

# MELKSHAM TOWN COUNCIL



## Freedom of Information Policy

Melksham Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 and related legislation. The Act gives every person the right to access information recorded and held by local councils subject to certain conditions and exemptions.

The intention of the Act is to provide a culture of greater openness and accountability for public organisations and it provides a general entitlement to information that the Council holds to any person subject to exemptions and conditions laid down by law.

### Scope

This policy applies to all recorded information the Council holds regardless of how it was created or received. It applies no matter what media the information is stored in and whether the information may be on paper or held electronically.

### Dealing with Requests

The Council offers advice and assistance to anybody who wishes to make a request for information (see Appendix A attached). The Council is committed to dealing with requests within the statutory timescales of no more than 20 working days. This can be extended in specific circumstances on legal advice. However, the Council is committed to providing a prompt service.

The Council will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest. Where appropriate, requests in writing will be treated as Freedom of Information requests.

There is no need for requests to indicate they are made under the Act. The Council reserves the right to refuse requests where the cost of supply of the information would exceed the statutory maximum (currently £450).

### Relationship with the Data Protection Act

The Council is under a legal duty to protect personal data under the Data Protection Act 1998. The Council will carefully consider its responsibilities under the Data Protection Act before releasing personal data about living individuals, including current and former officers, members, and users of its services.

### Responsibilities

All staff are responsible for ensuring that any request for information they receive is dealt with under the Act and in compliance with this policy. They are also responsible for good information handling practice and implementing records management policies and procedures as appropriate to their post.

### Publication Scheme

Melksham Town Council has adopted the Model Publication Scheme (see Appendix B - attached) as prepared and approved by the Information Commissioner. The Scheme, which has been adopted without modification, commits the Council to make information available to the public as part of its normal business activities.

*Ratified: 13 December 2010  
Reviewed: 5 December 2011*

## Making a Request for Information – Guidance Notes

On receipt of a request for information the Council must:

- (a) Inform you in writing whether it holds the information requested and, if so,
- (b) Communicate that information to you.

The Council is not required to comply with these obligations where one or more exemptions apply

### Who may request information?

Any individual or company may make a request. Applicants do not need to be UK citizens or living in the UK to make a request. The Council does not need to know why you are making the request or what you intend to do with the information. It will not impose conditions on the use or further disclosure of information provided though information disclosed may be subject to copyright protection.

### What information may I request?

You may request any information held by or on behalf of the Council and recorded in any form. This includes paper records (including hand written notes), information held on computers, other electronically held formation (audio and video recordings), plans, maps, and photographs. You are entitled to the information contained in documents, not to the documents themselves. However, where appropriate and convenient the Council may choose to provide a copy of the document rather than extracting the information from it. There may be a charge for extracting or providing copies of this information (see below). If you request “personal information” covered by the Data Protection Act 1998 or “environmental information” covered by the Environmental Information Regulations 2004 then different rules apply.

### How do I make a request?

Requests must be made in writing and should include:

- your name and address (physical or electronic) for correspondence;
- a clear statement of the information you are requesting;
- a contact telephone number in case the Town Clerk needs to discuss your request;
- the form in which you wish to receive your information.

Requests may be submitted via letter, fax or e-mail. If you require advice or assistance in making a request please contact the Town Clerk on 01225 899911.

### Where do I send my request?

Requests by letter should be sent to:

Melksham Town Council  
Town Hall  
Melksham  
Wiltshire  
SN12 6ES

Requests by fax should be sent to:

(01225) 707858

Requests by e-mail should be sent to:

[admin@melkshamtown.co.uk](mailto:admin@melkshamtown.co.uk)

### What the Council will do when it receives your request?

The Council will acknowledge your request and let you know if all or part of your request will be dealt with under the Environmental Information Regulations/the Data Protection Act. The Town Clerk will let you know if he/she requires further information in order to identify and locate the information you have requested. If the Council does not hold the information requested, it will consider whether it may be appropriate to transfer your request to another public authority.

### How long does it take?

The Council is obliged to comply with its obligations under the Act promptly and (subject to limited exceptions) within 20 working days following the date it receives your request. If the Town Clerk needs to ask you for clarification of the request, the 20 working day period does not start until that is received. If payment is required the 20 day working period restarts on receipt of the payment. If the Council needs to extend the timescale to give proper consideration to the request then the Town Clerk will inform you of this.

### Already published information

The Council publishes information pro-actively whenever possible, for example through its website, rather than it only being available on request. If information is already available the Council is not obliged to provide the information to you under the Act because it is deemed to be already reasonably accessible to you. Where this is applicable, the Council will respond to your request by explaining how you can access the information.

### Are there circumstances in which the Council's obligations under the Act will not apply?

Yes. The Council is not obliged to comply with repeated or vexatious requests nor with requests that exceed the cost limit. Furthermore, the Act contains a number of exemptions from these obligations, most of which involve the application of a public interest test. If your request is refused, the Council will advise you which exemption (or exemptions) the Council is relying on. Where applicable, the Council will explain why it has decided that the public interest in withholding the information (or in neither confirming nor denying that it holds it) outweighs the public interest in disclosing (or confirming/denying).

### Consultation with third parties

If your request relates to a person/company other than yourself and the Council or where disclosure of the information you are requesting could affect the interests of another person, the Council may need to consult that third party before responding to your request.

### How is information released?

If you express a preference for receiving the information requested in a particular format or as a summary, the Council is obliged to accommodate your preference unless it is not reasonably practicable to do so. Information may be provided in Braille or audio format, in large type, or translated into another language. When requesting information be provided in a particular format or as a summary you should take into account the extra cost of supplying the information in this way. If your preference is to inspect the records containing the information, this can be arranged in the Town Hall under supervision. When making your request for information, please identify how you would like to receive the information.

### What does it cost?

The Act makes provision for a fee to be charged for the information. If it will cost more than £450 for the Council to respond to a request, then it need not comply with it. The cost limit covers the time taken to find, sort, edit or reformat material (calculated at £25 per hour). It does not cover the time taken to consider whether exemptions apply. Complying with requests that will cost more than £450 is discretionary.

### Complaints & Appeals

Should you be unhappy with the outcome of a request under the Act, you should in the first instance contact the Town Clerk who will review your complaint, reconsider any decisions relating to the release or withholding of information and, if appropriate, provide a further response. If, after review, the original response is considered correct, your complaint will be reconsidered by the Chairman of the Policy and Resources

Committee. If you are dissatisfied with the results of the Council's internal review, you may appeal to the Information Commissioner (refer to [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) for details).

## Appendix B

### 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.

#### 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.

#### **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.

#### **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.

## 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.

Appendix B (cont'd)

# Information available from Melksham Town Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
<p><b>Class1 - Who we are and what we do</b></p> <p>(Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy and/or website)	
Who's who on the Council and its Committees	<a href="#">Website</a> <a href="#">On display at Town Hall</a> <a href="#">Hard copy – contact Town Clerk</a>	Free Free 10p/sheet
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))	<a href="#">Website</a> <a href="#">On display at Town Hall</a> <a href="#">Hard copy – contact Town Clerk</a>	Free Free 10p/sheet
Location of main Council office and accessibility details	<a href="#">Website</a> <a href="#">Hard copy – contact Town Clerk</a>	Free 10p/sheet
Staffing structure	<a href="#">Website</a> <a href="#">Hard copy – contact Town Clerk</a>	Free 10p/sheet
<p><b>Class 2 – What we spend and how we spend it</b></p> <p>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	(hard copy and/or website)	
Annual return form and report by auditor	<a href="#">Hard copy – contact Town Clerk</a>	10p/sheet
Finalised budget	<a href="#">Hard copy – contact Town Clerk</a>	10p/sheet
Precept	<a href="#">Hard copy – contact Town Clerk</a>	10p/sheet
Borrowing Approval letter	Not Applicable	
Financial Standing Orders and Regulations	<a href="#">Hard copy – contact Town Clerk</a>	10p/sheet
Grants given and received	<a href="#">Hard copy – contact Town Clerk</a>	10p/sheet

List of current contracts awarded and value of contract	Hard copy – contact Town Clerk	10p/sheet
Members' allowances and expenses	Not Applicable	
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy or website)	
Parish Plan (current and previous year as a minimum)	Hard copy – contact Town Clerk	10p/sheet
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Hard copy – contact Town Clerk	10p/sheet
Quality status	Not Applicable	
Local charters drawn up in accordance with DCLG guidelines	Not Applicable	
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)  Current and previous council year as a minimum	(hard copy or website)	
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Website On display at Town Hall Hard copy – contact Town Clerk	Free Free 10p/sheet
Agendas of meetings (as above)	Website On display at Town Hall Hard copy – contact Town Clerk	Free Free 10p/sheet
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Website Hard copy – contact Town Clerk	Free 10p/sheet
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Hard copy – contact Town Clerk	10p/sheet
Responses to consultation papers	Hard copy – contact Town Clerk	10p/sheet
Responses to planning applications	Hard copy – contact Town Clerk	10p/sheet
Bye-laws	Not Applicable	
<b>Class 5 – Our policies and procedures</b> (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:  Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct	Hard copy – contact Town Clerk Hard copy – contact Town Clerk Hard copy – contact Town Clerk	10p/sheet 10p/sheet 10p/sheet

Policy statements		
Policies and procedures for the provision of services and about the employment of staff:		
Internal policies relating to the delivery of services	Hard copy – contact Town Clerk	10p/sheet
Equality and diversity policy	Hard copy – contact Town Clerk	10p/sheet
Health and safety policy	Hard copy – contact Town Clerk	10p/sheet
Recruitment policies (including current vacancies)	Hard copy – contact Town Clerk	10p/sheet
Policies and procedures for handling requests for information	Hard copy – contact Town Clerk	10p/sheet
Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy – contact Town Clerk	10p/sheet
Information security policy	Hard copy – contact Town Clerk	10p/sheet
Records management policies (records retention, destruction and archive)	Hard copy – contact Town Clerk	10p/sheet
Data protection policies	Hard copy – contact Town Clerk	10p/sheet
Schedule of charges (for the publication of information)	Hard copy – contact Town Clerk	10p/sheet
<b>Class 6 – Lists and Registers</b>	(hard copy or website; some information may only be available by inspection)	
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Hard copy – contact Town Clerk	10p/sheet
Assets Register	Hard copy – contact Town Clerk	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)	Not Applicable	
Register of members' interests	Hard copy – contact Town Clerk	10p/sheet
Register of gifts and hospitality	Hard copy – contact Town Clerk	10p/sheet
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)	(hard copy or website; some information may only be available by inspection)	
Current information only		
Allotments	Website Hard copy – contact Town Clerk	Free 10p/sheet
Burial grounds and closed churchyards	Hard copy – contact Town Clerk	10p/sheet
Community centres and village halls	Hard copy – contact Town Clerk	10p/sheet
Parks, playing fields and recreational facilities	Hard copy – contact Town Clerk	10p/sheet
Seating, litter bins, clocks, memorials and lighting	Hard copy – contact Town Clerk	10p/sheet
Bus shelters	Hard copy – contact Town Clerk	10p/sheet
Markets	Not Applicable	

Public conveniences	Not Applicable	
Agency agreements	Not Applicable	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Not Applicable	
<b>Additional Information</b> This will provide Councils with the opportunity to publish information that is not itemised in the lists above		

Contact Details:

Mr John Crook  
Town Clerk  
Melksham Town Council  
Town Hall  
Melksham  
Wiltshire  
SN12 6ES

Telephone: 01225 704187

Fax: 01225 707858

Email: [john.crook@melkshamtown.co.uk](mailto:john.crook@melkshamtown.co.uk)

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
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	Actual cost
	Photocopying @ 20p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>	Not Applicable	In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

--	--	--