

South Ayrshire Council

**Report by Head of Legal, HR and Regulatory Services
to Service and Performance Panel
of 20 September 2022**

Subject: FOISA/ EIR Annual Report 2021/22

1. Purpose

- 1.1 The purpose of this report is to provide an update to Members on the Council's response times and the volume of requests made under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs) by subject matter and type of requester during the period 1 July 2021 to 30 June 2022.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 scrutinises the contents of this report; and

2.1.2 requests a further report to a future meeting of the Panel providing an update on the Council's FOISA/EIR performance during the period 1 July 2022 and 30 June 2023

3. Background

- 3.1 On 5 September 2013, the Corporate and Community Planning Standing Scrutiny Panel considered a report on implementation of the recommendations contained within the Scottish Information Commissioners Assessment of February 2013.
- 3.2 Within paragraph 4.1 of the 2013 Panel report, it was advised that an Annual Report be submitted to the appropriate Panel detailing Directorate response times and volumes of requests under FOISA and EIRs, by subject and applicant status.
- 3.3 Reporting is also underpinned under section 60 of FOISA and regulation 18 of the EIRs, which states that public authorities should review and report on their FOI performance data regularly. South Ayrshire Council reports performance to the public, Elected Members and senior management, as well as providing quarterly performance figures to the Scottish Information Commissioner.
- 3.4 Should the Scottish Information Commissioner consider a public body is failing to perform to its standards, it has enforcement powers allowing their enforcement officers to invoke statutory [Interventions Procedures | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.itsofficialknowledge.info/).

- 3.5 South Ayrshire Council's performance has met and continues to meet the standards required of the Scottish Information Commissioner, with no Interventions sought.
- 3.6 The Council's Information Governance (IG) Team handles information requests under FOISA and EIRs.
- 3.7 Public Authorities are required to respond to information requests under both FOISA and the EIRS within 20 working days (in exceptional circumstances this timescale can be extended under the EIRS, but there is no extension mechanism within the FOISA legislation.)
- 3.8 For the reporting period outlined in this report, in 2021/22, 72% of FOISA responses were issued within 20 working days, and 71% of EIR responses being issued with statutory time scales. While there is a reduction in performance from the previous year, it is noted the Council received 165 more information requests in 2021/22 than 2020/21, and has seen an increase in complex and multi-department requests relating to high profile Council projects and developments:

	FOISA		EIR	
	2020/21	2021/22	2020/21	2021/22
Closed, information provided within the 20 day timescale	85%	72% ▼	88%	71% ▼

- 3.9 [Appendix 1](#) provides further information on the administration of FOISA and EIR requests, the Council's performance against statutory time scales, how South Ayrshire Council performs in comparison to other similar local authorities within Scotland, the number of Internal Reviews and Scottish Information Commissioner investigations that have been carried out, and future steps that are being taken to improve Council performance.
- 3.10 [Appendix 2](#) provides information on the Council's response times to FOISA requests within 20 working days, broken down into Directorate performance together with Analysis by subject and requestor categories.
- 3.11 [Appendix 3](#) provides information on the Council's response times to EIR requests within 20 working days, broken down into Directorate performance. Together with Analysis by subject and requestor categories.
- 3.12 [Appendix 4](#) provides further analysis information of FOISA requests by the category of the requestor.
- 3.13 [Appendix 5](#) – provides further analysis information of EIR requests by the category of the requestor.

4. Proposals

- 4.1 Members are asked to scrutinise the contents of this report.
- 4.2 requests a further report to a future meeting of the Panel providing an update on the FOISA/EIR performance during the period 1 July 2022 – 30 June 2023.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 6](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

Background Papers **Report to Corporate and Community Planning Standing Scrutiny Panel of 5 September 2013 - [Freedom of Information \(Scotland\) Act 2002 \(FOISA\) Environmental Information \(Scotland\) Regulations 2004 \(EIR\) – Assessment – Scottish Information Commissioner’s Assessment Report](#)**

[Scottish Ministers’ Code of Practice on the Discharge of Functions by Scottish Public Authorities under the Freedom of Information \(Scotland\) Act 2002 and the Environmental Information \(Scotland\) Regulations 2004](#)

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Date: 6 September 2022

Additional Background Information

As part of the Council's commitment to provide an open and transparent Freedom of Information service to our citizens, the Information Governance Team continues to work with all Council services to establish ways we can improve our performance whilst providing responses that meet statutory standards. Members are asked to not the following:

1. Pro-Active Publication of Information

1.1 The IG team monitors trends in requests and asks services to consider publishing information on the Council's website when it is established that information is being requested frequently. For example, colleagues in Building Standards have promoted openness and transparency in decision making around the Station Hotel at <https://www.south-ayrshire.gov.uk/station-hotel>

1.2 Over this reporting period the IG team received an increased number of requests regarding high profile projects being considered by the Council, this has included the following 52 requests:

Project	Number Received
Citadel Leisure Centre	13
Hourstons Leisure Centre Development	10
Darlington Church Hall	15
Ayr Common Good	9
Ayr Station Hotel	5

1.3 The IG team recommends that services take a pro-active approach to publishing information on development projects, to keep the public advised in an open and transparent manner. This can also reduce the number of information requests received by services involved, allowing them to direct resource towards operational matters.

1.4 Additionally, over the coming 12 months the IG team will be working with Service Leads to update the Council's Model Publication Scheme (MPS) which provides guidance to the public on how they access to readily available published Council information. Proactively publishing information has the potential to reduce the number of requests and again improve performance in responding to information requests received.

2. Monitoring our Performance

2.1 Members will note that the Council received 165 more information requests between 2020/21 (1,120 requests) and 2021/22 (1,285 requests). Further information on the breakdown of these statistics are detailed in Appendix 2, Appendix 3, Appendix 4 and Appendix 5.

2.2 The Council's internal service performance indicator target for responses to requests being issued within the 20-day timescale is set at **94%**. For the time-period covering this report, 2021/22 **72%** of FOISA requests and **71%** of EIR requests were answered within the prescribed timescales.

There is a decrease of 13% in the number of FOISA requests being issued within 20 working days, ie 72% in comparison to 85% from the year before.

- 2.3 Also, there is a decrease of 17% in the number of EIR requests being issued within 20 working days, ie 71% in comparison to 88% in the previous year.

	FOISA		EIR	
	2020/21	2021/22	2020/21	2021/22
Closed, information provided within the 20 day timescale	85%	72% ▼	88%	71% ▼
Key Performance Target	94%	94%	94%	94%

- 2.4 This is in part a result of multiple services requiring input into large and complex requests regarding high-profile Council projects and completing priorities within services to provide information within time scales. It is also noted that while there is a reduction in the number of requests being issued within the 20 working-day statutory time scale, the Council received 165 more information requests in 2021/22 than in the previous reporting year.

- 2.5 As per Appendix 2 and Appendix 3, in 2021/22 the Council saw an increase of 9% in the total number of FOISA requests received and an increase of 43% in the total number of EIR requests received from the previous year. The Information Governance Team has recognised the increase in volumes of requests received and is offering support to services who are experiencing difficulties in balancing daily operational matters and responding to information requests within timescales.

- 2.6 To provide a realistic indication of South Ayrshire Council's performance benchmarking has been provided below around a similar group of councils to compare those similar in terms of the type of population that they serve (e.g. relative deprivation and affluence) and the type of area in which they serve them (e.g. urban, semi-rural, rural) in terms of the number of FOI and EIR requests received, in comparison to the percentage of those received being responded to within 20 working days.

- 2.7 Over the Reporting Period 1 April 2021 to 31 March 2022, South Ayrshire Council responded to 83% of information requests within statutory time scales with our performance being positively comparable to other similar Scottish Council's.

	Local Authority	Total Requests	Total on Time	% on time
1	Dumfries and Galloway Council	1078	1038	96%
2	Renfrewshire Council	1235	1155	94%
3	Fife Council and Licensing Board	1994	1785	90%
4	Clackmannanshire Council and Licensing Board	914	768	84%
5	South Lanarkshire Council	1341	1118	83%
5	South Ayrshire Council and Licensing Board	1080	894	83%
6	West Lothian Council	1017	824	81%
7	Falkirk Council	1181	881	75%

- 2.8 Over the course of the next year the IG Team will be providing statutory online training on COAST for deployment to all Council staff to complete. It is anticipated that the deployment of refresher FOISA/EIR training to staff across the Council will promote improved understanding and communication, leading to improvements in the number of requests being responded to within 20 working days. This will also assist staff to understand when communications should be considered under FOISA/EIRs and when they should be considered as 'business as usual' requests.
- 2.9 Members will continue to be informed on a month basis of the Council's performance against statutory time scales for both FOISA and EIR requests, with regular updates being provided in the FOI and Data Protection section of the Members Area of the Core. Additionally, members will be invited to participate in the aforementioned COAST module which is being finalised for Council employees.

3. Internal Reviews and Scottish Information Commissioner Investigations

- 3.1 The number of internal review requests and referrals to the Scottish Information Commissioner allows the Council to gauge the quality of the response that has been issued to an applicant.
- 3.2 When an applicant is dissatisfied with the response to their information request, they can ask that the Council undertakes an Internal Review to revisit our decision of applying an exemption and not providing the requested information. If they remain dissatisfied, they have the right of appeal to Office of the Scottish Information Commissioner (OSIC).
- 3.3 The number of Internal Review requests received and the number of investigations by OSIC undertaken are as follows::

	FOISA		EIRS	
	2020/21	2021/22	2020/21	2021/22
Internal Reviews	12	21 ▲	2	8▲
SIC Investigations	0	3 ▲	0	2 ▲

Internal Reviews of all FOISA and EIR requests are undertaken by the Team Leader (Information Governance) or the Co-ordinator (Records, Registration and Information).

- 3.4 Of the 928 FOISA requests received in 2021/22, 21 requesters asked for the decision to be reviewed equating to **2.3%** of all FOISA requesters being in unsatisfied with the initial response. Of the 357 EIR requests received in 2021/22 8 requesters sought a review, equating to **2.3%** of all EIR applicants being unhappy with the response. This indicates that in 97.7% of cases the applicant was satisfied with the quality of the response received to their information request.
- 3.5 If a requester continues to be unhappy with the outcome of the review they have the right of appeal to OSIC. In 2021/22 3 out of the 928 FOISA applicants contacted the OSIC to seek an investigation, Also, 2 of the 357 EIR applicants contacted the OSIC, equating to 0.39% of applicants seeking a review by the Scottish Information Commissioner, and 99.61% of applicants being satisfied with the quality of the

response they received by the Council through either their original response or after Internal Review.

- 3.6 Due to significant back-logs the OSIC is currently experiencing the outcome of the current OSIC investigations is not yet known, and no Decision Notice has been published. The Information Governance Team will continue to support the OSIC and service areas to ensure these investigations are carried out in an open and transparent manner, with any recommendations made taken forward to the services concerned.

Freedom of Information (Scotland) Act 2002
Enquiries – 1 July 2021 to 30 June 2022

	<i>Chief Executive</i>		<i>Place</i>		<i>Health and Social Care Partnership</i>		<i>People</i>		<i>Total</i>	
	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>
Number of Enquiries	462	480	352	291	148	133	201	164	1163	1068
Closed, information provided within the 20 day timescale	340	406	241	250	113	111	148	141	842	908
Awaiting clarification	0	0	0	0	0	0	0	0	0	0
Closed, information provided outwith the 20 day timescale	120	66	111	38	35	19	53	21	319	144
Open	2	8	0	3	0	3	0	2	2	16
Turnaround Percentage	74% ▼	85%	69% ▼	86%	76% ▼	83%	74% ▼	86%	72% ▼	85%

While the Council received **928** enquiries, **235** of these required a response from multiple Council services meaning that in total services processed **1,163** requests.

There has been a decrease in the Council's response rate within the statutory 20 working day timescale across all Directorates, from **85%** in 2020/21 to **72%** in 2021/22. The reduction is consistent across all Council departments.

All **319** late FOISA requests were due to services failing to provide the information on time, however it is recognised that services did not at times have access to paper records due to office closures in response to the national lock-down restrictions. The IG Team continue to support services in how to manage information electronically, to reduce the reliance upon paper records and improve access to information.

By Subject					
Type of Enquiry	Total		Type of Enquiry	Total	
	2021/22	2020/21		2021/22	2020/21
Administration	152	206	ICT	27	22
Adult Care	35	34	Insurance	1	6
Building Control	1	9	Leisure	39	27
Child Care	40	33	Licensing	15	21
Civic	0	1	Multi	46	43
Community Care/ Planning	2	1	Neighbourhood Services	17	9
Community Safety	2	0	Planning	8	7
Corporate	1	1	Procurement	22	28
Criminal Justice	4	5	Property and Design	0	0
Elections	1	1	Pupils	0	8
Environmental	17	24	Registration Services	1	1
Estates	30	11	Roads	8	14
Events	2	1	Schools	99	65
Ex Curr	0	0	Sustainable Development	2	0
Finance	145	120	Teachers	6	15
Fleet Management	8	4	Trading Standards	0	0
Grants	0	8	Transport	1	3
Health	1	2	Waste Management	8	7
Health And Safety	4	3			
Housing	100	65			
HR	83	67			
Total				928▲	872

By Requester		
Type of Requester	Total	
	2021/22	2020/21
Charity/Vol Org	21	26
Company	148	152
General Public	521	454
Local Authority	6	5
MSP/MP	99	112
Other	0	11
Press	111	79
Solicitor	3	15
Union	14	11
Uni/College	5	7
Total	928▲	872

Environmental Information (Scotland) Regulations 2004
Enquiries – 1 July 2021 to 30 June 2022

	<i>Chief Executive</i>		<i>Place</i>		<i>Health and Social Care Partnership</i>		<i>People</i>		<i>Total</i>	
	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2020/21</i>
Number of Enquiries	76	58	304	219	1	1	13	0	394	278
Closed, information provided within the 20 day timescale	55	52	220	186	0	1	6	0	281	239
Awaiting clarification	0	0	0	0	0	0	0	0	0	0
Closed, information provided outwith the 20 day timescale	21	5	81	31	1	0	7	0	110	36
Open	0	1	3	2	0	0	0	0	3	3
Turnaround Percentage	72% ▼	90%	72% ▼	85%	0% ▼	100%	46% ▼	0	71% ▼	86%

While the Council received **357** enquiries **37** of these required a response from multiple Council services meaning that services processed **394** requests in total.

The Council responded within the statutory 20 working day timescale across all Directorates in **71%** of all cases in 2020/21 which is a decrease from the **86%** response rate reported in 2020/21. As with FOISA response times, responses under the EIRs are consistently decreased across all Directorates.

EIR requests are often relating to high-profile projects and developments within the Council, requiring multiple service input into responses.

EIR Enquiries – 1 July 2021 to 30 June 2022
Analysis by subject and by requester (*Further Analysis is available in [Appendix 5](#))

By Subject					
Type of Enquiry	Total		Type of Enquiry	Total	
	2021/22	2020/21		2021/22	2020/21
Administration	29	30	ICT	1	0
Adult Care	0	0	Insurance	0	0
Building Control	9	4	Leisure	7	0
Child Care	0	0	Licensing	0	0
Civic	0	0	Multi	14	2
Community Care/ Planning	0	0	Neighbourhood Services	20	4
Community Safety	0	0	Planning	37	50
Corporate	0	0	Procurement	1	2
Criminal Justice	0	0	Property And Design	0	0
Elections	0	0	Pupils	0	0
Environmental	49	43	Registration Services	0	0
Estates	15	0	Roads	113	76
Events	0	0	Schools	0	0
Finance	4	0	Sustainable Development	8	1
Fleet Management	2	0	Teachers	0	1
Grants	0	0	Trading Standards	0	1
Health	0	0	Transport	0	0
Health And Safety	4	1	Waste Management	31	30
Housing	13	3			
HR	0	0			
Total				357▲	248

By category of requester		
Category	Total	
	2021/22	2020/21
Charity/Vol Org	3	5
Claims Company	0	1
Company	92	81
Public	197	110
MSP/MP	23	19
Other	0	2
Press	29	13
Solicitor	13	16
Trades Union	0	0
Uni/College	0	1
Total	357▲	248

FOISA enquiries 1 July 2021 to 30 June 2022

Analysis of requests by category of requester

Each request for information is logged and categorised using pre-defined categories within the IG FOISA logging system. The following provides further analysis of the category of requesters and subject matter (as outlined in [Appendix 2](#)).

Public

521 requests were identified as having been made by the public, representing 56% of all FOISA requests. This is 4% higher than the percentage received in 2020/21. Applications will be categorised as being from the public where the request clearly shows a personal email address or residential property address, as well as when the request has no further contextual information to indicate the request is from a company, MSP, Journalist etc.

	2021/22	2020/21
Total received in year	928	872
Public	521	454
Percentage %	56% ▲	52%

In 2021/22 the following categories were allocated as public requests the majority (18%) relating to Council Administration information:

Type of Enquiry	Total for Period
ADMINISTRATION*	96
ADULT CARE	11
CHILD CARE	23
COMMUNITY CARE/PLANNING	2
COMMUNITY SAFETY	1
CORPORATE	1
CRIMINAL JUSTICE	1
ENVIRONMENTAL	10
ESTATES	21
EVENTS	1
FINANCE	84
FLEET MANAGEMENT	3
HEALTH AND SAFETY	1
HOUSING	52
HR	40
ICT	18
INSURANCE	1

Type of Enquiry	Total for Period
LEISURE	31
LICENSING	5
MULTI**	27
NEIGHBOURHOOD SERVICES	13
PLANNING	4
PROCUREMENT	18
ROADS	5
SCHOOLS	44
SUSTAINABLE DEVELOPMENT	2
WASTE MANAGEMENT	6
TOTAL	521

*information relating to, for example Complaints, Elected Members, Council Policies and Council contact details

**Multi = information requests covering multiple categories

Solicitor

3 FOISA requests were made by a solicitor representing 0.3% of all requests. This is a decrease of 1.7% from 2020/21 when 2% of requests were received from solicitors. When a request is categorised as being from a solicitor, this is clearly established from the correspondence issued by the relevant legal representative. (e.g. incorporates a letter with official letter head, official footer to an email).

	2021/22	2020/21
Total Received In Year	928	872
Solicitor	3	15
Percentage %	0.3% ▼	2%

The three requests were split evenly across all enquiry types.

Type of Enquiry	Total for Period
CHILD CARE	1
ESTATES	1
HOUSING	1
TOTAL	3

Company

148 were made by a Company representing 16% of all FOISA requests. This is a 1% decrease from 2020/21. Requests that are categorised as being from a company will be private companies seeking information from the Council, e.g. BT, Millar and Bryce. (e.g. incorporates a letter with official letter head, official footer to an email).

	2021/22	2020/21
Total Received In Year	928	872
Company	148	152
Percentage %	16%▼	17%

In 2021/22 the following categories were allocated to the Company FOISA requests, with the majority (18%) relating to Finance.

Type of Enquiry	Total for Period
ADMINISTRATION	21
ADULT CARE	9
CHILD CARE	3
COMMUNITY SAFETY	1
ENVIRONMENTAL	5
ESTATES	3
FINANCE	27
FLEET MANAGEMENT	4
HEALTH AND SAFETY	2
HOUSING	14
HR	15
ICT	8
LEISURE	1
LICENSING	9
MULTI	8
PLANNING	1
PROCUREMENT	2
REGISTRATION SERVICES	1
SCHOOLS	12
TRANSPORT	1
WASTE MANAGEMENT	1
TOTAL	148

MSP/MP

99 requests were made by an MSP/MP representing 11% of all FOISA requests. This is a 2% decrease to the percentage received in 2020/21. Requests categorised here will be clearly established as being from an MSP/MP from the correspondence received by the Council. (e.g. incorporates a letter with official letter head, official footer to an email).

	2021/22	2020/21
Total Received In Year	928	872
MSP/MP	99	112

Percentage %	11%▼	13%
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In 2021/22 the following categories were allocated to the MSP/MP FOISA requests, with the majority (21%) relating to Housing.

Type of Enquiry	Total for Period
ADMINISTRATION	7
ADULT CARE	6
CHILD CARE	2
CRIMINAL JUSTICE	2
ELECTIONS	1
ESTATES	4
EVENTS	1
FINANCE	9
FLEET MANAGEMENT	1
HOUSING	21
HR	13
ICT	1
LEISURE	4
MULTI	2
NEIGHBOURHOOD SERVICES	2
PLANNING	3
ROADS	1
SCHOOLS	17
TEACHERS	2
TOTAL	99

Press

111 were made by the Press in 2020/21 representing 12% of all FOISA requests. This is a 3% increase in the number of requests made by the Press in 2020/21. Requests categorised as being from the Press/Journalist will be clearly defined based on the correspondence received. (e.g. incorporates an official footer to an email).

	2021/22	2020/21
Total Received In Year	928	872
Press	111	79
Percentage %	12%▲	9%

In 2021/22 the following categories were allocated to the Press FOISA requests, with the majority relating to schools information

Type of Enquiry	Total for Period
ADMINISTRATION	18
ADULT CARE	7
BUILDING CONTROL	1
CHILD CARE	7
CRIMINAL JUSTICE	1
ESTATES	1
FINANCE	20
HEALTH AND SAFETY	1
HOUSING	10
HR	8
LEISURE	3
MULTI	6
ROADS	1
SCHOOLS	22
TEACHERS	4
WASTE MANAGEMENT	1
TOTAL	111

Charity/Voluntary Organisation

21 requests were made by a Charity or Voluntary Organisation representing 2% of all FOISA requests. This is a decrease of 1% from the same reporting period of 2020/21. Applications from Charities and Voluntary organisations will be categorised based on the correspondence received (e.g. incorporates a letter with official letter head, official footer to an email).

	2021/22	2020/21
Total Received In Year	928	872
Charity / Vol Org	21	26
Percentage %	2% ▼	3%

In 2021/22 the following categories were allocated to the Charity/Voluntary Organisation FOISA requests with Council Administration receiving the most at 28%

Type of Enquiry	Total for Period
ADMINISTRATION	6
ADULT CARE	1
CHILD CARE	3
ENVIRONMENTAL	2
HOUSING	2
MULTI	2
NEIGHBOURHOOD SERVICES	1
ROADS	1
SCHOOLS	3
TOTAL	21

Claims Company

No requests were identified as being made by claims companies in 2021/22

	2021/22	2020/21
Total Received In Year	928	872
Claims Company	0	0
Percentage %	0% ◀▶	0%

Trades Unions

14 requests were made by Trades Unions representing 1.5% of all FOISA requests. This shows an increase from the same reporting period in 2020/21, where 1.2% of requests were made by Trades Unions.

	2021/22	2020/21
Total Received In Year	928	872
Union	14	11
Percentage %	1.5% ▲	1.2%

Unsurprisingly most requests related to the HR information:

Type of Enquiry	Total for Period
ADMINISTRATION	1
FINANCE	4
HEALTH	1
HR	7
PROCUREMENT	1
TOTAL	14

University/College

Five requests were made by a university or colleges representing 0.5% of all FOISA requests. This is a decrease of 0.5% from this reporting period in 2020/21.

	2021/22	2020/21
Total Received In Year	928	872
University/College	5	7
Percentage %	0.5% ▼	1%

The five requests were split evenly across all enquiry types.

Type of Enquiry	Total for Period
ADMINISTRATION	1
FINANCE	1
MULTI	1
NEIGHBOURHOOD SERVICES	1
SCHOOLS	1
TOTAL	5

Local Authority

Six FOISA requests were made by a Local Authority representing 0.6% of all FOISA requests. This matches this time period in 2020/21.

	2021/22	2020/21
Total Received In Year	928	872
Local Authority	6	5
Percentage %	0.6% ◀▶	0.6%

In 2021/22 the following categories were allocated to Local Authority FOISASA requests.

Type of Enquiry	Total for Period
ADMINISTRATION	2
ADULT CARE	1
CHILD CARE	1
LICENSING	1
PROCUREMENT	1
TOTAL	6

Other

No requests were categorised as 'other' in 2021/22

	2021/22	2020/21
Total Received In Year	928	872
Other	0	11
Percentage %	0% ▼	1.2% ▲

EIR Enquiries 1 June 2020 to 30 June 2021

Analysis of requests by category of requester

Each enquiry is logged and categorised using pre-defined broad categories within the EIR logging system. The following provides further analysis of the category of requester and subject matter of the requested information (as outlined in [Appendix 3](#)).

Public

197 requests were identified as having been made the public, representing 55% of all EIR requests. This is an increase of 11% from 2020/21 where 44% of EIR requests were received from the General Public:

	2021/22	2020/21
Total received in year	357	248
Public	197	110
Percentage %	55% ▲	44%

In 2021/22 the following categories were allocated to the public EIR requests, with the majority (29%) relating to Roads information:

Type of Enquiry	Total for Period
ADMINISTRATION	13
BUILDING CONTROL	3
ENVIRONMENTAL*	26
ESTATES	11
FINANCE	4
FLEET MANAGEMENT	1
HOUSING	8
LEISURE	6
MULTI	8
NEIGHBOURHOOD SERVICES	15
PLANNING	17
PROCUREMENT	1
ROADS	58
SUSTAINABLE DEVELOPMENT	7
WASTE MANAGEMENT	19
TOTAL	197

*Information relating to, for example complaints relating to environmental information, general enforcement and Council Policies.

Solicitor

13 requests were made by a Solicitor, representing 6% of all EIR requests. This is a decrease of 2% from the previous reporting period.

	2021/22	2020/21
Total Received In Year	357	248
Solicitor	13	16
Percentage %	4% ▼	6%

In 2021/22 the following categories were allocated to the Solicitor EIR requests, with the majority (56%) relating Roads:

Type of Enquiry	Total for Period
ADMINISTRATION	2
BUILDING CONTROL	1
HEALTH AND SAFETY	1
NEIGHBOURHOOD SERVICES	1
ROADS	8
TOTAL	13

Company

92 requests were made by a Company representing 26% of all EIR requests. This is a decrease of 7% from 2020/21 where 33% of EIR requests were received from a Company:

	2021/22	2020/21
Total Received In Year	357	248
Company	92	81
Percentage %	26% ▼	33%

The following categories were allocated to Company EIR requests, with the majority (38%) relating to Roads information:

Type of Enquiry	Total for Period
ADMINISTRATION	9
BUILDING CONTROL	5
ENVIRONMENTAL	13
FLEET MANAEMENT	1
HEALTH AND SAFETY	1
HOUSING	2
ICT	1
MULTI	4
NEIGHBOURHOOD SERVICES	1
PLANNING	15
ROADS	35

Type of Enquiry	Total for Period
WASTE MANAGEMENT	5
TOTAL	92

MSP/MP

23 requests were attributed to being from an MSP/MP, representing 6% of all EIR requests. This is a decrease of 2% from 2020/21.

	2021/22	2020/21
Total Received In Year	357	248
MSP/MP	23	19
Percentage %	6% ▼	8%

In 2021/22 the following categories were allocated to the MSP/MP EIR requests, with Roads and Waste Management sharing the majority with 22% each:

Type of Enquiry	Total for Period
ADMINISTRATION	1
ENVIRONMENTAL	1
ESTATES	1
HOUSING	2
LEISURE	1
MULTI	1
NEIGHBOURHOOD SERVICES	1
PLANNING	4
ROADS	5
SUSTAINABLE DEVELOPMENT	1
WASTE MANAGEMENT	5
TOTAL	23

Press

29 requests were made by the Press representing 8% of all EIR requests. This is an increase of 3% from 2020/21:

	2021/22	2020/21
Total Received In Year	357	248
Press	29	13
Percentage %	8% ▲	5%

In 2021/22 the following categories were allocated to the Press EIR requests, with Roads and Waste Management both receiving 14% of the total:

Type of enquiry	Total for period
ENVIRONMENTAL	2
MULTI	1
PLANNING	2
ROADS	4
WASTE MANAGEMENT	4
TOTAL	13

Charity/Voluntary Organisation

3 requests were made by a Charity/Voluntary Organisation, representing 0.8% of all EIR requests. This is decrease of 1.2% from 2020/21.

	2021/22	2020/21
Total Received In Year	357	248
Charity/Vol. Org	3	5
Percentage %	0.8% ▼	2%

In 2021/22 the following categories were allocated to Charity/Voluntary Organisations EIR requests.

Type of Enquiry	Total for Period
ENVIRONMENTAL	3
TOTAL	3

Claims Company

No requests were made by claims companies in 2021/22.

	2021/22	2020/21
Total Received In Year	357	248
Claims Company	0	1
Percentage %	0% ▼	0.4%

Local Authority

No requests were made from Local Authorities in 2021/22.

	2021/22	2020/21
Total Received In Year	357	248
Local Authority	0	0
Percentage %	0% ◀▶	0%

University/College

No requests were made from Universities/Colleges in 2021/22.

	2021/22	2020/21
Total Received In Year	357	248
University/College	0	1
Percentage %	0% ▼	0.4%

Trades Unions

No requests were made from Trade Unions.

	2021/22	2020/21
Total Received In Year	357	248
Trades Unions	0	0
Percentage %	0% ◀▶	0%

Other

No requests were made by requestors categorised as 'Other'.

	2021/22	2020/21
Total Received In Year	357	248
Other	0	2
Percentage %	0% ▼	1%

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	FOISA/EIR – Scrutiny Update
Lead Officer (Name/Position/Email)	Wynne Carlaw, Service Lead – Democratic Governance – wynne.carlaw@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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Rationale for decision:

This report is an analysis of performance that allows scrutiny. There are no proposals at this stage to alter the way we provide services or Council policies

Signed : Wynne Carlaw

Service Lead

Date: 22 August 2022