

KIRKBY FLEETHAM WITH FENCOTES PARISH COUNCIL

FREEDOM OF INFORMATION POLICY AND FOIA PUBLICATION SCHEME

Introduction

1. The Freedom of Information Act (FOIA) 2000 provides public access to information held by public authorities. It does this in two ways:
 - a. public authorities are obliged to publish certain information about their activities; and
 - b. members of the public are entitled to request information from public authorities.
2. The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Public authorities include government departments and local authorities (including Parish Councils).
3. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
4. The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.

Requests for Information

5. A request for information can be made in any written form (e.g. letter, e-mail) and need not mention the Act - it will still apply. Requests can be made to anyone, at any level, within the public authority and that the request must state the name and address of the person applying for the information for correspondence and the required information.
6. Authorities do not have to comply with vexatious requests or repeat requests if the authority has responded to an identical or substantially similar request from the same person.
7. On receipt of a request for information the Chairman and Parish Clerk are to be informed immediately. The Parish Clerk is to write to the applicant within 5 working days to acknowledge receipt of the request for information.
8. Public authorities are required to provide advice and assistance to people who have made or who are thinking of making a request. This will help applicants understand their rights under the Act and identify the information they want.
9. Information requested, unless exempted under the Act, must be supplied within 20 working days of being requested. The first day starts the day after a valid request has been received by the Parish Council. A refusal to release the information must be given in writing and the reasons for refusal specified along with the applicant's right to appeal.
10. The Act provides for public access to information which may be supplied in any format, unless the applicant has specified a preferred format for receiving it - this can include copies of or access to (i.e. viewing at offices) actual records if that is what the applicant requests.

Information Provided

11. If the applicant already has reasonable access to the information, they want then they should use that means. Therefore, if information is available through a publication scheme or website the Parish Council can simply direct the applicant to its source.

12. The Parish Council should try and provide the information in the form requested unless it is unreasonable to do so. If any of the information requested is exempt, the applicant should be told which of the exemptions of the Act has been relied on to withhold the information.

13. There are two general categories of exemptions – where the public interest test applies and the absolute exemptions; where there is no duty to consider public interest.

14. In the majority of cases where an exemption applies, to some or all of the information requested, the public authority has to consider whether it must override the exemption because it is in the public interest to release the information. The public interest test involves considering the circumstances of each particular case and the exemption that covers the information. The balance lies in favour of disclosure, in that information can only be withheld if the public interest in withholding it is greater than the public interest in releasing it.

15. A Disclosure log (indicating the information that has been provided in response to requests) is to be maintained by the Parish Clerk.

Publication Scheme

16. The Act places a duty on public authorities to adopt and maintain publication schemes which must be approved by the Information Commissioner's Office. Such schemes are intended to advise people how they can gain access to information, which has been pro-actively published. A publication scheme is a guide to the types of information that the authority routinely publishes, the format in which the information is available in and how much it will cost if there are any charges.

17. Public authorities are allowed to charge a fee for responding to requests.

18. A public authority wishing to charge a fee it must inform the applicant in writing. The 20 days for responding to requests is put on hold until the fee is paid. If the fee is not paid within 3 months it is assumed the applicant no longer wants the information.

19. Kirkby Fleetham with Fencotes Parish Councils (KFF PC) publication scheme is at Annex A to this policy.

Appeals

20. If the applicant is not happy with the response, they receive from the Parish Council, they must first complain to the council (see KFF PC Complaints Procedure). If they are still unhappy, they may complain to the Information Commissioner [[Information Commissioner's Office](#)] who will decide whether the request has been handled properly.

21. Both the applicant and Parish Council are informed of the Commissioner's decision in a Decision Notice. Where appropriate the Decision Notice will instruct the Parish Council what steps it needs to take to comply with the Act, this may include the release of information. Both the applicant and the council may appeal against a decision notice to the Information Tribunal.

22. The Commissioner can also issue a public authority with an Enforcement Notice stating what steps it should take to comply with the Act. Although it is similar to a Decision Notice in some respects, the Commissioner does not need to wait to respond to a complaint from an applicant that a request has been incorrectly handled before taking this form of enforcement action. Only the public authority may appeal to the Information Tribunal against such a notice.

Annex:

A. Kirkby Fleetham with Fencotes Parish Council – FOIA Publication Scheme.

Version:	1.0
Adoption Date:	October 2023
Author:	Councillor Jones
Reference:	ICO Model Publication Scheme – Oct 2015. NALC Legal Topic Note 37, Freedom of Information, 1 April 2021. Freedom of Information Act 2000
Reviewed By:	Full Council
Next Review Date:	October 2024

Kirkby Fleetham with Fencotes Parish Council – FOIA 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)	(hard copy, notice board or website)	
Who's who on the Council and its Committees	Website Hard Copy	Free 50p per single A4 sheet
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website Hard Copy	Free 50p per single A4 sheet
Staffing structure (the Parish Council only employs a Parish Clerk)	n/a	
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)	(hard copy, notice board or website)	
Current and previous financial year as a minimum		
Annual return form and report by auditor	Website Notice Board Hard Copy	Free Free £3 a copy
Finalised budget	Hard Copy	50p per single A4 sheet
Precept	Website Hard Copy	Free 50p per single A4 sheet
Borrowing Approval letter	n/a	
Financial Standing Orders and Regulations	Website Hard Copy	Free 50p per single A4 sheet
Grants given and received	Hard Copy	50p per single A4 sheet
List of current contracts awarded and value of contract	Copy on request	50p per single A4 sheet
Members' allowances and expenses (members of Kirkby Fleetham with Fencotes Parish Council do not receive an allowance nor expenses).	n/a	
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy, notice board or website)	
Current and previous year as a minimum		
Parish Plan (current and previous year as a minimum)	None held	
Annual Report to Parish (current and previous year as a minimum)	Website Notice Board Hard Copy	Free Free 50p per single A4 sheet
Class 4 – How we make decisions (Decision making processes and records of decisions)	(hard copy, notice board or website)	

Current and previous council year as a minimum		
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website Notice Board Hard Copy	Free Free 50p per single A4 sheet
Agendas of meetings (as above)	Website Notice Board Hard Copy	Free Free 50p per single A4 sheet
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	Website Notice Board Hard Copy	Free Free 50p per single A4 sheet
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.	E-copy on request Hard Copy	Free 50p per single A4 sheet
Parish Council responses to consultation papers	Hard Copy	50p per single A4 sheet
Responses to planning applications	Minutes – Website Minutes – Hard Copy	Free 50p per single A4 sheet
Bye-laws Village Green	E-copy on request Hard Copy	Free 50p per single A4 sheet
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy, notice board or website)	
Policies and procedures for the conduct of council business: Procedural Standing Orders Committee and sub-committee terms of reference Code of Member Conduct Member Code of Conduct Allegations Procedures and Ethical Framework (N.B. Principle Authority, NYC)	Website Hard Copy	Free 50p per single A4 sheet
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: Health and Safety policy Complaints procedures Co-option of a Parish Councillor Disciplinary and Grievance Arrangements Burial Ground Regulations Community Emergency Plan	Website Hard Copy	Free 50p per single A4 sheet
Business Continuity Plan Records management policies (records retention, destruction and archive)	Website Hard Copy None Held	Free 50p per single A4 sheet
Data Protection and UK GDPR policies	Website Hard Copy	Free 50p per single A4 sheet
Freedom of Information and FOIA Publication Scheme (schedule of charges for the publication of information)	Website Hard Copy	Free 50p per single A4 sheet
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)	On application to the Parish Clerk	50p per single A4 sheet
Assets register	Website Hard Copy	Free 50p per single A4 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)	Not held	
Register of members' interests	NYC Website Hard Copy	Free 50p per single A4 sheet
Register of gifts and hospitality	Not held	
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)	
Burial grounds and closed churchyards	Website Notice Board Hard Copy	Free Free 50p per single A4 sheet
Village Hall (information regarding the Village Hall is to be sort from the Village Hall committee direct)	Website Notice Board	Free Free
Village greens and recreational facilities	Hard Copy	50p per single A4 sheet
Seating, litter bins, dog waste bins, and memorials	Email Parish Clerk Hard Copy	Free 50p per single A4 sheet
Bus shelters	Email Parish Clerk Hard Copy	Free 50p per single A4 sheet
Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Website Hard Copy	Free 50p per single A4 sheet
Additional Information This will provide Councils with the opportunity to publish information that is not itemised in the lists above		
Neighbourhood Watch	Email Cllr Walker Hard Copy	Free 50p per single A4 sheet

Contact Details:

Mr Nathen Lowe, Parish Clerk
School View, Great Langton, Northallerton, North Yorkshire, DL7 0TE
Telephone: 07464 154343 | Email: kffparishclerk@gmail.com
Website: www.Kirkby Fleetham with Fencotes Parish Council

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @50p per sheet (black & white) £3 minimum charge	Actual cost, plus Parish Clerks time
	Postage	Actual cost of Royal Mail standard 2 nd class