

Freedom of Information and Publication Scheme Policy

This policy was formally adopted by

St Cleer Parish Council

on

22.01.2025

Review

Date 22.01.2027

St Cleer Parish Council Freedom of Information Policy and Publication Scheme

The Parish Council Model Publication Scheme follows this policy. This scheme will enable members of the public to view and access information held by the Parish Council.

Obtaining Information and Information held

There are three ways to obtain the information:

- Parish Council web site: The web site holds the type of information which the Council routinely publishes e.g. minutes and agendas. The information you want may already be included in the publication scheme – so please check the documents on the web site first.
- Inspect Documents held by the Clerk: If you wish to view certain documents, you should contact the Clerk, either via email, or by telephone, or in writing. Some documents require some time to locate.
- Individual Written Request: If the information is not included in the publication scheme or on the web site, you may send a written request to: the Parish Clerk clerk@stcleerparishcouncil.gov.uk

Your request must include your name, address for correspondence, and a description of the information you require. There may be circumstances where the relevant information may be held on a parish councillor's personal computer, having been provided to them for the purpose of parish council business. In these instances, councillors agree to provide this information in order for the request to be dealt with.

Council's Response to a Written Request

Within 20 working days of receipt of your valid written request the Council will:

- confirm to you whether or not it holds the information
- advise you if a fee will be charged and provide you with the information (after any relevant fee has been paid)
- or inform you that the request has been refused and the reason for refusal

A request may be refused under the following circumstances:

- The request is vexatious
- The request repeats a previous request from the same person
- The request relates to an exemption under the Freedom of Information Act, for example: personal data that would be contrary to the Data Protection Act or if disclosure would prejudice someone's commercial interests

Fees

The Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

- Disbursement costs such as printing, photocopying and postage; and
- When estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £20 per hour, plus disbursements for the estimated work.
- For the majority of requests, or a series of requests from the same applicant within a 12 month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £20), the Council can refuse the request; or
 - comply with the request and charge for allowable costs as prescribed in the regulations; or
 - comply with the request free of charge.

If the estimated cost of a request is more than £450, and it is decided to release the information and make a charge for the information then:

- A fee notice will be sent to the applicant requesting the appropriate fee.
- The request will not be answered until the fee has been received.
- If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For disbursements costs, the Council will charge 10p per sheet for photocopying and printing documents and recover the actual cost of postage or any other transmission costs from the applicant.

Further Help

If you need help in accessing information from the Council under the Freedom of Information Act, please contact the Parish Clerk (details as before). You will also find more detailed guidance on the website of the Information Commissioner.

Complaints

If you are dissatisfied with the response from the Council, you may contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 01625 545745

Email: mail@ico.gov.uk

Model publication scheme

Taken from ICO *Model publication scheme Version 1.2 20151023*

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

Not amended

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this 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 authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

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

What we spend and how we spend it

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

What our priorities are and how we are doing

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

How we make decisions

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

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

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

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, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

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

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will 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 information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this 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.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Information available from St Cleer Parish Council under the model publication scheme

This guidance/template gives examples of the kinds of information that we would expect Parish Councils to provide in order to meet their commitments under the model publication scheme.

We would expect Parish Councils to make the information in this definition document available unless:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute;
- the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and public authorities should look to provide as much information as possible on a routine basis.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the Open Government Licence.

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published guidance on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) Current information only	(hard copy or website)	10p per sheet
List of Council members and their responsibilities as well a list of Council Committees Details of any representation on local public bodies	(hard copy or website)	10p per sheet
Postal and email address Contact details for Parish Clerk and Council members Where possible, provide named contacts including contact phone numbers and email addresses	(hard copy or website)	10p per sheet
Location of main Council office and accessibility details	NA	
Staffing structure	(hard copy or website)	10p per sheet
Class 2 – What we spend and how we spend it (Financial information about projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	(hard copy or website)	10p per sheet
Statement of accounts and internal audit report in the format included in the Annual Return form	(hard copy or website)	10p per sheet
Finalised budget	(hard copy or website)	10p per sheet
Precept	(hard copy or website)	10p per sheet
Borrowing Approval letter	NA	
All items of expenditure above £100	(hard copy or website)	10p per sheet
Financial Standing Orders and Regulations	(hard copy or website)	10p per sheet
Grants given and received	(hard copy or website)	10p per sheet
List of current contracts awarded and value of contract	(hard copy or website)	10p per sheet
Members’ allowances and expenses	(hard copy or website)	10p per sheet

Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current and previous year as a minimum	(hard copy or website)	10p per sheet
Annual governance statement in format included in the Annual Return form	(hard copy or website)	10p per sheet
Parish Plan	NA	
Annual Report to Parish or Community Meeting	(hard copy or website)	10p per sheet
Quality status	NA	
Local charters drawn up in accordance with DLUHC's guidelines	NA	
Data Protection impact assessments (in full or summary format) or any other impact assessment (eg Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant	(hard copy or website)	10p per sheet
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous council year as a minimum	(hard copy or website)	10p per sheet
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	(hard copy or website)	10p per sheet
Agendas of meetings (as above)	(hard copy or website)	10p per sheet
Minutes of meetings (as above) – exclude material that is properly considered to be exempt from disclosure	(hard copy or website)	10p per sheet
Reports presented to council meetings – exclude material that is properly considered to be exempt from disclosure	(hard copy or website)	10p per sheet
Responses to consultation papers	(hard copy or website)	10p per sheet
Responses to planning applications	(hard copy or website)	10p per sheet
Bye-laws	NA	

Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	10p per sheet
Policies and procedures for the conduct of Council business: <ul style="list-style-type: none"> • Procedural standing orders • Committee and sub-committee terms of reference • Delegated authority in respect of officers • Code of Conduct • Policy statements 	(hard copy or website)	10p per sheet
Policies and procedures for the provision of services and about the employment of staff: <ul style="list-style-type: none"> • Internal instructions to staff and policies relating to the delivery of services • Equality and diversity policy • Health and safety policy • Recruitment policies and details of current vacancies • Policies and procedures for handling requests for information • Complaints procedures (including those covering requests for information and operating the publication scheme) 	(hard copy or website)	10p per sheet
Records management, personal data and access to information policies Include information security policies, records retention, destruction and archive policies, and data protection (including data sharing and CCTV usage) policies	(hard copy or website)	10p per sheet
Class 6 – Lists and Registers Currently maintained lists and registers only.	(hard copy or website; some information may only be available by inspection)	10p per sheet
Information legally required to hold in publicly available registers (in most circumstances existing access provisions will suffice)	(hard copy or website)	10p per sheet

Assets register, including details of public land and building assets	(hard copy or website)	10p per sheet
Disclosure log indicating the information provided in response to FOIA and EIR requests. These are recommended as good practice	(hard copy or website)	10p per sheet
Register of members' interests	(hard copy or website)	10p per sheet
Register of gifts and hospitality	(hard copy or website)	10p per sheet
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	(hard copy or website; some information may only be available by inspection)	10p per sheet
Allotments	(hard copy or website)	10p per sheet
Burial grounds and closed churchyards	NA	
Community centres and village halls	NA	
Parks, playing fields and recreational facilities	(hard copy or website)	10p per sheet
Seating, litter bins, clocks, memorials and lighting	(hard copy or website)	10p per sheet
Bus shelters	(hard copy or website)	10p per sheet
Markets	NA	
Public conveniences	(hard copy or website)	10p per sheet
Agency agreements	NA	
Services for which we are entitled to recover a fee and details of those fees (eg burial fees)	(hard copy or website)	10p per sheet
Additional Information Information 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

Contact details: Parish Clerk
clerk@stcleerparishcouncil.gov.uk
The Pavilion
Hockings House
St Cleer
PL14 6EE