

**POLICY AND PROCEDURE FOR THE PUBLICATION OF INFORMATION  
AND THE PUBLIC'S RIGHT TO REQUEST INFORMATION**

**PURPOSE:** This document summarises the information which Melbourn Parish Council will routinely make available to the public and tells you how to request information which you would like to see.

**SCOPE:** This document brings together the duties put on a Parish Council through the:

- Freedom of Information Act
- Council Accounts – A Guide to your rights
- Transparency Code for Smaller Authorities

The Model Publication Scheme is a separate document (Doc. No. 4.07 ver 1).

**Policy:** Our aim is to make all key information available on the Melbourn Parish Council website in a way that is easy to find and to understand. We will provide summaries of information where possible. If you cannot find the information on the website or wish to see if other information is available, we will deal with your request as set out in the procedures in this document.

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## 1. Introduction

- 1.1 Melbourn Parish Council (MPC) has a strong commitment to openness and transparency. It complies with the requirements of the Freedom of Information Act, which came into force on 1 January 2005 which gives everyone a statutory right of access to information held by public bodies.
- 1.2 MPC adopted the revised model publication scheme issued by the Information Commissioner's Office from 12 November 2012. This is document 4.07.

## 2. Publication of Information

- 2.1 The MPC website is the Council's main vehicle for publication of information. The Parish Notice Boards, ~~Facebook and Twitter~~ and social media are used to alert people to the publication of the Council's agendas, minutes and supporting documentation, and other items of particular interest. Recordings of Council meetings are also available on the website.
- 2.2 If you want information on a particular issue, then please check whether it is there before contacting the Clerk. Section 21 of the FOIA provides an exemption if the information requested is already accessible to the requester. This applies whether the information is on the Parish Council website or in another place. If you need the information available on the website in a different format, please contact the Parish Clerk.
- 2.3 Supporting documents for forthcoming meetings are published at the same time as the agenda whenever possible. However, there are sometimes good reasons why this cannot be done and then paper copies will be supplied at the meeting.

## 3. Retention of records

- 3.1 Recordings of meetings remain on the website for 1 month. After that time, copies are available from the Clerk for a further 11 months. Recordings will be destroyed after 12 months.
- 3.2 Clerks' notes of Council meetings will be destroyed 3 months after agreement of the minutes by Council or Committee.
- 3.3 There is a separate policy for retention of all other records.

## 4. Making a request for information

- 4.1 Requests for information will always be dealt with in line with the Freedom of Information Act. If you wish to emphasise this point, you should say that you are making the request under the provisions of the Act.
- 4.2 You may wish to consult 'Plain English Guide to Freedom of Information' available on the Office of the Information Commissioner's website for guidance on making a request and about how the Parish Council will deal with it.
- 4.3 Requests for information must be in writing and you must include your name and a valid address for correspondence.
- 4.4 You must also provide a clear description of the information you are seeking. We may ask you to be more precise about your requirements if we feel the initial request is too broad. If a summary of the information is available, we can provide it but the Act does not require us to prepare or present information in a different way. Neither does the Act require information which is not (at the time of the request) written down to be put on paper in order to answer the request.
- 4.5 You may state a preference of how you want the information communicated to you: a hard copy, electronic copy or an opportunity for inspection.

## 5. Timeliness of requests

- 5.1 There is no time limit on the request for information although the requester must be aware that the older the information, the more difficult it may be to locate it and make it available, potentially incurring a cost (see 8.2 below)
- 5.2 However, the *use* that was made of that information in Council decisions and actions is only open to question during the lifetime of that Parish Council<sup>1</sup> until after the date of the next election. ~~A new Council will be in place from May 2018.~~

## 6. Responding to your request

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<sup>1</sup> Advice from the Cambridge and Peterborough Association of Local Authorities.

- 6.1 As set out on the website, correspondence to the Parish Office will be acknowledged within 3 working days of receipt. If the reply requires further information, it is the aim of the Clerk and Assistant Clerk to respond within 20 working days of acknowledging the initial communication. This does not include statutory holidays or days when the office is closed.
- 6.2 For requests specifically made under the FOI Act, we will inform you in writing whether we hold the information you have requested and, if so, provide it not later than 20 working days from receiving the request.

## 7. Non-disclosure of information

- 7.1 The Act identifies 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 tell the exemption which provides the basis for refusal within the Act and why it applies to the information you requested. We will communicate this to you within 20 working days.
- 7.2 In addition to the Exemption which applies if the information is already publicly available (see 2.2 above), information intended for future publication is also exempt. A publication date does not have to be identified at the time of responding to the request.

## 8. Charges for providing information

- 8.1 Whenever possible, we will provide the information free of charge. However, if the information is not readily available in the form in which you are seeking it, the Parish Council may charge you a fee based on the costs associated with providing the information.
- 8.2 Under the Freedom of Information Act, the Parish Council may refuse your request if we estimate<sup>2</sup> it will cost us in excess of the cost limit set by the Information Commissioner to fulfil your request. This is currently £450.
- 8.3 In the situation described in 8.1 and 8.2, the Clerk will write to you within 20 working days of receipt of your request advising you of the fee required. This is known as a 'Fees Notice'. When you are issued with a Fees Notice, the 20 working day limit for responding stops, and will then start again when payment

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<sup>2</sup> Estimated according to the procedure set out in 'Requests where the cost of compliance exceeds the appropriate limit. 20150909 Version 1.2'.

is received. If the Clerk does not receive payment within 3 months, the Council is not obliged to comply with the request.

## 9. Repeated requests for information

- 9.1 The Council aims to reduce the number of requests it receives by putting as much information as possible into the public domain at the relevant time. For each request received, there is a demand on the Clerk's time to deal with it and hence a cost to the Council. Please assure yourself that the information is not already available on the website before you make a request (see 2.2 above).
- 9.2 If an individual makes repeated requests for similar information or otherwise abuses the system, MPC's Policy and Procedure for Persistent, Vexatious or Abusive Complaints will be implemented.

## 10. Complaints

- 10.1 If you are dissatisfied with the way MPC has responded to a request for information, please follow the procedure for 'Complaints Procedure: Council staff, Service Providers, Administration and Procedures' in the first instance.
- 10.2 The Information Commissioner's Office is responsible for enforcing the operation of the Act and you may raise issues with them at any time. More information can be found on the ICO's website ([www.ico.org.uk](http://www.ico.org.uk)) or by writing to:

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

## 11. Requests to inspect the accounts.

- 11.1 As an interested person<sup>3</sup>, you can inspect a council's accounts and related documents. These include a balance sheet and summary of income and expenditure along with supporting documents, and any report the auditor made in that financial year. In addition if you are a local government elector for the area to which the accounts relate, you can also ask questions about the accounts and object to them.

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<sup>3</sup> These are persons who have a connection to the area even if they are not a local elector.

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- 11.2 There is a period of 30 working days during which you can exercise your statutory right to inspect the accounts. This right is not retrospective. The period will be advertised by the Council on its website.
- 11.3 Further information on these rights is given in 'Council Accounts: A Guide to your Rights' published by the National Audit Office.
- 11.4 You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the Council form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

Document Approval:



(Chair to the Parish Council)

Date of Parish Meeting: ~~22 January 2019~~

Review Policy: Every ~~12 months~~ 2 years