

Freedom of Information Act

Definition document for principal local Authorities (county councils, unitary authorities, metropolitan district councils borough councils, city councils and district councils, the council of the Isles of Scilly and local authorities in Wales)

This guidance gives examples of the kinds of information that we would expect principal local authorities to provide in order to meet their commitments under the model publication scheme. We would expect local authorities to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

This guidance now incorporates those key principles, which were not already included, from the Department for Communities and Local Government (DCLG), Code of Recommended Practice for Local Authorities on Data Transparency (CoP)¹. The aligning of this document with the CoP provides a harmonised approach to data transparency for local authorities and avoids unnecessary duplication.

¹ <http://www.communities.gov.uk/publications/localgovernment/transparencycode>

The Information Commissioner recognises that the CoP does not apply to local authorities in Wales. However he does strongly recommend that they follow the guidance set out in this definition document which supports the model publication scheme.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

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 the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Who we are and what we do

Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

<ul style="list-style-type: none">• Council constitution

The council's constitution consists of a number of documents that, under the Local Government Act 2000, are required to be brought together and made available for public inspection. The articles of the constitution set out the basic principles that underlie the way the council operates. The other parts of the constitution would normally include details of the council and the committees to which the council has delegated various powers and the functions that are the responsibility of the executive; the terms of reference of the various committees and other bodies; the standing orders that regulate the proceedings at meetings; financial regulations; the

code of practice for the procurement of works, supplies and services; codes of conduct for members and employees; the schedule for the payment of member's allowances; and a description of the management structure of the council's workforce.

- **Council democratic structure**

Any further information not included in the constitution about the decision making bodies of the council and their role.

- **Organisational chart**

A staffing structure of the directorates and departments should be included. Any further information about the internal structures of the offices of the council, including an outline of their responsibilities and the names of the directors and senior employees (in relation to the latter, consent may be refused if there is a legitimate reason for not disclosing), job descriptions, responsibilities, budgets and number of staff. In line with the DCLG, CoP 'senior employees' here refers to staff earning salaries above £58,200.

- **Location and opening times of council properties**

Councils should be considering whether details of all their properties, whether open to the public or not, are available to the public under this scheme. Obviously, the public need to have readily available the location and opening times of offices that are open to them.

- **Currently elected councillors' information and contact details**

Any personal information should be published only with consent. The essentials are names, positions on the council and how they can be contacted.

- **Contact details for all customer-facing departments**

Local authorities should already be publishing as much information as possible about how they can be contacted. This should give some indication at least of the role of the contact, phone number and where used e mail address. It always assists to provide a named contact where this can be done.

- **Most recent election results**

The results of the most recent elections for councillors on the council should be available. Councils may also wish to include the results of other elections conducted in the area.

- **Relationships with other authorities**

It will assist members of the public to appreciate the role of a local authority if the respective roles of different local authorities are explained, partnership arrangements with other authorities are detailed and the relationship with central government departments is outlined. Where local authority services are provided in a particular area by a joint or combined authority, for example port health, fire, waste disposal, passenger transport authority, the situation should be explained with an indication of how to contact those bodies. Where a local authority has responsibility for the provision of facilities for office holders who are not themselves part of the local authority, for example the Returning Officer, the Registrar of Births Deaths and Marriages, the role of the local authority should be explained. The role of the Monitoring Officer in respect of their own and other councils should be included.

What we spend and how we spend it

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect information in this class to be available at least for the current and previous two financial years.

We would expect information to be available not only for the council as a whole but also for directorates or departments as cost centres.

- **Financial statements, budgets and variance reports**

Details of expenditure over £500, including costs, supplier and transaction information (monthly).

Financial information in enough detail to allow the public to see where money is being spent, where a council or department is or has been planning to spend it, and the difference between the two. Financial information should be published at least annually and, where practical, we would also expect half yearly or quarterly financial reports to be provided. Revenue budgets and budgets for capital expenditure should be included.

- **Capital programme**

Information should be made available on major plans for capital

expenditure including any private finance initiative and public-private partnership contracts.

- **Spending reviews**
- **Financial audit reports**
- **The members' allowances scheme and the allowances paid under it to councillors each year**

The total of the allowances and expenses incurred by or paid to councillors by reference to categories. These categories should be produced in line with council guidelines and will be under headings like travel, subsistence and accommodation.

- **Staff allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior staff members by reference to categories. These categories should be produced in line with the council's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **Pay and grading structure**

This may be provided as part of the organisational structure and should include senior employee salaries (over £58,200). For those earning less than £58,200 levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Election expenses (returns or declarations and accompanying documents relating to election expenses sent to the council)**
- **Procurement procedures**

Details of procedures for acquiring goods and services. Contracts available for public tender.

- **Details of contracts and tenders to businesses and to the voluntary community and social enterprise sector**

We would normally only expect the council to publish contracts and tenders that exceed £500.

- **Details of grants to the voluntary community and social enterprise sector**
- **District auditor's report**
- **Financial statements for projects and events**

If there are identifiable projects, we would expect the publication scheme to cover at least the financial reports that indicate actual expenditure against original project budgets. The larger the project, the greater the detail that should be available. Similarly, where organised events are publicised, their cost should be available through the scheme.

- **Internal financial regulations**
- **Funding for partnership arrangements**

Where the council takes the lead role in a partnership arrangement, we would expect details of the funding arrangements for the partnership to be available. Where a council contributes funding to a partnership arrangement managed by another authority, we would expect details of the funding provided to be published.

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect relevant information in this class to be made available at least for the current and previous three years. Information should be available not only for the council as a whole but also for directorates or departments where this is available.

Below is a list of the type of information we would expect councils to have readily available for publication. Any other reports or recorded information showing the council's planned or actual performance should normally be included.

- **Annual reports**
- **Strategies and business plans for services provided by the council**
- **Best value local performance plan**
- **Internal and external organisation performance reviews, including external audits**
- **Strategies developed in partnership with other authorities**

Examples would include community partnership strategies, safety and crime reduction strategies, road safety strategy, joint housing

strategies, joint strategies for health issues and children's services.

- **Economic development action plan**
- **Forward plan**
- **Capital strategy**
- **Best value performance indicators**
- **District auditor's reports on the best value performance plan and performance indicators**
- **Comprehensive performance assessment**
- **Inspection reports**
- **Local Area Agreements**
- **Statistical information produced in accordance with the council's and departmental requirements**
- **Impact assessments**
- **Privacy impact assessments (in full or summary format)**
- **Service standards**
- **Fileplans (high level, for current records management systems)**
- **Public service agreements**

How we make decisions

Decision-making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous three years.

- **Timetable of council meetings**
- **Agendas, officers' reports, background papers and minutes of council committee, sub committee and standing forum meetings**

This will be the information that is required to be publicly available under local authority access to information rules.

- **Major policy proposals and decisions**

Information that can be made available to the public without damaging internal policy development and relations with other public authorities.

- **Facts and analyses of facts considered when framing major policies**
- **Public consultations**

Details of consultation exercises with access to the consultation papers or information about where the papers can be obtained. The

results and outcomes of consultation exercises.

- **Internal communications guidance, criteria used for decision-making, internal instructions, manuals and guidelines**

If access to internal instructions, manuals and guidelines for dealing with the business of the council would help the public understand how decisions are made, these should be readily available. We would not expect information that might damage the council's operations to be revealed.

Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current information only.

Some of the information about policies and procedures will be covered by the council's constitution.

- **Policies and procedures for conducting council business**

Codes of practice, memoranda of understanding, procedural standing orders, internal guidance about the division of responsibilities between committees and delegated authority, policies on communications between councillors and members of staff and similar information should be included.

- **Policies and procedures for delivering our services**

Including local area agreement memoranda and policies and procedures for handling information requests.

- **Pay policy statement**

Any decisions taken by an authority in relation to pay and reward of staff must reflect its current policy.

- **Policies and procedures about the recruitment and employment of staff**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

A number of policies, for example, equality and diversity, and health

and safety, will cover both the provision of services and the employment of staff.

- **Customer service**

Standards for providing services to the council's customers, including the complaint procedure. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the public authority charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We would expect information in this class to be current information only.

- **Public registers and registers held as public records**

If a council is required to maintain any register and make the information in it available for public inspection, the existing provisions covering access will usually be adequate. However, we expect authorities to publicise which public registers they hold, and how the information in them is to be made available to the public. Where registers contain personal information, councils must ensure that they consider the data protection principles.

- **Asset registers and information asset register**

We would not expect councils to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on an asset register to be available along with some other information from capital asset registers. If a council has prepared an information asset register it should publish its contents.

If a council has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the council.

- **Disclosure logs**

If a council produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

- **Register of councillors' financial and other interests**
- **Senior officers' declaration of interests**

This should include the names, departments, sections and job titles of all officers who have made entries. In relation to Chief Officers information recorded in the 'professional' element of the register should also be disclosed subject to the redaction of, for example, home address, any third party personal data or sensitive personal data.

- **Register of gifts and hospitality**

This should include details of gifts, given or received; details of any hospitality afforded and by which organisation.

- **Highways, licensing, planning, commons, footpaths etc**
- **Register of electors**

Services provided by the council

Information about the services the council provides including leaflets, guidance and newsletters.

We would expect information in this class to be current information only.

Generally this is an extension of part of the first class of information. While the first class provides information on a council's and its departments' roles and responsibilities, this class includes details of the services the council provides as a result of them. The starting point would normally be a list or lists of the services the council is responsible for, linked to details of these services.

Not all local authorities will provide all services.

- **Regulatory and licensing responsibilities**
- **Services for local businesses**
- **Services for other organisations**
- **Services for members of the public**
- **Services for which the council is entitled to recover a fee, together with those fees**
- **Information for visitors to the area, leisure information, events, museums, libraries and archive collections**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**

We would expect to see, for example, details of the services:

- that County Councils provide for such things as waste disposal, education and children's services, public transport, fire services, trading standards;
 - that District Councils provide for such things as environmental health, housing and council tax benefits, council tax collection, planning (development control), building control, waste collection and recycling, port health, role of the monitoring officer;
 - that unitary authorities provide across the whole range of local authority services.
- **Election information**

We recognise that the offices of the Returning Officer and of the Electoral Registration Officer are separate to the functions of local authorities. Information held by a local authority on behalf of these two officers is not currently covered by the Freedom of Information Act. However, much of the information about elections is also held by local authorities themselves and we would expect to see most of this made available through the publication scheme. By way of example this would include: forthcoming elections, election results,

review of polling stations, information on becoming a councillor, voting procedures.