

Cabinet

08th December 2008

INFORMATION RIGHTS A CORPORATE APPROACH TO MEETING REQUIREMENTS

Report of the Head of Information Governance

1. Purpose of the Report

To inform Cabinet of the Council's handling of the increasing number of access to information requests and seek approval to proposed changes to related policy documents to meet statutory deadlines. The changes will also help people access the information they require as quickly as possible and ensure that they get the best possible service. The report also asks for the Monitoring Officer to be authorised in consultation to make any essential, operational, non-policy related, changes.

2. Recommendations

- 2.1 Cabinet is recommended to:
 - a) Consider and agree as Council policy the revised Access to Information Policy (3.18 and Appendix A) to take immediate effect;
 - b) Consider and agree the proposed changes to the Council's Access to Information Charging Policy (3.22 and Appendix B) to take immediate effect:
 - c) Adopt the Information Commissioner's model Publication Scheme, as adapted and encourage the pro-active publication of non-personal information on the Council's web site (3.25, 3.29 and Appendix C) with effect from 01st January 2009;
 - d) Consider and agree the use of the Publication Scheme as the Information Asset Register with effect from 01st January 2009 and the Council considering applications for the commercial re-use of its information (3.33 and 3.34) to take immediate effect;
 - e) Delegate power to the Monitoring Officer to approve any essential, future operational, non-policy related changes to these documents in consultation with the Cabinet Link member (3.18, 3.22 and 3.28) with immediate effect.

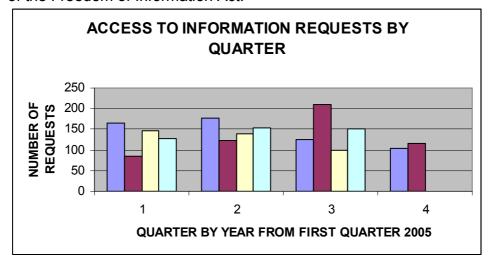
3. REPORT

3.1 CURRENT WORKLOAD

- 3.2 Statutory Public Rights of Access to Information held by Public authorities were considerably enhanced on 01st January 2005 by the introduction of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Changes were also made at this time to the Data Protection Act 1998, principally through the Freedom of Information Act.
- 3.3 The result of this legislative change was to introduce either new obligations on the Council or broaden considerably those already in place. No additional resources were provided to meet these new obligations by Central Government. This limited the Council's ability to respond to them.
- 3.4 The number of requests made under the Freedom of Information and Environmental Information legislation the Council has received by year is:

2005	524
2006	589
2007	588
2008 (to date – 9 monthly figure as at 30 th	September) 355

3.5 The following graph gives a picture of the quarterly request levels for the life of the Freedom of Information Act:

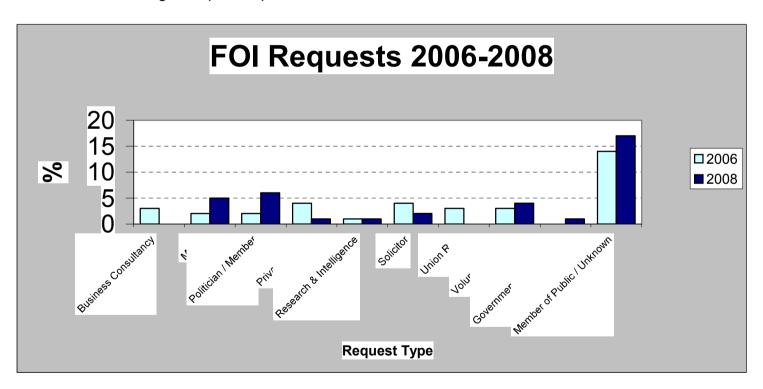


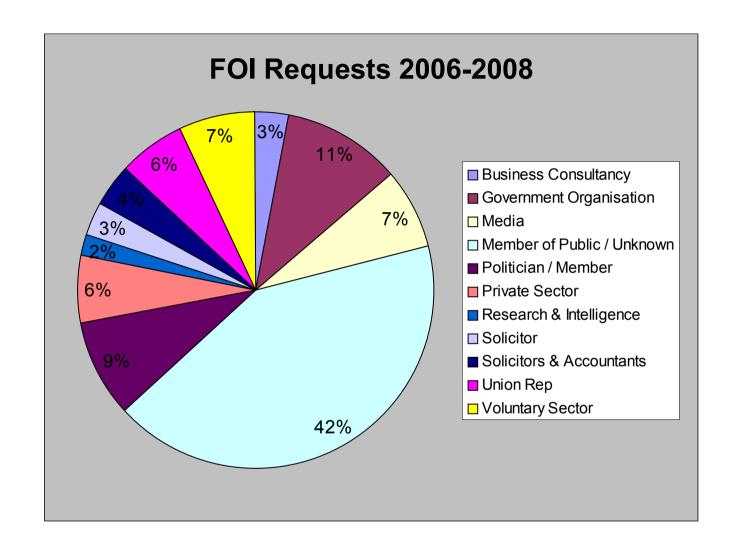
- 3.6 Most other councils are experiencing an upturn of some 30 40% in requests made under these three pieces of legislation. Council figures for 2008 show a down turn, but figures do show that the number of requests can vary from month to month with yearly totals remaining the same by totals of requests for the same month in different years varying considerably. Each request can also contain requests for a number of different pieces of disparate information 70% of requests ask for 3 or more pieces of information.
- 3.7 This downturn does not mean the level of work associated with the legislation has decreased. Requests are more complex and focused as people understand and exploit the legislation and their rights. Requests are also

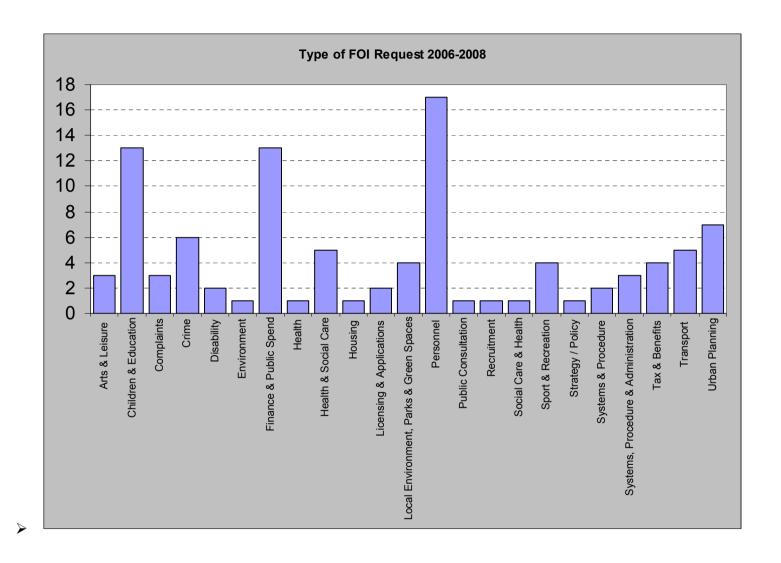
increasing from areas with an interest in obtaining specific information for example the media, lawyers, political groups and organisations who tender for Council services.

General points to be made:

- > Charts based on a random sample of FOI requests.
- > The majority of requests listed as from 'Government Organisations' are from LCC employees making requests about Job Evaluation. This accounted for a huge rise in requests during November 2007.
- > The amount of requests from either members of the public or from people who are not identified in the request makes up almost 50% of all requests.
- > The majority of media requests relate to children and young people. The other main category of requests are about how LCC manages its public spend.







- 3.8 The Council has to date adopted the approach of:
 - Meeting its legal obligations;
 - (ii) Devolving request handling and reply to departments;
 - (iii) Providing the training needed to staff; and
 - (iv) Resourcing delivery of the service at levels based on initial estimates before the legislation came into effect. This will be considered as part of the review described at 3.11.
- 3.9 The central team, the Information Governance Group, is responsible for:
 - (i) Setting corporate policy and producing corporate guidance;
 - (ii) Advising departmental co-ordinators and elected members;
 - (iii) Liaising with statutory oversight bodies such as the Information Commissioner and the Office of Surveillance Commissioners;
 - (iv) Undertaking compliance audits, as agreed with departments, and producing the annual information governance statement;
 - (v) Maintaining corporate registers such as the Freedom of Information Publication Scheme and the Data Protection Act Notifications.

The team is reliant upon departmental co-operation to achieve the above. It is not empowered to enforce delivery. Similarly, staff training was specifically excluded from the team's remit.

- 3.10 Departments are responsible for
 - (i) Processing information in accordance with statutory obligations and corporate standards, for example answering information requests or collecting information from the public;
 - (ii) Training staff to the levels needed for them to undertake their roles competently and confidently; and
 - (iii) The timely provision of information needed to maintain the corporate registers to the central unit.
- 3.11 Current operational processes have been in place since the introduction of the Freedom of Information Act 2000 and Environmental Information Regulations 2004 on 01st January 2005. Corporate Directors' Board intends to review these processes and ensure that the Council is still best positioned to meet its legal obligations. The Board will ask the Delivering Excellence team to review activities and recommend improvements.
- 3.12 The objectives of the changes are not just to meet legislative obligations, but to ensure that people receive the information they require as quickly and efficiently as possible. By improving the Publication Scheme applicants will be able to access information they require immediately on line or more quickly on request. This will also help reduce staff time in answering requests because they will no longer have to find, review and disclose information just tell the applicant where it is.

- 3.13 The improved Publication Scheme should also reduce the number of requests received. Although request levels remain constant over a year the number of items of information asked for within each request is increasing. By making the information required immediately available through the internet it is expected that this will reduce this type of request.
- 3.14 Similarly the changes to the Charging Scheme will help to ensure requests are focussed on what is required and have some purpose to them, rather than general broad requests that can be received in the hope of finding something of interest. This will mean requests can be answered more speedily because the volume of information to be collected, reviewed and despatched is reduced, which in itself will reduce the time spent by officers. There will be some offset of Officer time savings in providing the advice and assistance to help requesters focus their requests, but experience shows this rarely takes more than two very high level e-mails or letters.

3.15 ACCESS TO INFORMATION POLICY

- 3.16 The Council produced an Access to Information Policy in 2004 to cover Access to Information under these three pieces of legislation access to information under other rights, such as elected members Access to Information rights, fall outside of this Policy.
- 3.17 It has become apparent that a firmer central control in ensuring the effective management of Access to Information under the three pieces of legislation (the Data Protection Act, the Freedom of Information Act and the Environmental Information Regulations) would prove beneficial. A revised Access to Information policy is attached at Appendix A that covers this and reinforces the need for effective training.
- 3.18 It is recommended that the revised policy replaces the existing policy with immediate effect. To enable non-policy operational changes to be made when they are needed, it is further recommended that the Monitoring Officer be authorised in consultation with the Cabinet Link to make any essential, non-policy, operational changes.

3.19 CHARGING POLICY

- 3.20 The Council has a variety of re-charge options under each piece of legislation. Current policy, agreed by Cabinet in 2005, is:
 - 1. **Data Protection Act.** Free of charge;
 - 2. **Freedom of Information Act.** Apply maximum rates in all cases. Do not enforce the cut-off there is a £450 ceiling (based on disbursements such as photo-copying and postage charges and a flat rate £25 an hour for staff time spent in certain activities such as locating information and preparing it for release) which if breached allows the Council to refuse to answer the request.

- 3. **Environmental Information Regulations.** Charge as if it were a FOIA request.
- 3.21 The Council cannot recover its full costs in meeting its obligations. Use of maximum fees will recover some costs for all legislation and oblige requesters to focus more closely on Freedom of Information request requirements if a request is to be answered. The Information Governance Group recommends:
 - Data Protection Act. Raise maximum charges on all requests currently £10 a request;
 - 2. **Freedom of Information Act.** Continue to charge for disbursements for requests estimated to be under the £450 ceiling. Do not answer those estimated to be in excess of £450:
 - 3. **Environmental Information Regulations.** Apply full costs, which are disbursements and a basic £25 an hour for all work involved in locating the information and formatting the response. This does not include time taken to consider legal issues or undertake a Public Interest Test.
- 3.22 A revised Access to Information Charging Policy is attached at Appendix B and it is recommended that this be considered and adopted for use within the Council. To enable non-policy operational changes to be made when they are needed, it is further recommended that the Monitoring Officer be authorised in consultation with the Cabinet Link to make non-policy, operational changes.

3.23 PUBLICATION SCHEME

- 3.24 The Council's existing Publication Scheme expires on 31st December and a new approved Model Scheme must be published on the internet and available in hard copy by then. The Commissioner produced a new model scheme for Local Government for the first time in June of this year. Adoption of this scheme is mandatory, although there is some flexibility in the Council receipt of requests and the information included in its Scheme.
- 3.25 The Model Scheme is built around classes (types) of information published on the Council's web site and the proposed Scheme reflects this. The Commissioner's Freedom of Information Best Practice Unit has confirmed that Including a class of information in the Scheme does not mean all the information that the Council holds that falls in that class has to be made immediately available, just that on the web site. All other, non-published information is subject to the standard access regime and exemptions can be applied where relevant. A draft Publication Scheme has been produced and can be found at Appendix C. It is recommended that this new Scheme be adopted by the Council with effect from 01st January 2009.

- 3.26 Use of the Publication Scheme is a key part of reducing Freedom of Information and Environmental Information Regulation workloads. Information in the Scheme which is published on the Council's internet site is considered to have been placed in the public domain and therefore already accessible to the requester. This information is subject to an absolute exemption under the Act and does not have to be released in response to an access request. The only obligation is to tell the requester where to find the information.
- 3.27 Some information in the Scheme may not be published on the Internet but be obtainable on request. This information also falls outside the legislation and all the Council has to do is supply it when requested in accordance with the Scheme.
- 3.28 Because the Commissioner no longer needs to approve a Scheme as was the case in the past, the model Scheme enables Public Authorities to change Schemes easily and quickly. To gain the best operational advantages from this approach it is recommended that the Council's Monitoring Officer be authorised in consultation with the Cabinet Link to make any essential, nonpolicy, operational changes.
- 3.29 It is further recommended that Officers be encouraged to place as much non-personal information as possible on the site with immediate effect. This is an obligation under the Environmental Information Regulations and would show benefits for the Freedom of Information Act. It is not considered a viable option for personal data as defined by the Data Protection Act.

3.30 RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005

- 3.31 These Regulations enact an EU Directive and require the Council to consider making its information available for commercial re-use by other organisations. By 31st December 2008 the Council must have:
 - A register detailing the types of information it makes available for commercial re-use, either for the requester's own use or for re-sale the Information Asset Register;
 - 2 Stopped any re-use agreement that restricts universal availability of information for re-use. Departments have said none exist;
 - Published terms and conditions, and associated fees, for re-use for different purposes. Model contracts exist which could be adapted quickly; and
 - A complaints procedure in place for anyone who wants to re-use information the Council will not make available.
- 3.32 Following previous consideration of the Regulations the Council decided not to make any information available for commercial re-use and a statement to this effect is on the Council's web-site. This is legally

- acceptable, but has been criticised most recently in the Guardian's technology pages (24th July 2008).
- 3.33 It is recommended that the Council considers requests for re-use with immediate effect and agrees to re-use where appropriate, for example where another organisation agrees to meet all or part of the Council costs in producing information. The Head of Information Governance, in consultation with departments, will consider and decide upon all requests for commercial re-use made to the Council to ensure legislative obligations are met and a consistent approach is employed.
- 3.34 Where such requests are granted it is further recommended that the Publication Scheme be updated to reflect this with effect from 01st January 2009 it effectively becomes the Information Asset Register. This avoids undertaking a full valuation of the Council's information assets, but means the Council is not turning away financially viable requests for re-use that could go someway to recoup the costs of producing the information.
- 3.35 The Head of Information Governance will agree terms and conditions of contract to cover a variety of commercial re-use situations perpetual use, single re-use, limited re-use (eg for a specified purpose or a number of times) in consultation with the Council's lawyers. The Office of Public Sector Information has produced model terms and conditions that will form the basis of these Terms and Conditions.

4. FINANCIAL IMPLICATIONS

4.1 The requirement to respond to Information requests cannot be met without the appropriate staffing capacity to do so. The optimum way of achieving this is currently under consideration and it is anticipated that this will be delivered through the re-alignment of existing resources in some way and that no net growth item will be needed.

(Andy Morley, Head of Finance, Resources Dept – Ext. 297404)

5. LEGAL IMPLICATIONS

5.1 All covered within the report.

(Peter Nicholls, Head of Legal Services – Ext. 296302)

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	NO	·
Policy	YES	The report sets out recommendations to improve Council performance in meeting of its legal obligations.
Sustainable and Environmental	NO	

Crime and Disorder	NO	
Human Rights Act	NO	
Elderly/People on Low Income	NO	

7. RISK ASSESSMENT

7.1 Adoption of the proposed recommendations will help to ensure that the Council improves its management of risk involved in these areas.

8. BACKGROUND PAPERS

8.1 None

9. CONSULTATION

9.1 Corporate Directors' Board; Resources Departmental Management Team and the Corporate Information Governance Group.

10. REPORT AUTHOR

Ed Smith Ext: 7605

Email: ed.smith@leicester.gov.uk

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

APPENDIX A

Access to Information Policy Statement

1. Introduction

To provide the best services to its customers Leicester City Council must make effective use of the information it holds and must share relevant information with its partners. The Council recognises that holding and using this information brings with it responsibilities, in particular the need to maintain the confidentiality, integrity and availability of the information and to use and store it in accordance with relevant legislation and standards.

As part of this the Council supports the statutory framework for responding to requests for information under Access to Information legislation including the Data Protection Act 1998, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Re-use of Public Sector Information Regulations 2005. Under this legislation there is a requirement to ensure that a level of openness is maintained and enhanced to promote transparent, open and accountable Local Government.

2. Aims

The aims of this policy are to

- (1) Assist staff to meet the presumption in favour of disclosure of information required by the legislation thereby promoting greater openness, provide increased transparency of decision making and to build public trust and confidence:
- (2) Ensure all legal obligations on the Council are met those surrounding including confidentiality of information relating to such areas as personal privacy, commercial sensitivity, security issues, and where disclosure would not be in the public interest.

This policy replaces the Data Protection and Freedom of Information policies adopted previously by the Council.

3. Scope

This policy applies to all requests for information made to Leicester City Council whether written or verbal to ensure requests are managed in accordance with professional principles, and within the timescales required by specified legislation and codes of practice.

This Policy, and related Standards and Procedures, apply to all employees of the Council, including elected members, contract, agency and other temporary staff, volunteers and employees of partner organisations working for the Council, guests and any other third parties. It is the responsibility of managers to ensure that these groups are made aware of them and any subsequent guidance that is issued.

Elected members' right of access to information when acting as a Member of the Council are detailed in the Council's Constitution's Access to Information Procedure Rules (Part 4 Section B) and Political Conventions (Part 5 Sections 1 and 2). Outside of this, elected members have the same rights as the person in the street.

4. Policy Statement

Leicester City Council is committed to an access to information framework that ensures:

- 4.1 All requests for information are dealt with promptly and within statutory timescales:
- 4.2 Advice and assistance is offered to help any enquirer frame their request so that they receive the information they require;
- 4.3 Requests are assessed to ensure the confidentiality of personal or commercially sensitive data is not breached, disclosure is in the public interest and provision of the information is not prejudicial to provision of essential Council Services:
- 4.4 Information is withheld if a legitimate exemption applies and the application of the exemption is explained to the enquirer;
- 4.5 All enquirers are kept informed of the progress of their request and of any delays to which it may be subject;
- 4.6 A full and proper risk management process is in place at all times;
- 4.7 Assistance is offered to any enquirer to help them understand the information they receive;
- 4.8 All enquirers are advised of their rights to question the information received and know what has not been provided and why;
- 4.9 All enquirers are advised of their right to take any appeal or complaint to an internal review process (where appropriate) or to the Information Commissioner, if they are dissatisfied with the service received or the information provided;
- 4.9 The majority of information which can be made publicly available is published to the Leicester City Council website;
- 4.10 All requests are monitored and performance indicators made available to demonstrate compliance with the legislation;
- 4.11 All staff are provided with suitable training, guidance and procedures to enable them to manage requests for information;
- 4.12 Charges are raised in accordance with Council policies;

- 4.13 Appropriate terms and conditions of re-use for commercial or re-sale purposes of any of the Council's information are entered into;
- 4.14 The Head of Information Governance is responsible for the management and monitoring of all requests for information made under the legislation;
- 4.15 The Head of Information Governance is responsible for ensuring the access to information process is regularly audited to ensure compliance with statutory requirements, and that relevant national codes of practice are followed.

5. Monitor and Review

This policy is the responsibility of the Head of Information Governance and shall be reviewed annually in line with the then relevant legislation by the Information Governance Group (the corporate forum which takes forward the Council's agreed and approved vision and structure for information governance). In particular this will confirm that:

- 5.1 The scope and content of the policy is still appropriate in the light of legal requirements and the Council's practical experience
- 5.2 Training and awareness is being provided in accordance with the policy
- 5.3 All Officers and Members are aware of their responsibilities and requests for information are being answered within the statutory timescales applicable under the Data Protection Act 1998, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Re-use of Public Sector Information Regulations 2005.
- 5.4 Should it be discovered that this Policy has not been complied with, or if an intentional breach of these standards has taken place, the Chief Executive, in consultation with senior management, shall have full authority to take such immediate steps as considered necessary, including disciplinary action.

Footnote

This policy and related standards will be communicated to individuals or organisations handling information, acting as an agent, or providing a service on behalf of the Council to ensure they are aware of their legal obligations and responsibilities. For enquiries relating to this policy, contact:

Head of Information Governance

Legal Services

Tel 0116 252 7605

Email: ed.smith@leicester.gov.uk

5. Revision Control

Version	Status	Author(s)	Description and Approvals	Date
				Produced
0.1	Draft	Ed Smith	Initial Draft – CDB	06 Oct 08
0.2	FINAL	Ed Smith	Changes from CDB	22 Oct 08

APPENDIX B ACCESS TO INFORMATION CHARGING POLICY

1 SCOPE

This Policy covers the charges the Authority makes for access to:

- Personal information under the Data Protection Act 1998; and
- Non- personal information under the Freedom of Information Act 2000 and the Environmental Information Act 2004.

2 EXEMPTIONS

There are no exemptions from this policy.

3 CHARGES

Charges will be levied at the rates defined in Appendix A to this policy. All charges must be paid in advance. No work will be undertaken until the requisite fee is paid.

4 COMPLAINTS

Complaints about any charges levied under this policy should be made in writing and addressed to:

Head of Information Governance;

Legal Services

Leicester City Council

New Walk Centre

LEICESTER LE1 6ZG

If the applicant is still unhappy following the appeal decision they should be advised to write to:

The Office of the Information Commissioner

Wycliffe House

Water Lane

WILMSLOW

Cheshire SK9 5AF

5 REVIEW

The Head of Information Governance will review this policy annually as the need arises.

Ed Smith Head of Information Governance Legal Services 06th October 2008

APPENDIX A APPLICABLE FEES

A. FREEDOM OF INFORMATION ACT 2000

1. The Council will charge for answering any request for information made under the legislation except that no charge will be made for a value of less than £5.75. All charges will be communicated in writing to the applicant through a **fees notice**.

The Authority will not take into account any cost other than those set out in the Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations). In particular, it will **not** take into account:

- Time taken to check a request meets the Act's requirements;
- Considering if the requested information should be withheld because of an exemption;
- Considering whether a request is vexatious or repeated;
- Obtaining authorisation to send out the information;
- The time taken to calculate any fee charged, including any costs associated with producing and serving a fees notice; or
- Providing advice and assistance under the Act.

2. Fees Notice

The applicant will be sent a fees notice detailing the estimated costs of meeting the request as soon as possible, but within three working days of receiving the request. The 20 working days clock will stop ticking when the fees notice is issued and restart when payment is received - if a cheque this means cleared.

No further work need be undertaken until full payment has been received. On receipt a cheque must be passed immediately to Financial Services for clearance. Unless advised to the contrary the co-ordinating officer should assume the cheque is cleared after four working days.

If full payment is not received within three months of the date that the fees notice is issued the request should be closed. Any subsequent request should be treated as a new request.

If the cost of finding the requested information is:

1. Below the £450 limit

The only charge will be for the **Disbursements** (see below for relevant charges) involved in answering the request. **No** charge can be made for staff time taken in finding or supplying the information.

2. Over the £450 limit

Any request that will cost more than £450 will be refused as allowed by legislation. The Council will work with requesters in these cases to reduce costs, but will not undertake any work where the £450 ceiling is breached.

3. Working out the £450 limit

This is an estimate of the staff time needed to do any or all of the following when answering the request and includes:

- Determining if the Authority holds the requested information;
- Locating the information or a document that contains the information;
- Retrieving the information or a document that contains the information; and
- Extracting the information from a document containing it.

4. Disbursements

These are the costs incurred in:

- Complying with the request for information in a specific format (eg summary, inspection, etc);
- Reproducing any document; and
- Postage and other forms of transmission e.g. fax.

Charge rates are:

DISBURSEMENT	CHARGE
Complying with any obligation	Charged at cost. Time spent putting the
under the Act when communicating	Information in the requested format,
the information, for example	summarising the information or
putting the information in a specific	supervising an inspection of the
format	information is charged at £25 and hour.
Photo-copying	10p per impression, regardless of paper
	Staff time involved is not chargeable
Postage and other forms of	Charged at cost.
Transmission eg fax	Staff time involved is not chargeable.

5. Summary Inspection

Where the applicant asks to see the information, but does not want a copy of it no charge will be made. The applicant must not be left alone with the information. Staff charges for accompanying the applicant while the information is inspected will be charged at £25 an hour. Photo-copying charges will be at the specified disbursement rate.

6. Aggregated Requests

The costs of answering more than one request can be added together (or **aggregated**) for the purpose of estimating if the threshold will be exceeded where they:

- Are either from the same person or from different persons who appear to be acting in concert or in pursuance of a campaign; and
- Relate to the same or similar information; and
- Have been received within a space of 60 consecutive working days.

7. The Charge

Each request will be charged at the average of the costs for answering all requests. In case where a request has been made and paid for and subsequent requests are made then costs will not be so averaged.

8. Publication Scheme

All applicable charges to access information included in the Publication Scheme must be included in the Scheme. This will be:

- 1 As defined by legislation;
- In line with existing charging practice for information provided before 01 January 2003; or
- 3 At cost.

Where applicable, legislative charges will take precedence followed by existing charging practice. Any requested information that is not in the Scheme will be included in the Scheme at the next review. Any relevant charges will be identified in the Scheme at this point.

9. Copyright

The Copyright, Designs and Patents Act 1988 allows copyright information to be reused without the user obtaining formal consent from the copyright holder for:

- Research for non-commercial purposes;
- Private study; or
- News reporting and review

If the applicant wants to reuse the information for other purposes, for example commercial purposes, s/he needs permission from the copyright holder and should be advised to contact the holder direct.

B. ENVIRONMENTAL INFORMATION REGULATIONS 2004

1. All requests will be charged as for the Freedom of Information Act with the exception that full charges will be made at all times when the initial £5.75 trading limit is breached.

C. DATA PROTECTION ACT 1998

1. All requests will be charged at £10 as permitted by law, except where this is specifically stated to the contrary where the applicant will be notified of the then applicable cost.

D. VALUE ADDED TAX

1. If the requested information is available from another non-Public Authority source than Value Added Tax is chargeable. In all other cases Value Added Tax is **not** chargeable.

E. MIXED REQUESTS

1. Requests may be made for access to information under more than one of the above pieces of legislation. Charges will be raised as applicable for each applicable piece of legislation.

ED SMITH

HEAD OF INFORMATION GOVERNANCE LEGAL SERVICES 06th OCTOBER 2008

APPENDIX C

LEICESTER CITY COUNCIL ACCESS TO INFORMATION FREEDOM OF INFIORMATION ACT 2000 ENVIRONMENTAL INFORMATION REGULATIONS 2004 RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005 PUBLICATION SCHEME

1 INTRODUCTION

This Publication Scheme is prepared in accordance with the Information Commissioner's approved standard Model Scheme that can be found on the Commissioner's web-site at:

http://www.ico.gov.uk/what_we_cover/freedom_of_information/publication_sche mes.aspx

The Council's Scheme contains details of the information the Council has committed to make available to the public as part of its normal business activities. The Council will:

- Proactively publish or otherwise make available through this Scheme as a matter of routine, information, including environmental information, which it holds and which falls within the classifications below.
- Specify the information it holds which falls within the classifications below.
- Proactively publish or otherwise make available through this Scheme as a matter of routine, information in line with the statements contained within this scheme.
- Produce and publish through this Scheme the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- Review and update on a regular basis the information it makes available under this scheme.
- Produce a schedule of any fees charged for access to information which is made proactively available – the Council's Access to Information Charging Policy.
- Make this publication scheme available to the public.

The Council does not make all of its information available under the Scheme, only that it publishes on its Internet site. If you require access to any other information you believe the Council holds you should apply in writing or by e-mail stating what information you require and giving a correspondence address to:

1. E-mail:

foia@leicester.gov.uk

2. In writing:

Information Governance (Legal)
Resources Department
Leicester City Council
B4.06
New Walk Centre
Welford Place
LEICESTER LE1 6ZG

Requests for information made outside of access through this Scheme will be handled under the appropriate legislation and exemptions and/or charges may apply.

HOW WILL THE COUNCIL MAKE INFORMATION PUBLISHED UNDER THE SCHEME AVAILABLE?

Information will be provided on the Council's website: www.leicester.gov.uk

Where it is impractical to make information available on a website or where you can not access the information by the website, for example because of a disability, you should ask the Council to provide you with a copy using the Access to Information Request procedure detailed later in this section.

In exceptional circumstances some information may be available only by viewing in person. Where this applies, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the Council is legally required to translate any information it will do so on request.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

HOW MUCH DOES IT COST TO ACCESS THE INFORMATION?

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to you. The Council does not generally charge for electronic access to this information, for example if you download it from its website, but it may do so where information is subject to a charging regime specified by Parliament, for example the Re-use of Public Sector Information Regulations, or if you want a copy of the information in a different format, for example on paper, there may also be a charge. Charges made by the Council for routinely published material are detailed in the Council's Access to Information Charging Policy:

http://www.leicester.gov.uk/your-council--services/council-and-democracy/data-protection-and-foi/freedom-of-information

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information

DOES THE COUNCIL HAVE TO SUPPLY ME WITH ANYTHING I ASK FOR?

The straight answer to this is "No, it doesn't". It only has to provide what it is required to make available by the legislation, however it does make a lot more information available than this and does try to be as transparent and open as it reasonably can. Even so information may not be available for a variety of reasons for example, the law prohibits the Council from making it available, the Council does not hold it or it has been disposed of or deleted.

A lot of information the Council produces is only needed for a limited period. It costs a lot to keep information once it is no longer needed. The Council will destroy information it no longer needs in accordance with its Records Retention and Disposal Policy, details of which are in the Scheme. The only exception to this is information required by the County Archivist. Details of this information can be obtained from the Public Records Office, Wigston.

CAN I USE THE INFORMATION AS I WISH?

Again the short answer is "No, you can't". Information provided under the legislation is for your own personal use only. It is not made available for commercial use or selling on to other organisations - it may be subject to copyright, either the Council's or a third party. Just because it is published on the Council's web-site or available under the legislation it does not mean the Council or the third party has waived its copyright. If you want to re-use information for a specific commercial purpose you should write to the Head of Information Governance stating what information you want to re-use and what it will be used for. Your request will then be considered in accordance with the Re-use of Public Sector Information Regulations.

Types of information the Council is prepared to consider a request for are indicated by a "Y" in the third column of the Scheme. Those the Council will not consider for re-use are indicated by an "N". Complaints/appeals concerning the Council's decision in the matter of re-use requests should be made in accordance with the Council's Access to Information Complaints policy, and details can be obtained from the same place as details for its Access to Information Charging Policy.

INFORMATION NOT COVERED BY THE SCHEME

Information held by the Council that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act or the Environmental Information Regulations. The legislation does not entitle you to copies of the documentation holding the information. It requires the Council to communicate the information to the person requesting it.

Not all the information the Council produces is detailed in the Scheme. The scheme contains details of the information the Council makes generally available. If you cannot find the information you are looking for in the Scheme or

on the Council's Internet site, you may ask for any other information the Council holds. Details of how to obtain copies of this information can be obtained from: http://www.leicester.gov.uk/your-council--services/council-and-democracy/dataprotection-and-foi/freedom-of-information

WHO DO I CONTACT ABOUT THE SCHEME?

The Council Officer responsible for the Scheme is the Head of Information Governance, who is also the Council's Freedom of Information Officer. Contact details are:

Freedom of Information Officer Information Governance Leicester City Council **New Walk Centre** Welford Place LEICESTER LE1 6ZG

Alternatively you can either request the information by e-mail to the following address:

FOIA@leicester.gov.uk

As a further alternative, you can send a facsimile to 0116 252 7936

WHAT HAPPENS IF I AM UNHAPPY WITH THE SERVICE I RECEIVE?

The legislation requires the Council to maintain a complaints system specifically for the purposes of the legislation. This is separate to the Council's corporate complaints system and details can be obtained from:

http://www.leicester.gov.uk/your-council--services/council-and-democracy/dataprotection-and-foi/freedom-of-information

If you are still dissatisfied after this you should write to the Information Commissioner at:

FOI/EIR Complaints Resolution Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

TYPES OF INFORMATION THE COUNCIL MAKES AVAILABLE

All of this information can be accessed through the Council's web-site at:

www.leicester.gov.uk

If you are viewing the scheme electronically, you can access the information you require through CTRL and click, which will then follow the link.

INFORMATION CLASS	DESCRIPTION	REUSE? Y/N
ADVICE & BENEFITS	Asylum and Immigration	1/11
ADVIOL & DEIGHT 110	Benefits	
	Births	
	Community Advice	
	Council Departments	
	Council Tax	
	Data Protection and Freedom of	
	Information	
	Deaths, Funerals & Cremations	
	Domestic Violence	
	Emergencies	
	Employment Advice & Support	
	Grants	
	Health & Medical Advice	
	Housing Advice	
	Housing Finance	
	Legal Advice	
	Licences & Street Trading	
	Marriages	
	Parental Support	
	Support Groups	
	Tourism	
	Trading Standards	
	Travel	
	Youth Support	
	Advice & Benefits site map	
COMMUNITY & LIVING	Animal Welfare	
	Asylum and Immigration	
	<u>Births</u>	
	<u>Carers</u>	
	<u>Childcare</u>	
	Children and Family Care	
	Community Advice	
	Community Centres & Facilities	
	<u>Consultations</u>	
	Crime Prevention & Safety	
	Deaths, Funerals & Cremations	
	Domestic Violence	
	Equality and Diversity	
	<u>Exhibitions</u>	
	Grants: Community	
	<u>Infectious Diseases</u>	
	<u>Legal Advice</u>	
	<u>Libraries</u>	
	Licences & Street Trading	
	<u>Marriages</u>	
	<u>Pollution</u>	
	Religions, Faiths & Beliefs	

	Publish Wasto & Posysling
	Rubbish, Waste & Recycling Street Care and Cleaning
	Support Groups
	Taxis and Hackney Carriages
	Town Centre Management
	Walking and Cycling
	Youth Offending
	Youth Support
COUNCIL & DEMOCRACY	Accessibility
	Beacon Council
	<u>Benefits</u>
	Births, Marriages and Deaths
	Civic & Lord Mayor's Pages
	Consultations 'Have your say'
	Comments, Compliments and
	<u>Complaints</u>
	Council Departments
	Council News
	Council Tax
	Councillors, Democracy and Elections
	Data Protection and FOI
	Elected representatives
	Emergencies
	Equality and diversity
	Grants
	Jobs at the Council
	Key Documents
	Local Democracy
	Performance
	Regeneration
	Statistics & census information
	Supported and sheltered housing
	Tenders and Contracts
EDUCATION AND LEADNING	One Leicester – a 25-year journey
EDUCATION AND LEARNING	About Us
	Adult and Community Education
	<u>Childcare</u>
	Extra-curricular activities
	Governors
	Grants
	<u>Libraries</u>
	Parental support
	Pre-schools
	Schools and colleges
	Training and development
	Youth support
	Online Services
	Pupils/Students
	School Staff
	Problems or Complaints
ENVIRONMENT & PLANNING	Abandoned vehicles
	Animal Welfare
	Archaeology
	Building Control
	Commercial waste and recycling
	Conservation
	Consultations
	Deaths, Funerals and Cremations
	Emergencies
	Environmental Health
	Environmental ficulti

	,
	<u>Grants</u>
	Land & Premises
	Licences & Street Trading
	<u>Parking</u>
	Parks and Open Spaces
	<u>Planning</u>
	<u>Pollution</u>
	Private Housing
	<u>Regeneration</u>
	Roads, Highways and Pavements
	Rubbish, Waste and Recycling
	Street Care and Cleaning
	Streets & Spaces
	The Environment
	Town Centre Management
	Infectious Diseases
SOCIAL CARE & HEALTH	About the Adults and Housing Dept
	Accessibility
	Adapting homes
	Adults and older people
	Asylum and immigration
	Carers
	Childcare
	Children and family care
	Community transport
	Disabilities Information
	Doctors, GPs and hospitals
	Domestic violence
	Fostering, adopting and looked after
	<u>children</u>
	Grants - health and social care
	Health and medical advice
	Home care
	<u>Infectious diseases</u>
	<u>Learning disabilities</u>
	Mental Health
	Parental Support
	Substance abuse
	Youth Offending
	Youth Support
	<u>Links to Related Websites</u>
HOUSING	About Us
	Adapting Homes
	<u>Benefits</u>
	Building Control
	Consultation
	Council Housing
	Council Tax
	Energy Advice
	Finding Us
	Forms, Publications and Maps
	Frequently Asked Questions
	Grants
	Homelessness
	Housing Advice
	Housing Associations and co-ops
	Housing Finance
	Improvements and Repairs
	Land and Premises
	Living in Leicester and Home Advice

	Multiple Occupancy Homes
	Noise, Nuisance, ASB and Safety
	Non-Domestic (Business) Rates
	Planning
	Private Housing
	Right to Buy
	Rubbish, Waste & Recycling
	Supported and Sheltered Housing
	Housing Site Map
JOBS & CAREERS	Training & Development
JOBS & CARLERS	Equality and Diversity
	Jobs at the Council
	Benefits
	Job Service Partnership
LEISURE & CULTURE	Adult & Community Education
	Arts & Entertainment
	Community Centres & Facilities
	Conservation
	Consultations
	Cultural Quarter
	Cultural Strategy
	Exhibitions
	Extra Curricular Activities
	Festivals & Events
	Fitness
	Grants: Leisure & Culture
	<u>Libraries</u>
	Licences and Street Trading
	Local History and Heritage
	<u>Markets</u>
	Museums & Galleries
	Parks & Open Spaces
	Religions, Faiths & Beliefs
	Services, Leisure & Culture for Older
	People Sports, Clubs and Centres
	Tourism and Travel
	Town Centre Management
	Twinning
	Venues
TRANSPORT & STREETS	Abandoned Vehicles
TRANSFORT & STREETS	Community Transport
	Cycling
	Consultations
	Parking
	Public Transport
	Roads, Highways and Pavements
	Road Safety
	Street Care & Cleaning
	Taxis & Hackney Carriages
	Town Centre Management
	Traffic & Travel
	Transport Development
	Transport Policy
	<u>Transport Systems</u>
	Walking
EMERGENCY PLANNING	Emergency Planning Links
	What is Emergency Planning
	Contingency Planning for the Small
İ	Enterprise

	Business Continuity for Businesses
	Emergency Planning for Businesses
	In Case of Emergency
	Emergency Planning Office
	Avian Flu
	Flu Pandemic Information
	Surviving the Cold
	Understanding the Gas Supply
	Rest Centre Newsletters
	LRF 3 Year Plan
	CCA - A Short Guidance
	Heatwave Information
BUSINESS	Building Control
	Business Rates
	Business Rates Enquiries
	National Non-Domestic
	(Business) Rate
	Ways to Reduce Your Bill
	Business Support & Advice
	Advertisements & Shop Signs
	Business Advice
	Business Grants
	Business Planning
	Business Security Grants
	Community Economic Povelenments
	<u>Developments</u>
	Community Strategy
	Economic Intelligence
	Employment Advice
	European Resource
	<u>Procurement - European Fund</u>
	Export Forums
	Fire Safety Licensing
	Food Business - Food Safety
	Health & Safety at Work
	Interpreting & Translating
	<u>Legal Advice</u>
	Petroleum Licensing
	Premises Licence
	Property Enquiries
	Reporting Accidents
	Security Services
	Commercial Property
	Community Fire Safety
	Fire Safety Licensing / Fire
	Certificates
	Land & Property - Availability
	<u>Lists</u>
	Securing Premises After
	Accidents
	Commercial Waste & Recycling
	Council Departments
	Council News
	Exhibitions
	Grants: Business
	Business Grants
	Business Security Grants
	Creative Industries Business
	Support
	Shop Front Grant

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Health & Safety
             Addictions
             Automatic Fire Alarms
             Dangerous Structures & Public
Safety
             Entertainments Licensing
             Environmental Services - Out of
Hours Emergencies
             Fire Safety Licensing / Fire
Certificates
             Food Business - Food Safety
             Health & Safety - Construction
Regulations
             Health and Safety at Work
             Infectious Diseases
             Major Incidents / Emergency
Planning
             Needle Exchange
             Non-medical Poisons Licences
             Petroleum Licensing
             Prosecutions Register
             Scaffolding and Hoarding
Licences
             Training Courses
       Land & Premises
       Legal Advice
       Licences & Street Trading
       Markets
             Leicester's Market
             Indoor Market
             Beaumont Leys Market
             Farmers Market
             New Traders
             Shoppers Charter
             Rival Markets
             Opening Hours
             Map
             Contact us
      Parking
       Planning
       Pollution
       Prosecutions Register
             Fair Trading Offences
             Health & Safety Offences
      Regeneration
      Selling to Leicester City Council
             What We Buy: Contracts &
Tenders
             How We Buy: LCC Business
Profile
             Information for Suppliers
             Access to Public Procurement
             Contact Us
      Sponsorship
       Tenders & Contracts
             Approved Suppliers
             Contract Management
             Corporate Procurement
Strategy
             Tenders
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Town Centre Management

Trading Standards

Contact Trading Standards Consumer Direct Advice

Loan Sharks

Bogus Trading Addresses TSS priorities 2007/8 **Standards of Service Community Alerts On Line Surveys**

Scams, unsafe products and

more...

Useful links for Teachers and

Students

Advice to Businesses and

Consumers

Debt & Money

Description of Goods

Fair Trading

Fire Safety Licensing

Food & Agriculture

Food Labelling and Composition

Misleading Adverts

Nurses Agencies Registration

Petroleum Licensing Premises Licence Product Safety

Retail

Weights & Measures

Animal related

Complaints - Advocacy

No Cold Calling Zones - Useful

Information

No Cold Calling Zones - FAQ

More Bogus Trading Addresses

Training & Development

Venues