

MAGHERAFELT DISTRICT COUNCIL

PUBLICATION SCHEME

JANUARY 2003

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1. Background

Magherafelt District Council is a local government district council established under the Local Government Act (Northern Ireland) 1972 to administer a range of social, economic, cultural and environmental services to the local community.

As a public authority the Council is required under the Freedom of Information Act 2000 to adopt and maintain a Publication Scheme setting out classes of information it publishes/intends to publish and the charges it intends to make for this information.

Magherafelt District Council is committed to the highest standards of accountability and openness and this Publication Scheme has been prepared as guide to the types of information that the Council will routinely and proactively publish.

An individual's right to request information, including that which is not normally published by the Council, does not come into force until January 2005.

Overall responsibility for this publication scheme rests with the Chief Executive within Magherafelt District Council. Mrs F. Wilson, Personnel/Administrative Officer maintains the publication scheme on a day-to-day basis.

2. Notes on using the Publication Scheme

This Publication Scheme sets out the information that Magherafelt District Council will publish, how and when it will do so, and whether this information will be available free of charge or on payment. The classes of information to be published are set out under clearly defined headings in a manner which the Council believes is appropriate to the public interest.

Publication does not refer solely to printed material. Publication has been interpreted as broadly as possible to include electronic documents, information included on the website, minutes of meetings, reports and leaflets.

It is intended, as far as possible, to make material available on the Magherafelt District Council website on an ongoing basis (www.magherafelt.gov.uk)

3. Requesting information

The Council wishes to make it as easy as possible for individuals to access the information governed by this Publication Scheme. Accordingly the following means of requesting information are available.

Electronic requests

Although the Council has an operational website, which includes partial disclosure of information regarding Elected Members (refer to Classes of Information – page 9), the website has not yet been upgraded to accommodate requests for information governed by the Publication Scheme. However, electronic requests may be submitted via email to info@magherafelt.gov.uk. Such requests must clearly state “Freedom of Information Publication Scheme Request” in the subject bar of the email.

Postal requests

Applicants may submit requests in writing to:

Mrs F. Wilson
Personnel/Administrative Officer
Magherafelt District Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Again the request must clearly identify that the request is made in connection with the Council’s Publication Scheme.

In person

Alternatively individuals may, by prior arrangement, call at the Council Offices to either view or collect the relevant information. In such circumstances the applicant will be required to complete a “Freedom of Information Request”, the purpose of which will be to assist in the ongoing monitoring of the efficiency of the relevant administrative arrangements.

Prior arrangement will necessitate direct confirmation with Mrs F. Wilson, Personnel/Administrative Officer, by telephone of a mutually convenient time for the applicant to come to the Council Offices. Mrs Wilson may be contacted on (028) 7939 7979.

In all circumstances applicants are advised to consider carefully the available classes of information as detailed herein at page 9 before requesting information. Requests for information that is not covered by the class definitions within this Publication Scheme will, regrettably, be refused.

4. Charging and copyright issues

The Council has determined four categories for charging for information requested under this Scheme as follows:

1. Free of charge:

Information on the Council's website is categorised as free of charge, i.e. there is no charge by the Council although the applicant would have to meet any charges by their internet service provider, telephone charges, personal printing costs etc. However, for those without internet access, copies of specific information currently (at the date of receipt of the information request) published on the website will be available by post (see Photocopying and Administrative Costs).

This category also includes answering basic telephone queries, providing copies of free leaflets (postage and carriage costs may be additional) and inspection of reference materials at Council Offices (except where staff time is required to research, locate and explain such reference materials whereupon a charge may be levied in accordance with the Council's normal charging policy – see below).

2. Priced publications

Where the Council publishes books, reports, other bound documents, CD Roms, DVDs, videos or other media, which have been priced for sale, then this price will apply.

3. Photocopying and Administrative Costs

Certain requests for information will attract a charge for retrieval, photocopying, postage etc. In addition, where information is free of charge to view at the Council Offices or other locations but a standard photocopy or certified copy is requested a charge will be made.

Current charges are as follows:

Photocopies (per page):

1-10 copies	25p per copy (inc. VAT)
11-25 copies	20p per copy (inc. VAT)
26 copies plus	15p per copy (inc. VAT)

Certified copy charges (per page or part thereof):

£2.50 per copy

Administrative/retrieval time £20 per hour

Postage and packing at cost

A minimum charge of £10 will apply.

The Council will advise the applicant of any such charges at the time of the request.

The charges will be payable in advance.

With the exception of photocopying charges, requests made under the Freedom of Information Act are not subject to VAT. The Council has the discretion to waive any

charges, either in whole or in part, if it deems it appropriate. The Council's decision in such matters may be appealed in accordance with the procedures detailed at page 6.

No charges will be levied in circumstances where a request for information is refused.

Magherafelt District Council owns the copyright to the information it produces. Information must not be re-used, transmitted or reproduced electronically or otherwise, either in whole or in part, commercially or otherwise, without having first obtained prior written approval from the office of the Chief Executive.

Although this Publication Scheme is solely concerned with the publication of information already produced by the Council, should circumstances arise where the publication of the required material can only be done by specialists or other professionals at a charge to the Council, the Council will first supply the applicant with a written estimate of the cost of providing such information. Should the applicant wish to proceed with his request he will have to pay the specified cost in advance direct to the Council. The Council will then aim to provide the information within a reasonable period of time, an estimate of which will be advised to the applicant when he is being advised of the cost estimate.

5. Exempt Information

The Freedom of Information Act 2000, in order to protect confidential or other information where its disclosure may prejudice the interests of others, sets out a series of exemptions to the requirements to either confirm or deny the existence of such information and to communicate such information to individual applicants. Although these exemptions relate to requests under the legislation from individuals, the Council will apply the same criteria to the classes of information, which it intends to publish.

Therefore, in circumstances where the specified classes of information include material considered to contain exempt information as defined in Part II of the Act the Council shall not publish the exempt information. On such occasions the Council will outline which information has been withheld and explain what exemption has been applied and why.

By way of illustration the following categories of information are classified as exempt information under Part II of the Act:

1. Information supplied by, or relating to, bodies dealing with security matters
2. Investigations and proceedings conducted by public authorities
3. Information likely to prejudice law enforcement
4. Court records including records of tribunals and inquiries
5. Information likely to endanger the health and safety of any individual
6. Personal data or information
7. Information provided in confidence
8. Information in respect of which a claim to legal professional privilege could be maintained
9. Commercial interests and trade secrets

It should be noted that the above list is not exhaustive and the Council would refer users of this Publication Scheme to the Freedom of Information Act 2000 itself for definitive guidance regarding exempt information.

If, in response to a request for publication of information held under a specified class of information, the Council decides to not to publish what it considers to be exempt information included within that class, an applicant will only have recourse to the Information Commissioner for a review of the Council's decision subsequent to the commencement of the individual's right to information under the legislation in January 2005. In the meantime the applicant will have access to the Council's internal review procedures as detailed at page 6.

6. Complaints/Appeals/Review Procedure

The Council considers that there is potential for confusion between the following two types of applicant complaint:

1. The applicant feels that the Council has failed to comply with the provisions of this Publication Scheme; and
2. The applicant is dissatisfied with the Council's response to his request for information (under an individual's right to information) subsequent to January 2005.

If the complaint relates to a perceived failure of the Council to comply with the provisions of this Publication Scheme the complainant must submit his complaint in writing to the Chief Executive at the following address:

Mr J.A. McLaughlin
Chief Executive
Magherafelt District Council
50 Ballyronan Road
Magherafelt
BT45 6EN

The Chief Executive's ruling on such matters is final. It should also be noted that the legislative burden on the Council to respond to requests for information not later than the twentieth working day following the date of receipt of the request relates to an individual's rights under the legislation and not to Publication Schemes per se. The Council shall, in publishing information under this Scheme, seek to satisfy the public interest by being as responsive as possible, i.e. within 10 working days following receipt of the request. However, circumstances may dictate that an immediate response is not practical and in such circumstances the Council will advise the applicant of the reasons for the delay and give an indication as to when the information will be available.

If, alternatively, an applicant (under his right to information effective subsequent to January 2005) is dissatisfied with the response from the Council to a request for information or a response from the Council for requested information is not received within the period prescribed by the legislation, i.e. 20 working days (refer to section 10, Freedom of Information Act 2000), the applicant may proceed to a two-stage review process:

Stage 1 - Internal Review

An **internal** review must normally be completed before an appeal may be made to the Information Commissioner for an **independent** review.

An internal review should be sought through the office of the Chief Executive of the Council. Such requests should be submitted in writing to:

Mr J.A. McLaughlin
Chief Executive
Magherafelt District Council
50 Ballyronan Road
Magherafelt
BT45 6EN

The request for an internal review must identify the name and address of the applicant and provide details of both their original request and the reasons why the applicant was dissatisfied with the Council's response.

A member of staff who was not involved with the original request will undertake the review.

Stage 2 - Independent Review

If the applicant remains dissatisfied, he/she can seek an independent review from the Information Commissioner. Requests for a review by the Information Commissioner should be made in writing directly to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: (01625) 545 700
Fax: (01625) 545 510

7. Categorisation of Classes Information

Magherafelt District Council intends to publish information with reference to a number of classes. Each class of information will detail the type of information that will be made available there under together with the related publication charges. The Scheme will also identify relevant publications, where appropriate, and comment on their accessibility and cost.

Some information held by the Council may be derived from documents or data sources considered to contain exempt information (refer to page 5). In such cases the exempt information will not be published.

The classes of information relevant to Magherafelt District Council are as follows:

1. Organisational Structure
2. Elected Members
3. District and Regional Rates
4. Service Information and Complaints Procedure
5. Council and Sub-committee Minutes
6. Equality Agenda

8. Classes of Information

1. Organisational Structure (Subject to photocopying charges plus postage)

This class of information relates to the Council's management structure and details both the departmental and committee structures within the Council. Within the departmental structure key management staff (Chief Executive and Directors) are named. The committee structure identifies the Council's standing committees and details the relevant memberships. (Some of the information in this class is derived from documents considered to contain exempt information (refer to page 5 above). Exempt information relating to personal information will not be published.)

This information is available in paper copy.

2. Elected Members (Subject to photocopying charges plus postage)

This class of information relates to the Council's elected Members. It provides details of Councillors – name, political party, electoral ward in which elected, membership of subcommittees and bodies nominated to by the Council. Also included is the (currently adopted) Code of Conduct for Councillors. (Some of the information in this class is derived from documents considered to contain exempt information (refer to page 5 above). Exempt information relating to personal information will not be published.)

This information is available in paper copy. A subset of this information, i.e. Councillors' names, political parties and electoral ward in which elected is accessible via the Council's website, www.magherafelt.gov.uk, although the website itself has yet to be upgraded to include a reference to this Publication Scheme.

3. District and Regional Rates (Free of charge)

This class of information relates to:

- The absolute District Rates figure struck by Magherafelt District Council in respect of domestic and non-domestic properties in respect of the current financial year;
- The absolute Regional Rate figure struck by DRD for the current financial year.

(Some of the information in this class is derived from documents considered to contain exempt information (refer to page 5 above). Exempt information relating to information provided in confidence, legal professional privilege and commercial interests will not be published.)

This information is available in paper copy.

4. Service Information and Complaints Procedure (Free of Charge)

This class of information provides details of the Council's facilities and departments. The Council publishes an information leaflet, which provides the following information:

- Names and telephone numbers of Council facilities and departments;

- Contact names for each facility or department;
- Brief details of services delivered by each department; and
- Details of the Council's complaints procedure.

This information is available in paper copy. A subset of this information, i.e. contact names for each facility or department and brief details of services delivered by each department is accessible via the Council's website, www.magherafelt.gov.uk, although the website itself has yet to be upgraded to include a reference to this Publication Scheme.

5. Council and Sub-committee Minutes

(Subject to photocopying charges plus postage)

This class of information provides details of the Council's decision-making process as recorded in the minutes of full Council meetings.

(Some of the information in this class is derived from documents considered to contain exempt information (refer to page 5 above). Exempt information relating to personal information, law enforcement, court records etc., information which may be prejudicial to effective conduct of public affairs, environmental information (reference section 39 Freedom of Information Act 2000), information provided in confidence, legal professional privilege, commercial interests and information disclosure of which is prohibited by any of the factors detailed at section 44 Freedom of Information Act 2000 will not be published.)

Notes to the class:

Council decisions are documented in the minutes of Council meetings. Decisions taken at Council sub committee meetings are also documented in relevant minutes. However, minutes relating to sub committee meetings are ratified and decisions recorded therein are adopted at full Council meetings.

This information is available in paper copy.

6. Equality Agenda (Subject to photocopying charges plus postage)

This class of information relates to the Council's Equality Scheme as required by Section 75 of the Northern Ireland Act 1998. The Council publishes its Approved Scheme.

This information is available in paper copy.