



Preesall Town Council Freedom of Information Policy And Information available from Preesall Town Council under the model publication scheme

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset. To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the Open Government Licence

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published guidance on Datasets (section 11, 19 & 45) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use". If they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Introduction

Preesall Town Council has a commitment to openness and transparency and has always been concerned to make relevant information available wherever possible to individuals who may request it, subject to safeguarding the privacy of individuals and to legitimate considerations of national security, law enforcement and commercial interests where relevant.

The Transparency Code for smaller authorities came into force in December 2014 requiring Parish/Town Councils to make information available via its website to increase democratic accountability. The Freedom of Information Act, which came into force on 1 January 2005, gives everyone a statutory right of access to information held by bodies such as the Town Council.

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.

Making a request for information

Individuals or organisations may make a written request for other information which they believe the Town Council holds. To request information under the provisions of the Act and to help us to help you in identifying the precise information you require, please email the clerk or write to the clerk. Please be sure to include your name, address and a clear description of the information you are seeking when you make your request. The Town Council advise that you look at guidance available on the Information Commissioner's Office (ICO) website about making requests and 'dos and don'ts' when applying for information <https://ico.org.uk/for-the-public/make-a-subject-access-request/>

Responding to your request

The Town Council will inform you in writing whether we hold the information you have requested and if so, provide it to you no later than 20 working days after we receive the requests. In some circumstances we may ask you to clarify your request. The Town Council will refer to the ICO document 'The Guide to Freedom of Information' when processing your request and will seek further advice directly from the ICO if necessary. The Freedom of Information Act does identify several categories of information which the Town Council is not required to disclose under the Act. In this case, we will write to you stating the exemption which provides the basis for refusal within the Act and why it applies to the information you requested. The Town Council are obligated to safeguard the privacy of individuals (under the Data Protection Act) and this may also have a bearing on being able to supply you with the information you request. Reasons for refusal will be communicated to you within the 20-working daytime period.

Refusing a request for information

Below is a statement from the Information Commissioners Office (ICO) which explain when the Town Council may have to refuse providing you with the information requested.

Further information can be found at <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-17-refusing-a-request-writing-a-refusal-notice/#overview>

“A requester may ask for any information that is held by a public authority. However, this does not mean you are always obliged to provide the information. In some cases, there will be a good reason why you should not make public some or all the information requested.

Preesall Town Council reserve the right to refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

In addition, the Freedom of Information Act contains several exemptions that allow the Council withhold information from a requester. In some cases, it will allow the Council to refuse to confirm or deny whether we hold information. Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an exemption for personal data if releasing it would be contrary to the Data Protection Act 2018.

The Council can automatically withhold information because an exemption applies only if the exemption is 'absolute'. This may be, for example, information the Council receive from the security services, which is covered by an absolute exemption. However, most exemptions are not absolute but require the Council to apply a public interest test. This means the Council must consider the public interest arguments before deciding whether to disclose the information. So, the Council may have to disclose information despite an exemption, where it is in the public interest to do so.

Charges for providing information under the Freedom of Information Act

There is no 'standard' fee to receive information and in many cases, we will provide the information to you free of charge. Further details are contained within our adopted model publication scheme - see above. However, you should note that if the information is not readily available in the form in which you are seeking it, the Town Council may charge a fee based on the costs associated with providing the information, for example photocopying and postage (known as 'disbursements').

You should also note that the Freedom of Information Act does permit the Town Council to refuse your request if we estimate that it will cost us more than the appropriate cost limit (currently £450) to fulfil your request.

If you need to pay a fee for disbursements or because the costs exceed the appropriate limit, we will write to you advising you of the fee required within 20 working days of the receipt of your request. This is known as a 'fees notice'. When you are issued the fees notice, the 20-working day

limit for responding stops and will start again only when we receive payment. If we do not receive the fee from you within three months we are no longer obliged to comply with the request.

Complaints

If you are dissatisfied with the way the Town Council has responded to a request for information, please write to the clerk. The Information Commissioner's Office (ICO) is responsible for enforcing the operation of the Act and you may raise issues with this office at any time. More information can be found on the ICO website <https://ico.org.uk/make-a-complaint/> by telephone on 0303 123 1113 or by writing to the address below:

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

Clerk Contact details:

Call: 07739 868212

Post:

Debbie Smith
32 Mill Lane
Stalmine
FY6 0LR

Email: clerk@preesall-tc.gov.uk

Council website: – contact form

Council Members Contact details:

Access the Parish Council's website: <https://www.preesall-tc.gov.uk/your-council/>

Information available from Preesall Town Council under the model publication scheme (Freedom of Information Act)

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) Current information only		
Who's who on the Council	There are eleven councillors representing two Preesall wards (North/South) The council has three committees: Finance Civic Events Personnel	
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Available on website : https://www.preesall-tc.gov.uk/ Debbie Smith 32 Mill Lane Stalmine FY6 0LR 07739 868212 clerk@preesall-tc.gov.uk	Free
	Hard copy – contact Clerk	10p per sheet
	Email	Free
Location of main Council office and accessibility details	The Council does not have office premises	
Staffing structure	The council has three part-time employees, the clerk, assistant clerk and a lengths keeper.	

Class 2 – What we spend and how we spend it

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)

Current and previous financial year as a minimum

It should be noted that not all financial information pre 2012 is held online – contact the clerk for more information

Annual return form and report by auditor	Available on website	Free
	Email	Free
	Hard copy – contact Clerk	10p per sheet
Finalised budget	Hard copy – contact Clerk	10p per sheet
	Email	Free
Precept	Hard copy – contact Clerk	10p per sheet
	Email	Free
Borrowing Approval letter	Preesall Town Council currently has no borrowings	
Financial Standing Orders and Regulations	Available on website	Free
	Hard copy – contact Clerk	10p per sheet
	Email	Free
Grants given and received	Hard copy – contact Clerk	10p per sheet
	Email	Free
List of current contracts awarded and value of contract	Hard copy – contact Clerk	10p per sheet
	Email	Free
Members' allowances and expenses	Please note that Preesall Town Council does not currently pay any Members Allowances or Expenses	

Class 3 – What our priorities are and how we are doing

(Strategies and plans, performance indicators, audits, inspections and reviews)

Annual Report to Town or Community Meeting (current and previous year as a minimum)	Current Annual Report available on website Current and previous hard copies – contact Clerk	Free 10p per sheet
Quality status	Preesall Town Council is not currently working towards Quality Status	
Local charters drawn up in accordance with CLG guidelines	There are Town and Parish charters with Lancashire County Council -see their website	
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous council year as a minimum		
Timetable of Town Council meetings and Town meetings	Available on website	Free
	Hard copy – contact Clerk	10p per sheet
Agendas of meetings (as above)	Available on website and public notice boards	Free
	Hard copy – contact Clerk	10p per sheet
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Available on website and in Knott End Library	Free
	Hard copy – contact Clerk	10p per sheet
	Email	Free
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Hard copy – contact Clerk	10p per sheet
	Email	Free
Responses to consultation papers	Hard copy – contact Clerk	10p per sheet
	Email	Free
Responses to planning applications	Refer to minutes of Council meetings for applications where a response has been made -minutes available on website and in Knott End Library	Free
Byelaws	Currently Preesall Town Council does not have any byelaws.	

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:	Hard copy – contact Clerk	10p per sheet
Procedural standing orders	Email and Available on website	Free
Committee and sub-committee terms of ref.	Email and Available on website	Free
Delegated authority in respect of officers	Finance committee, Civic Events committee, Personnel committee – email and available on website	Free
Code of Conduct	Clerk's delegations – email and available on website	Free
Policy statements	Email and available on website	Free
Policies and procedures for the provision of services and about the employment of staff	Hard copy – contact Clerk	10p per sheet
	Email	Free
Internal policies relating to the delivery of services	Not available	Free
Equality and diversity policy	Email and available on website	Free
Health and safety policy	Email and available on website	Free
Recruitment policies (including current vacancies)	Not available	

Policies and procedures for handling requests for information (also see GDPR)	Available on website	Free
Complaints procedures (including those covering requests for information and operating the publication scheme)	Available on website and email	Free
GDPR data protection policy and privacy notice	Available on website and email	Free
Other GDPR related policies	Hard copy – contact Clerk Email	10p per sheet Free
	Hard copy – contact Clerk Email	10p per sheet Free
	The Town Council is Registered under the Data Protection Act	Free
Records management policies (records retention, destruction and archive)	Hard copy – contact Clerk	10p per sheet
	Email	Free
Schedule of charges (for the publication of information)	Available on website	Free
	Hard copy – contact Clerk	10p per sheet
	Email	Free

Class 6 – Lists and Registers

Currently maintained lists and registers only

Any publicly available register or list	Copy of principal authority's electoral register held for annual meeting only	
	Public copy held in library	
Assets Register	Hard copy – contact Clerk	10p per sheet
	Email	Free
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish/town councils)	Not held by Preesall Town Council.	
Register of members' interests	Available on website or by visual inspection	Free
	Hard Copy – Contact Clerk	10p per sheet
	Email	Free
Register of gifts and hospitality	Gifts and hospitality are now recorded in the Register of members' interests. Available on the website or by visual inspection	Free
	Hard Copy – Contact Clerk	10p per sheet
	Email	Free

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

Allotments	Preesall Town Council does not currently have any allotments	
Burial grounds and closed churchyards	Preesall Town Council does not currently have any burial grounds and closed churchyards	
Community centres and village halls	Preesall Town Council does not have any buildings	
Parks, playing fields and recreational facilities	Preesall Town Council does not currently have any parks, playing fields or recreational facilities	

Seating, litter bins, clocks, memorials and lighting	Preesall Town Council has 83 seats in a variety of locations around the parish area, the Battle of Britain Memorial on the Esplanade, the Millennium Clock in Barton Square and a froggy litter bin in the library garden (details from the Clerk)	10p per sheet or free if information can be emailed
Bus shelters	Preesall Town Council has 2 shelters 1 near the slipway and 1 at Barton Square	
Markets	Preesall Town Council does not have responsibility for any markets in the Parish	
Public conveniences	Preesall Town Council does not have responsibility for any public conveniences in the Parish	
Agency agreements	Not applicable to Preesall Town Council	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Not applicable to Preesall Town Council	
Additional Information		
This will provide Councils with the opportunity to publish information that is not itemised in the lists above		
	Contact Clerk if further information is required	

Document control			
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V1.0 final	12 September 2016	Alison May	September 2017
V1.1	11 September 2017	Alison May	September 2018
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