



DOWNTON PARISH COUNCIL

FREEDOM OF INFORMATION: PUBLICATION SCHEME AND REQUESTS

This Publication Scheme is based upon the model publication scheme (version 1.2) which has been prepared and approved by the Information Commissioner, and in accordance with The Local Government Transparency Code 2015.

This Publication Scheme was approved and adopted by a Meeting of the Council held on 08 April 2024.

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Signed: Cllr Jane Brentor (Chair)

Date: 08 April 2024

1. Local Government Transparency Code 2015

The Local Government Transparency Code 2015 was issued to meet the Government's desire to place more power into citizens' hands to increase democratic accountability. The Code sets out what information must be published by local authorities dependent upon their annual turnover (see below).

Annual turnover less than £25K

- all items of expenditure above £100
- end of year accounts (annually)
- annual governance statement (annually)
- internal audit report (annually)
- list of councillor or member responsibilities (annually)
- the details of public land and building assets (annually)
- Minutes, Agendas, and meeting papers of formal meetings (minutes within a month of the meeting and agendas no later than 3 days prior to the meeting date)

Annual turnover of between £25K and £200K

The Transparency Code 2015 does not apply; however, it is considered best practice to follow the publication requirements.

Annual turnover exceeding £200K

Additional requirements: -

- all items of expenditure above £500 (quarterly)
- procurement information (exceeding £5,000) (quarterly)
- contract information (exceeding £5,000) (quarterly)
- local Council land (annually)
- grants to Voluntary, Community and Social Enterprise Organisations (annually)
- Organisation Chart and senior salaries (> £50,000) (annually)
- constitution (annually)

2. Classes of Information under the Publication Scheme

This publication scheme for Downton Parish Council (the Council) is intended to make sure a wide range of information which falls within the classifications below is easily available to the public without the need to make a specific request for information. The Council has therefore provided the following information on its website downtonparishcouncil.gov.uk

Who we are and what we do

- List of Councillors and their responsibilities
- Staffing structure
- Our contact details

What we spend and how we spend it

- Precept Return
- Actual income and expenditure (Accounting Statements) for each financial year
- Items of expenditure (monthly)
- Award of Grants
- PWLB Loan Approval Letter
- List of Contracts

What our priorities are and how we are doing

- 3-year Plan
- Neighbourhood Development Plan
- Annual Internal Audit Report
- Annual Governance Statement
- Notice of Conclusion of Audit
- External Auditor's Report
- Play Park RoSPA Safety Inspection Reports

How we make decisions

- Standing Orders
- Financial Regulations
- List of Meeting Dates
- Agendas and Minutes of Meetings
- Planning Schedules with responses
- Terms of Reference for Committees and Working Groups
- Results of Public Consultations

Our policies and procedures

- Current written protocols for delivering our functions and responsibilities

List and Registers

- Asset Register
- Register of Members' Interests

The Services we provide

- List of Services

Some information is only available by viewing in person for a limited period. This relates to the right to inspect and make copies of the accounting records for the financial year pending review by the appointed external auditor. The inspection period runs for 30 working days inclusive and must include the first 10 working days of July. The Council will announce what charges apply to cover the costs directly incurred as a result of viewing information. Payment of these charges is due in advance of viewing the information and within the 30 working days.

Where part of any document is exempt from disclosure, and it would not be practical to publish the information in a redacted (edited) form, the ICO accept it is unreasonable to routinely produce edited versions of these documents. See also section 4. For list of Exemptions.

3. Making a Freedom of Information Request

A valid request must: -

- be in writing (letter or email)
- include the requester's real name
- include an address for correspondence
- describe the information requested (the Act covers information not documents)

Under the Act, the Council may take up to 20 working days to respond, counting the first working day after the request is received as the first day.

If the information is included in the publication scheme, the Council will provide a link to the Council's website where the information can be accessed.

Where it is impracticable to make information available on the website or when an individual does not wish to access the information by the website, the Council may charge for providing that information. In this respect, the charge will be 10p per sheet of photocopying + postage/packaging. If a charge is to be made, the Council will send a Fees Notice and information will not be sent until the Council has received the fee. The time limit for complying with the FOI Request excludes the time spent waiting for the fee to be paid.

The FOI Act recognises that freedom of information requests are not the only demand on the resources of the Council. They should not be allowed to cause a drain on the Council's time, energy, and finances to the extent that they negatively affect its normal public functions.

Currently, the cost limit for complying is set at £450. When calculating the costs of complying, the Council can aggregate (total) the costs of all related requests it receives within 60 working days from the same person or from people who seem to be working together.

Under Section 12 of the Act, the Council can refuse a request if it estimates that the cost of compliance would exceed this limit.

4. Exemptions

The FOI Act contains a number of exemptions that allow the Council to withhold information from a requester. Such as: -

- Information the disclosure of which is prevented by law e.g. personal data if releasing it would be contrary to the UK General Data Protection Regulation (the UK GDPR) or the Data Protection Act 2018 (the DPA2018)
- The information requested is already accessible to the requester (that the requester already has the information or is already in the public domain).
- Information the Council is preparing the material for, definitely intend for it to be published, and it is reasonable not to disclose it until then
- 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.

5. Vexatious Requests

All the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being disproportionate, manifestly unjustified, inappropriate, or improper use of FOI.

In that consideration there are four broad themes: -

1. Burden on the Council's staff (the ICO specifically refers to the burden on smaller public authorities, such as parish councils, which have very limited resources)
2. Motive
3. Value or serious purpose
4. Harassment of the staff (particularly if there is evidence to suggest several different requesters could be acting together as part of a campaign).

Section 1(1) of the Act does not oblige the Council to comply with a request for information if the request is deemed vexatious.