



CHIPPING NORTON TOWN COUNCIL

THE GUILDHALL, CHIPPING NORTON, OXFORDSHIRE OX7 5NJ

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Town Clerk: Ms Luci Ashbourne

FREEDOM OF INFORMATION PUBLICATION SCHEME

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits the Town Council:

- 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.
- 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, 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.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- Photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Information available from Chipping Norton Town Council under the publication scheme

Information to be published	How the information can be obtained
<p>Class 1 – Who we are and what we do</p> <p>(Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>	<p>(Hard copy and/or Website)</p> <p>Hard copy and Website or via Email if practicable</p>
<p>Who's Who on the Council and its Committees</p>	<p>Hard copy and Website</p>
<p>Contact details for The Mayor and Council members (named contacts where possible with telephone number and email address (if used))</p>	<p>Hard copy and Website</p>
<p>Location of main Council office and accessibility details</p>	<p>Hard copy and Website</p>
<p>Staffing structure</p>	<p>Hard copy and website</p>
<p>Class 2 – What we spend and how we spend it</p> <p>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	
<p>Annual return form and report by auditor</p>	<p>Hard copy and website</p>
<p>Finalised budget</p>	<p>Hard copy and website</p>
<p>Precept</p>	<p>Hard copy and website</p>
<p>Borrowing Approval letter</p>	<p>Hard copy (where applicable)</p>
<p>Financial Standing Orders and Regulations</p>	<p>Hard copy and website</p>

Grants given and received	Hard copy and website
List of current contracts awarded and value of contract	Hard copy and website
Members' expenses	Hard copy
Members' allowances	Not applicable

Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)	
Neighbourhood Plan (Chipping Norton Town Council Neighbourhood Plan)	Hard copy and website
Annual Report to Town Meeting (current and previous year as a minimum)	Hard copy and website
Quality status	Hard copy
Local charters drawn up in accordance with DCLG guidelines	Not applicable
Class 4 – How we make decisions (Decision making processes and records of decisions)	
Current and previous council year as a minimum	Hard copy and website
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Hard copy and website
Agendas of meetings (as above)	Hard copy and website
Minutes of meetings (as above) – Note: this will exclude information that is properly regarded as private to the meeting.	Hard copy and Website
Reports presented to council meetings - Note: this will exclude information that is properly regarded as private to the meeting.	Hard copy and website
Responses to consultation papers	Hard copy where available

Responses to planning applications	Hard copy and website
Bye-laws	Hard copy
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities)	
Current information only	Hard copy
Policies and procedures for the conduct of council business:	Hard copy and website
Procedural standing orders	Hard copy and website
Committee and sub-committee terms of reference	Hard copy and website
Delegated authority in respect of officers	Hard copy and website
Code of Conduct	Hard copy and website
Policy statements	Hard copy and website
Policies and procedures for the provision of services and about the employment of staff:	Hard copy
Internal policies relating to the delivery of services	
Equality and Diversity policy	Hard copy and website
Health and Safety policy	Hard copy
Recruitment policies (including current vacancies)	Hard copy
Policies and procedures for handling requests for information	Hard copy and Website
Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy and website Hard copy
Information security policy	Hard copy
Records management policies (records retention, destruction and archive)	Hard copy and website
Data protection policies	Hard copy and website

Schedule of charges (for the publication of information)	Hard copy and website
Class 6 – Lists and Registers	(hardcopy; some information may only be available by inspection)
Currently maintained lists and registers only	
Any publicly available register or list	Hard copy
Asset Register	Hard copy and website
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by Town Councils)	Hard copy
Register of members' interests	Hard copy and website
Register of gifts and hospitality	Hard copy
Class 7 – The services we offer	(hard copy or website; some information may only be available by inspection)
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)	
Current information only	Hard copy and Website
Allotments	Hard copy and website
Burial grounds and closed churchyards	Hard copy and website
Town Hall	Hard copy and website
Parks, playing fields and recreational facilities	Hard copy and website
Seating, litter bins, clocks, memorials and lighting	Hard copy
Bus shelters	Hard copy
Markets	Not applicable
Public conveniences	Not applicable
Agency agreements	Not applicable
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard copy

Contact details:

The Town Clerk
Chipping Norton Town Council
The Guildhall
Goddards Lane
Chipping Norton
Oxfordshire
OX7 5NJ

Tel: 01608 642341 Email: townclerk@chippingnorton-tc.gov.uk Website: www.chippingnortontowncouncil.oc.uk

SCHEDULE OF CHARGES

- (i) One copy of any available document will be supplied free of charge to any resident within Chipping Norton
- (ii) Multiple copies of any available document will be supplied to any resident within the Civic Parish of Chipping Norton on payment of the actual cost of copying and postage.
- (iii) Any single copy of any available document, or multiple copies of same, will only be provided to any resident outside the Parish of Chipping Norton or to any company or corporate body, on payment of a sum not exceeding £25.00 for administrative expenses plus the actual cost of copying and postage.

Reviewed: July 2024

Chipping Norton Town Council

Freedom of Information Procedure

1. Introduction

- 1.1 The Freedom of Information (FOI) Act was introduced to encourage public organisations to publish more information proactively and develop a greater culture of openness. The Act gives a general right of access to information held by the Town Council, subject to certain exemptions outlined in the Act. It applies to information that is held:
 - Electronically
 - On paper
- 1.2 Information, which is readily available to members of the public, are those documents listed in the Town Council's Publication Scheme, which is published on the Town Council's website and ensures transparency. Documents within the Publication Scheme are not subject to the Freedom of Information Act.
- 1.3 Requests for information will be considered under the Freedom of Information Act (FOI) 2000 and the Environmental Information Regulations (EIR) 2004.

2. Procedure for Dealing with Requests for Information

- 2.1 Members of the public have a general right of access to information held by the Town Council. This means that they have the following rights:
 - To be told whether or not the information is held by the Town Council,
 - And if it is, to have the information communicated to them.
- 2.2 There are certain exemptions and limitations on this general right, but just because a document is marked "Confidential" does not automatically mean that it is exempt information, but it may be covered by certain exemptions. Each case will be dealt with on its merits. Personal information will not be provided if it is in breach of the Data Protection Act 2018.
- 2.3 Requests for information must be in writing, must give the applicant's name, an email address, telephone number and a return address and must describe the information requested with a clear description in such a way that we are able to locate it. A written request includes an e-mail.
- 2.4 All written requests for information will be logged on a separate record sheet. Receipt will be acknowledged but if it is possible to respond with the information requested, this will be done instead. If further information is required in order to locate the information requested, this will be undertaken as quickly as possible. All correspondence, phone calls, e-mails etc., that follow the original request will be recorded.

3. Timescales

- 3.1 The Town Council has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20 day period does not begin until clarification is received from the applicant as to exactly what is required.

- 3.2 The Town Council will inform the individual if we require longer than the 20 days to apply the public interest test and the individual will be informed at that point what exemptions are being looked at and how long it will take. If more time is require then up to a maximum of a further 20 days can be added so the total time will be 40 working days.

4. Refusal

- 4.1 The Town Council may refuse a request if we consider that:
- it is vexatious (designed to cause disruption or annoyance rather than having a serious purpose)
 - to comply would exceed the statutory cost limit (£450 with staff time charged at £25 an hour which is the statutory rate). If we believe it will exceed the cost limit we will issue a refusal notice and invite the applicant, if possible, to revise the request to make it less expensive
 - it falls within an exemption under the legislation

5. Charging

- 5.1 If a charge is going to be made for photocopying and disbursements, a fee notice will be sent detailing the costs. The requestor has three months in which to pay and once payment has been received, the 20 working day period becomes effective

A charge will be made for the photocopying of information requested as follows:
20p per single A4 size

- 5.2 If the Town Council does not receive the fee within three months, we are not obliged to comply with the request. However, the Town Council may consider whether it can release any information without charge.

6. Clarification

- 6.1 The Town Council can seek clarification about what is being requested. The time limit for responding stops whilst we wait for a response to our request for clarification.

7. Exemptions

- 7.1 The most common exemptions are:
- Section 21 – information reasonably accessible to the applicant by other means. There is a duty to confirm or deny whether we hold it and to tell the requestor where they can find it. This is an absolute exemption which means the public interest test does not need to be applied, (see below).
 - Section 22 – information intended for future publication. This means it is in draft, still being worked on but when completed, or approved, it will be published. The public interest test must be applied here.
 - Section 31 – prejudicial to law enforcement (preventing crime, collecting tax)
 - Section 36 – prejudicial to the effective conduct of public affairs.
 - Section 40 – personal data
 - Section 42 – legal professional privilege
 - Section 43 – commercial sensitivity

- 7.2 All except section 21 are qualified exemptions requiring the application of the public interest test. This means weighing up whether the public interest is best served by disclosing the information, or not disclosing it.

8. General Requests for Information

- 8.1 The Town Council will continue to deal with routine requests for information as it does currently. Routine information which is freely available to members of the public is that listed in the Town Council's Publication Scheme on the website.
- 8.2 Any requests for information that is not contained in the Publication Scheme on the website will be passed to the Town Clerk to deal with under the FOI Act. A certain amount of guidance on dealing with requests is held by the Town Clerk, but it may be necessary that further specific guidance will be required from the Information Commissioner's office. If a member of staff is unsure as to whether a request for information is routine or not, they will refer to the Town Clerk. The use of personal information is covered by the Data Protection Act 2018.
- 8.3 The Town Clerk will act as the Freedom of Information Officer and has a responsibility to ensure that data subjects have appropriate access, upon written requests, to details regarding personal information relating to them.
- 8.4 The applicant will be kept informed at all stages of the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.

9. Environmental Information Requests 2004 (EIR)

- 9.1 Environmental Information broadly relates to:
- Air, atmosphere, water, soil, land, landscape, plants, animals, biological diversity and genetically modified organisms
 - Emissions, discharges, noise, energy, radiation, waste, recycling, and pollution
 - Measures and activities such as policies, plans and agreements
 - Reports, cost benefit analysis and economic analysis
 - The state of human health and safety, contamination of the food chain
 - Cultural sites and built structures (the effect of the environment on the human world
 - Planning and development, building control, construction and renovation, floods and flooding issues, land use, traffic, parking, location of mobile phone masts and demolition of buildings
- 9.2 It covers documents, photos or maps. There is no distinction between formal approved documents, and anything else. The duty is to make the information available. This is not the same as the duty to disclose under FOI.
- 9.3 There are 20 working days to respond to the request. Unlike FOI there is no extension to the time limit for consideration of the public interest test. A further 20 days is permitted though if the request is complex, or there is a large amount of information involved. There is no right to charge for inspection. Cost recovery is permitted with reasonable charges published in advance.

10. Exceptions EIR

- 10.1 There are exceptions to the requirement to disclose, these exceptions are subject to the public interest test like FOI. The exceptions are:
- personal data
 - information not held when the request was made
 - the request is manifestly unreasonable (similar to “vexatious” under FOI but with “manifestly unreasonable” used instead. The courts have treated both in the same way)
 - the request is too general
 - information is in draft or is unfinished
 - information is an internal communication
 - disclosure would adversely affect the course of justice or commercial confidentiality.
- 10.2 There is a lot of guidance, and case law, on the use of both FOI exemptions and EIR exceptions which can be found on the Information Commissioner’s website at www.ico.org.uk.

11. Data Protection

- 11.1 The will act as the Data Protection Officer and is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act 2018 and other related legislation.

12. Publication Scheme

- 12.1 This is a scheme available via the website, setting out the classes of information that will be made routinely available and any charges. This includes policies and procedures, minutes of meetings, annual reports and financial information. This information is easily and quickly available.

13. Appeal Process

- 13.1 If unhappy with the way their request has been dealt with an internal review can be requested. This will be carried out within 20 working days of the request for a review being received. If the individual remains unhappy with the result of the review the individual can ask the Information Commissioner to look at their concerns. The Town Council will provide details of the internal review process when it is requested. The process will vary depending on the type of request and who is available to review the process within the timescales.

14. Vexatious Requests

- 14.1 Whilst the Town Council wishes to be open and transparent and to provide as much information as possible about the work it does there are occasions when it might be necessary to decide that a request is “vexatious” within the meaning of the legislation. There have been a number of legal cases which have helped to clarify what is meant, legally, by “vexatious” and which have stated that we have limited resources and that our obligations under the legislation must be proportionate to those resources.

- 14.2 Public authorities do not have to comply with vexatious requests. There is no requirement to carry out a public interest test or to confirm or deny whether the requested information is held.
- 14.3 The key question is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. There is no exhaustive list of circumstances. Every case is unique and judged within the context and history of that specific situation.
- 14.4 “Vexatious” Indicators
- Abusive or aggressive language
 - Burden on the authority
 - Personal grudges
 - Unreasonable persistence
 - Unfounded accusations
 - Intransigence
 - Frequent/overlapping requests
 - Deliberate intention to cause annoyance
 - Scattergun approach
 - No obvious intent to obtain information
 - Futile request

15. Process the Town Council will follow to determine if a request is vexatious

- 15.1 The Town Clerk deals with all requests for information on behalf of Chipping Norton Town Council. If a request is considered to be potentially vexatious the Clerk will prepare a summary setting out the context and history to the request. This summary will be reviewed by members at Full Council.

16. The Review

- 16.1 The following will be considered:
- The purpose and value of the request
 - Whether the purpose and value justifies the impact on the public authority
 - The context and history so, for example, if there has been a long and frequent series of requests the most recent request, though not obviously vexatious in itself, will contribute to the aggregated burden
 - Have there been numerous follow-up enquiries no matter what is supplied? This will be balanced against how clear our responses have been, has contradictory or inconsistent information been supplied or is a legitimate grievance being pursued?
 - Whether there are alternatives to the vexatious route. If it is too expensive then section 12 (costs in excess of £450) will be used. The Information Commissioner permits the total costs for all requests from one person (or several acting in concert) to be aggregated during a period of sixty days so long as they are requests for similar information
 - Is this a round robin, a “fishing” expedition or part of an orchestrated campaign? None of these make it vexatious but are factors

17. Final Warning

- 17.1 If, having considered all of the above, the Town Council thinks there is a case for treating the request as vexatious then consideration will be given to a “final warning”. This is a letter, or email, to the person making the request explaining the impact the request(s) are having and asking that their behaviour be moderated. This “final” warning will not be appropriate in all cases but, if it is possible that the person making the request has not appreciated the impact of what they are doing, then it may assist.

18. Advice and Assistance

- 18.1 In addition the Town Council may want to ask the person making the request whether advice and assistance would help in clarifying what exactly they wish the organisation to provide. Again this may not be appropriate in every circumstance but will be considered.

19. Report to Members

- 19.1 The history of the matter will go forward as part of a report to Full Council setting out the evidence and reasoning behind the recommendation to propose that the request be treated as vexatious.
- 19.2 The decision to declare a request vexatious will be taken by the Town Council. This decision should be taken within 20 working days of receipt of the request. This time limit should be achievable in normal circumstances, however, if there is no meeting scheduled within that timescale then the decision will be formally delegated by the adoption of this procedure to the Mayor of the Council (in consultation with the Deputy Mayor).
- 19.3 Under section 14(1) of the Freedom of Information Act the refusal notice will set out the Council’s internal review procedure and the right of appeal to the Information Commissioner’s Office. However, under section 17(6) if the Town Council has issued a previous refusal notice for a vexatious request (and it would be unreasonable to provide another one) it is not necessary to do so. This will be done where the complainant has already been warned that further requests on the same, or similar topics, will not receive any response.
- 19.4 Please note that if a request is found to be vexatious and further requests are received on the same topic no response will be provided

20. Responsibilities

- 20.1 The Town Clerk will act as the Freedom of Information Officer and has a responsibility to ensure that data subjects have appropriate access, upon written requests, to detail regarding personal information relating to them.

21. Review

- 21.1 This procedure will be reviewed as necessary when there is a change in the law and in line with the Freedom of Information Policy.