



**HARPENDEN
TOWN COUNCIL**

CLOSER TO THE COMMUNITY

FOI Publication Scheme

Approved:
March 2017

Next Review:
Annual

Freedom of Information Act 2000 - Information available from Harpenden Town Council

Information to be published	Description of Information	How the information can be obtained	Charges
Class1 – Who we are and what we do <i>(Organisational information, structures, locations and contacts)</i> <i>This will be current information only</i>	Who's who on the Council and its Committees	Website	Free
	Contact details for the Town Clerk, Council members and staff (including telephone number and email address (if used))	Website or notice boards	Free
	Location of main Council office and accessibility details	Website or notice boards	Free
	Staffing structure	Website	Free
Class 2 – What we spend and how we spend it <i>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</i> <i>Current and previous financial year</i>	Annual return form and report by auditor	Website or by inspection	Free
	Finalised budget	Website or hard copy – abbreviated version	Free
	Precept	By inspection	Reference only
	Borrowing Approval letter	By inspection	Reference only
	Financial Standing Orders and Financial Regulations	Website	Reasonable charge
	Grants given and received	Hard copy	Reasonable charge
	List of current contracts awarded and value of contracts	By inspection	Reference only
	Members' allowances and expenses	Hard Copy	Free
Class 3 – What our priorities are and how we are doing <i>(Strategies and plans, performance indicators, audits, inspections and reviews)</i> <i>Current and previous Council year</i>	Parish Plan	Not produced	--
	Annual Report to the Town	Website or hard copy	Free
	Local charters drawn up in accordance with DCLG guidelines	Hard copy	£10 each

Class 4 – How we make decisions <i>(Decision making processes and records of decisions, excluding information that is properly regarded as private to the meeting)</i> <i>Current and previous Council year</i>	Timetable of meetings (Council, Committees and Town meetings)	Notice boards, website or hard copy	Free
	Agendas of meetings (as above)	Website or hard copy	Free
	Minutes of meetings (as above)	Website or hard copy	Free
	Reports presented to council meetings	Website or hard copy	Free
	Responses to consultation papers	Hard copy	Reasonable charge
	Responses to planning applications	Hard copy	Free (copies of District planning decision letters are charged at £12)
	Bye-laws	Website or hard copy	Free
Class 5 – Our policies and procedures <i>(Current written protocols, policies and procedures for delivering our services and responsibilities)</i> <i>Current information only</i>	<i>Policies and procedures for the conduct of council business:</i>		
	Procedural standing orders	Website or hard copy	Free
	Committee and working party terms of reference	Website or hard copy	Free
	Delegated authority in respect of officers	By inspection	Reference only
	Code of Conduct	Website or hard copy	Free
	Policy Statement	Website or hard copy	Free
	<i>Policies and procedures for the provision of services and about the employment of staff:</i>		
	Internal policies relating to service delivery	Website or hard copy	Free
	Equality and Diversity	Website or hard copy	Free
	Health and Safety	Website or hard copy	Free
	Recruitment (including current vacancies)	Website or hard copy	Free
	Handling requests for information	Website or hard copy	Free
	Complaints procedures (including requests for information and the publication scheme)	Website or hard copy	Free
	Information security	Website or hard copy	Free
	Records management (records retention, destruction and archive)	Website or hard copy	Free
	Data protection	Website or hard copy	Free
	Schedule of charges (for the publication of information)	Website or hard copy	Free
Risk Assessment	Website	Free	

Class 6 – Lists and Registers <i>(Currently maintained lists and registers only)</i>	Any publicly available register (e.g. Register of Electors, Electoral and Boundary reviews)	By inspection	Reference only
	Assets Register	Hard copy	Reasonable charge
	Register of Members' interests	By inspection <i>or website</i>	Free
	Gifts and hospitality	By inspection	Reference only
Class 7 – The services we offer <i>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</i> <i>Current information only</i>	Allotments	Hard copy <i>or website</i>	Free
	Park Hall (including charges)	Hard copy <i>or website</i>	Free
	Playing fields and recreational facilities	Hard copy <i>or website</i>	Free
	Seating, litter bins, clocks, memorials	Hard copy <i>or website</i>	Free
	Bus shelters	Hard copy <i>or website</i>	Free
	Farmers Market	Hard copy <i>or website</i>	Free
	Public conveniences	Hard copy <i>or website</i>	Free
	Agency agreements	Hard copy	Free
Additional Information	Forum	Website or hard copy	Free
	Town Guide	Hard copy	Free
	Town Hall Information Point	Website or hard copy	Free
	Common Management Plan	Hard copy <i>or website</i>	Free
	Bye-laws for Commons and Greens	Hard copy <i>or website</i>	Free
	Policies - Pesticide	Hard copy	Reasonable charge

Contact details: Town Clerk, Harpenden Town Council, Town Hall, Leyton Road, Harpenden AL5 2LX.

SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost:	Photocopying @ 5p per sheet (black & white)	Actual cost incurred
	Photocopying @ 10p per sheet (colour)	Actual cost incurred
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation
Other:		
Investigating and Retrieval of documents	Costs at £25 per hour	Staff resourcing

HARPENDEN TOWN COUNCIL

FREEDOM OF INFORMATION – CHARGING POLICY

Harpenden Town Council has a Model Publications Scheme and Freedom and Information Policy adopted from the National Association of Local Councils (NALC) recommended Policy. The Town Council is supplementing these documents with a Charging Policy. The Policy is based upon guidance from NALC, in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 – SI 3244/2004.

1. INTRODUCTION

- 1.1 Under the Freedom of Information Act 2000 (FOIA) the Town Council is not obliged to comply with a request for information if it estimates that the cost of complying with the request would exceed the 'appropriate limit' prescribed in Regulations.
- 1.2 Section 9A of the Data Protection Act 1998 (inserted by FOIA) makes similar provision in respect of subject access requests for 'unstructured' personal information (i.e. manual records which are not held in a structured filing system).
- 1.3 The 2004 Regulations govern the 'appropriate limit' and the fees that can be charged for the above types of information requests.
- 1.4 There is no 'appropriate limit' for environmental information requests, however Regulation 8 of the Environmental Information Regulations 2004, provides for the recovery of 'reasonable' costs.

2. HARPENDEN TOWN COUNCIL POLICY

- 2.1 The Town Council will make a charge for all Freedom of Information requests, as outlined below.

3. HARPENDEN TOWN COUNCIL PROCEDURE - THE 'APPROPRIATE LIMIT'

- 3.1 Under the Regulations the 'appropriate limit' is set at £450.
- 3.2 The 'appropriate limit' is calculated on a standard rate of £25 per hour based on estimating how long it takes to:
 - Determine if the information is held;
 - Locate the information or a document which may contain the information;
 - Retrieve the information, or a document which may contain the information; and
 - Edit or extract the releasable information contained within a document.
- 3.3 This calculation does not take into account the time spent/costs of:

- Checking that a request for information meets the requirements of FOIA;
- Locating information due to difficult records management practice;
- Considering the application of exemptions, prejudice and/or public interest tests;
- Obtaining legal advice;
- Obtaining authorisation to send out information;
- Calculating any fee to be charged; or
- Providing advice and assistance to the applicant, for example in determining precisely what information they are seeking.

3.4 Based on the standard hourly rate of £25 the maximum time spent finding, retrieving, collating and editing before exceeding the £450 cost limit is 18 hours.

4. WHERE THE REQUEST FOR INFORMATION DOES NOT EXCEED THE 'APPROPRIATE LIMIT'

4.1 In determining whether the 'appropriate limit' is exceeded the cost of processing the request and communicating the information may be estimated in advance. In many cases, it will be immediately obvious that the request would cost less than the appropriate limit so there will be no point in calculating whether the 'appropriate limit' is exceeded.

4.2 If it is estimated that a request will take less than 18 hours to complete and there is no reason to withhold the information the Town Council cannot charge for the staff time spent undertaking the types of activity outlined in 3.2 above.

4.3 However the actual costs of communicating information released to the applicant are recoverable. This includes the cost of printing, photocopying, postage and/or supplying the information in a particular form. The cost of informing the applicant whether the information is held can also be included. The Town Council can charge for the actual costs incurred, but charges are expected to be reasonable.

4.4 The applicant will be issued with a Fees Notice and must pay the costs specified therein within a period of three months. The Town Council is under no obligation to supply the information requested until the applicant has paid the requisite amount. The 20 working days allowed to respond to requests for information will be placed on hold until full payment has been received. If payment is received by cheque, the Town Council will consider payment received when the cheque has been cleared. If the costs are not paid within the three months timescale then the request lapses.

4.5 The Town Council will endeavour to ensure that any estimation given is as accurate as possible. If the final costs exceed the estimated cost charged, the Town Council will bear the additional cost. If the final cost is lower than the amount charged and that difference exceeds £10.00, the Town Council will refund that difference minus a handling fee of £10.00.

4.6 The Town Council's charging policy will be applied consistently to all requests for information. This Policy and Procedure will be held in the Town Council Office and will be made available upon request.

4.7 A letter detailing the Town Council's Charging Policy and estimated cost will be issued prior to the commencement of any works.

5. WHEN THE REQUEST FOR INFORMATION DOES EXCEED THE APPROPRIATE LIMIT.

5.1 The Town Council is **not** obliged to respond to a request where it is estimated the cost of complying would be in excess of £450 and is entitled to:

- Decline requests exceeding this amount; or
- Answer them and charge a permitted fee.

5.2 In the first instance, however, the Town Council will always seek to assist applicants to try and reframe their request with a view to bringing it under the 'appropriate limit', or to explore if a free or cheaper alternative format might meet needs equally as well.

5.3 If an applicant does not accept advice and assistance, and the cost continues to exceed the 'appropriate limit', a number of alternatives are then open to the Town Council:

- It may exercise discretion to supply some information up to the limit;
- It is not obliged to comply with the request and can if it so chooses, turn the request down on the basis that it exceeds the limit or;
- It may answer the request and may charge in accordance with the Regulations, i.e. it can raise charges for staff time spent finding, retrieving, collating and editing information as well as disbursements. In which case it will advise that it intends to charge in full.

The approach taken will be dependent on the request for information and will be considered on a case by case basis.

5.4 Where a request costs more than the appropriate limit to answer, there is **no** legal requirement to:

- Issue a Fees Notice;
- Comply with the 20 working day time limit (see below)
- Provide information in a preferred format.

However the Town Council will endeavour to apply the same principles as if the request were below the limit.

6. AGGREGATING REQUESTS

6.1 The Regulations provide for the costs of answering more than one request to be added together or aggregated for the purposes of estimating whether the 'appropriate limit' would be exceeded in relation to any one of the requests.

6.2 The Regulations state that requests can only be aggregated in the following circumstances:

- Two or more requests for information must have been made to the Town Council;
- They must be either from the same person, or from different persons who appear to the Town Council to be acting together or in pursuance of a campaign;
- The requests must relate to the same or similar information; and
- They must have been received within a space of 60 consecutive working days.

- 6.3 This provision is designed to prevent individuals or organisations undermining the 'appropriate limit' by splitting a request into smaller parts.
- 6.4 The Town Council will exercise caution when considering whether requests should be aggregated. This will usually entail strong grounds for believing that requests have been framed precisely in order to circumvent the appropriate limit.

7. TIME LIMITS AND CHARGING

- 7.1 The Town Council has 20 working days to respond to a request. The 20 working day period starts to run the day after the request is received.
- 7.2 If disbursement costs apply for responding to a request under the 'appropriate limit' an estimated Fees Notice will be issued.
- 7.3 Once the Fees Notice has been issued the clock stops and the applicant has three months to pay the charge. The request lapses after three months if the charge remains unpaid. Only when payment has been received and the cheque has cleared (if applicable), does the clock restart and work begin on collating the information. By way of clarification the clock starts running again from where it stopped, not back to the beginning of the 20 days.
- 7.4 The Town Council will endeavour to issue a Fees Notice before any costs are incurred in preparing to answer the request.

8. DISBURSEMENTS AND VAT

- 8.1 VAT – As the Act does not set a specific fee, any monies charged are not statutory fees.
- 8.2 HM Revenues & Excise do not consider that information released under the Act constitutes an economic activity where the information could only be provided by a public authority. As such, any fees charged in these circumstances will be outside the scope of VAT. This means that no VAT should be added to the fees.
- 8.3 The key determining factor as to whether VAT is charged is whether the information is available from another source that is not a public authority.
- 8.4 If the Town Council is asked for information, and the information is only available from the Town Council, or another public authority, any chargeable fees do not attract VAT.

If the Town Council is asked for information that is available from another non-public authority source any fees do attract VAT.

9. INFORMATION NOT COVERED BY THE REGULATIONS

- 9.1 The Regulations do not apply to information readily available through the Town Council's publication scheme or which is available under the terms of another Act.
- 9.2 Therefore, as the Town Council has already made it clear that it intended to charge for supplying selected items of information in its publication scheme, it will continue

to raise charges for both staff time spent finding, retrieving, collating and editing the information, as well as disbursements. The charges will of course be “reasonable”.

- 9.3 If information has to be provided under the terms of another Act, fees will be charged in line with the provisions in that Act.