, open, and address the issues of transparency and openness in everything we do.

I just need to refer you to the IOC’s decision notice, Mr Ingham. I am going to read a little bit from that. It says “Picking up on the highlighted points raised by Mr Ingham it is correct that the ICO acknowledged the requester’s view that disclosure of information is in the public interest with regards to the Council’s accountability and transparency obligations” but the ICO also pointed out that under section 12 of the FOIA “it is not subject to the public interest test.” In other words the element that you referred to does not come under that test. That was declared by the office themselves.

We do endeavour, and we will continue to endeavour, Mr Ingham, to keep you informed as best we can, behave in a transparent and open fashion, and that will be the position this Council takes in all other issues. We have supplied you, as you are fully aware, with the details and the numbers with regard to the FOI request and other requests made of this Council in a substantial way. I hope that answers your question.

Supplementary question:

So, arising out of my original question I am just asking Councillor Spencer to agree, to regard today as a watershed moment really and the need for Cabinet and senior officers to recognise a real need for greater awareness and change of approach regarding systems.

To help illustrate the point I make I have recently raised associated Freedom of Information Requests with six other Unitary and County Councils to ensure all my questions at Council meetings, including today, continue to be underpinned by factual evidence. I don't propose to name those Councils. I will let Councillor Spencer know who those Councils are directly and I will also let members of the Minority Groups know as well for transparency for my sake. Obviously all those Freedom of Information requests that have been made will also be publicly available on their own disclosure logs at each of those particular Councils.

I asked the Councils in question to provide basic disciplinary statistics for 2019. All have responded bar one to-date and the other five have all provided their reportable data. A similar Freedom of Information request would not generate data from this Council as officers can choose to rely on an exemption as it apparently takes 40-50 minutes to check each file/record for accuracy and in turn would therefore take longer than 18 hours to do so and cost more than £450 to respond to in comparison with one Council who freely informed me that the cost of processing my request for 2019 disciplinary data was a mere £12.50, and you did hear me correctly, £12.50.

I also asked these Councils how many Freedom of Information and Environmental Information Regulation requests they had received between July and December 2021 and how many they had applied an 18 hour exemption to? Again all have responded bar one to-date and the other five have all been in a position to provide available data for the full requested six months.

The same question was put to this Authority. Even though the information is stored within the Council's electronic data management system it would apparently take over 29 hours to obtain and provide an answer to the same question regarding 18 hour exemptions, a cost in the order of £725.

Consequently, I was advised by officers within this Council, somewhat ironically, that they would be applying an 18 hour exemption and not responding to that request for data on 18 hour exemptions.

I appreciate the additional context incorporated within the supplementary will be new information to you, Councillor Spencer, and my question is not directed at you but via you, but I hope it helps you clearly understand why I am pressing for the need for significant change and why these key matters require addressing as a matter of priority with senior officers in order to ensure that this

Authority is more open, is more transparent, and is more resilient to scrutiny in the true sense of the meaning. Thank you.

Response:

Thank you, Mr Ingham. I can't possibly comment on the practices of other Authorities and this information is the first time I have heard of it today but I would not comment on how other Authorities carry out their business anyway. I will say this, Mr Ingham: I refute the suggestion that this Authority is not open and transparent in its ---

Mr Ingham: I said "more transparent, more open" Councillor Spencer.

Cllr Spencer: Absolutely. I have no problem whatsoever in suggesting to you we endeavour to be as open and transparent as we possibly can and the ICO has already pointed out there are no questions to answer in our policies and procedures that take place at this moment in time, as I have read out in the extract. I did ask officers to review the full document when it was returned to us from the ICO which they have done.

I will say this to you now, Mr Ingham: I refute any suggestion that we are not open and transparent. I am sure there are always things we can do to improve that process and your points are noted so thank you for the question.