

Harberton Parish Council Freedom of Information Policy

Harberton Parish Council has a commitment to openness and transparency. The Transparency Code for Smaller Authorities came into force in December 2014 requiring Parish Councils to make information available via its website to increase democratic accountability.

The Freedom of Information Act, which came into force on 1 January 2005, gives everyone a statutory right of access to information held by bodies such as the Parish Council.

Model Publication Scheme

In 2014 the Parish Council adopted the model publication scheme issued by the Information Commissioners Office (ICO). You can access a copy of the model scheme at the bottom of this page or via the Parish Council Website www.harbertonparishcouncil.org. In 2018 the Parish Council agreed to include a link to version 1.2 of the ICO's model publication scheme to be read in conjunction with this policy: <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

Making a request for information

Individuals or organisations may make a written request for other information which they believe the Parish Council holds. To request information under the provisions of the Act and to help us to help you in identifying the precise information you require, please email clerk@harbertonparishcouncil.org or write to the Clerk c/o Little Cholwell, Harberton, Totnes, Devon, TQ9 7RZ.

Please be sure to include your name, address and a clear description of the information you are seeking when you make your request. The Parish Council advise that you look at guidance available on the Information Commissioner's Office (ICO) website about making requests and 'dos and don'ts' when applying for information.

Responding to your request

The Parish Council will inform you in writing whether we hold the information you have requested and if so, provide it to you no later than 20 working days after we receive the requests. In some circumstances we may ask you to clarify your request.

The Parish Council will refer to the ICO document 'The Guide to Freedom of Information' when processing your request and will seek further advice directly from the ICO if necessary.

The Freedom of Information Act does identify a number of categories of information which the Parish Council is not required to disclose under the Act. In this case, we will write to you stating the exemption which provides the basis for refusal within the Act and why it applies to the information you requested. The Parish Council are obligated to safeguard the privacy of individuals (under the Data Protection Act) and this may also have a bearing on being able to supply you with the information you request. Reasons for refusal will be communicated to you within the 20 working day time period.

Charges for providing information under the Freedom of Information Act

There is no 'flat rate' fee to receive information and in many cases the Parish Council will provide the information free of charge. However, you should note that if the information you are seeking is not

readily available in the form in which you are seeking it, the Parish Council may charge you a fee based on the cost associated with providing the information, for example photocopying and postage (known as 'disbursements').

The Freedom of Information Act does permit the Parish Council to refuse your request if it is estimated this will cost in excess of the appropriate cost limit (currently £450) to fulfil your request.

Freedom of Information Fees Notice

If you need to pay a fee for disbursements or because the costs exceed the appropriate limit, we will write to you advising you of the fee required within 20 days of receipt of your request. This is known as a 'Fees Notice'. When you are issued the Fees Notice, the 20 working day limit for responding stops, and then will start again when we receive payment. If we do not receive the fee from you within three months we are not obliged to comply with the request.

Complaints

If you are dissatisfied with the way the Parish Council has responded to a request for information please write to the clerk.

The Information Commissioner's Office (ICO) is responsible for enforcing the operation of the Act and you may raise issues with this office at any time. More information can be found on the ICO website www.ico.org.uk, by telephone on 0303 123 1113 or by writing to the address below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF



Information available from Harberton Parish Council under the model publication scheme.

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

We would expect Parish/Community 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 available from Harberton Parish Council under the model publication scheme.

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). This will be current information only.	(hard copy or website)	
<u>Who's who on the Council and its Committees</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Location of main Council office and accessibility details</u>		
<u>Staffing structure</u>		
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) Current and previous financial year as a minimum	(hard copy or website)	
<u>2018/19 Annual Governance and Accountability Return Part 2 (includes Certificate of Exemption (p3), Annual Internal Auditi Report (p4), Section 1 – Annual Governance Statement (p5) Section 2 – Accounting Statements (p6), Analysis of Variances, Bank reconciliation, Internal Auditor observations and responses.</u> <u>2019 Notice of period of exercise of public rights</u> <u>2017/18 Annual Governance and Accountability Return Part 3 with auditor reports</u> <u>2018 Notice of period of exercise of public rights</u> <u>2018 Notice of conclusion of audit</u> <u>2017 Annual return form and report by auditor</u> <u>2016 Annual return form and report by auditor</u> <u>2015 Annual return form and report by auditor</u> <u>2014 Annual return form and report by auditor</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Finalised 2020 21 budget</u> <u>Finalised 2019 20 budget</u> <u>Finalised 2018 19 budget</u> <u>Finalised 2017 18 budget</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Precept 2020 demand</u> <u>Precept 2019 demand</u> <u>Precept 2018 demand</u> <u>Precept 2017 demand</u> <u>Precept 2016 demand</u> <u>Precept 2015 demand</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Borrowing Approval letter</u>		
<u>Financial Standing Orders and Regulations</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>2018/19 Grants given and received</u> <u>2017/18 Grants given and received</u> <u>2016/17 Grants given and received</u> <u>2015/16 Grants given and received</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>List of current contracts awarded and value of contract</u>		
<u>Members' allowances and expenses</u>		
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)	
<u>Parish Plan (current and previous year as a minimum)</u>		
<u>Annual Report to Parish or Community Meeting (current and previous year as a minimum)</u>		
<u>Quality status</u>		

Local charters drawn up in accordance with DCLG guidelines		
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)	
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website Hard copy from Clerk	Free 10p/sheet
Agendas of meetings (as above)	Website/electronic copy on request Hard copy from Clerk	Free 10p/sheet
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	Website Hard copy from Clerk	Free 10p/sheet
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.	Electronic copy on request via email Hard copy from Clerk	Free 10p/sheet
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	(hard copy or website)	
Policies and Procedures for the conduct of council business: <u>Procedural Standing Orders</u> Committee and sub-committee terms of reference * <u>Harberton Parish Neighbourhood Plan Terms of Reference</u> * <u>Harberton Parish Council Finance Committee Terms of Reference</u> Delegated authority in respect of officers <u>Code of Conduct</u> Policy Statements * <u>Harberton Parish Council protocol on the filming and recording of local council and committee meetings.</u>		
Policies and procedures for the provision of services and about the employment of staff: Internal instructions to staff and policies relating to the delivery of services <u>Equality and diversity policy</u> <u>Health and safety policy</u> <u>Recruitment policies (including current vacancies)</u> <u>Policies and procedures for handling requests for information (Freedom of Information Policy)</u> <u>Complaints procedures (including those covering requests for information and operating the publication scheme).</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Information security policy</u>		
<u>Records management policies (records retention, destruction and archive)</u>		
Data protection policies (GDPR) <u>Information Data Protection Policy</u> <u>Data Security Breach Reporting Form</u> <u>Subject Access Request Policy and Procedures</u> <u>Subject Access Request Form</u> <u>Document Retention and Disposal Policy</u> <u>HPC Retention of Documents Appendix A</u> <u>HPC General Privacy Notice</u> <u>HPC Staff, Councillors and Role Holders Privacy Notice</u>		
<u>Schedule of charges (for the publication of information)</u>		

Class 6 – Lists and Registers 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) Electoral Roll	Inspection only (by arrangement with the Clerk)	
<u>Assets register</u>	Website (external) Hard copy from Clerk	Free 10p/sheet
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)	Inspection only (by arrangement with the Clerk)	
<u>Register of members’ interests</u>	Website Hard copy from Clerk	Free 10p/sheet
<u>Register of gifts and hospitality</u>		
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)	
<u>Allotments</u>		
<u>Burial grounds and closed churchyards</u>		
<u>Community centres and village halls</u>		
<u>Parks, playing fields and recreational facilities</u>		
<u>Seating, litter bins, clocks, memorials and lighting</u>		
<u>Bus shelters</u>		
<u>Markets</u>		
<u>Public conveniences</u>		
<u>Agency agreements</u>		
<u>Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)</u>		
Additional Information This will provide Councils with the opportunity to publish information that is not itemised in the lists above		
<u>Harberton Parish Emergency Plan</u> <u>Treatment of Anonymous Letters</u> <u>Risk Assessment</u> <u>Statement of Internal Control</u> <u>Press and Media Policy</u> <u>2018/19 All Expenditure Above £100 (End of financial year)</u> <u>2017/18 All Expenditure Above £100 (End of financial year)</u> <u>2016/17 All Expenditure Above £100 (End of financial year)</u> <u>2015/16 All Expenditure Above £100 (End of financial year)</u>	Website Hard copy from clerk	Free 10p/sheet

Contact details: Cat Radford, Harberton Parish Clerk email: clerk@harbertonparishcouncil.org, tel: 0845 557 8469, post: c/o Little Cholwell, Harberton, Totnes, Devon, TQ9 7RZ **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 @ 10p per sheet (black & white)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee	A cost of £25.00 per person, per hour can be charged if a request for information exceeds the appropriate limit, currently set at £450 (or 18 hours of work or more).	In accordance with the relevant legislation (Requests where the cost of compliance with a request exceeds the appropriate limit 20120927, version 1.1)
Other		

* the actual cost incurred by the public authority