

HARBOROUGH DISTRICT COUNCIL  
MINUTES OF THE SCRUTINY PANEL – PEOPLE

held in the Council Chamber,  
Adam and Eve Street, Market Harborough

1<sup>st</sup> September 2011

commencing at 6.30p.m.

Present:  
Councillor Graves (Chairman)

Councillors: Dr. Bremner (Ex Officio), Mrs. Burrell, Everett and McHugo.

Officers: R. Ellis, B. Jolly and E. O'Neill

Apologies for absence were received from Councillors Beesley-Reynolds and Mrs. Robinson.

NOTIFICATION OF SUBSTITUTIONS

None were received.

MINUTES

RESOLVED: that the Minutes of the Meeting of the Scrutiny Panel – People held on 14<sup>th</sup> July 2011 be taken as read and signed by the Chairman as a true record.

DECLARATIONS OF MEMBERS' INTERESTS

None were received.

PERFORMANCE MANAGEMENT STRATEGY

The Panel considered a draft Performance Management Strategy. Performance Management at Harborough District Council has been developing over a number of years, but principally since the Comprehensive Performance Assessment in 2004. However, until now there has been no codified strategy in place.

The Council's performance management principles, systems, roles and responsibilities, and procedures have developed based on experience and the needs for reporting results locally and nationally.

The Panel RECOMMENDED that the Performance Management Strategy be forwarded to the Executive, subject to the correction of several minor spelling and grammatical errors.

FREEDOM OF INFORMATION

The Panel considered a report on the Council's handing of requests for information under the Freedom of Information Act 2000 (FOIA 2000) and the Environmental Information Regulations 2004.

The Panel NOTED that:

- (i) the legislation has one purpose and that is to enable access to publically-held information. Some key features include:
- it encourages organisations to be open and transparent.
  - it applies to public bodies only (Listed under Schedule 1 Part VII) FOIA 2000.
  - it affects everyone within that organisation.

- it empowers everyone irrespective of identity or place of residence.
  - it is retrospectively effective.
  - it works in conjunction with the Data Protection Act 1998.
  - the organisation is required to respond within 20 working days.
  - it is monitored and regulated by the Information Commissioners Office.
- (ii) both the Information Act and the Environmental Information Regulations became effective in English Law from 1<sup>st</sup> January 2005. Since the introduction of these provisions, the Council has received no complaints about its handling of information requests.
- (iii) the types of questions asked can effectively be about anything to do with the Council and its activities and there is no requirement for the person submitting the request to explain or justify why they require the information. Examples of the range of information requested are:
- Details of empty commercial properties
  - Number of estates passed to the Crown (Treasury Solicitor) where the deceased has died intestate
  - Details of budget setting procedures etc.
  - ICT contract details
  - Waste contract details
  - Press enquiries regarding topical issues.
  - General spending trends
  - Use of corporate credit cards
  - CEO expenses etc
  - Transport costs
- (iv) since 1<sup>st</sup> January 2005, the Council has generally seen a steady year-on-year increase in the number of requests for information it receives.

<b>Year</b>	<b>Number Received</b>	<b>Number responded to within 20 WDs</b>	<b>Number responded to outside 20 WDs*</b>	<b>Compliance Performance (%)</b>
2005	51	20	31	<b>39.21</b>
2006	46	33	13	<b>71.73</b>
2007	67	38	29	<b>56.71</b>
2008	131	100	31	<b>68.70</b>
2009	214	162	52	<b>76.33</b>
2010	303	267	36	<b>88.11</b>
2011 (to 4 <sup>th</sup> August)	255**	225	16	<b>93.36</b>

\* excludes days where the response period is suspended awaiting clarification or further information.

\*\* includes 14 requests still outstanding on 4<sup>th</sup> August.

- (v) the Council is endeavouring to make as much information as possible available via its website in order to minimise Officer time spent in responding to information requests.

The Panel RECOMMENDED that future versions of the table shown above at (iv) include two additional columns. These additional columns should be titled 'Number of Compliance Notices Issued' and 'Outcome of Compliance Notices Issued'.

The Panel NOTED that the quality of the report presented was excellent and requested that this be recorded in these minutes.

## DATA PROTECTION

The Panel considered a report on the Council's handling of Subject Access Requests under the Data Protection Act 1998.

The Data Protection Act 1998 extended the right of public access to personal data held about them to include data held on systems which are not exclusively computerised (The Data Protection Act 1984 had previously limited access to information held on computers).

The Data Protection Act 1998 aims to ensure that personal information is only held and processed where necessary and the operative presumption is in favour of keeping personal data confidential unless an exemption is applicable which will allow for that data to be released or shared. The Act allows individuals to find out what information the Council holds about them through submission of a Data Subject Access Request.

The Panel NOTED that:

- (i) all Data Subject Access Requests must be dealt within 40 calendar days.
- (ii) Subject Access Requests must originate from the subject in question viz. a third party may not make a Subject Access Request on behalf of another.
- (iii) a fee of £10 is charged for the processing of Subject Access Requests (this fee is specified by the empowering legislation).
- (iv) since the introduction of the Data Protection Act the Council has received the following numbers of complaints:

<b>Year<sup>1</sup></b>	<b>Number Received</b>	<b>No responded to within 40 Calendar Days</b>	<b>No responded to outside 40 Calendar Days</b>	<b>Compliance Performance %</b>
2009	4	4	0	<b>100</b>
2010	11	10	1	<b>90.9</b>
2011 (to 4 <sup>th</sup> August)	4	4	0	<b>100</b>

The Panel thanked Officers for the quality of the report presented and RESOLVED to note its contents.

The Meeting ended at 7.10p.m.

---

<sup>1</sup> There is no recorded numerical data regarding the number of requests prior to 2009.