

West Hill Parish Council

Freedom of Information Act – Publication Scheme

Adopted WHPC 6th Apr 2021 Mon 21/129

1. Introduction

The Freedom of Information Act 2000, which came into full effect on 1 January 2005, gives a general right of access to all kinds of recorded information held by public authorities. West Hill Parish Council (WHPC) is a public authority as defined in the Act.

Every public authority is required to adopt and maintain a model publication scheme with effect from 1 January 2009.

2. Freedom of Information Requests and the Publication Scheme

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld due to an exemption. All applications must be made in writing to The Parish Clerk (contact details at the foot of this document). All information not covered by an exemption must ordinarily be released to the applicant within 20 working days of the request. If the town council considers that the information requested should not be made available because of an exemption applying then the applicant will be informed of this.

Under section 14(1) of the Freedom of Information Act 2000, public authorities do not have to comply with vexatious requests.

3. Model Publication Scheme

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.

4. 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.

5. 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.

6. 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.

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.

7. 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 published	How obtainable	Cost	Notes
Class 1 - Who we are and what we do (Organisational information, locations and contacts, constitutional and legal governance)			
Current information only.			
Who's who on the Council	Website, Parish Clerk	free*	
Contact details for Parish Clerk and Council members	Website, Parish Clerk	free*	
Committee structure	Website, Parish Clerk	free*	
Class 2 - What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts)			
A minimum of current and previous financial years.			
Annual return form and reports by internal and external auditors including Year End Bank Reconciliation	Website, Parish Clerk,	free*	
Precept	Website, Parish Clerk	free*	
Financial Regulations	Website, Parish Clerk	free*	
Budget (current and most recent previous year) and any explanatory notes	Website, Parish Clerk	free*	
Annual CIL Statement	Website, Parish Clerk	free*	
Class 3 - What our priorities are and how we are doing (Strategy and performance information, plans, assessments, inspections and reviews)			
A minimum of current and previous financial years.			
WHPC Plan 2021-2022	Website, Parish Clerk	free*	
Annual Report to Parish	Website, Parish Clerk,	free*	

Class 4 - How we make decisions (Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations)			
A minimum of current and previous financial year.			
Meeting Calendar (Full Council, Committee meetings and Annual Parish meetings)	Website, Parish Clerk	free*	
Agendas of meetings (as above)	Website, Parish Clerk, Noticeboard	free*	
Minutes of meetings (as above) N.B. this will exclude information that is properly regarded as private to the meeting	Website, Parish Clerk	free*	
Planning applications relating to West Hill	Planning Application references – WHPC website East Devon District Council's website	free*	
Responses to Planning applications relating to West Hill	WHPC meeting minutes website East Devon District Council's website	free*	

Class 5 - Our policies and procedures (Current written protocols for delivering our functions and responsibilities)			
Current information only			
Standing orders	Website, Parish Clerk	free*	
Committee Terms of Reference	Website, Parish Clerk	free*	
Delegated authority in respect of officers (ref Financial Regulations document)	Website, Parish Clerk	free*	
Code of Conduct	Website, Parish Clerk	free*	
Policies and procedures for about the employment of staff	Please refer to list of policies below.		
Policies and procedures for handling requests for information	Please refer to list of policies below.		
Privacy Notice including Data Protection Policy	Website, Parish Clerk on request	free*	
Website Accessibility Statement	Website, Parish Clerk on request	free*	
Risk Assessment Register	Parish Clerk on request	free*	

Grants Policy, Application Form & Follow up questionnaire	Website, Parish Clerk on request	free*	
Grievance & Disciplinary Policy & Capability Procedure	Internal document, upon request	free*	
COVID 19 Virtual Public Meetings	Website, Parish Clerk on request	free*	
Complaints Policy	Website, Parish Clerk on request	free*	
Anonymous Communications	Website, Parish Clerk on request	free*	

Class 6 - Lists and Registers
(Information held in registers required by law and other lists and registers relating to the functions of the authority)

Assets register	Website, Parish Clerk on request	free*	
Register of members' interests	Website, East Devon District Council's website	free*	

Class 7 - The services we offer
(Advice and guidance, booklets and leaflets, transactions and media releases. \ description of the services offered)

Current information only

Media and information releases		free*	
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Additional Information
This will provide Councils with the opportunity to publish information that is not itemised in the lists above

Public Realm Study	Website, Parish Clerk on request	free*	
Traffic Study	Website, Parish Clerk on request	free*	

*** Charges**

WHPC operates on a paperless basis. However, if you require hard copies we are happy to provide those. For copies of more than ten pages of doublesided sheets of A4, we reserve the right to charge the following fees:

Charge	Reason for charge	Fee
Administration cost	These are costs which the Council will incur as a result of your request	<p>Photocopying at 10p per double-sided sheet of A4 and/or</p> <p>Second class postage cost at the current Post Office rate if applicable</p> <p>Any costs incurred in complying with your preferences about the format in which you wish to receive the information (e.g. scanned onto on a CD) if applicable</p>
		<p>An hourly charge of £25 for information location and retrieval for requests covering more than ten documents (NB: if this would total more than £450, the Council is entitled not to agree to your request) if applicable</p> <p>NB: You will only be charged where information is actually provided (i.e. released). If this applies, we will send you a Fees Notice stating the amount to be paid - explaining how it has been calculated, how it can be paid and your rights of complaint via internal review and to the Information Commissioner re the fee levied - as soon as possible within the 20-working day response period. The notice period is paused until payment is received (we will request payment within 3 months of your request). [Information taken from the Cabinet Office's Freedom of Information Code of Practice, July 2018.]</p>

Planning Applications

Please note that West Hill Parish Council is not able to provide hard copies of planning applications and any documentation associated with them. East Devon District Council now operates a paperless planning system and we do not receive hard copies.

General Notes

1. As West Hill Parish Council was created in 2017 and is still a relatively new authority in the process of developing policies and procedures, this scheme will be updated as new documents are adopted (Section 19 of the Freedom of Information Act 2000 requires us to review the publication scheme periodically).

1. According to Section 21 of the Freedom of Information Act 2000, information is exempt from the Act if accessible to the applicant by other means and, where already accessible because it is covered by the authority's publication scheme, we will not be required to provide it in response to an individual request. Under section 14(1) of the Act, public authorities do not have to comply with vexatious requests.
2. If you request information, we will need to determine whether the information exists and check that (i) it is not available elsewhere or is (ii) exempt from disclosure. If we are able to supply the information, we will notify you how this will take place and of any cost involved. If we can't supply the information, we will explain why. NB: We are not required to respond to 'vexatious or repeated' requests.
3. Individuals applying for information who do not have access to the internet should contact the Parish Council which will endeavour to offer alternative arrangements. NB: if this involves printing or copying charges may apply as per the table above.

Contact

Applications for information should be made in the first instance to:

West Hill Parish Clerk

Tel 01404 232100

Email clerk@westhillparishcouncil.gov.uk