

Bradwell with Pattiswick Parish Council

Freedom of Information and Publication Scheme

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1. INTRODUCTION

Under the Freedom of Information Act 2000 a general right of access to all types of recorded information is granted. Section 19 of this Act requires Bradwell with Pattiswick Parish Council to produce a 'publication scheme', which is a guide to the information it holds and which is publicly available. The Parish Council publishes certain information and responds to requests for information held by it.

- Organisation information, structures and contacts
- Financial information – projected and actual income and expenditure; procurement and financial audit
- Decision making processes and records of decisions
- Policies and procedures
- Lists and registers held by the Parish Council

The Publication Scheme links to key information available on the Parish Council's website: www.e-voice.org.uk/bradwell. If the information cannot be found on the website, it can be requested from the Parish Clerk at clerktobjcpc@gmail.com

Bradwell with Pattiswick Parish Council seeks to make all relevant information accessible to the public, in line with information security policies and in compliance with the Freedom of Information Act 2000 and the Data Protection Act 1998. This legislation allows access to all types of information held, but before releasing any information the Parish Council must take account of the Data Protection Act before releasing any personal information.

Most information is free of charge and can be downloaded from the website, however, some information made available under the Data Protection Act 1998, The Freedom of Information Act 2000, the Environmental Information Regulations 2005 and other relevant legislation may incur a charge.

The Parish Council will try to provide most of the information electronically via the website or email, but in those instances where information can only be accessed in other ways, this will be stated at the time of the request. A response may be expected within 20 working days of receipt by the Parish Clerk of the request for information.

If collection and preparation of a response is likely to take longer, an advice will be sent. It should be noted that the Parish Clerk is employed for 7 hours per week only and any hours required to gather information more than this will be charged to the requester at a rate of £12.00 per hour. If the estimated time for a full response is likely to be more than 5 hours, the requester will be informed.

In exceptional circumstances some information may be available only by viewing in person. Where this is necessary the requester will be contacted and an appointment to view the information will be arranged within 20 working days of receipt by the Parish Council of the request for information.

Information will be provided only in the language in which it is held or in such other language where legally required. If the information is requested to be translated from that in which it is held, the requester will be responsible for costs incurred to complete the request. Where the Parish Council 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 alternative forms and formats will be adhered to when providing information requested in accordance with this scheme.

Requests for information required to be translated or in alternative formats must be made to the Parish Clerk at clerktohppc@outlook.com. A revised timescale will be given for providing the information.

It is not always possible to provide information requested and there are several reasons:

- The Parish Council may not hold the information requested
- The information is exempt under one of the Freedom of Information or Environmental Information Regulations, or its release is prohibited under another statute
- The information is archived, out of date or otherwise inaccessible
- It would be impractical or resource-intensive to prepare the information for routine release.

Further guidance is available from the Office of the Information Commissioner www.ico.gov.uk

2. ORGANISATION INFORMATION, STRUCTURES AND CONTACTS

Bradwell with Pattiswick Parish Council
Mill Cottage
Church Road
Bradwell
Braintree
Essex CM77 8EP

Telephone: 07933 306927

Chairman: Councillor Tony Dunn
Vice-chairman: Councillor Glenn Lockey
Councillors: Craig Evans
Antony Harding
Lesley Kinder
Michael Turner
Marie Webb

Proper Officer, Parish Clerk & Responsible Financial Officer
Christine Marshall

3. FINANCIAL INFORMATION

Financial statements, budgets and capital expenditure

Every month the Parish Council reviews and discusses its financial report of income and expenditure against budget under a formal Agenda item. A detailed analysis of the planned spending is contained within the Budget Plan. Spending for the previous financial year is contained within the Statement of Accounts, which also outlines the financial position of the council. The Statement of Accounts (the Annual Return) is published annually on the website and displayed on the village notice boards for 3 months.

Procurement

All expenditure is made on a “value for money” basis and is subject to approval of the full council. Where estimates for expenditure are required, a minimum of 3 are obtained and these are discussed by a panel of councillors and the successful quotation will be the one that meets the criteria of value, supporting local businesses, quality and environmental factors.

Information about supplying Bradwell with Pattiswick Parish Council with goods and services, and the procedure for acquiring goods and services can be obtained from the Parish Clerk.

4. DECISION MAKING PROCESSES AND RECORDS OF DECISIONS

Council decisions and meetings

The calendar of meetings contains dates of all meetings, full Parish Council, Annual General Meeting and the Parish Assembly Meeting. Parish Council meetings are held the second Monday each month (no meeting held in August) and the deadline date for items to be considered for inclusion in the Agenda is noon on the first Monday of the month. Agenda are published on the council’s website and are displayed on the village notice boards in Bradwell and Pattiswick.

The council’s key decisions can be viewed on the approved minutes each month. Details of consultation exercises with access to the consultation papers or information can be obtained by written request to the Parish Clerk. The results and outcomes of consultation exercises are also available on the approved minutes

Commercially sensitive information and personal information may be redacted before being provided for viewing. Documents are retained by the Parish Council in accordance with its “retention of files and records” policy.

Policies and procedures

Available on the Parish Council’s website:

www.e-voice.org.uk/bradwell/contact-details/policies-procedures/

These are:

- Standing Orders
- Financial Regulations
- Code of Conduct
- Communications
- Community Engagement
- Complaints
- Co-option of a councillor to fill a casual vacancy
- Data Protection
- Equality & Diversity
- Expenses policy for employees and councillors
- Freedom of Information and Data Protection
- Grant Funding Policy
- Health & Safety
- Illegal Encampments
- Retention of documents and records
- Training
- Annual Return
- Register of Interests
- Terms of Reference for Employment Committee
- Public registers and registers held by the Parish Council

The Parish Council maintains a Register of Interests for councillors and can be viewed on request made to the Parish Clerk.

5. MAKING A REQUEST

All requests must be made in writing or by email and be capable of being used for subsequent reference. Details of charges which may be levied are separately listed below.

Information will be provided to the applicant in the manner requested and may be in the form of copy or summary, or the applicant may request to inspect the record. Exemptions under the Act will be enforced.

If a charge is to be made this will be advised to the applicant who then has 3 months to pay. If the payment is not made within this time, the Parish Council does not have to answer the request.

Information is exempt from the Act if it is accessible to the applicant by other means.

A request must satisfy certain conditions; it must be in permanent form and must include sufficient information to enable identification of the information requested. The Parish Council will not comply with “vexatious”* or “repeated” requests if it has recently responded to an identical or similar request from the same person.

If a request is refused, the Parish Council will give reasons for that decision to the applicant who then has the right to complain to the Information Commissioner.

If the Parish Council considers that the public interest in withholding information requested outweighs the public interest in releasing it, the applicant will be informed of those reasons.

6. SCHEDULE OF CHARGES

	Information to be published	How the information can be obtained	Cost
Personnel	Who's who on the council and contact details	Notice Boards and website	Free
Finance	Financial information relating to projected and actual income & expenditure and financial audit Precept Annual Return Auditor's Annual Report	By request to the Parish Clerk By request to the Parish Clerk Notice boards and website Notice boards and website	£2.00 + copying charges
Actions	Parish Plan Neighbourhood Plan Chairman's & Committee's Annual Reports	Website Bradwell with Pattiswick Neighbourhood Plan - Adopted July 20219 – Neighbourhood planning – Braintree District Council Minutes on notice boards and website By request to the Parish Clerk	Free on website or £2.00 +copying charges £2.00 +copying charges
Decision making	Decision making processes and records of decisions Responses to consultation papers Responses to planning applications	Minutes available on notice boards and website Published in the minutes and Braintree District Council website	Free on website or £2.00 per set + copying charges
Policies & Procedures	All policies and procedures Emergency Plan	Available on website or by request to the Parish Clerk if hard copy required	Free on website or £2.00 + copying charges
Lists & Registers	Assets List Register of Members Interests	By request to the Parish Clerk Held by BDC or by request to the Parish Clerk	£2.00 +copying charges
Other	Playing Field - RoSPA Report Monthly playing field reports Retrieval over and above 5 hours	By request to the Parish Clerk Included in Minutes available on notice boards and website	£2.00 +copying charges £12.00 per hour

7. DEFINITION OF A VEXATIOUS REQUEST

A requester (and/or anyone acting on their behalf) may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria:

Persist in pursuing a request where the Council's Freedom of Information procedure has been fully implemented and exhausted.

Persistently change the substance of a request or continually raise new issues or seek to prolong contact by continually raising further requests or questions upon receipt of a response.

Are repeatedly unwilling to accept evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their request.

Regularly focus on a trivial matter to an extent which is out of proportion to its significance.

Using judgement of the Council based on the specific circumstances of each individual case, the requester has had an excessive number of contacts with the Council thereby placing unreasonable demands on the Clerk or members, the Council will use its discretion to determine the precise number of contacts applicable under this section.

Have harassed or been personally abusive or verbally aggressive towards staff or councillors dealing with the request whether this has been on a face to face contact, by telephone, written or at public meetings. All instances of harassment, abusive or verbally aggressive behaviour will be documented.

8. ENFORCEMENT

A person who has made a request for information may apply to the ICO for a decision as to whether the request has been dealt with by the arish Council according to the 2000 Act. In response, the ICO may serve a decision notice on the Council and applicant setting out any steps which the Council is required to take to comply with their duties (S.50 of the 2000 Act). The Commissioner also has the power to serve information notices and enforcement notices on the Council (S.51 and S.52 of the 2000 Act).

9. RELATIONSHIP

The 2000 act extends access rights set out under the 2018 Act (which incorporates the UK GDPR). A request by an individual for information about themselves will be exempt under the 2000 Act and will continue to be handled as a subject Access Request under the 2018 Act. In some circumstances such a

request may involve the release of associated third party information, in which case this information will be redacted.

Where an applicant specifically requests information about a third party, the request falls within the remit of the 2000 Act and the Council must apply the data protection principles when considering the disclosure of information relating to living individuals. The Council may not release third party information if to do so would mean breaching one of the principles of GDPR.
