

Rhyl Town Council

Freedom of Information Policy and Procedures



January 2009

Freedom of Information Policy

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Policy Aim

This policy aims to ensure that Rhyl Town Council complies with the Freedom of Information Act 2000 (“the Act”).

The Act came into force in relation to Community Councils at the beginning of 2005 and it encourages greater openness and transparency across the whole public sector. It requires every public authority to adopt an approved model Publication Scheme which ensures that certain kinds of information are routinely made available to the public. The Act also provides for a general right of access to recorded information held by public authorities.

This policy has been produced for Rhyl Town Council and is to be used as a guide for all employees and Members who have a duty to ensure compliance with legislation.

Summary of Key Policy Decisions

- Ensure that Rhyl Town Council understands and complies with the provisions of the Act.
- Develop and promote awareness of the Act with employees and Members.
- Develop and promote guidance to officers and Members on how to deal with a request for information.
- To promote Rhyl Town Council as an open, accountable and transparent authority to the public.

Policy Statement

Introduction

This policy is intended to inform and guide Rhyl Town Council in understanding the provisions of the Freedom of Information Act 2000 (“the Act”). The policy is designed to ensure that the Town Council complies with the requirements of the Act as well as to establish firm practices and procedures to be used throughout the Town Council to ensure that a culture of openness and transparency is embraced.

This policy will assist in enabling the public to question decisions made by the Town Council and in ensuring that the services provided by the Town Council are more efficient, productive and properly delivered.

The Act will allow people to apply for access to documents and to obtain copies of documents. Also as the Act relates to the holding of information and not just to documents, it will also allow people to apply for access to the information or a summary of the information. It is expected that these rights will facilitate better understanding by the public of how public authorities carry out their duties, why they make the decisions they do and how they spend public money. Rhyl Town Council is committed to promoting good information handling practices to ensure full compliance with the freedom of information legislation.

Scope of Policy

This policy has been produced for Rhyl Town Council and is to be used as a guide for all officers and Members.

This policy is not intended to be an authoritative and complete guide to all of the issues that arise pursuant to the Act, however, it should offer guidance on the most simple queries and provide information on how further advice and assistance may be obtained.

Members

Council Members should ensure that Freedom of Information legislation and policy are complied with whatever role they may exercise and if in any doubt they should contact the Town Clerk for clarification.

Where Members sit as the Council's representative on an outside body they owe a duty to the organisation on which they sit. In addition Members are subject to the Rhyl Town Council Code of Conduct, which includes reference to information acquired or received in confidence.

Information provided by Elected Members under the Act

Members may be asked directly to provide information under the Act and are advised to refer the matter to the Town Clerk. In these instances the timescales set by Statute will still apply and the Member must either provide the information requested; or confirm they do not hold such information; or quote the relevant exemption; or direct the enquirer to the source for such information. Additionally, Members must ensure that where disclosing any information, that such information is accurate and up to date.

Procedures and Guidance

Access to Information

The Act enables people to gain access to information held by public authorities in two ways:

- From 1 January 2005, people have had the right to make a request for any information held by a public authority (although this right is subject to a number of exemptions which permits the withholding of information and will be dealt with later in this document). The Town Council will have to comply with the provisions of the Act and respond within 20 working days. In many cases there will be a need to balance the issue of confidentiality and the public interest in disclosing the information or even its existence. In making this decision it will be necessary to consider the nature and weight of public interest in providing such information.
- From January 2009, Rhyl Town Council has been required, by law, to make available a revised Publication Scheme setting out the information it publishes or intends to publish. Its purpose has been to ensure that a list of all information published by the Town Council is available as a matter of course. This means that all of the information listed in the Publication Scheme is available to anyone who wishes to consult it. The Publication Scheme is both a commitment by Rhyl Town Council to ensure that certain information is available and a guide to the public on how the information can be obtained. The Publication Scheme encourages the publication of more information than it is required to publish under existing legislation and to develop a greater culture of openness.

In addition to the above access to personal data will continue to be dealt with under the provisions of the Data Protection Act 1998.

General Rights to Access

Who can make a request?

The rights created by the Act may be exercised by anyone, including, but not restricted to, people living abroad, non-UK citizens, journalists, political parties, lobby groups and commercial organisations. The Applicant does not have to be the subject of that request or be affected by its holding or use. The request must be made in writing and can include the use of fax or e-mail, however, the name and postal address of the Applicant must be clear and capable of being used for subsequent reference. For example, an e-mail address such as 'boyracer@hotmail' without the name and address of the sender in the e-mail would not be an acceptable request. Further guidance on this issue can be sought from the Town Clerk.

The identity or the location of the person cannot be a reason for refusing to provide the information or be of any other concern to the Town Council except in cases of vexatious or repeated requests. Vexatious or repeated requests will be dealt with in more detail later in this document.

What does the Applicant need to tell us?

The Applicant is expected to provide a description of the information that they require. The lack of detail in a request by an Applicant will not render the request invalid. However, the Town Council will not be required to respond until sufficient detail is received from the Applicant to enable the information to be located. The Applicant is not required to provide a reason for its request or state that the request is made under the Freedom of Information Act 2000. It is imperative that an application for information is forwarded to the Town Clerk immediately upon receipt so that he can respond within the 20 working days limit provided within the Act.

A duty to advise and assist

A duty is placed on the Town Council to advise and assist the Applicant in understanding their rights and in making a request, including assisting the Applicant to identify the information that they require. Officers advising and assisting the Applicant must consider other legislation which may be relevant and have to be taken into account. If a request is made for information which, due to the narrow focus of the request or due to incomplete information, may be misinterpreted, the Town Council under its duty to advise and assist, may be required to place the information in context or provide an explanation. This would also be the case for information that is incomplete, too complicated to understand without supporting documentation or is likely to misinform the Applicant.

What can the Applicant expect?

The Applicant can expect a valid request to be dealt with within a maximum of twenty working days. A valid request will be a request which includes a contact name and address for the Applicant, sufficient description of the information requested, and such fee as is charged by the Town Council. Certain circumstances may permit for the time limit to be extended and if this is the case, the Applicant, within the twenty working days, can expect to be informed of an estimated date by which the Town Council expects to be in a position to accept or reject the request for information. Further guidance as to when the time limits may be extended may be sought from the Town Clerk.

Officers will have to provide the Applicant with a reasonable and realistic time scale by which they can expect a response, having taken into account the reason for the extension of time. If it seems impossible to comply with the estimated date, the Town Council shall notify the Applicant as soon as this becomes apparent and provide the Applicant with a further reason for the delay. The twenty days time limit will commence once a valid request (including a fee if necessary) has been received by the Town Council. It is therefore, imperative that an application for information is forwarded to the Town Clerk immediately upon receipt.

The Applicant can expect:-

- to be informed of whether the Town Council holds the information;
- to receive the information in the manner requested (wherever possible), unless an exemption outweighs the public interest in disclosing the information.

The Applicant may state on the request the manner and medium in which they wish to receive the information.

This can include :

- Copy of the information
- By personal inspection of the records
- Summary of the information

The Town Council is to provide the information in the method requested unless it is impossible to do so. The Applicant is not restricted to one option. However, cost may be taken into account in considering whether it would be reasonable to comply with the Applicant's wishes. Further guidance as to what would be deemed a reasonable request may be sought from the Town Clerk. If the Town Council chooses not to comply with the Applicant's preference, then the Town Council will be required to explain the reasons for not complying with their wishes.

Warning

Once a request for information has been made, the information achieves a special status. Once it has been allocated this status, it is a criminal offence to alter, deface,

block, erase, destroy or conceal the information with the intention of preventing disclosure. If found guilty, the Town Council and / or the individual responsible shall be liable to a fine, currently, not exceeding £5,000.

Fees

In accordance with provisions of the Act, the Town Council may charge for the information supplied, however, the maximum charge that can be made is 10% of the full cost of providing the information. There is, however a limit on the amount of cost that may be incurred. At present this limit is £450 and as a result, the maximum the Town Council may charge is £45. Once a fee has been calculated, this must be requested from the Applicant. If the fee is not paid within three months, the request for information will lapse.

Any information requested costing more than £450 to produce, can legitimately be rejected as the Town Council is not required to disclose the information requested if the cost of doing so exceeds the above threshold. If the Applicant still requests the information and there is no duty on the Town Council to provide it either because it exceeds the threshold or that the Town Council is not required by law to provide it (for example, it can be found somewhere else), then the Town Council may charge for the information.

A standard cost per hour of £25 should be used in calculating its staff costs. However, Officers are required to note that resources cannot be disproportionately applied to avoid providing the information. The cost of searching for the information due to badly kept records or any other reason, for example lack of resources or staff, cannot be included in the fee.

Exemptions

In brief there are 23 exemptions, many with multiple grounds. More than one exemption may apply and these can apply to all or part of the information requested. The exemptions are noted as Absolute exemptions or as Qualified exemptions and are listed in Appendix A. Further, and regardless of whether exemptions are absolute or qualified, exemptions are also class based i.e. the exemption applies to all information falling into a certain category. For example information subject to legal professional privilege. Other exemptions are prejudice based whereby the all information falling within a particular category must be considered on its own merit. Prejudice-based exemptions only applies if a particular disclosure would prejudice the purpose of the exemption, for instance, prejudice to international relations.

In determining whether an exemption applies, the officer dealing should contact the Town Clerk for further information.

a) Absolute Exemptions

If the information requested is covered by an absolute exemption, the right to know no longer applies. In some cases, there is absolutely no legal right of access to the information, for instance information supplied by or relating to bodies dealing with security matters. In other cases, for instance, the information is available to the Applicant by other means. An example of this is if the Applicant is requesting information about himself or herself, then this information could be obtained by other means and not directly under this Act.

Where the information falls within the terms of an absolute exemption, the public authority may withhold the information without considering any public interest arguments. Further, and as a general rule, if an Absolute exemption exists then there is no need to confirm or deny that the Town Council holds the information.

b) Qualified Exemptions

If the information requested is covered by any exemption, the public authority, having identified a possible exemption, must consider whether there is a greater public interest in:-

- confirming or denying the existence of the information;
- providing the information to the Applicant or in maintaining the exemption.

The duty to disclose must be balanced with the overriding public interest test, however, the public interest only needs to be considered where there is an exemption and that exemption is qualified.

If something is in “the public interest” it is simply something which serves the interest of the public. When applying this test, the Town Council must decide whether or not the information serves the interest of the public better if the information was to be withheld or be disclosed. This test must then be developed so that consideration must first be given to whether or not there is a right to confirm or deny the existence of the information, and then secondly to consider whether that information should be disclosed to the Applicant.

The Town Council must bear in mind that the disclosure of information shall:-

- Further the presumption of openness;
- Further the understanding of the public and encourage the public to participate in debates surrounding the issues of the day thus leading to a more informed debate of issues being considered by the Town Council.
- Promote accountability and transparency for decisions taken by the Town Council - including the need to provide a reasoned explanation of decisions made.
- Promote accountability and transparency in the spending of public money.
- Allow individuals and companies to understand decision made by public authorities that affect their lives as well as assisting individuals with the information to challenge the decision.
- Bring to light information affecting public health and public safety.

This list is not comprehensive and it is important to note that the factors bringing to light public interest are not fixed. After all, the intention of the Act is to create a greater degree of openness. Therefore, on the basis of the above list, it is not surprising to note that the balance will always, wherever possible, lie in favour of disclosure.

The Town Council is also required to note that the competing interests that need to be considered are the public interest favouring disclosure against the public interest favouring the withholding of information, rather than a personal or a commercial interest. For example, there may be a private interest in withholding information as the disclosure of such information may show incompetence or corruption within the Town Council.

Refusal of a Request

There are two situations under which a request for information can be refused.

The first is if the cost of compliance exceeds the prescribed limit and secondly, if the information is not for public circulation due to an absolute exemption or that an exemption outweighs the public interest to disclose.

As stated previously a request for information may be refused on the grounds that the cost of compliance is excessive. If this is the case then the Applicant must be informed in writing that the Town Council is rejecting the request on the basis that the cost of complying with such a request exceeds the limit. Details as to the estimated cost of compliance and how this was calculated should be provided to the Applicant.

If a refusal is based on an exemption and that the Town Council had processed the matter within the twenty working days limit (including any consideration given to the public interest test, as is applicable), the Applicant is entitled to the following information:

- a statement that the request is being rejected;
- the exemption on which the Town Council relies;
- reasons for why the exemption applies (unless doing so would involve disclosing exempt information); and
- in the case of the Qualified exemption, reasons as to why the public interest in disclosing the information does not outweigh keeping the information confidential (unless doing so would involve disclosing exempt information).

If the matter could not be dealt with within the twenty days limit, then the Applicant should, within the twenty days, be notified that an exemption applies, and the reasons as to why the exemption applies (again unless doing so would involve disclosing exempt information). The Town Council will then inform the Applicant that consideration is being given to the public interest test and provide an estimated date by which that process will have been completed. Once the Town Council completes its assessment of the public interest, and assuming that the public interest test requires the request to be refused, the Applicant will formally be notified that the information is not provided and the reasons for reaching that conclusion.

In all cases, the Applicant should be made aware of the right to make an application for a decision by the Information Commissioner under section 50 of the Act.

Enforcement

The Information Commissioner's role is to oversee the implementation of the Act along with implementation of the Data Protection Act and the forthcoming Environmental Information Regulations. Any Applicant that is not satisfied by the Town Council's response to their request may make an application to the Information Commissioner for the matter to be considered further. The Commissioner may then decide to deal with the matter and if the Town Council is found not to have complied with its duties under the Act, the Commissioner may issue a Decision Notice specifying the steps that must be taken by the Town Council to comply with the requirement and the time scale in order to carry out those steps.

The Commissioner may also issue an Information Notice requesting information from the Town Council in order to deal with a request by an Applicant, or to ensure that the Town Council is complying with the requirements of the Act. The Commissioner may also investigate the actions of the Town Council of his own accord. If the Commissioner is satisfied that the Town Council has breached the provisions of the Act, he may issue an Enforcement Notice requiring the Town Council to undertake

certain steps within a specified period of time. Failure to comply with a Decision Notice, Information Notice or Enforcement Notice will be treated as a failure to comply with an order of the courts. In all instances, the Town Council will have a right of appeal against the notices issued by the Information Commissioner.

Vexatious or Repeated requests

The Act does not require the Applicant to make known his/her reasons for requesting the information. However, if in the opinion of the Town Council a person has:-

- no real interest in obtaining the information; and
- that he/she has, or can be inferred to have, a bad or an illegitimate reason for obtaining the information (i.e. to cause administrative difficulties) then the matter should be passed to the Town Clerk to determine whether the requests are vexatious.

A request by an Applicant for information that may cause the Town Council embarrassment should not be seen as a vexatious request.

The above principle also applies if it is believed that the same person is making repeat requests or substantially similar requests for the same information within a prescribed amount of time. Consideration must be given to the type of information requested in order to establish what would be a repeated request. Or for example, a request for information about a situation that changes on a regular basis would not normally be classed as a repeated request. The Town Clerk will provide further advice and guidance on this issue.

Information requested

The Town Council can not produce information that it does not hold.

The 'holding' of information will apply where the Town Council has physical possession of the material on which the information is stored. This includes holding a copy of a record produced or supplied by another body. The Act relates to holding of the information and not to the actual documents.

If the Town Council does not hold the information being subject of a request, then it has a duty by virtue of advising and assisting provisions, to inform the Applicant that the information is held by another public body. The Town Council may then transfer the request to the second authority providing that this authority has confirmed that they hold the information. Officers should note that the transfer of a request can only be made in respect of information that the Town Council does not hold.

The Town Council shall maintain electronic document and records management systems which will create procedures for systematically reviewing its arrangements for administering and managing requests for information.

a) Destruction of Information

Officers are required to note that the destruction of documents and / or information must be in accordance with the instructions of the Town Clerk.

Officers are reminded that once a request for information has been made, the information achieves a special status. Once it has been allocated this status then it is a criminal offence to alter, deface, block, erase, destroy or conceal the information with the intention of preventing disclosure.

b) Third parties

The Town Council must take into account the rights of third parties, be it individuals or other legal entities. Officers should take care not to disclose information that contains third party details as it is likely that the provisions of the Data Protection Act 1998 may apply. Officers are advised to seek the advice of the Town Clerk if third party information is contained within the information requested.

c) Contractors

Officers are required to note the following provisions in respect of information provided in confidence, with particular reference to contractors supplying goods, services or works to the Town Council. The Act provides for a general right of access to information held by public authorities or by those providing services on their behalf i.e. contractors. However, the extent of disclosure will only relate to the public function aspect of their work.

The Act contains an exemption from disclosing the information, if the information in question was provided to the Town Council in confidence. In order for this information to be protected under this exemption, the information must have been obtained by the Town Council from another source and that the disclosure of such information would give rise to an actionable breach of confidence. A duty of confidentiality arises when information is provided to a person in the expectation that the information will not be used or disclosed unless it is in accordance with the wishes of the informer. The wishes of the informer can be express or implied instructions depending on the circumstances in which disclosure was made.

Consideration must be given to the quality of the confidentiality aspect of the information. The information cannot be trivial, however, it need not be highly sensitive either. The information cannot, of course, be readily available by any other means.

There are instances where disclosure of confidential information would be allowed, for example, if the person who provided the information consented to the release or that the disclosure is required by law. It may also be the case that the situation warrants disclosure as there is an overriding public interest in disclosing the information. However, the grounds for breaching confidentiality must be very strong as confidentiality is recognised as an important issue in itself.

The Town Council shall make it clear at the commencement of a procurement exercise that the final contract will be publicly available subject to the exclusion of elements which are genuinely identified by the parties as confidential or commercially sensitive (e.g. the make up of rates, schedule of rates). Items that are sought to be protected by an exception for being commercially sensitive information need to be agreed between the Town Council and the contractor prior to agreeing the contract. Unless an exemption applies, the Town Council will be bound to disclose the information regardless of the terms of the contract. A contractor cannot appeal against a decision to disclose information. However, the contractor may decide to take formal legal action under the terms of the contract.

The Town Council should refuse to enter into contracts which restrict the disclosure of information held by the Town Council relating to the contract beyond the restrictions

permitted by the Act. It must be noted that the Town Council cannot “contract out” of the obligations under the Act.

Therefore, unless a specific exemption under the Act is applicable, the Town Council shall be obliged to disclose that information regardless of the terms of any contract.

Publication Scheme

From January 2009, and in accordance with the Act, the Town Council has made available a revised Publication Scheme setting out the information it publishes or intends to publish. Its purpose is to ensure that a list of all information published by the Town Council is available as a matter of course. This means that all of the information listed in the publication scheme is available to anyone who wishes to consult it. It is therefore, in the best interest of the Town Council to ensure that as much information as possible is included within the Publication Scheme.

Generally, the publication scheme specifies:

- (a) the classes of information which the Town Council publishes or intends to publish;
- (b) the manner in which information of each class is, or is intended to be, published; and
- (c) whether the material is, or is intended to be, available to the public free of charge, or on payment.

The publication scheme has been prepared in accordance with the model scheme determined by the Information Commissioner and the Town Council is required to publish information in accordance with the detail contained within it.

Further information on the Town Council’s Publication Scheme can be found on the Town Council’s web site at www.rhyl-wales.co.uk/en/living/town-council and hard copies of the scheme can also be requested from the Town Clerk.

Ministry of Justice guidance

The Lord Chancellor, by virtue of his duties under the Act, provides guidance to all public authorities as to the practice and procedures which would be desirable to follow in connection with the discharge of public authorities functions under the Act. The guidance also applies to other bodies that are subject to the Public Records Act 1958 and the Public Records Act (NI) 1923.

The guidance emphasises that any freedom of information legislation is only as good as the quality of the records to which it provides access. Such rights are of little use if reliable records are not created in the first place, for example, if they cannot be found when needed or if the arrangements for their eventual archiving or destruction are inadequate.

The Town Council should note that if it is failing to comply with the guidance, then it may also be failing to comply with the Public Records Acts 1958 and 1967, the Local Government (Records) Act 1962, the Local Government Act 1972, the Local Government (Access to Information) Act 1985 or other record-keeping or archives legislation, and it may consequently be in breach of its statutory obligations.

Information, guidance and assistance on good records management can be obtained from the Town Clerk.

Complaints

Complaints in relation to any matters shall be processed through the Town Clerk. In dealing with a complaint made under the Act, the Town Clerk shall include a reference to the work of the Information Commissioner, including the right to make an application for a decision by the Information Commissioner.

In addition, the Town Council shall maintain a register all complaints and highlight those received about the Town Council's Freedom of Information arrangements. The Town Council shall ensure that any learning points that arise from such complaints are used to improve related policies, procedures and guidance.

Responsibilities

Rhyl Town Council is committed to complying with its statutory duty to observe the provisions of the Act. The Town Council's officers and Members are ultimately responsible for complying with the Act.

This policy will be reviewed regularly to ensure that it remains up to date, effective and takes account of emerging good practice. Where new legal directions come into force, the policy will be reviewed in line with the commencement date of that legislation.

Further information on the Freedom of Information Act and its provisions can be found at:

www.justice.gov.uk - freedom of information guidance issued by the Ministry of Justice
www.ico.gov.uk – the Information Commissioner's Office

Appendix A – Exemptions

Exemptions where the public interest test applies (Qualified Exemptions)

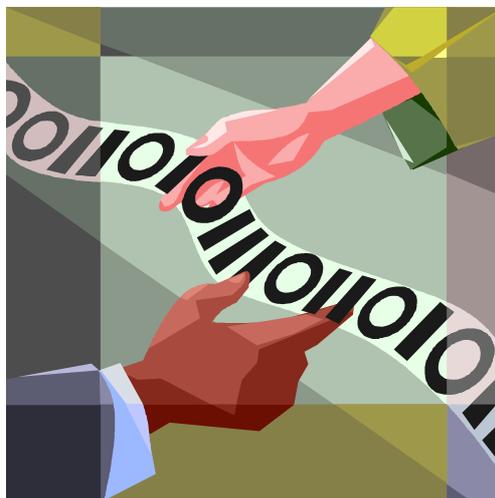
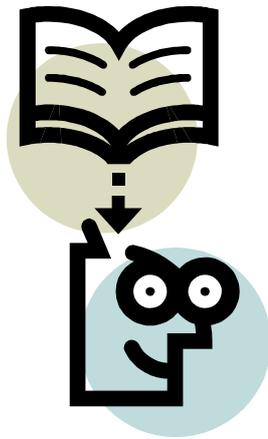
- Information intended for future publication.
- National security (other than information supplied by or relating to named security organizations, where the duty to consider disclosure in the public interest does not arise).
- Defence
- International relations
- Relations within the UK
- The economy
- Investigations and proceedings conducted by public authority
- Law enforcement
- Audit functions
- Formulation of government policy etc.
- Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Communications with Her Majesty etc. And honours
- Health and Safety
- Environment Information (this can be accessed through the Environmental Information Regulations)
- Legal Professional privilege
- Commercial interests

Exemptions where the public interest test DOES NOT apply (Absolute Exemptions)

- Information accessible to Applicant by other means
- Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)
- Court records
- Parliamentary privilege (a certificate signed by the Speaker of the house, in respect of the House of Commons, or by the Clerk of the parliaments, in respect of the House of Lords is conclusive proof that the exemption is justified)
- Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or House of Lords)
- Personal information (where the applicant is the subject of the information. The Applicant may make a 'subject access' request to obtain the information under the Data Protection Act 1998)
- Provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute of Court

Rhyl Town Council

Freedom of Information Publication Scheme



January 2009

Rhyl Town Council **Information Publication Scheme**

Background to the Scheme

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by the Town Council but also sets out exemptions from that right. There are a number of exemptions and these include commercial interests, information provided in confidence, personal data, audit functions and law enforcement. Any person who makes a request to the Town Council for information must be informed whether it holds that information and, subject to exemptions, supplied with that information within twenty working days. The right to access can be exercised by both natural and legal persons e.g. a corporate body.

Individuals already have the right of access to information about themselves under the Data Protection Act 1998. The Freedom of Information Act extends this right to allow public access to all types of information held but the Council will only release personal data strictly in accordance with the Data Protection Act 1998.

Rhyl Town Council is required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information, and whether a charge will be made. The purpose of the scheme is to ensure that a significant amount of information is available, without the need for a specific request, and thereby to develop a greater culture of openness.

Rhyl Town Council has adopted this Publication Scheme with effect from 1st January 2009 and it is the responsibility of the Town Clerk to maintain and administer the Scheme.

Enquiries about any aspect of the scheme should be addressed to: -
The Town Clerk, Mr. G Nickels,
Civic Offices,
Wellington Community Centre,
Wellington Road,
Rhyl, Denbighshire LL18 1LE.

Tel: 01745 – 331114. Fax: 01745 – 355192.
E Mail:enquiries@rhyltowncouncil.gov.uk

Persons requesting information may write, phone, Fax, E Mail or call personally at the office between the hours of 9:30 a.m. to 4:00 p.m. Monday to Friday.

Town Clerk
January 2009

Rhyl Town Council **Information Publication Scheme**

[WITHIN THE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 2000]

This publication scheme has been prepared in accordance with the model scheme issued by the Information Commissioner. The Town Council hereby commits to make the information listed within it available as part of its normal business activities. The information covered is included in the classes of information listed below together with the method of publication and any fee chargeable. The scheme will be reviewed on a regular basis.

In some cases a class of information sets out a range of information which is excluded from publication. Where that is the case the reasons behind the decision to exclude are clearly stated. Excluded throughout the scheme is general correspondence sent or received by the Town Council and all information relating to private individuals by virtue of it being personal data under the Data Protection Act 1998.

In certain classes a limitation on the age of some documents has also been stipulated. For the avoidance of doubt this does not mean information beyond that date cannot be obtained, it simply indicates that it is not available as a matter of course within the publication scheme.

If original documents are more readily available from another source, details of that organisation are again specified in the scheme.

The information contained in each class will be available in a variety of formats namely:

- in hard copy on request from the Town Clerk,
- by inspection at the Town Council's Office by prior appointment between the hours of 9:30 a.m. to 4:00 p.m. Monday to Friday or,
- on the Council's website.

Reasonable charges may be raised for the provision of copies of the documents/information listed in each of the classes.

January 2009

Rhyl Town Council
Information publication scheme

Information to be published	How – see key below
Class1 - Who we are and what we do This will be current information only.	
Contact details for Town Clerk and Council members	1, 2, 3, 4.
Location of main Council office and accessibility details	1, 2, 3, 4.
Who's who on the Council and its Committees	2, 3.
Council staff: Staffing Structure Terms & conditions of employment Job descriptions Exclusions – 'personal records' i.e. appraisals, employee specific salary details, disciplinary records, sickness records and the like by virtue of being personal data under the Data Protection Act 1998	2, 3. 2, 3. 2, 3.
Class 2 – What we spend and how we spend it Current and previous financial year as a minimum	
Receipt/Payment books, Receipt books of all kinds.	2, 3.
Bank Statements from all accounts – limited to the last financial year	2, 3.
VAT records – limited to the last financial year	2, 3.
Risk Assessments	2, 3.
Annual return form and Annual Statutory report by auditor (internal and external) – limited to the last financial year	2, 3.
Finalised budget	2, 3.
Precept request – limited to the last financial year	2, 3.
Loan sanction approvals – if applicable	2, 3.
Financial Standing Orders and Regulations	2, 3, 4
Grants given and received	2, 3.
Fees and charges applied by the Council	2, 3.
Members allowances and expenses details	2, 3.
List of current contracts awarded and value of contract Exclusions – all commercially sensitive information e.g. quotations and tenders, loan documentation and insurance policies. With regard to quotations and tenders, this information is treated as confidential to ensure that the whole tender process is fair.	2, 3.
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Approved documents as set out in the Budget, Budget Monitoring and Final Accounts report.	
Parish Plan – not applicable	N/A

Information to be published	How – see key below
Annual Report to Parish/Community Meeting - not applicable	N/A
Quality status – not applicable	N/A
Local charters drawn up in accordance with DCLG guidelines – not applicable	N/A
Class 4 – How we make decisions (policy proposals. Decision making processes internal criteria and procedures, records of decisions) Current and previous council year as a minimum	
Timetable of meetings	1, 2, 3, 4
Agendas for council, committee and sub-committee meetings - limited in each case to the forthcoming/immediate meeting.	1, 2, 3, 4
Supporting papers for council, committee and sub-committee meetings - limited in each case to the forthcoming/immediate meeting. Excluding any item pre-determined as confidential	2, 3.
Committee and sub-committee terms of reference	2, 3.
Minutes of council, committee and sub-committee meetings – limited to the last 2 years.	1, 2, 3, 4
Responses to planning applications.	1, 2, 3, 4
Exclusions – Copies of planning consultations, the Development Plan, Structure Plan, Local Plan and Rights of Way/Footpath maps all of which are available from Denbighshire County Council	N/A
Analysis of responses received to public consultations by the council. Note - ordinarily a summary of responses would be reported to the Council as a special report.	2, 3.
Responses made by the Council to consultation papers	2, 3.
Bye-laws – as appropriate	2, 3.
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	
Policies and procedures for the conduct of council business: Procedural standing orders Delegated authority in respect of officers Code of Conduct for Members Policy Statements issued by Council	2, 3, 4 2, 3 2, 3, 4 2, 3
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information	2, 3. 2, 3. 2, 3. 2, 3. 2, 3, 4.
Complaints handling procedures	2, 3,
Information security policy	2, 3.
Records management policies (records retention, destruction	2, 3.

Information to be published	How – see key below
and archive)	
Data protection policies	2, 3, 4.
Schedule of charges (for the publication of information)	2, 3, 4.
Class 6 – Lists and Registers Currently maintained lists and registers required by law and other lists and registers relating to the functions of the authority.	
Assets register	2, 3.
Disclosure log indicating the information that has been provided in response to requests under the FOI Act	2, 3.
Members Register of Interests This is not a Town Council document. Requests should be made to the Monitoring Officer, Denbighshire County Council.	N/A
Register of Members Interests at committee meetings	2, 3.
Members Declaration of Acceptance of Office	2, 3.
Register of gifts and hospitality	2, 3.
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)	
Tynewydd Community Centre – details are available directly from the site Manager – Rhyl Community Association, Wellington Community Centre, Wellington Road, Rhyl – tel: 01745 – 355191	2, 3.
Bus shelters, Public spaces etc	2, 3.
Illuminations including work undertaken by DCC	2, 3.
Events at Christmas, Summer events programme.	2, 3.
Summer activities, Rhyl Sport and Education Programme, Talented Athletes scheme	2, 3.
Rhyl in Bloom	2, 3.
Grants scheme, Community Development Fund	2, 3.
Additional Information Information that is not itemised above.	
Periodic Electoral Boundary Review Information concerning changes to the electoral arrangements for the Town Council. It includes recommendations for the creation of new wards, the amendment of existing wards, proposals for the names of new wards and alterations to the number of councilors to be elected to the council. Information relating to the last Periodic Electoral Review and the latest boundary review of the council area.	2, 3.

Key codes for how the information can be obtained.

Key Code 1. Hard copy will be distributed to the following organisations as a matter of course without the need for request :-
Rhyl Library, Rhyl Journal, Denbighshire Visitor, Daily Post, Rhyl Community Agency, Rhyl Community Association notice board, White Rose Centre notice board, Denbighshire County Council, Police District Inspector North Denbighshire, Various Residents Associations.

Key Code 2. Hard copy available upon request. It may also be possible to make certain documents available as digital copies via E Mail

Key Code 3. Document is available for inspection by appointment at the Council Offices between the hours of 9:30 a.m. to 4:00 p.m. Monday to Friday.

Key Code 4. Is published on the Town Council's web site

Statement of cost to the applicant.

1. Ordinarily the cost of supplying one hard copy of any of these documents is free of charge including postage but the Council reserves the right to charge for additional multiple copies @ 5 pence per A4 one-sided sheet black and white and @ 20 pence per A4 one-sided sheet colour and to charge for the cost of 2nd class postage unless collected.

2. The cost of supplying a range of documents to an applicant will be subject to a separate analysis of the staff resources and direct costs involved to assemble and publish the data in the required format specified by the applicant. The total cost and the resulting fee payable by the applicant will be subject to the calculation methodology determined by the Ministry of Justice guidance.

Contact details:

The Town Clerk, Mr. G Nickels,
Civic Offices,
Wellington Community Centre,
Wellington Road,
Rhyl, Denbighshire LL18 1LE.

Tel: 01745 – 331114

E Mail: enquiries@rhyltowncouncil.gov.uk

Web site: www.rhyl-wales.co.uk/en/living/town-council