



FREEDOM OF INFORMATION
POLICY –
ALSTONEFIELD PARISH
COUNCIL



Alstonefield Parish Council

MAY 2021

FREEDOM OF INFORMATION POLICY

Reviewed by the Council on January 2017 and May 2021

Alstonefield Parish Council has a stated policy of complete transparency. The date and time of Council meetings, along with an agenda of business, are publicised at least three full working days in advance of the meetings. Council meetings are open to the public. All resolutions are minuted and any reports presented at the meetings (if these are not subsequently inserted into the minutes and therefore automatically part of the public record) are kept by the Clerk and are available, on request, to be viewed (by arrangement with the Clerk) or copied on payment of a copying charge.

The Council, which does not own a council office, has very limited storage facilities and has therefore adopted a policy of storing its historical material with the Staffordshire Records Office; as such, these records are also freely available to the public on request to that office.

Parish Councils are required by statute to retain a clause in their Standing Orders giving them the power to exclude the public because of the supposed confidential nature of some discussions if this is felt to be in the public interest. Believing that if it is the Parish which has either to pay for or to live with the results of decisions made by the Parish Council then it is only fair and right that the Parish should be able to listen to the debate concerning those decisions, the current council cannot envisage a situation when it would invoke this clause. However, if such a situation ever did arise then the Council is committed to ensuring that the reasons for such an exclusion would be fully and publicly debated before resorting to such action and that any resolutions resulting from the consequential confidential discussions will be minuted and will be published in the normal way.

E-mail traffic between councillors is deemed to be private unless a hard copy document is used in Council to provide information or support a proposal. Any decision arrived at as a result of e-mail correspondence between Councillors will be minuted at the next possible meeting,

FREEDOM OF INFORMATION – COMPLIANCE WITH THE ACT

Class 1 – Who Are We?

Alstonefield Parish Council has a total of seven elected representatives. Formal council elections occur every four years. If an elected member resigns in between the four-yearly cycle (known as a casual vacancy) and if the Parish declines the right to require the vacancy be filled by a formal election, the Council then has the right to co-opt a member from the Parish as a replacement.

Casual vacancies must be publicly notified, which means using designated public noticeboard, the Parish Newsletter and the Parish website for a period of 14 full working days before the co-option process can apply.

As well as its elected membership, the Council also has a paid clerk whose job it is to run the normal working affairs of the council and also to ensure that members comply with the rules and codes of conduct governing council procedures and behaviour.

1.1 Council Access

The Clerk to the Council can be contacted by post at an accommodation address which is:- Alstonefield Parish Council, c/o The Village Hall, Alstonefield, Nr. Ashbourne, Derbyshire. DE6 2FR. The Clerk can also be contacted by telephone the number of which will be advertised on the minutes and agenda.

Councillors:

The Clerk and all councillors can be contacted via the postal address and telephone numbers above. Personal appointments with either the Clerk or any councillor can be made by arrangement.

The Council has an Independent Examiner, recommended to it by the Staffordshire Parish Councils' Association, who is responsible for ensuring that the Council fulfils its obligations as encompassed by the Audit Commission's annual audit requirements. This also includes matters of good governance, such as maintaining proper policy documents, as well as the actual audit of the year-end accounts. The Examiner can be contacted via the Clerk.

1.2 Web Site Access

All Council business is posted on the PC owned website with the domain name www.alstonefield.org including the schedule of meetings, minutes and all other necessary information. Council policy documents, including Standing Orders, Financial Regulations, Risk Assessment and Freedom of Information Policies are also available on the site. The Parish Council may also be contacted via the 'contact us' facility on the website.

Class 2 – What We Spend and How We Spend It?

Regulation of the Council's financial affairs are covered primarily by its policy on Financial Regulations and also through its Standing Orders. Both these documents can be viewed by appointment with the Clerk and are available on the Parish web site and copies can be made on payment of a copying charge.

2.1 Annual Return form

The Council's financial year ends on 31st March each year. As soon as the year-end balance is available from the bank, the Clerk will prepare a set of annual accounts, showing the full financial position of the Council as at the year-end, including a comparison with the budgeted figures. This set of accounts is formally presented at a Council meeting usually some time during April, and is therefore in the public domain as a minuted document, and forms the basis of the formal annual return. This return is formally audited by the Council's Independent Examiner and the documents are then published for a statutory period on Council noticeboards. The audit documents are also accepted into the minutes of the relevant council meeting and are therefore in the public domain. The Audit Return is sent to the Independent Auditor as set periodically by an external body for formal audit and, once signed and returned, this document is also made public.

2.2 Precept (and supporting budget)

During November of each year, the Clerk prepares a draft budget for the following financial year. This details the Council's expected expenditure and income for the next financial year under various headings and therefore the amount of income it will require in the form of local tax, known as the Precept. This draft budget paper is debated in public at a meeting of the Council, with the opportunity to revise it before making a final presentation either in December or early January, before formally lodging the Precept demand with the local taxation office (which in our case is Staffordshire Moorlands District Council) which acts as the collection agent. Every Parishioner has the right to see these documents and they will normally be posted on noticeboards and/or on the website prior to the meeting at which they are to be discussed. The budget documents are included in the minutes and therefore are available to the public. Copies will be made available on request.

2.3 General Financial Transactions and Commitments

The Council's current financial affairs are aired publicly at every periodically. Under normal circumstances, the first item of general business at these meetings is a statement of the Council's up-to-date financial position. Based on the preceding month-end's closing bank balance, a breakdown of all the Council's budget headings, showing the year-to-date actual figures versus the budget, is presented. This is immediately followed by a full listing of all transactions, both income and expenditure, which have either occurred or are about to be entered into since the previous meeting. The financial statement, a copy of the relevant bank statement and the transactions statement (which details the amount of the expenditure, the cheque number, the recipient, a brief description of the goods or service purchased and the minute number approving it) are all entered into the minutes and are all available for public viewing. The Clerk keeps a record of every invoice submitted to the Council and these

records form part of the annual audit and may be examined upon request. Audit records are maintained for a period of seven years.

2.4 Members Allowances and Expenses

The policy on members allowances and expenses are covered in the Financial Regulations. Any such expenditure will be handled in the same way as any other council expenditure (listed individually on the transactions report presented at each Council meeting) and will be clearly identifiable on the year-to-date budget versus actual financial report also presented at each meeting. Both these documents are minuted at each meeting and therefore publicly available.

2.4 Business Risk Assessment

The Council has adopted a formal risk assessment policy. This includes a comprehensive assessment not only of the Council's assets but also of any factor which might reasonably be expected to impact on its ability effectively to fulfil its functions. This assessment is carried out annually, usually before the first draft budget deliberations so that any identified risk factors requiring expected future expenditure can be taken into account within the budgeting and Precept demand process, and forms part of the audit examination. Copies of the risk assessment survey can be viewed by appointment with the Clerk.

Class 3 – What Are Our Priorities?

3.1 Current Contracts Awarded

The issuance of Council contracts or orders for work, goods or services are governed by the Standing Orders and Financial Regulations. The Clerk keeps a record of all current contracts and work orders and these may be viewed or copied by arrangement.

3.2 Annual Report

The chairman produces an annual report which is presented to the Annual Parish Meeting in May. This then forms part of the minutes of that meeting, lodged in the same file as the Parish Council minutes and is therefore a public document.

Class 4 – How We Make Decisions

The general rule of thumb, so long as it establishes that has the statutory power in the first place, is that the Parish Council can determine to do anything so long as the matter is publicly advertised in advance according to the statutory timescale, is debated at a public meeting, that any decision, which must abide by the Council's rules of conduct, is agreed by a majority of members present and is then minuted.

Three members present is the minimum number to constitute a quorum.

4.1 Council Meetings: Date of Meetings and Agendas

Meetings are usually every six weeks. A list of dates for the year is posted in the minutes, on the website and on noticeboards. The calling papers – that is, the formal notification that a Council meeting is being called – are sent to all council members at least three full working days (which excludes the day of posting and the day of the meeting) in advance of the meeting. At the same time, the agenda for the meeting – which includes as much detail as it is practical to present – is also posted.

Public notification of the meeting, along with the agenda, is posted on Parish noticeboards and the website following the same timescale.

Occasionally, it is necessary to hold an extraordinary meeting if there is urgent business to transact but the Clerk follows exactly the same calling procedures as for an ordinary meeting.

4.2 Council Business

At every meeting of the Council, there is a public forum element before the business of the posted agenda is addressed. This is timed to last up to 30 minutes but, if there is no business to address, then the Council meeting can be ordered to commence immediately.

Technically, once the business of the Council agenda is underway, members of the public are not entitled to speak unless the chairman allows that the Council's business can be suspended for the duration of a public interjection. In practice, however, meetings are so small and informal that the chairman allows a reasonable amount of leeway regarding public interjections, so long as their contribution is deemed by the chairman to be adding useful information for the furtherance of the debate at the time.

Once a year, in May, the Parish is entitled hold an Annual Parish Meeting solely to discuss the concerns of the Parish over and above what might be brought to the public forum period before regular Council meetings.

Also in May, the Parish Council has its Annual General Meeting. It is at this meeting that the Council must elect a chairman (and vice-chairman if it so wishes) and any other officers representing the Council on external bodies.

Items of business not pre-announced as part of the pre-circulated agenda, may be discussed at the meeting under any other business at the discretion of the chairman, but any formal decision must be referred to the next meeting.

Under normal circumstances, the Clerk tries to have sufficient copies of both the agenda and any supporting paperwork (for example, copies of the financial report) available for members of the public to scrutinise actually at the meeting. Any documents referred to during the meeting, which are not subsequently entered into the minutes as a matter of public record, can be viewed by appointment with the Clerk.

4.3 Minutes of Meetings

Following the modern convention – and as advised by the National Association of Local Councils – minutes are not narrative but are restricted only to a record of the actual resolutions passed. If it is felt necessary to provide some context for any decision, then a very brief summary of the background may also be minuted.

4.4 Responses to Planning Applications

Planning applications received by the Council are publicly notified via the agenda before each Council meeting and the plans and associated papers then put on public display during the Council meeting itself. The Council decision regarding each plan is then publicly minuted as well as being notified back to the planning authority.

4.5 Responses to Consultation Papers

Consultation papers seeking views on proposals are reviewed in terms of relevance to the Parish and/or council procedures or processes. Where appropriate, these are discussed and minuted in Council. Parishioners may examine such papers by application to the Clerk.

Class 5 – Our Policies and Procedures

5.1 Standing Orders

The Council has an approved set of Standing Orders, adopted by the Council at its meeting of 21st May 2008 and last reviewed in August 2014. These Standing Orders are audited by the Council's Independent Examiner during the annual audit process to ensure that the Council is conforming to a proper regulatory process.

5.2 Delegated Authority

Currently, the Council has not delegated any of its powers to subordinate committees or individuals.

5.3 Code of Conduct

When a Councillor takes up his office, either by election or co-option, he signs an oath of office which explicitly declares that he will abide by the code of conduct governing councillors' behaviour. As well as the formal exposition of the rules of conduct as set out by the Standards Board for England in May 2007 and adopted by the Council in its entirety at its meeting of 19th June 2007, Councillors also agree to abide by the various regulations set out in the Standing Orders, the Financial Regulations and any other policies adopted by the Council

5.4 Equality and Diversity

The Council is committed to equality of opportunity for every one in its employment or involved in its service delivery and is also committed to eliminating all forms of discrimination or less favourable treatment, whether through direct or indirect discrimination, in the performance of its duties and in all its dealings with the Parish and beyond. This policy applies to all elected members of Alstonefield Parish Council and its employees.

5.5 Health and Safety Policy

The Council owns no buildings, only relatively small parcels of land and employs only one member of part-time staff so its health and safety policy is consequently heavily dependent on making people aware of risk where it might exist and requiring them to be reasonably vigilant on their own behalf.

5.5.1 Council Employment – the Council employs a part-time Clerk who uses her own home and equipment to fulfil her duties on behalf of the Council and therefore the Council relies on her own common sense to be aware of any risk whilst engaged on Council activities. The Council engages the part-time services of Lengthmen to carry out various Parish outdoor duties, including grass-cutting, litter collection, keeping drain grids clear, and so on. Personal supervision by the Council of the work is completely impractical and so each Lengthman is required to attest to his knowledge and experience of the use of the equipment provided, which is serviced annually, and to make use of the protective gear provided. Any other work is carried out by recognised tradesmen/craftsmen/professionals, on a job-by-job basis, who the Council expects to have the appropriate training to fulfil their duties safely.

5.5.2 Council Recreational Land

The Council owns areas of land which may be used for public recreation. Where appropriate, safety notices are publicly displayed. Organised use of the playing field, which must be booked in advance with the Clerk, requires a named Responsible Person to be in charge of the organisation of the activity and to be responsible for ensuring reasonable health and safety measures are in place.

An area of the playing field specifically set aside as a children's play area and equipped with various items of play equipment is inspected weekly and the inspection log is verified by the Parish Council at each meeting. In addition, the area is subjected annually to an independent Rospa inspection.

5.6 Recruitment Policies

The Council has a policy of equal opportunity recruitment, accepting no bar or favour, to employment excepting that the person applying should be the best qualified for the job offered.

5.7 Policies and Procedures for Requests for Information

Because the Council does not own any buildings, the Clerk must operate the Council's administration from her home premises. This means that any request to view documents held in Council records must be by prior arrangement with the Clerk, who must be present during the viewing, and may only be viewed between the hours of 9.00am and 5.00pm on a weekday. Additionally, if the Clerk knows in advance that document files are required for examination, such files may be made available at the next available Council meeting and may be examined whilst the Council is in session in an adjacent space within the meeting venue (usually the village hall).

Copies of documents can be made upon request to the Clerk. Copy charges will be 10p per A4 document and 50p per A3 document. Multiple copies or copies of multiples of documents by arrangement, depending on the estimated Clerk's time involved.

5.8 Complaints From the Public Handled Internally

Anonymous or hearsay complaints will be completely disregarded. Except in exceptional circumstances, the reasons for which will be made public, all complaints will be publicly aired in Council.

Every effort should be made to settle any complaint informally. If this fails, a complaint must be made in writing, addressed to the Clerk to the Council who will then follow the process set out in the Formal Complaints Policy.

Any complaint about the Clerk must be taken up with the chairman.

5.9 Complaints From the Public Handled Externally

At any stage in the process of laying a complaint, whether regarding councillor conduct, the conduct of any employee or sub-contractor, the council's financial affairs or the activities of the Council as a whole, the complainant has the right to take such complaint direct to the relevant external body

5.9.1 Councillor Conduct

Complainants have the right to take a complaint about councillor conduct direct to the Standards Board of England without first attempting to resolve the matter with the Clerk.

5.9.2 Financial Irregularity

Local electors have a statutory right to object to the Council's audit of accounts when these are presented, usually in May of each year. Details of the audit and external auditing body address details must be posted publicly according to the statutory duty as laid down. In addition, Alstonefield Parish Council publishes a year-to-date budget versus actual statement at each Council meeting which electors are invited to inspect.

5.10 Internal Grievance and Disciplinary Procedures

The Council employs a part-time Clerk whose working conditions are set out in a contract of employment (which is to examination as part of the annual audit) based on a model NALC contract. The remuneration is directly linked to the NALC part-time pay scale and is raised annually in line with the NALC-negotiated pay agreement.

Any complaint the Clerk may have about their working conditions or pay or any disciplinary measure taken against her must, in the first instance, be taken up with the chairman of the Council. If the complaint cannot be satisfactorily resolved in this way, the Clerk and/or the Council has the right to invoke the disciplinary and grievance procedures set out in the Clerk's contract of employment.

5.11 Information Security and Data Protection

The Council takes reasonable measures to ensure the information it holds is secure. As well as hard copies of all minuted information, it also maintains a memory stick back-up. The Council does not hold any information in respect of private individuals.

5.12 Records Management Policy

Since the Council does not own any buildings, any records kept have to be accommodated by the Clerk in her own home. This means that record holding is kept to a minimum but yet is consistent with being able to make information concerning current activities available to the Parish. From time to time, due to space considerations, the Clerk will necessarily have to make a judgement as to what records to retain and what to delete. The Council makes extensive use of the Staffordshire Records Office for the permanent storage of any records which are deemed by the chief archivist to be of historical interest. These are then catalogued and made available to the public in the normal way.

Class 6 – Lists and Registers

The Council currently holds registers as detailed below – see 6.1, 6.2 and 6.3. These are all available on request from the Clerk.

6.1 Assets Register

The Council has a complete list of its known assets, both land assets and non-fixed assets. This listing is reviewed annually and is included in the year-end audit documentation which is audited by the Council's Independent Examiner. The asset register is an integral part of the annual risk assessment examination and also provides the basis for the Council's insurance requirement.

6.2 Register of Members Interests

When members first take up office and sign the Oath of Office, each one also makes a comprehensive listing of their financial and other interests. This includes property owned, including land, interests in any commercial enterprise and affiliations to organisations, such as Greenpeace or the National Farmers' Union. This declaration is sent to the Electoral Services Department at Staffordshire Moorlands District Council and a copy is also held by the Clerk. At the AGM each year, the Clerk will ask each member to attest that their "Financial and other Interests" declaration remains unchanged and, if not, will require them to complete a new declaration.

After apologies, the first item on every agenda is a declaration of interest. This requires each council member to examine the agenda and declare whether or not they believe they have a personal interest in any item on the agenda. The Council will then determine if the interest is deemed to be prejudicial or not. If it is deemed to be prejudicial then that member must withdraw from the meeting during the period of the related debate. Any declaration of an interest in an agenda item, regardless of whether it is deemed to be prejudicial or not, will be noted in the minutes and that member may not vote on the related item.

6.3 Register of Gifts and Hospitality

Parish Councillors must refuse corporate hospitality and should refuse gifts. If acceptance of a gift is unavoidable, this must be reported to the Clerk who will record the gift in a register and arrange for it to be raffled at an appropriate time when the proceeds can be donated to a local charitable organisation.

Class 7 – The Services We Offer

7.1 Council Powers

A guide to the general powers which have been vested in the Parish Council by various local government acts is contained in the document "What Can Local Councils Do?" (see Appendix i), which is issued by the National Association of Local Councils'.

ALSTONEFIELD FREEDOM OF INFORMATION POLICY
APPENDIX i

The National Association of Local Councils
WHAT CAN LOCAL COUNCILS DO?

The powers which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised in this publication as a guide to Councillors and others. Each description is brief and is intended to be a general indication. Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body (for example the approval of the County Council to the provision of a car park). Local Councils must exercise their powers also subject to the provisions of the general law (for example planning permission is necessary for a sports pavilion). Information on all these details should be in the hands of the Clerks of the Council.

The powers are listed below. Where a power is marked with an asterisk the council may, in addition to exercising the power itself, help another body to act by giving financial assistance.

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demanded unsatisfied	Small Holding & Allotments Act 1908, ss. 23, 26, & 42
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936, Ss 221, 222, 223 & 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s. 215(6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4

Bye Laws	Power to make bye-laws in regard to pleasure grounds Cycle Parks Baths and Washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s.32
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture	Enclosure Act 1845; Local Government Act 1894, s.8(4); Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Education	Right to appoint school governors	Education (No.2) Act 1986, s.4
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	Power to repair and maintain public footpaths and bridleways. Power to light roads and public places Provision of litter bins Power to provide parking places for vehicles, bicycles and motor-cycles. Power to enter into agreement as to dedication and widening. Power to provide roadside seats and shelters, and omnibus shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway. Power to complain to district council as to protection of rights of way and roadside wastes Power to provide traffic signs and other notices Power to plant trees etc. and to maintain roadside verges	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5,6 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116 Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127 Local government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198

Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire land and maintain	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Postal and telecommunications facilities	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained providing post or telegraph office or telecommunication facilities	Post Office Act 1953, s.51; Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools	Public Health Act 1875, s.164 Local Government Act 1972, Sched.14 para.27 Public Health Acts Amendment Act 1890 s.44 Open Spaces Act 1906, ss.9 and 10 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to contribute to organisations encouraging	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30

Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom	Public Health Act 1936, s.125