

# TONBRIDGE & MALLING BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE

3 October 2022

### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1 - Public

#### Matters for recommendation to Council

### 1 FREEDOM OF INFORMATION – PUBLICATION SCHEME

#### Summary

**This report seeks the approval of Members to adopt an updated publication scheme under the Freedom of Information Act 2000**

#### 1.1 Background

- 1.1.1 The Freedom of Information Act 2000 created a general right of access to information held by public authorities. Under the Act, public authorities have a specific obligation to adopt and maintain a publication scheme which has been approved by the Information Commissioner (ICO) and make certain information available to the public as a matter of course through that scheme.
- 1.1.2 To assist public authorities in meeting this obligation the ICO has developed model publication schemes, which all public authorities are required to adopt. The scheme is available in 2 versions – one is designed for those public authorities that are only covered for certain information, and the other is for all other public authorities. The model scheme applicable to Tonbridge & Malling (the latter of the 2 versions) commits the Borough Council to publish certain classes of information. It also specifies how we should make the information available, what we can charge and what we need to tell the public about the scheme.
- 1.1.3 As with the current publication scheme, the updated scheme follows the model scheme published by the ICO in 2013. The model scheme has not been reviewed since. The Borough Council's scheme was updated after the publication of the model scheme in 2013 but has been recently updated to ensure that the information published under our scheme is accessible via our new website.

#### 1.2 The model scheme

- 1.2.1 The model scheme commits a public authority to proactively make the following seven classes of information available to the public –

- (a) Who the authority is and what it does;
  - (b) What the authority spends and how it spends it;
  - (c) What the authority's priorities are and how it is planning to meet these priorities;
  - (d) How the authority makes decisions;
  - (e) The authority's policies and procedures;
  - (f) Lists and registers the authority holds;
  - (g) The services the authority offers;
- 1.2.2 We are required to review and update the information contained within the scheme on a regular basis.
- 1.2.3 A revised publication scheme is attached as **Annex 1**. The substance of the scheme has not changed from the existing version. However, we have taken the opportunity to review the scheme to ensure that the website links remain current (following the launch of the new website) and also to carry out some general minor updating.

### **1.3 Legal Implications**

- 1.3.1 The Borough Council is required to adopt and maintain a publication scheme under section 19 of the Freedom of Information Act 2000.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 The Freedom of Information Act does not specify how much a public authority may charge for information published in accordance with a publication scheme. However, material that is published and accessed online under the model scheme must be provided free of charge.
- 1.4.2 Any charges that are levied must be published, indicating when we will charge and how much.

### **1.5 Risk Assessment**

- 1.5.1 Not applicable.

### **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

### **1.7 Policy Considerations**

1.7.1 Not applicable

**1.8 Recommendations**

1.8.1 It is **RECOMMENDED** that the updated publication scheme at **Annex 1** be adopted.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive