



Sarratt Parish Council

Policies and Procedures: Freedom of Information Act

The Freedom of Information Act 2000 (FOI) made it the duty of every public authority to adopt and maintain a Publication Scheme. Although Councils will have previously adopted a Scheme, the Information Commissioners Office (ICO) changed the approval and operation of the Scheme and the new Publication Scheme must be adopted and operated by all local Councils by 1 January 2009.

The Freedom of Information Act 2000 applies to all public authorities and obliges Parish and Town Councils to provide information through a Publication Scheme and in response to requests made by members of the public.

A copy of the new Publication Scheme adopted by Sarratt Parish Council is attached:
(Freedom of Information – Guide to Published Information).

The Publication Scheme must be made available to the public which might include display on a public notice board, publication on the Council website or information within a newsletter. The Publication Scheme contains the contact details of the Council and the classes of information which the Council holds and covers common information and the activities and functions of a Parish or Town Council.

Any request for information that includes the name and full contact details of the member of the public who has requested it and contains details of the information required, is deemed to be a valid request under the FOI Act, even if the Act is not referred to within the request. A request can be made by various means including in writing by email or letter.

Once a request has been received the Council has 20 working days in which to respond.

The Scheme must be adopted as it stands, unedited, but where the Parish Council has provided additional services/information such details have been added in the section provided for this purpose. The Scheme also lists the cost of providing the information and where it can be obtained from.

The material provided in response to the request should be provided at cost. However, if staff costs are incurred in compiling the request these must be calculated at £25 per person per hour, regardless of the actual costs involved.

If the cost exceeds £450.00 the request has moved outside of the appropriate limit and the Council will not have to comply. The Council must notify the member of the public if the request results in an amount over the approved appropriate limit and must advise them to reformulate their request and the Council must also confirm or deny that the Council holds the relevant information.

The Council will consider the following factors when calculating the estimated costs:

1. The costs of the relevant material and:
2. The staff costs for:
 - Determining whether the information is held
 - Locating the information or documents
 - Retrieving the information requested
 - Extracting the information from the document

Where two or more requests are received for the same or similar information within a period of 60 working days and it is believed that the requests are from people working together or as part of a campaign, the Council should consider the estimated cost of complying with all of them rather than calculate the individual costs of each request.

The 20 working days period begins on the first working day the request is received and the Council will determine if it holds the information and if not will issue notice to this effect. The Council will determine whether there will be a charge and issue a fee notice (the applicant has three months to pay the required fee beginning on the day the fee notice is received). When the fee is received the 20-day period resumes the day after receipt.

The Council will compile the information for the request, assess if any exemptions apply and apply the public interest test (if the request is subject to an exemption then an exemption notice must be issued to the applicant) and consider whether the information contains personal information. If information relates to any personal information it becomes subject to the Data Protection Act 1998 and might be exempt. The Council will then provide the requested information or issue an exemption notice, stating the reason why it is exempt and outlining the appeal process.

Notices: A notice is a letter on Council headed paper informing the individual of the Council's decision and the reason for it.

Exemptions:

One of the exemptions to the provision of information covers vexatious (includes repeated or obsessive) requests. The FOI Act does not oblige a public authority to comply with a request for information if the request is vexatious.

Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

If the Council decides based on evidence, that a request is vexatious, repeated or obsessive a local authority can make the decision not to enter into any further correspondence with that individual and should issue a notice to that effect.

The Appeal Process:

In the first instance the applicant makes an appeal to the Council. The Council must look at the request again and based on the evidence either uphold the exemption or provide the requested information. If the Council decides to uphold their decision, then the applicant can appeal to the Information Commissioners Office (ICO). The ICO may then uphold the Council's decision on the exemption or ask the Council to comply with the request.

The above FOI Act provides for the provision of certain records of Town and Parish Councils. The list below is the statutory requirements of Sarratt Parish Council in providing information.

The Clerk's Office is normally willing, subject to the Data Protection Act, to provide other information wherever possible.

1. Council Internal Practice and Procedure

Minutes of Council, Committee and sub-committee meetings - limited to the last 2 years
Procedural Standing Orders
Council's Annual Report
Agendas and supporting papers for Council, committee and sub-committee meetings - limited in each case to the forthcoming/immediate meeting
Terms of Reference for Committees

2. Code of Conduct

Members Declaration of Acceptance of Office
Members Register of Interests
Register of Members Interests Book

3. Employment Practice and Procedure

Terms and conditions of employment
Job descriptions
Equal Opportunities Policy
Health & Safety Policy
Staffing Structure

4. Planning Documents

Responses to Planning Applications
Parish Plan

5. Audit and Accounts

Annual return form - limited to the last financial year
Annual Statutory report by auditor - limited to the last financial year
Receipt/Payment books, Receipt books of all kind, Bank Statements from all accounts - limited to the last financial year
Precept Request - limited to the last financial year
Vat records - limited to the last financial year
Financial Standing Orders and Regulations
Asset Register
Risk Assessments
Fees and charges applied by the Council
Register/file of members allowances

Reviewed and adopted:

9 March 2021



Sarratt Parish Council

Freedom of Information – Guide to Published Information

website: <http://sarrattvillage.co.uk/the-Council/>

email: sarratt_Parish@btconnect.com

Information published	Where it can be obtained (always available from Clerk's Office)	Hard Copy Cost
Class 1 - Who we are and what we do (Organisational Information, structures, locations and contacts)		
Who's who on the Council and its Committees Contact details of Clerk and Council members Location and accessibility of Council Office	Website Noticeboard and website Noticeboard and website	
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)		
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 and value Members allowances and expenses	Clerk's Office Clerk's Office Minutes on website n/a Clerk's Office Clerk's Office also reported in minutes available on website n/a n/a	
Class 3 - What are our priorities and how are we doing (Strategies and plans, performance indicators, audits and reviews)		
Parish Plan Annual report to Parish Meeting Quality Status	Clerk's Office, website Clerk's Office, website n/a	

Local Charters under DCLG guidelines	n/a	
Class 4 - How we make decisions (Decision process and records of decision)		
Timetable of meetings	Noticeboard and website	where available 10p per A4 page
Agenda of meetings	Noticeboard and website	
Minutes of meetings	Website	
Reports presented to Council meetings	Clerk's Office	
Responses to Consultation papers	Clerk's Office	
Responses to Planning Applications	Planning minutes - website	
Bye-Laws	Clerk's office	
Class 5 - Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only not historical.		
Council business:		
Procedural Standing Orders	Clerk's Office	
Committee terms of reference	Clerk's Office	
Delegated authority in respect of officers	Clerk's Office	
Code of Conduct	Clerk's Office	
Policy Statements	Clerk's Office	
Internal policy relating to delivery of services:		
Equality and diversity policy	Clerk's Office	Where available 10p per A4 page
Health & Safety policy	Clerk's Office	
Recruitment policy	Clerk's Office	
Policy and procedures for handling requests for information	Website	
Complaints procedure	Clerk's Office	
Information security policy	Clerk's Office	
Records management policy	Clerk's Office	
Data protection policy	Clerk's Office	
Schedule of charges for information	Website	
Freedom of Information Publication scheme	Website	
Class 6 - Lists and Registers Currently maintained lists and registers only		
Asset register	Clerk's Office	
Register of Member's Interests	Clerk's Office	

Register of gifts and hospitality

List of Planning Applications

Clerk's Office

Recent summary on website

Class 7 - Services we offer		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) current information only		
Recreation facilities	Website	
Bus Shelters	Clerk's Office	
Seating, litter bins	Clerk's Office	
Allotments	Clerk's office	
Additional Information		
None		

This statement will be reviewed every four years unless required earlier due to additional material or legislative changes.

Reviewed and approved:

14 July 2020