

BRADFORD ON TONE PARISH COUNCIL

FREEDOM OF INFORMATION ACT 2000

Adoption of the new Model Publication Scheme has taken place. The information available from the Parish Council under the Scheme is shown below. Any of the information listed under Classes 1 – 7 where applicable is available to members of the public normally by hard copy via the Clerk at any reasonable time by prior arrangement. Costs would normally be 5p per page for black and white copy and 10p per page for coloured copy plus postage.

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FREEDOM OF INFORMATION ACT NEW MODEL PUBLICATION SCHEME

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Further to NALC Legal Briefing L03-08. (*Details of earlier proposals only*)

As stated therein the proposal was that the new publication scheme was to be comprised of three elements. These are:

- **A publication scheme** – a commitment document, approved by the Information Commissioner and adopted by a public authority ;
- **A sector specific manual** (including the definition document) – containing definitions of information covered within the core classes of information in the scheme and including good practice guidance; and
- **A guide to proactively published information for the public** – a means by which the information made routinely available by an authority can be easily identified and accessed.

1. THE PUBLICATION SCHEME

In line with section 20 of the Freedom of Information Act 2000 the Information Commissioner has now developed and approved a new model publication scheme which can be adopted by parish and community councils as well as parish meetings. Adoption needs to take place by 31 December 2008 and the scheme will be operational from 1 January 2009. For the avoidance of doubt the new Model Scheme is generic in nature (i.e. it is for all public authorities irrespective of them being a local authority) and is not sector specific. The change of emphasis from detailed schemes to a very generic model is a deliberate move by the Information Commissioner's Office.

The model publication scheme may be adopted without modification and such adoption requires no further approval. In short parish/community councils and parish meetings can simply adopt the scheme (by way of formal resolution) without needing to submit anything to the Information Commissioner. This is a major change from the procedure required under the original scheme and is significantly more straight forward. Once adopted the scheme will be valid until further notice. Any modification which removes information from the model scheme will require the approval of the Information Commissioner.

A copy of the new model publication scheme (in both English and Welsh) is attached and can be disseminated to member councils and parish meetings accordingly. As will be seen the model scheme is not vastly different to the draft which was disseminated with NALC Legal Briefing L03-08. The model scheme is also available on the Information Commissioners website at www.ico.gov.uk - the easiest way of locating it is to click on Publication Schemes under the A-Z listing.

The scheme is in very basic terms evidence of a commitment/charter by parish/community councils and parish meetings to make information available to the public as part of its normal activities. It is however no longer the primary document that will be made available to members of the public – that will be the guide to proactively published information (see later) mentioned in the opening paragraph of this briefing.

The type of information covered in the scheme is included in the 'classes of information' set out below. Although a council or parish meeting will be adopting the model scheme in its entirety it will be committing to provide only the information which it actually holds. Therefore if for example the council or parish meeting does not hold a specific piece of information in one of the classes this does not mean it will be in breach of its obligations. If the council or parish meeting does not hold any information contained in a particular class it clearly cannot provide it. However there is no need to delete the class from the model scheme.

Additional assistance is provided as to the definition of the classes of information in the guide to proactively published information for the public. Two separate guides have been developed one for parish/community councils and one for parish meetings and both are attached.

The scheme commits a parish/community council or parish meeting:

- To proactively publish or otherwise make available as a matter of routine information, including environmental information, which is held by the council or parish meeting and falls within the classes set out below.
- To specify the information which is held by the council or parish meeting and falls within the classes below.
- To proactively publish or otherwise make available as a matter of routine information in line with the statements contained within the scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the council or parish meeting makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make the publication scheme available to the public.

Classes of Information

The classes which are very broad in nature are set out below together with a brief summary of the kind of information the Information Commissioner anticipates is likely to fall within the scope of the class.

The classes are:-

1) Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

2) What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

3) What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

4) How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

5) Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

6) Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

7) The Services we Offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act.
- Information in draft form.
- Information that is no longer readily available as it is contained in files which have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under the scheme will be made available

The model scheme contains standard paragraphs setting out how the information can be accessed.

Parish/community councils and parish meetings will have the following obligations:-

- To ensure the public know what information is covered by the scheme and how it can be obtained.
- Where the council or parish meeting has a website to provide the information on that website.
- If the council or parish meeting does not have a website or it is impractical to provide it in that format or if the applicant does not wish to access the information via the website the council or parish meeting will indicate how information can be obtained by other means and provide it by those means.
- The council or parish meeting will provide details of the person to be contacted by those applicants who wish to view the information in person or to take account of the possibility that certain information only lends itself to be viewed in person. In such circumstances an appointment to view the information must also be arranged within a reasonable timescale.
- To provide information in the language in which it is held or in such other language that is legally required. To also translate any information where the council or parish meeting is legally required to do so. This may be something which could impact on community councils in accordance with the provisions of the Welsh Language Act.
- To adhere to requirements under disability and discrimination legislation and any other legislation to provide information in other forms and formats.

Charges which may be made for Information published under the scheme

The model scheme also contains standard paragraphs stating whether any information contained within the classes is subject to a charge.

The scheme emphasises the following:-

- That any charges made by a council or parish meeting for routinely published material must be justified and transparent and kept to a minimum.
- Material which is published and accessed on a website will be provided free of charge.
- Charges may be made for actual disbursements incurred such as photocopying, postage and packing plus the cost directly incurred as a result of viewing information.
- Charges may also be made for information provided under the scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.
- Where a council or parish meeting is to make a charge the amount should be confirmed to an applicant in advance. The council or parish meeting may also request payment prior to providing the information if it so wishes.

Information available from Parish Council under the model publication scheme

Information to be published
<p>Class1 - Who we are and what we do (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>
Who's who on the Council and its Committees
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))
Location of main Council office and accessibility details
Staffing structure
<p>Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>
Annual return form and report by auditor
Finalised budget
Precept
Borrowing Approval letter
Financial Standing Orders and Regulations
Grants given and received
List of current contracts awarded and value of contract
Members' allowances and expenses
<p>Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)</p>
Parish Plan (current and previous year as a minimum)
Annual Report to Parish or Community Meeting (current and previous year as a minimum)
Quality status
Local charters drawn up in accordance with DCLG guidelines
<p>Class 4 – How we make decisions (Decision making processes and records of decisions)</p>

Current and previous council year as a minimum
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)
Agendas of meetings (as above)
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.
Responses to consultation papers
Responses to planning applications
Bye-laws
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities)
Current information only
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)
Information security policy
Records management policies (records retention, destruction and archive)
Data protection policies
Schedule of charges (for the publication of information)
Class 6 – Lists and Registers
Currently maintained lists and registers only
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)
Assets Register
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)

Register of members' interests
Register of gifts and hospitality
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only
Allotments
Burial grounds and closed churchyards
Community centres and village halls
Parks, playing fields and recreational facilities
Seating, litter bins, clocks, memorials and lighting
Bus shelters
Markets
Public conveniences
Agency agreements
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)
Additional Information This will provide Councils with the opportunity to publish information that is not itemised in the lists above

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ ..p per sheet (black & white)	Actual cost *
	Photocopying @ ..p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred by the public authority