

# Biddulph Town Council



## PUBLICATION SCHEME AND GUIDANCE

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## INTRODUCTION

1.1 The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

1.2 The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This is sometimes described as a presumption or assumption in favour of disclosure. This means that:

- everybody has a right to access official information. Disclosure of information should be the default – in other words, information should

be kept private only when there is a good reason and it is permitted by the FOIA;

- an applicant (requester) does not need to give a reason for wanting the information. On the contrary, the Town Council must justify refusing them information;
- the Town Council must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data. The information someone can get under the Act should not be affected by who they are. The Town Council should treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and
- because the Town Council should treat all requesters equally, we should only disclose information under the Act if we would disclose it to anyone else who asked. In other words, the Town Council should consider any information we release under the Act as if it were being released to the world at large.

1.3 The Information Commissioner's Office (ICO) states that a public authority should:

- 1) adopt the ICO Model Publication Scheme;
- 2) produce a Guide to Information, or ensure that their existing website meets this need;
- 3) use the Definition Documents, and any previous publication scheme they may have had, to identify the information they hold which should be published; and
- 4) ensure that members of the public can easily obtain the information.

## OBJECTIVES

2.1 The purpose of this document is to provide guidance about the Freedom of Information Act 2000 and to ensure that Biddulph Town Council is compliant with the requirements of the Information Commissioner's Office.

This document is available on the Town Council's website, which satisfies requirement four, set out above.

2.2 The Town Council will keep this document under review.

Reports will be provided to the Town Council periodically to ensure that Councillors can monitor accessibility of information. This will identify any new information which should be released and ensure material is updated.

## THE PROVISION OF ADVICE AND ASSISTANCE

3.1 Public authorities should publish their procedures for dealing with requests for information. These are contained in the **Information Management and Data Protection Policy** for Biddulph Town Council. This document also contains a statement in relation to:

- what the Town Council's usual procedure will be where it does not hold the information requested, and
- when the Town Council may need to consult other public authorities and/or third parties in order to reach a decision on whether the requested information can be released.

Information is also provided in relation to the address (including postal and email) and telephone number to which applicants may direct requests for information or for assistance.

3.2 Biddulph Town Council staff working in contact with the public are aware that not everyone will be knowledgeable in relation to the Freedom of Information Act (FOIA), or Regulations made under it, and they may need to draw these to the attention of potential applicants who appear unaware of them.

3.3 Where a person is unable to frame his or her request in writing, the Town Council will ensure that appropriate assistance is given to enable that person to make a request for information. Depending on the circumstances, consideration will be given to providing advice in relation to agencies that may provide support.

3.4 A request for information must adequately specify and describe the information sought by the applicant. Public authorities are entitled to ask for more detail, if needed, to enable them to identify and locate the information sought. Authorities should, as far as reasonably practicable, provide assistance to the applicant to enable him or her to describe more clearly the information requested.

3.5 Authorities should be aware that the aim of providing assistance is to clarify the nature of the information sought, not to determine the aims or motivation of the applicant. Care should be taken not to give the applicant the impression that he or she is obliged to disclose the nature of his or her interest as a precondition to exercising the rights of access, or that he or she will be treated differently if he or she does (or does not).

3.6 Where the applicant indicates that he or she is not prepared to pay the fee notified in any fees notice given to the applicant, the authority should consider whether there is any information that may be of interest to the applicant that is available free of charge.

3.7 Where an authority is not obliged to comply with a request for information because, under section 12(1) and regulations made under section 12, the cost of complying would exceed the "appropriate limit" (i.e. cost threshold) the Town Council will provide an indication of what, if any, information could be provided within the cost ceiling.

3.8 An authority is not expected to provide assistance to applicants whose requests are vexatious within the meaning of section 14 of the Act.

3.9 Further information on the provision of advice and assistance is available in the **Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000, Issued under section 45 of the Act.**

## THE MODEL PUBLICATION SCHEME

4.1 Section 19 of the FOIA requires every public authority to adopt and maintain a publication scheme that has been approved by the Information Commissioner, and to publish information in accordance with the scheme.

The scheme should specify:

- classes of information which the public authority publishes or intends to publish;
- the manner in which information is to be published, for example, online or in hard copy; and

whether there is any charge for the information.

4.2 There is currently one approved model scheme which must be adopted by all authorities. Approval for all previous schemes expired on 1 January 2009. The model scheme adopted by Biddulph Town Council is included in **Appendix A.**

4.3 This scheme represents a commitment to publishing information within certain broad classes. It does not specify particular pieces of information or charges. The model scheme should not be altered.

4.4 Information may be made available for download from the website, electronically, in hard copy, or by making it available for inspection.

4.5 Where information is only available electronically, a printed copy should be available on request for those without internet and email. The Town Council will also take account of obligations under equality legislation and, where relevant, legislation requiring information to be made available in languages other than English.

4.6 Requests for information that is not in the guide to information should be dealt with in line with the **Information Management and Data Protection Policy**.

## GUIDE TO INFORMATION

5.1 A Guide to Information should specify the documents available, the format and (where appropriate) any charge made.

5.2 Biddulph Town Council has adopted the approach set out in the Model Publication Scheme, structuring the information available into seven classes.

5.3 The majority of information is available on the website ([www.biddulph.co.uk](http://www.biddulph.co.uk)). However, consideration has also been given to how people without internet access will be able to use the Guide to Information. Hard copies of this document are available from the Town Council offices within Biddulph Town Hall. Contact details are located within the Guide to Information (**Appendix B**).

### 5.4 Publishing datasets under a publication scheme

There are specific provisions in FOIA to do with publishing datasets under a publication scheme.

If a public authority has received a FOIA request for a dataset, then, as well as responding to the request, it must also continue to make the dataset (and any updated versions it holds) available for re-use under its publication scheme, unless it is not appropriate to do so. It must publish the dataset in a re-usable form. If the dataset is a relevant copyright work, and the public authority is the only owner of the intellectual property, it must make the dataset available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015 (RPSI), if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The public authority may charge a fee for licensing re-use under the terms of RPSI, where they apply, or under the Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013, or under other statutory powers it may have. However, the datasets Code of Practice recommends that public authorities use the Open Government Licence for datasets which can be re-used without charge.

## THE DEFINITION DOCUMENTS

6.1 The Information Commissioner's Office (ICO) has produced guidance to show the types of information they would expect particular types of authority to publish. These pieces of guidance are referred to as 'definition documents'. Biddulph Town Council should publish everything that is listed in the definition document for the authority unless:

- 1) the information is not held;
- 2) the information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIR) exceptions, or its release is prohibited under another statute;
- 3) the information is archived, out of date or otherwise inaccessible; or
- 4) it would be impractical or resource-intensive to prepare the material for routine release.

6.2 The definition documents provide guidance to public authorities as to how to meet their publication scheme obligations.

6.3 No definition documents have been produced for town/ parish councils, nurseries, primary schools or individual NHS practitioners. Instead, the ICO has produced template guides to information for each of these sectors, which can be completed and used without further modification. This is the information presented in **Appendix B**- Guide to Information.

## APPENDIX A

### **Model Publication Scheme 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 the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is 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 the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

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.

## APPENDIX B- Guide to Information

### Information available from Biddulph Town Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
<p><b>Class 1 - Who we are and what we do</b>            (Organisational information, structures, locations and contacts)            This will be current information only            N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy and/or website)	
Who's who on the Council and its Committees	Website	Free
Contact details for Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website	Free
Location of main Council office and accessibility details	Website	Free
Staffing structure	Website	Free
<p><b>Class 2 – What we spend and how we spend it</b>            (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)            Current and previous financial year as a minimum</p>	(hard copy and/or website)	
Annual return form and report by auditor	Website	Free
Finalised budget	Website	Free
Precept	Website	Free
Borrowing Approval letter	Not applicable	Not applicable
Financial Standing Orders and Regulations	Website	Free
Grants given and received	Website	Free

List of current contracts awarded and value of contract	Website	Free
Members' allowances and expenses	Website	Free
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy or website)	
Annual Report to Town Council (current and previous year as a minimum)	Website	Free
Local charters drawn up in accordance with DCLG	<i>None at present, but if any subsequently</i> Hard copy	Free
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous council year as a minimum	(hard copy or website)	
Timetable of meetings (Council, any committee/sub-committee meetings and community meetings)	Website	Free
Agendas of meetings (as above)	Website	Free
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Website	Free
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Hard copy	Free
Responses to consultation papers	Hard copy	Free
Responses to planning applications	Hard copy	Free
Bye-laws	<i>None at present, but if any subsequently</i> Hard copy	Free
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	
Policies and procedures for the conduct of council business:		Free

Procedural standing orders (including arrangements with regard to committees and sub-committees and delegated authority) Code of Conduct Policy statements	All available on the website	
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)	Hard copy Website Website Website Website Website	Free
Information security policy	Website	Free
Records management policies (records retention, destruction and archive)	Website	Free
Data protection policies	Website	Free
Schedule of charges (for the publication of information)	Website	Free
<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	By inspection (if held)	Free
Assets Register	By inspection	Free
Register of members' interests	SMDC Website	Free
Register of gifts and hospitality	By inspection (if held)	Free
<b>Class 7 – The services we offer</b> (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)	

Allotments	Website	Free
Burial grounds and closed churchyards	Website	Free
Markets	Website	Free
<b>Additional Information</b> This will provide Councils with the opportunity to publish information that is not itemised in the lists above	As determined by the Council	

### Contact details

Mrs Sarah Haydon (Chief Officer)  
 Biddulph Town Council  
 Biddulph Town Hall  
 High Street  
 Biddulph  
 Staffordshire  
 ST8 6AR

Tel: 01782 498480  
 Email: [office@biddulph-tc.gov.uk](mailto:office@biddulph-tc.gov.uk)

### Schedule of Charges

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

One copy of any document will be supplied free of charge to any resident from within the Town Council's boundaries, for collection from the Town Council office.

For multiple copies, and/ or for documents which are requested to be mailed, the charge will be the copying cost at 10p per sheet black and white, 30p per sheet colour (based on actual cost) and the actual cost of Royal Mail 2nd class postage, if applicable.