

**NORTH LANARKSHIRE COUNCIL**  
**REPORT**

To: CORPORATE SERVICES COMMITTEE		Subject: FREEDOM OF INFORMATION - 2012/13	
From: ACTING HEAD OF LEGAL SERVICES			
Date: 29 July 2013	Ref: CC/CG		

**1. PURPOSE OF REPORT**

- 1.1. The report provides details of the number of freedom of information requests received by the Council during the financial year 2012/2013 at 31 March 2013 and provides further comparative and ancillary information.
- 1.2. Annexed to this report is an Appendix detailing
- the total number of requests received under either the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004;
  - a monthly breakdown of those figures;
  - a breakdown by Service;
  - comparative figures for financial years 2005/2006 to 31 March 2013;
  - details of cases submitted for review, and
  - an indication of the category of applicant
- 1.3. It will be noted that while the volume of requests continues to increase the rate of this is not as great as in previous years. In the first full year after the Act came into force, the Council received 563 requests: last financial year the total was 1226. The total for the year to 31 March 2013 is 1240. Of these, 1163 were responded to within the statutory response period, 6 were withdrawn, 29 are awaiting/did not receive the clarification required in order to further progress the enquires, 38 are awaiting/did not receive the appropriate fee for the provision of material – 16 of which did receive some information.
- 1.4. Of note, also, is a reversal of the upturn in the number of information requests received from the media, solicitors and commercial companies in 2011/12 which, in all cases have reduced in 2012/13 giving a corresponding increase in the number of requests received from individuals.
- 1.5. With regard to the Council's services it remains the case that the majority of requests received each month relate to the functions of Environmental Services. The number of requests relating to issues which require to be dealt with under the Environmental Information (Scotland) Regulations 2004 (EIRs) amounted to 56 last financial year. The year end total for 2012/13 is 101 - this increase partly reflecting the revised arrangement in November 2013 to process requests for roads repair records under the EIRs, rather than the Freedom of Information legislation.

## 2. REVIEWS

- 2.1. As will be seen from the Appendix, in the year to 31 March 2013, requests for internal review of the original decision were received in 18 cases. Of those, in fifteen cases the initial decision was upheld - and additionally clarification was provided in one, extra information was provided in another and a further exemption was applied to a third: two reviews were partially upheld and another awaits a response.
- 2.2. Following internal reviews, three cases were referred to the Scottish Information Commissioner one of which was a technical breach, one has yet to be determined by the Commissioner and one was withdrawn.

## 3. COMPLIANCE

- 3.1. The statutory provision for responding to requests received under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2002 is 20 working days, which, in the case of the latter may be extended by a further 20 working days if the volume and complexity of the information requested makes it impracticable to respond within the earlier period.
- 3.2. Of the 1,167 enquiries fully progressed in the year 2012/2013, the percentage compliance of responses made within the statutory periods provided for by the legislation was in quarter one - 99.5%; quarter two - 99.6%; quarter three - 100%; and quarter four - 99.3%. The final year end percentage to 31 March 2013 was 99.6% compliance, i.e. 1,163 requests were answered within the statutory response periods. It should be noted that this percentage compliance compares very favourably with other Scottish local authorities, a comparative exercise based on 2012 data having placed the Council joint first of those who participated in terms of compliance.



**Acting Head of Legal Services**

**REQUESTS RECEIVED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002/ENVIRONMENTAL  
INFORMATION (SCOTLAND) REGULATIONS 2004**

**Applications Received 2012/2013**

Month Ending 31 March 2013

Department	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec 2012	Jan 2013	Feb	Mar	Total
Chief Executive	1	1	0	0	2	1	3	7	0	0	0	2	17
Corporate Services	9	11	14	16	11	8	22	9	12	11	6#	11#	140
Environmental Services	32#	28#	21#	41#	25#	33#	34#	44#	16#	44#	51#	30#	399
Finance and Customer Services	10	7	6	8	7	4	22	14	5	4	8	7	102
Housing and Social Work Services	17	17	11	10	14	14	26	15	12	12	10	18	176
Learning and Leisure Services	3	20	17	6	10	18	35	12	11	9	8	17	166
Various *	12*#	12*	16*	33*	17*	11*	25*#	12	18#	44#	22	18	240
<b>TOTAL – 2012/2013</b>	<b>84</b>	<b>96</b>	<b>85</b>	<b>114</b>	<b>86</b>	<b>89</b>	<b>167</b>	<b>113</b>	<b>74</b>	<b>124</b>	<b>105</b>	<b>103</b>	<b>1240</b>

\* For a breakdown of applications received in this category see over page

- #April - Contains 2 applications processed under the Environmental Information (Scotland) Regulations 2004
- #May - Contains 3 applications processed under the Environmental Information (Scotland) Regulations 2004
- #June - Contains 5 applications processed under the Environmental Information (Scotland) Regulations 2004
- #July - Contains 4 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Aug - Contains 3 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Sept - Contains 5 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Oct - Contains 5 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Nov - Contains 20 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Dec - Contains 10 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Jan - Contains 14 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Feb - Contains 15 applications processed under the Environmental Information (Scotland) Regulations 2004
- #Mar - Contains 15 applications processed under the Environmental Information (Scotland) Regulations 2004

<b>TOTAL – 2011/2012</b>	66	75	100	127	89	96	98	107	79	132	139	118	1226
<b>TOTAL – 2010/2011</b>	66	67	97	102	62	88	223	91	77	107	86	82	1148
<b>TOTAL – 2009/2010</b>	63	65	71	100	69	76	82	89	50	105	74	106	950
<b>TOTAL – 2008/2009</b>	76	65	43	93	43	89	103	67	49	92	75	74	869
<b>TOTAL – 2007/2008</b>	36	34	41	67	61	39	41	43	33	64	83	78	620
<b>TOTAL – 2006/2007</b>	35	77	39	38	41	34	61	57	45	64	58	56	605
<b>TOTAL – 2005/2006</b>	34	34	34	34	88	39	39	42	30	41	85	63	563
<b>TOTAL – 2004/2005</b>	-	-	-	-	-	-	-	-	-	21	23	40	84

NORTH LANARKSHIRE COUNCIL

REQUESTS RECEIVED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002/ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

\* BREAKDOWN FOR CATEGORY ENTITLED 'VARIOUS' APPLICATIONS RECEIVED - 2012/2013

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1.	C:ES	C:FC:LL	ES/LL	C:CE	ALL	C:ES	ES:FC	ES:HSW	ES:FC	C:LL	CE:FC	FC:HSW
2.	ES:LL	ES:FC:LL	ALL	C:LL	ES:HSW	C:ES:HSW	CE:ES:FC	C:LL	ALL	C:ES	C:FC:LL	CE:ES:HSW
3.	ALL	ES:HSW:LL	ALL	ES:LL	HSW:LL	C:FC	ES:FC	ES:FC:HSW:LL	ES:HSW	C:CE	ES:FC	C:ES
4.	C:FC:LL	C:HSW	C/ES/FC	C:FC	C:FC:HSW	ES:HSW	C:ES	C:FC	C:CE:FC	ES:FC	FC:HSW	C:FCS
5.	HSW:LL	ES:LL	C/ES	C:FC:LL	C:FC	C:LL	C:LL	C:FC:LL	ALL	ALL	ES:LL	ES:LL
6.	ES:FC	ALL	C/ES/FC	FC:LL	C:LL	HSW:LL	C:ES:HSW:LL	C:ES	ES:FC	ES:HSW:LL	ES:LL	FC:HSW
7.	ES:LL	ES:HSW	ES/LL	C:FC	ES:FC	FC:HSW	ALL	C:LL	FC:LL	ES:HSW(20)	ES:LL	C:ES:FC:LLL
8.	ES:LL	C:FC	C/ES/FC	ES/HSW(19)	C:HSW	ES:HSW	C:FCS	C:LL	ES:LL	C:ES	FC:LL	ES:LL
9.	ALL	ES:FC	C/ES/FC	C:ES:ES	C:CE/ES	ES:FC	ES:FC	C:ES	ES:FC	ES:LL	ALL	ALL
10.	ALL	ES:LL	C/ES/FC	ES:FC	FC:LL	C:HSW	C:FC	C:CE:FC	ES:HSW	C:ES:LL	FC:LL	HSW:LL
11.	ES:FC	ES:FC	C/ES/LL	ALL	ES:LL	C:HSW	FC:HSW	C:HSW	C:ES:FC:LL	C:FC	ES:FC	CE:LL
12.	C:CE	C:ES:FC	C/HSW	C:FC	C:ES		ES:FC	C:ES:FC:LL	ALL	C:ES	C:FC	FC:HSW
13.			C/LL	FC:LL	ALL		C:ES:FC:LL		ES:FC	FC:LL	ALL	ES:LL
14.			C/CE	FC:LL	CE:ES:FC:LL		C:ES		C:HSW	CE:ES:FC	C:ES	ES:HSW
15.			C/ES/FC/LL	FC:LL	FC:LL		ES:LL		C:LL	ALL	ALL	ALL
16.			FC/HSW		C:LL		CE:FC		ES:FC:HSW	ALL	FC:HSW	C:LL
17.					ES:HSW		HSW:LL		C:LL	C:HSW	HSW:LL	ES:HSW
18.							ES:LL			FC:HSW	CE:FC	ES:HSW
19.							C:ES:FC			ES:LL	ES:LL	
20.							ES:LL			C:ES	FC:LL	
21.							C:ES			C:ES:HSW	ES:HSW:LL	
22.							CE:C:HSW			ES:FC	C:FC	
23.							ES:FC:LL			FC:HSW		
24.							ES:LL			FC:HSW		
25.							C:FC:LL			FC:LL		

Key:  
 CE = Chief Executives  
 C = Corporate Services  
 ES = Environmental Services

HSW = Housing & Social Work Services  
 FC = Finance & Customer Services

LL = Learning and Leisure Services  
 ALL = All Services

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002/  
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

**2012/2013 - Requests For a Review of Original Decision**

Month Ending 31 March 2013

<b>Applicant</b>	<b>Received</b>	<b>Expiry</b>	<b>Response</b>	<b>Subject</b>	<b>Service</b>	<b>File Ref:</b>	<b>Decision</b>
Bonnar & Co (Solicitors)	12/04/12	11/05/12	10/05/12	Accident investigation records - St. Andrews High School, Coatbridge	Learning & Leisure Services	02/03/12-2	Partially upheld. Some information provided
Mr W Stewart	01/05/12	30/05/12	29/05/12	Council Tax Collection Procedure	Finance & Customer Services	10/04/12-2	Initial decision upheld
Robert Kilday	10/07/12	08/08/12	03/08/12	Council Tax and Rebate Claims	Finance & Customer Services	22/05/12-3	Initial decision upheld
Michael Tolland	13/07/12	13/08/12	03/08/12	List of Public Roads	Environmental Services	04/05/12-3	Initial decision upheld
Scottish Parliament (Scottish Conservative Researcher)	19/09/12	17/10/12	28/09/12	Wind Turbine Applications (challenged use of EIRs over FOISA)	Environmental Services	06/09/12-1EIR	Initial decision upheld
Hillend Care Home (Semple Fraser LLP)	06/11/12	05/12/12	04/12/12	Minutes of Meeting of Adult Protection Committee - 04/10/12	Housing & Social Work Services	12/10/12	Initial decision upheld
Bhailok Fielding Solicitors	12/11/12	11/12/12	11/12/12	Social Care Notes for a deceased person	Housing & Social Work Services	02/10/12-6	Initial decision upheld
Mrs J Ward	20/11/12 (SIC Decision 186/2012)	06/01/13	21/12/12	Request for Review - Flare records Allanton Road	Environmental Services	17/02/12-1EIR	Initial decision upheld
Unison	06/12/12	09/01/13	14/01/13	Tender for Younger Adults Advocacy Service	Housing & Social Work Services	30/08/12-1	Initial decision upheld, some information provided

Applicant	Received	Expiry	Response	Subject	Service	File Ref:	Decision
Mrs J Ward	29/12/12	29/01/13	29/01/13	Drainage Issues – 153 Mill Road 12/1/95 – 2004	Environmental Services	23/11/12-7 EIR	Initial Decision Upheld
Semple Fraser, Solicitors	21/01/13	18/02/13	18/02/13	Hillend View Care Home	Housing & Social Work	19/11/12-6	Initial decision upheld and further exemption upheld
Mr Wm Stewart	21/01/13	18/02/13	18/02/13	Contaminated land at Luggie Glen, Coatbridge/Fusion Assets	Environmental Services	19/12/12-8 EIR	Initial decision upheld
Mr Wm Stewart	21/01/13	18/02/13	18/02/13	Various Chief Officers Employment Details	Corporate Services	10/01/13-34	Initial decision upheld
William Kane	26/01/13	22/02/13	22/02/13	Prison Visiting	Corporate Services	02/01/13-1	Initial decision upheld – clarification provided
Alistair Sloan	30/01/13	27/02/13	07/02/13	Planning road re-surface – Council request for clarification disputed	Environmental Services	28/12/12-1 EIR	Initial decision upheld
William Kane	05/02/13	05/03/13	05/03/13	DDA/Equality Impact	Corporate Services/ Learning & Leisure Services	03/01/13-4	Initial decision upheld
Mrs J. Ward	12/02/13	12/03/13	12/03/13	Drainage issues – 153 Mill Road 01/12/12 – 23/11/12	Environmental Services	23/11/12-8 EIR	Initial decision partly upheld/some info provided
Brodies, Solicitors	20/03/13	18/04/13	18/04/13	Road Repair Reocrds – Sunnyside Street – objection to application of EIR.	Environmental Services	23/11/12-3	Initial decision upheld

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002  
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

**INDICATIVE TYPES OF REQUEST RECEIVED - 2012/2013**

	<b>Individuals</b>	<b>Property/ Solicitors</b>	<b>Media</b>	<b>Companies</b>	<b>Total</b>
April	37	19	17	11	84
May	48	20	14	14	96
June	60	7	6	12	85
July	45	42	14	13	114
August	54	17	10	5	86
September	50	16	17	6	89
October	135	15	12	5	167
November	71	18	12	12	113
December 2012	46	7	14	7	74
January 2013	52	43	23	6	124
February	50	25	15	15	105
March	62	21	12	8	103
<b>Total</b>	<b>710</b>	<b>250</b>	<b>166</b>	<b>114</b>	<b>1240</b>

2011/2012	609	261	171	185	1226
2010/2011	730	214	115	89	1148