



PUBLICATION SCHEME

Records Management Policy
RMP-02

FREEDOM OF INFORMATION ACT 2000

Mairi McLean
Chief Executive

Northampton Borough Council
The Guildhall
NORTHAMPTON
NN1 1DE

Version 3 Revised 01/01/05



FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

THIS PUBLICATION SCHEME
DISCHARGES THE DUTY PLACED UPON IT
UNDER SECTION 19 OF THE
FREEDOM OF INFORMATION ACT 2000

CONTENTS

Section 1	Introduction and How to Use this Scheme.
Section 2	The Freedom of Information Act 2000 and Publication Schemes.
Section 3	About the Council.
Section 4	The Commitment to Open Access.
Section 5	About the Classes in the Scheme.
Section 6	Your Other Rights to Information.
Section 7	Keeping our Scheme Up To Date.
Section 8	Whom to Contact About the Scheme.
Section 9	Accessible Copies of the Scheme.
Section 10	Challenging disclosure decisions
Section 11	Details of the Classes.
Appendix A	Exemption Classes.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

Section 1 **Introduction and How to Use this Scheme**

- 1.1 This Publication Scheme sets out the information the Council makes publicly available (i.e. publishes). It also includes information which will be published at a future date.
- 1.2 Its purpose is to make clear the information which is available publicly without having to be asked for.
- 1.3 The Scheme describes how it has been prepared and the "classes" or groups into which the Council has divided the information it produces. These Classes are: -
 - 1) The Council Constitution
 - 2)
 - a) Members of the Council, Wards of the Council and related Democratic Information
 - b) Council Political Structure 2002/03 and subsequent years
 - 3) Civic and Ceremonial Functions of the Council
 - 4) Council Decisions
 - 5) Council Finances
 - 6) Strategies and Policies
 - 7) Consultation Documents
 - 8) Council Policies and Procedures for the delivery of functions
 - 9) Corporate Procedures
 - 10) Vacancies
 - 11) Council Press and Media Releases, Council Newspaper, Advertisements
 - 12) Services
 - a) Listing of Services
 - b) Service Details

Section 11 of this Scheme gives the details of the contents of each class.

Appendix A of this Scheme details the 23 "Exemption classes" of information. Those that are not absolute will be judged on an individual basis and the emphasis will always be on disclosure wherever possible.

- 1.4 It is the Council's intention that the description of the Classes will allow such published information to be easily obtained. However, the Council also encourages enquiries and will provide assistance in obtaining information.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

2. The Freedom of Information Act 2000 and The Publication Scheme

- 2.1 The Freedom of Information Act 2000 (FOI Act) became law in November 2000. It gives a general right of access to all types of recorded information held by Public Authorities. It sets out the exemptions from that right and it places a number of obligations on the Council.
- 2.2 Any person who (after January 2005) requests information from the Council must:
- i) Be told whether the Council hold it, and
 - ii) Be provided with such information (with some exemptions)
 - iii) Be told about our complaints procedure
- 2.3 Individuals already have the right of access to information about themselves under the Data Protection Act 1998. The Freedom of Information Act will extend this right to allow public access to all types of information held by the Council.
- 2.4 The Council is now required by the FOI Act to adopt and maintain a "Publication Scheme" which sets out:
- The classes of information held by the Council
 - The ways in which it is published, or will be published
 - Whether there is a charge for this
- 2.4 The purpose of the Publication Scheme will be to ensure the Council make available a significant amount of information, without the need for a specific request. The Publication Scheme underpins the Council's commitment to publish more information proactively and to be as open as possible.
- 2.5 This Scheme does not limit in any way other rights to information that already exist.

3. About the Council

- 3.1 Northampton Borough Council has 47 councillors covering 23 wards. Local elections of the whole council are held every four years. The last elections took place on 1st May 2003. There are two councillors for each ward apart from Boughton Green, which has three.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

3.2 Northampton Borough Council has adopted a Cabinet style of local government. The Leader of the Council works alongside a Cabinet of six other councillors, each with their own area of responsibility, known as portfolios.

3.3 The cabinet portfolios are listed below:

Leader of the Council

Community Leadership portfolio

Financial Strategy and Performance portfolio

Community Strategy and E-Government portfolio

Health and Environment portfolio

Housing and Community Safety portfolio

Planning, Regeneration and Transportation portfolio

3.4 Together, the seven Cabinet members make key policy and management decisions. In addition, there is:

- A **Planning Committee** to determine planning applications and other planning issues
- A **Public Protection Committee** responsible for licensing and public health and safety issues.
- A **General Purposes Committee** covering certain residual non-executive functions.

3.5 There are seven Overview and Scrutiny committees, involving all political parties, to examine and challenge key decisions of the Cabinet.

- **Scrutiny Committee 1** Leader of the Council/General Purposes Committee
- **Scrutiny Committee 2** Community Leadership
- **Scrutiny Committee 3** Community Safety and E-Government
- **Scrutiny Committee 4** Financial Strategy and Performance
- **Scrutiny Committee 5** Health and Environment/Public Protection Committee
- **Scrutiny Committee 6** Housing
- **Scrutiny Committee 7** Planning, Regeneration and Transport/Planning Committee

3.6 The Council carries out the majority of its meetings in public. The Cabinet and the Planning and Public Protection Committees meet regularly at the Guildhall and members of the public can address them.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

- 3.7 Copies of council minutes and many of the reports that go before the committees are readily available in the modern.gov section of our website.
- 3.8 The Council operates and makes its decisions in accordance with a Constitution, which forms one of the Classes of this Scheme.
- 3.9 The wide range of services provided by the Council are covered by Class 12 of this Scheme.
- 3.10 The Council has appointed its Records Manager, David Taylor, as the officer responsible for this Scheme on behalf of the Council and also as the individual responsible for maintaining the Scheme on a day-to-day basis.

4. Our Commitment to Open Access

- 4.1 The Executive of the Council formally resolved on 14 October 2002 that the Council will:
 - Encourage a culture of openness
 - Be committed to a policy of open access to information under this Publication Scheme
 - Seek to publish more information than it is required to do by legislation
 - Review requests it receives for information frequently and publish this information so that it is available without having to be requested
 - Produce this Publication Scheme, and implement it in ways that make it as easy as possible for published information to be found.
- 4.2 The Executive of the Council enhanced this resolution on 5th July 2004 with the adoption of an Information Strategy Statement which sets out 7 information principles for the Council. These are:
 - Relevance
 - Accuracy
 - Openness
 - Security
 - Accessibility
 - Delivery
 - Review

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

- 4.3 The Scheme has been developed after auditing all of the information currently published by the Council. This audit also sought to establish information not currently published, but for which there is a demand.
- 4.4 The Council has had regard to the public interest in disclosing information through the general principles set out in 4.1 above. This regard extends also to the making of decisions by the Council, the reasons for which are routinely published within Class 4 of this Scheme.

5. About the Classes in the Scheme

- 5.1 The Classes in this Scheme are set out in Section 11 below. An explanation is given of what is included in each Class together with notes as to when charges may be made. Against each Class also are notes as to whether the information in it will also be available in the future in different ways (principally on the Council's website) and whether and when additional information will be published.
- 5.2 The criteria used in choosing the Classes are that they should be clear and easy to understand, should relate to the way the Council already publishes information but should be detailed enough to divide the information up into useful groups.
- 5.3 Application of these criteria has led to the twelve classes of this Scheme.
- 5.4 It is the intention of the Council in implementing this Scheme to provide an index to all of the information items in each class on the Council's website. In addition it will assist any enquirer to the location of information within the Classes.
- 5.5 Information which is personal and private to individuals, is excluded from this Scheme. The Freedom of Information Act does not lead to information about individual private Council Tax, Benefits, tenancy or other arrangements with the Council being made public.
- 5.6 Within some classes there is information that is exempted and which will not be routinely published. This may be because it could, for example, compromise the safety of employees, or contain personal data. Within Class 4 (Council Decisions), some information is kept confidential because it is an excepted item covered by part of the Local Government Act 1972.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

5.7 The notes to the classes in Section 11 refer to these exemptions.

6. Your Other Rights to Information

6.1 Individuals already have certain rights to information about themselves under the Data Protection Acts. These Acts also govern how the Council keep such records. The Freedom of Information Act affects neither of these aspects.

6.2 On 1st January 2005 the Freedom of Information Act will be fully implemented. Rights will then exist to ask whether information exists, to be told it does and, if so, to be provided with it.

6.3 This Publication Scheme describes the information which is made available publicly without the need for a formal request. The Council will seek to include as much information as possible into its Scheme.

6.4 Access to environmental information is governed by the Environmental Information Regulations 2004 (EIR's).

6.5 The Council will identify and handle your information request using the relevant Act(s) of Parliament.

7. Keeping our Scheme Up To Date

7.1 This Scheme will be reviewed regularly. The classes in it may be revised, or added to, to continually improve their clarity.

7.2 In particular, the ways in which information can be made available is changing rapidly with the development of the Council's website. The Scheme will be updated to reflect this.

7.3 Separately from this Scheme, however, is the Council's intention that its website will be able to be used to search for all of our available information.

7.4 While the website will be increasingly important, the Council recognises the need to provide easy access to its information for those without Internet access. A simplified version of this Scheme will be provided in leaflet form.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

8. Whom to Contact About our Scheme

- 8.1 Records Management can be contacted on 01604 838536 and will give you assistance or advice on using this Scheme.
- 8.2 The Council's One Stop Shop at the Guildhall, St Giles Street will also be able to answer any queries relating to information covered by the Scheme.
- 8.3 This is the second revised version of our Scheme and the Council welcomes suggestions for further changes or additions to make it more useful. Please contact Records Management with any comments.

9. Accessible Copies of this Scheme

- 9.1 This Scheme will be available on the Council's website and as a printed document at any one of the 5 Council offices listed below and applying in writing or telephoning Records Management.
 - 9.1.1 The One Stop Shop (OSS) at the Guildhall.
 - 9.1.2 Cliftonville House reception desk, Bedford Road.
 - 9.1.3 Weston Favell Housing Office, Billing Brook Road.
 - 9.1.4 Westbridge Depot Reception, St James Mill Road.
 - 9.1.5 Kings Heath housing office reception.
 - 9.1.6 Northampton Library, Abington Street.
- 9.2 If you have difficulty in understanding this document, please ask for assistance. We will arrange for someone to explain and offer assistance in answering your particular issues or questions about the scheme.
- 9.3 If English is not your first language, and you have difficulty in understanding the document, we can arrange for an interpreter to assist you, or a translation to be provided. Please contact Records Management for assistance.
- 9.4 This Scheme is available at no charge.

10. Challenging disclosure decisions

- 10.1 You have the right to challenge any information disclosure decision.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

- 10.2 Further Information on making an information disclosure challenge can be found in the Northampton Borough Council leaflet "Access to Information".
- 10.3 If you are still unhappy with the disclosure decision after you have make a challenge you have the right to make a formal complaint to the Information Commissioner.

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

11. **The Classes**

<u>Class No.</u>	<u>Description</u>	<u>Notes and Explanation</u>	<u>How we publish (or intend to publish)</u>	<u>Charges (if any)</u>
1	Council Constitution	The adopted Constitution of the Council	Hard copy on request to Borough Solicitor (01604) 837837. website	£25 Free
2a	Members of the Council, Wards of the Council and related democratic information	Councillors, Wards, Populations and extending to Registers of Interests and to contact details of Parish Councils	Hard copy on request. Website (Councillors, Wards currently) (Registers of Interests and Parish Council contacts from mid 2003)	-
2b	Council Political Structure 2002/03 and Subsequent Years	List of portfolio functions and holders of portfolios, chairs of overview and scrutiny committees	Hard copy on request Website	-
3	Civic and Ceremonial Functions of the Council	Information relating to the position, and current incumbent of Mayor, engagements and publicity for Mayoral activities	Press Releases relating to engagements and activities. Booklets and hard copy on request. Website (forthcoming engagements)	-
4	Council Decisions	Reports considered by, and Minutes of, the Executive, Overview and Scrutiny Committees and other advisory or decision making forums of the Council as set out in the Constitution (EXCEPT 'private' items excluded because they fall within Schedule 12A Part I of the Local Government Act 1972 as from time to time amended).	Hard copy for inspection or on request. Routinely supplied to local media. All public documents are routinely made available on the website.	-

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

<u>Class No.</u>	<u>Description</u>	<u>Notes and Explanation (including any exceptions)</u>	<u>How we publish (and whether any to be published at future date)</u>	<u>Charges (if any)</u>
5	Council Finances	Council Tax Estimates, Service Budgets, Capital Programmes for previous and current financial years and Annual Statement of Accounts	Hard Copy on request to Director of Strategic Resources. Hard copy available for inspection at Guildhall. Website.	Cost of photocopying
6	Strategies and Policies	All strategies, plans and policies adopted by the Council or one of the constituted forms of the Council.	Hard copy for inspection at Guildhall or on request. Progressively to be added to website over 2005/06.	Photocopying cost if document out of print. Copies of Local Plan £40.
7	Consultation Documents	All documents seeking comment on issues being considered by the Council	Hard copy on request and distributed according to nature of consultation. Website.	-
8	Council Performance	Best Value Performance Plan and other reports on Performance Indicators as reported to, or considered by, the Executive or an Overview and Scrutiny Committee.	Hard copy for inspection and on request. Website.	-

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

<u>Class No.</u>	<u>Description</u>	<u>Notes and Explanation (including any exceptions)</u>	<u>How we publish (and whether any to be published at future date)</u>	<u>Charges (if any)</u>
9	Corporate policies and procedures for the delivery of functions which have been adopted by the Executive or by one of the forms set out in the Constitution.	Policies and procedures such as the Corporate Plan, Complaints Procedures and Employee Handbook EXCEPT material in this class considered to be exempt. Where this occurs the material will clearly show where information has been withheld and explain what exemption has been applied and why. Typically, such material might compromise the health and safety of employees or the security of Council premises or facilities.	Hard copy for inspection at Guildhall, or on request. Website progressively over 2005/06.	Photocopying cost of documents not produced for general circulation.
10	Vacancies	List of, and advertisements for, current vacancies for employment by the Council.	Hard copy on request and for inspection at the Guildhall. Advertisement. Website.	-
11	Council Press and Media Releases, Council Newspaper, Advertisements	Information published through the Council's Public Relations and Marketing Unit.	Hard copy sent to media sources. Website (all press releases). Council Newspaper to all residential premises in the Town	-

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

<u>Class No.</u>	<u>Description</u>	<u>Notes and Explanation (including any exceptions)</u>	<u>How we publish (and whether any to be published at future date)</u>	<u>Charges (if any)</u>
12 12a	<u>Services</u> Listing of Services	A-Z listing of all Council services with description of service and contact information.	Website. Hard copy for inspection at the Guildhall or on request. Telephone directory listing of services and contact numbers.	Photocopying cost of full hard copy.
12b	Service details	Details of individual services as appropriate to the service.	Hard copy leaflets, booklets on request or for inspection. Web site progressively to add detailed information on each service in A-Z listing above over 2005.	Some service areas may make a charge for information, extracting and copying information or for publications as part of their service delivery.

APPENDIX A

Exempt classes

The 's' number in brackets denotes the section of the FOI Act the Exemption refers to.

Nature of Exemption	IS IT ABSOLUTE?	DUTIES EXCLUDED
Information accessible to applicant by other means (s21)	Yes	Duty to communicate
Information intended for future publication (s22)	No	Both duties
Information from bodies relating to security matters (s23)	Yes	Both duties
Information required to safeguard national security (s24)	No	Both duties

FREEDOM OF INFORMATION ACT 2000 - PUBLICATION SCHEME

Information likely to prejudice defence (s26)	No	Both duties
Information likely to prejudice international relations (s27)	No	Both duties
Information likely to prejudice relations between UK administrations (s28)	No	Both duties
Information likely to prejudice economic interests (s29)	No	Both duties
Information obtained for the purpose of investigations and proceedings conducted by public authorities (s30)	No	Both duties
Information likely to prejudice law enforcement (s31)	No	Both duties
Court Records (s32)	Yes	Both duties
Information related to public sector audit functions (s33)	No	Both duties
Information subject to parliamentary privilege (s34)	Yes	Both duties
Information relating to the formulation of government policy (s35)	No	Both duties
Information likely to prejudice the effective conduct of public affairs (s36)	Yes (in part)	Both duties
Communications with the royal family (etc) (s37)	No	Both duties
Information likely to endanger the health or safety of an individual (s38)	No	Both duties
Information covered by regulations made under s74 *(environmental information) (s39)	No	Both duties
Certain personal data of which the applicant is the data subject (s40)	Yes (yes in part)	Both duties
Information the disclosure of which would be an actionable breach of confidence (s41)	Yes	Both duties
Information subject to legal professional privilege (s42)	No	Both duties
Information that constitutes a trade secret or would prejudice the commercial interests of any person (s43)	No	Both duties
Information the disclosure of which is prohibited (other than FOIA 2000) (s44)	Yes	Both duties