

## **MODEL PUBLICATION SCHEME FOR LOCAL COUNCILS**

1. This is a model publication scheme for parish, town and community councils (known collectively as 'local councils') in England and Wales. Local councils are the first tier of local government. There are over 10,000 such councils in England and Wales and they have a wide range of powers at their disposal.

The purpose of the scheme is to be a means by which local councils can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local councils to publish more information proactively and to develop a greater culture of openness and transparency.

2. In accordance with the provisions of the Freedom of Information Act 2000 the scheme specifies the classes of information which local councils publish or intend to publish. Bearing in mind local councils are so diverse in size and functions it was decided the most practical approach was that the model scheme should firstly be comprised of a number of core classes of information which are mandatory. However, it also includes a number of optional documents (within those core classes) as well as a group of totally 'new' optional classes. Any optional documents within a core class of information are clearly specified therein. The idea behind such an approach is that councils can incorporate the optional documents and classes as they see fit to reflect the information they provide to the general public on a local basis. It is not however, a prerequisite that a council adopts any of the optional documents or classes. The intention behind the inclusion of optional classes and documents is to add a degree of choice and flexibility in the scheme.

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 model scheme is general correspondence sent or received by councils 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 model publication scheme.

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

3. The information contained in each class will be available in a variety of formats namely in hard copy on request from the clerk of the council, by inspection at the council office or other suitable premises by prior appointment or, where a council has a website some of the information may be available thereon.
4. Reasonable charges may be raised for the provision of copies of the documents/information listed in each of the classes.

The classes are as follows:-

## **CORE CLASSES OF INFORMATION**

### **1) COUNCIL INTERNAL PRACTICE AND PROCEDURE**

Minutes of council, committee and sub-committee meetings – limited to the last 2 years.

Procedural Standing Orders

Councils Annual Report to Parish Meeting

#### **Optional documents: -**

Agendas and supporting papers for council, committee and sub-committee meetings-limited in each case to the forthcoming/immediate meeting.

Terms of Reference for Committees

### **2) CODE OF CONDUCT**

Members Declaration of Acceptance of Office

Members Register of Interests

Register of Members Interests Book

### **3) PERIODIC ELECTORAL REVIEW**

This is information concerning changes to the electoral arrangements for parish, town and community councils. 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 councillors to be elected to the council.

Information relating to the last Periodic Electoral Review of the council area

Information relating to the latest boundary review of the council area

### **4) EMPLOYMENT PRACTICE AND PROCEDURE**

Terms & conditions of employment

Job descriptions

#### **Optional documents: -**

Equal Opportunities Policy

Health & Safety Policy

Staffing Structure

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

## 5) PLANNING DOCUMENTS

Responses to planning applications

### **Optional documents: -**

Parish Plan

Exclusions – Copies of planning consultations, the Development Plan, Structure Plan, Local Plan and Rights of Way/Footpath maps all of which are available from the local planning and/or highway authority respectively

## 6) AUDIT AND ACCOUNTS

Annual return form – limited to the last financial year

Annual Statutory report by auditor (internal and external) – limited to the last financial year

Receipt/Payment books, Receipt books of all kinds, Bank Statements from all accounts – limited to the last financial year

Precept request – limited to the last financial year

VAT records – limited to the last financial year

Financial Standing Orders and Regulations

Assets register – this will include details of commons/village greens owned by the council including management schemes for commons as well as village halls, community centres and recreation grounds.

Risk Assessments

### **Optional documents: -**

Loan sanction approvals

Fees and charges applied by the council

Safety inspection records for example for playgrounds

Register/file of members allowances

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 i.e. if tender information is released to a third party prior to the end of the tender period those who initially submitted tenders could be undercut and/or unfairly disadvantaged.

## **OPTIONAL CLASSES OF INFORMATION**

## 7) DEVELOPMENT AND IMPLEMENTATION OF POLICY

Policy Statements issued by council

Responses made by council to consultation papers

Analysis of responses received to public consultations by the council

Village Appraisal  
Complaints handling procedure

## **8) BYELAWS**

Made for any of the following purposes: -

The regulation of a mortuary and post mortem room  
The regulation of a pleasure ground or public space  
The regulation of an open space or burial ground  
The regulation of any baths, swimming pool, bathing place or wash-house  
The regulation of the hiring of pleasure boats in a park or pleasure ground provided by a council  
To control dogs and dog fouling

## **9) COUNCIL CIRCULARS/NEWSLETTERS**

Town, parish, community guide  
History of town, parish or community (or similar commissioned publication)

## **10) ARTS, ENTERTAINMENT & TOURIST INFORMATION –**

This relates only to information produced by the council.

## **11) ALLOTMENTS**

Plans  
Standard tenancy Agreements

Exclusions – individual tenancy agreements and rent payment records under both privacy and data protection laws

## **12) BURIAL GROUNDS**

Plans  
General policies

Exclusions – all documentation relating to individual applications and registrations under both privacy and data protection laws

## **13) BEST VALUE**

This is information which encompasses the duty owed by a council to the local people, to provide good quality services at an acceptable cost, to

continually improve the delivery of public services and to marshal such services across its entire area.

Best Value Performance Plan  
Best Value Inspection reports

## **Model Publication Scheme for Parish, Town and Community Councils** **Explanatory Notes**

A model publication scheme has been approved by the Information Commissioner for parish, town and community councils (known collectively as local councils) in England and Wales.

These notes are aimed to help you when deciding whether the model scheme is appropriate for your organisation and if so it will explain the steps you need to take in order to adopt the scheme. Having adopted the model scheme your organisation will then be obliged to publish the information set out in it.

The model scheme is endorsed by

1. The National Association of Local Councils (NALC) whose address is 109 Great Russell Street, London, WC1B 3LD (Telephone 0207 637 1865) and
2. The Wales Association of Community and Town Councils whose address is Unit 5, Betws Business Park, Ammanford, Carmarthen, SA18 2ET (Telephone 01269 595400)

The author of the model scheme is Ian Mark, Senior Legal Executive at NALC.

### **Is the Model Scheme appropriate for your organisation?**

The Freedom of Information Act 2000 defines the public authorities that are covered by the Act and so are required to adopt and maintain a publication scheme. Paragraph 7, Part II of Schedule 1 of the Freedom of Information Act defines a local authority within the meaning of the Local Government Act 1972 as a public authority. This includes a parish, town and community council in England and Wales.

It is for these local councils that this model scheme has been prepared. It is your responsibility to check whether your organisation falls within this definition. This model scheme is not appropriate for principle councils such as county councils, London borough councils, district Councils or unitary authorities.

Although all parish, town and community councils are required to adopt a publication scheme, they are not obliged to adopt the model publication scheme. It is anticipated that this model scheme will cover most of the core functions undertaken by a local council. However if you wish to, you may submit a bespoke scheme for approval by the Commissioner which better caters for your organisation's individual circumstances. If you decide you would prefer to submit a bespoke scheme, you should follow the procedure detailed in the Commissioner's booklet; Publication Schemes – Approval Documentation, which you should already have received. This booklet is also available from our website.

**Parish meetings** constituted under section 13 of the Local Government Act 1972 are also covered by the Freedom of Information Act (Paragraph 12 of Part II Schedule 1). Unfortunately this model will not be suitable for such organisations. It may however be helpful as a template on which a suitable publication scheme can be based.

## **The Classes of information.**

For the purpose of this model scheme the classes of information have been given fairly general titles. To clarify what is included within each class, under each class title, there is a list of the information that is expected to be included in that class. In effect the class has been defined by listing the information contained within it.

Where as this approach is considered appropriate for a model scheme it should be stressed that this is not an approach that the Commissioner would necessarily expect to be followed by those public authorities developing their own bespoke publication schemes.

## **Optional documents and classes**

Local councils vary in the functions that they perform. The model scheme recognises this. It therefore identifies six core classes of information which it is anticipated will cover the core functions that are carried out by all local councils. The core classes covering these functions contain a list of document types that all local councils adopting the scheme will be obliged to publish. However even within these core functions different local councils may have developed different levels of responsibility. In order to reflect this some of the core classes contain optional material. This provides the local council with the opportunity to expand the range of information made available under the core classes by selecting the appropriate optional material.

As well as the core classes there are a further seven optional classes. These allow a local council to further refine the basic model scheme in order to meet the needs of their operation.

## **How do you select the optional documents and classes?**

At the end of this explanatory note there is a pro forma on which you can indicate any options that have been selected. This should be downloaded, completed and returned to this office together with the declaration form which you should already have received. We will acknowledge receipt of your declaration form and then, later, the Information Commissioner will advise you formally when your declaration has been accepted.

### **Important**

You may only wish to adopt the core documents within the core classes. To indicate this is your intention when completing the declaration form, please write **Model Publication Scheme for Local Councils (Core Classes Only)** as the title of the scheme adopted. Please remember to mark your correspondence **F.O.I Publication Scheme**.

## **What will adopting the model publication scheme commit a local council to do?**

Simply signing and returning the declaration form together with the pro forma indicating any options selected, does not in itself fulfil a local council's obligations under the Act in relation to publication schemes. A public authority has to make its publication scheme available and then has to publish information in accordance with that scheme. That is to say that by adopting the model scheme, your organisation is committing itself to publishing the information described by the classes that you have selected.

As new information is produced which falls within a class, it will need to be prepared for publication and made available.

### **Format in which the information must be provided.**

The model scheme allows a local council to publish the information in a variety of formats. A hard copy should be available on request from the clerk to the council, or the information could be made available for inspection as described in section 3 of the model scheme. Where available a local council could publish the information on their website. However even where this option is available, the Commissioner would still expect hard copies to be made available if requested.

**Obviously in order to comply with the obligation to publish information in accordance with this model scheme each local council adopting it should provide the clerk's/responsible officer's contact details to the users of the publication scheme.**

The Freedom of Information Act aims to develop a culture of openness amongst public authorities. Local councils should raise awareness of the existence and contents of the scheme it adopts to, at very least, its main audiences. Therefore your council will need to make people aware of any of the optional documents/classes within the model scheme that have been selected. Your council may also wish to prepare its own introduction to the scheme to **supplement** that already provided, for example to explain to the users of the scheme why it has selected the options it has, or to provide some background to the council itself.

### **Fees**

It is important that users of the scheme are made aware of any fees that will be charged for any particular piece of information that they wish to access under the publication scheme.

### **The Duration of the Model Scheme**

All publication schemes, including model schemes, will be approved for a specified period. The Commissioner will advise you whether your organisation's adoption of the model scheme has been accepted. At that time you will also be informed when the approval of the model scheme will expire. NALC has indicated that it will be prepared to review the model scheme in advance of that date so it is hoped that a new revised model scheme will be made available at that time.

### **Welsh Language Version**

A welsh language version of the model scheme will be available to all local councils on request from the Wales Association of Community and Town Councils.

### **Further Help and Assistance**

Councils which are members of NALC should, in the first instance, direct all enquiries regarding the content or drafting of the scheme to their respective County Secretaries. Councils who are not subscribing members of NALC **may** be able to obtain some assistance from the County Association for the area where they are situated upon payment of an agreed fee. General enquiries regarding the drafting and content of the scheme from organisations other than local councils, should be directed to Ian Mark at NALC.

Queries about the submission process and subsequent operation of the scheme once adopted should be addressed to the F.O.I team at the Information Commissioner's Office.

**Local Councils' Model Publication Scheme Pro Forma**

Use this pro forma to select any of the optional documents within the core classes or any of the optional classes themselves. There is also a declaration form attached to this pro forma which you may use to inform the Commissioner that your council has adopted the model scheme instead of the one which you should have already been sent.

If your council only wishes to adopt the core information within the core classes, then simply complete and return the declaration form, writing Model Publication Scheme for Local Councils (Core Classes Only) in the space provide for the title of the scheme.

**Name of local council** .....

.....

has selected the following options within the model publication scheme for local councils.

To select one of the options please place a tick in the space provided.

**OPTIONAL DOCUMENTS WITHIN CORE CLASSES:**

**Class 1**  
**COUNCIL INTERNAL PRACTICE AND PROCEDURE**

Agendas and supporting papers for council, committee and committee meetings, limited in each case to the forthcoming meeting. ( )  
Terms of reference for Committees ( )

**Class 4**  
**EMPLOYMENT PRACTICE AND PROCEDURE**

Equal Opportunities Policy ( )  
Health & Safety Policy ( )  
Staffing Structure ( )

**Class 5**  
**PLANNING DOCUMENTS**

Parish Plan ( )

**Class 6**  
**AUDIT AND ACCOUNTS**

- Loan sanction approvals ( )
- Fees and charges applied by the council ( )
- Safety inspection records for example for playgrounds ( )
- Register/file of members allowances ( )

**OPTIONAL CLASSES OF INFORMATION:**

**Class 7**  
**DEVELOPMENT AND IMPLEMENTATION OF POLICY ( )**

**Class 8**  
**BYELAWS**

- The regulation of a mortuary and post mortem room ( )
- The regulation of a pleasure ground or public space ( )
- The regulation of an open space or burial ground ( )
- The regulation of any baths, swimming pool, bathing or wash- house ( )
- The regulation of the hiring of pleasure boats in a park or pleasure ground provided by the council ( )
- To control dogs and dog fouling ( )

**Class 9**  
**COUNCIL CIRCULARS/NEWSLETTERS ( )**

**Class 10**  
**ARTS, ENTERTAINMENT & TOURIST INFORMATION ( )**

**Class 11**  
**ALLOTMENTS ( )**

**Class 12**  
**BURIAL GROUNDS ( )**

**Class 13**  
**BEST VALUE ( )**

Signature .....

Position .....

Date .....

**FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEMES**

**Declaration Form**

Name of Public Authority.....

Address .....

Address .....

Address .....

Address .....

Address .....

has adopted the model scheme titled.....  
produced in accordance with section 20 of the Freedom of Information  
Act 2000 and will publish information in accordance with that scheme.

Signature .....

Position .....

Date .....

The contact details for the person/official who will be responsible for  
maintaining the publication scheme and who should be contacted if any  
issues arise concerning the organisation's compliance with the Freedom of  
Information Act are:

Name .....

Position .....

Address .....

Address .....

Address .....

Address .....

Address .....

Phone★ .....

E-Mail★ .....

Those fields with a ★ are optional.

