



UTTOXETER TOWN COUNCIL

Freedom of Information Procedure & List of Information to be Published

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1. How can a request be made?

Requests for environmental information can be made verbally or in writing (hard copy/electronic). However, a request can be made to any employee of a public authority. If request can be directed to the appropriate person/section it is likely that the request will be dealt with more efficiently.

If a verbal request is made, the person requesting the information and the person receiving the request should make a written record. A requester may wish to follow up a verbal request with a letter or email confirming the terms of the request. A written record of a verbal request is beneficial should a request result in a complaint to the Information Commissioner. This would assist the Commissioner in determining whether an authority has complied with the EIR.

2. How long does an authority have to respond to a request?

An authority must respond as soon as possible and at the latest within 20 working days, except in circumstances where the information requested is particularly complex and voluminous. In such cases the time limit can be extended by a further 20 working days. If the time limit is extended, the public authority must notify the applicant of this delay within 20 working days of the initial request, and state when they believe they will be able to respond in full.

3. Can the information be charged for?

A public authority cannot make a charge for allowing an applicant:

- Access to any public register or lists of environmental information; or
- To examine the information (at a place chosen by the public authority).

For all other situations, charging is at the discretion of the public authority (any charge must be reasonable). There is also a requirement for public authorities to publish a schedule of charges (for example the price per sheet of photocopying), information on the circumstances in which charges may be made or waived, and where advance payment will be required. Further specific guidance regarding charging will follow shortly.

4. Does a public authority only have a duty to disclose information which it produced?

No. Under the EIR, any environmental information authorities hold can potentially be disclosed if requested, it is irrelevant whether that authority produced the information or whether it owns it.

5. Are there any reasons why the information requested should not be released?

There are certain restrictions (called exceptions) on the right to access environmental information. These restrictions are applicable to certain categories of information (e.g. national security information, protection of the environment etc.). However, even if the information falls within one of the categories, if it is in the public interest for the information to be disclosed, it will be.

If a public authority determines that the information cannot be released because it falls within one of these categories and there is a stronger public interest in withholding the information than releasing it, the applicant must be informed and the decision must be explained (including reasons why it is in the public interest for the information to be withheld).

6. If an applicant is displeased with the response of a public authority how should they proceed?

Initially applicants should apply to an authority's internal review/complaints procedure.

Under the EIR public authorities have a duty to have an internal review procedure. An applicant must apply to a public authority for an internal review in writing within 40 working days of receipt of the refusal notice.

An authority must review a decision as soon as possible and in any case within 40 working days of receipt of the complaint. If, following the review, the decision is to release the information previously withheld, the Commissioner expects public authorities to release the information as soon as possible, and at the latest within 40 working days of the decision.

Following the response from the public authority, should the applicant still be displeased with the response, a complaint can be made to the Information Commissioner's Office.

The Commissioner will normally only consider a complaint if an applicant has already exhausted the original authority's internal review/complaints procedure.

Complaints to the Commissioner should be made as soon as possible after receipt of the response from the original authority's internal complaints procedure. Where an authority has included details of the right to appeal to the Commissioner within their response, the Commissioner expects the complaint to normally be made within 2 months of receipt.

Complaints should be sent to:

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

7. Should either the public authority or the applicant disagree with the Commissioner's decision, how should they proceed?

Should either the applicant or the public authority disagree with the Commissioner's final decision, each has the right to appeal to the First-tier Tribunal (Information Rights). When the Commissioner issues his final decision, details of the right of appeal and details of the First-tier Tribunal (Information Rights) will be included within the notice.

Information to be published: (As recommended by SPCA)

Class 1: Who are we and what we do:

Who's who on the Council
Contact details for Town Clerk
Contact details for Council Members
Location of main Council premises
Accessibility details for Council premises
Staffing structure

Class 2: What we spend and how we spend it:

Audit Commission Annual return form
Precept (and supporting budget)
Borrowing Approval (if applicable)
Financial Regulations
Grants given and received
Current contracts awarded
Business Risk Assessment

Class 3: What are our priorities:

Current contracts awarded
Neighbourhood Development Plan
Annual Report

Class 4: How we make decisions:

Timetable of Council Meetings
Agendas of Council meetings
Minutes of meetings
Responses to planning applications
Responses to consultation papers
Bye-laws

Class 5: Our policies and procedures

Standing Orders
Delegated authority
Code of Conduct
Service delivery
Equality and diversity policy
Health and Safety policy
Recruitment Policy
Policy/procedures for requests for information
Complaints procedure
Information security/data protection policy

Class 6: Lists and Registers

Assets Register
Register of Members' Interests
Register of gifts and hospitality

Class 7: The services we offer

List of services

Schedule of Charges:

Photocopying
Postage and Statutory Fee in accordance with the relevant legislation

Approved/adopted at the meeting held on Tuesday, 10 December 2013, 13 May 2014, 19 May 2015, 10 May 2016, 9 May 2017, 8 May 2018, 14 May 2019, 5 May 2021, 10 May 2022, 16 May 2023 and 21 May 2024.
Reviewed by Council at its Annual Meeting held 13 May 2025