



FARNHAM TOWN COUNCIL
INFORMATION PUBLICATION SCHEME
AND RECORDS RETENTION

April 2012



FARNHAM TOWN COUNCIL PUBLICATION SCHEME

- 1 Farnham Town Council strives to be an 'open' authority and will continue to seek ways of being more open for the benefit of its residents
- 2 Under the Freedom of Information Act 2000 the Council is required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information and whether a charge will be made for the information.

What is the Publication Scheme?

- 3 The aim of the Scheme is to provide guidance to the public on what information is available and how to obtain it. The information has been broken down into 'Classes' to reflect the types of activities in which the Town Council is involved. These are as follows:
 1. Who we are and what we do
 2. What we spend and how we spend it
 3. What our priorities are and how we are doing
 4. How we make our decisions
 5. Our policies and procedures
 6. Lists and registers
 7. The services we offer
- 4 Information is published as printed material, electronic format or available through the website.

Exemptions

- 5 It is Farnham Town Council's policy to be as open as possible. However, not all information can be made available to the public. Information will be made available where the law allows, except where it is considered that the release of that information will cause significant harm or prejudice. Information (including that listed in this document) will be withheld from publication in whole or in part where it is considered by the Town Council that disclosure may harm or prejudice law enforcement, legal proceedings or the administration of justice; or may infringe the privacy, personal, commercial, contractual or other confidences of any person or otherwise infringe their rights; or because disclosure is otherwise prohibited by law.

In such cases the Town Council will withhold the information and indicate the relevant exemption under the appropriate legislation.

- 6 If you wish to complain about the information having been withheld you are referred to the section on 'Complaints Procedures'.

Archiving Policy

- 7 It is impossible for the Town Council to keep all information forever. Therefore in line with the Town Council's Records Retention Policy it may be either destroyed or archived.

Access to Information

- 8 Information listed in the Publication Scheme can be requested by contacting:

The Town Clerk
Farnham Town Council
Council Offices
South Street
Farnham
GU9 7 RN
Telephone: 01252 712667
E-mail: customer.services@farnham.gov.uk

- 9 Information will be supplied either in paper format or electronically or be available to view. All information not covered by an exemption will ordinarily be released to the applicant within 20 working days of receipt of the request, unless it is necessary to issue a fees notice. See table I for schedule of documents.

FOI exemptions

- 10 The majority of exemptions fall into this category:
 - s.22 - Information intended for future publication;
 - s.24 - National security (other than information supplied by or relating to named security organisations, where the duty to disclose in the public interest does not arise);
 - s.26 - Defence;
 - s.27 - International relations;
 - s.28 - Relations within the United Kingdom;
 - s.29 - The economy;
 - s.30 - Investigations and proceedings conducted by public authorities;
 - s.31 - Law enforcement;
 - s.33 - Audit Functions;
 - s.35 - Formulation of government policy, etc;
 - s.36 - Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords);
 - s.37 - Communications with Her Majesty, etc and honours;
 - s.38 - Health and Safety;

- s.39 - Environmental information;
- s.40 - Personal information of a third party (i.e. not data relating to the requester). An exemption will stand or fall on whether disclosure of the information to a member of the public would be 'unfair', taking into account all the circumstances involved, in particular how the information was obtained; the likely expectations of the data subject regarding the disclosure of the information; the effect which disclosure would have on the data subject; and the public interest in disclosure of the information. If disclosure of personal data to a member of the public would be 'unfair' then the request is likely to need to be refused under the Freedom of Information Act insofar as it relates to that personal data.
- s.42 - Legal Professional Privilege; and
- s.43 - Commercial interests.

- 11 To establish that the information falls within the terms of a qualified exemption, the council will consider whether the public interest nevertheless requires that the information should be released. The central question to consider is "Does the public interest in withholding the information outweigh the public interest in disclosing the information? "
- 12 Where a public authority considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the authority must inform the applicant of its reasons, unless to do so would mean releasing the exempt information.

The 'Absolute Exemptions'

- 13 There are exemptions where, if the exemption applies, it is not necessary to go on to consider disclosure in the public interest:
- s.21 - Information accessible to applicant by other means;
 - s.23 - Information supplied by, or relating to, bodies dealing with security matters;
 - s.32 - Court records etc;
 - s.34 - Parliamentary privilege;
 - s.36- Prejudice to effective conduct of public affairs (only applies to information held by House of Commons or House of Lords);
 - s.40 - Personal information (where the applicant is the subject of the information, the applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the Data Protection Principles or if disclosure would contravene a notice received under section 10 of the DPA (the right to prevent processing likely to cause damage or distress); or if the person who is the subject of the data would not be entitled to access to it under the DPA access regime because one of the DPA subject access exemptions would apply.
 - s.41 - Information provided in confidence;
 - s.44 - Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court;

Charging policy

- 14 The majority of cases will not attract charges other than those set out in the scheme for photocopying, disks, postage etc as shown in table 2. However if the request for

information is likely to exceed an appropriate limit (which is deemed to be 15 hours of staff time) a charge will be made for any additional time above 15 hours. The Town Council is under no obligation to supply the information requested until the applicant has paid the requisite amount.

- 15 The Town Clerk will, in the first instance, consider all requests for the release of information and issue a Fees Notice if appropriate.

Complaints

- 16 Any complaints concerning the publication scheme should be sent to the Town Clerk.

- 17 Individual enquiries in aspect of the Freedom of Information Act can be addressed to the Information Commissioner via their information line

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Information Line: 01625 54 57 45/ 08456 30 60 60

Switchboard: 01625 54 57 45

Website: <http://www.ico.gov.uk/>

Table I Information available from Farnham Town Council

Information type	How the information can be obtained
Class I - Who we are and what we do (Organisational information, structures, locations and contacts)	
Who's who on the Council and its Committees	Website, hard copy, email
Contact details for Town Clerk and Council Members	Website, hard copy, email
Location of main Council office and accessibility details	Website, hard copy, email
Staffing structure	E mail, hard copy
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)	
Annual return form and report by auditor	Website, e mail, hard copy
Finalised budget	Website, hard copy, email
Precept	Website, e mail, hard copy
Financial Standing Orders and Regulations	Website, e mail, hard copy
Grants given and received	Website, e mail, hard copy
List of current contracts awarded and value of contract	Hard copy
Members' expenses	Website, e mail, Hard copy
Expenditure above £500 (except for certain exempted payments)	Website, e mail, Hard copy
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)	
Strategies, plans and audits	E mail, hard Copy
Annual Report to Town Meeting	Website, email, hard copy
Class 4 – How we make decisions (Decision making processes and records of decisions)	
Timetable of meetings (Council and Working Groups)	Website, Email, Hard Copy
Agendas of meetings (as above)	Website, Email, Hard Copy
Minutes of meetings (as above) – this will exclude information that is properly regarded as private to the meeting.	Website, Email, Hard Copy
Reports to council meetings - this will exclude information that is properly regarded as private to the meeting.	Email, Hard Copy
Responses to consultation papers	Email, Hard Copy
Responses to planning applications	Website, Email, Hard Copy
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	

Policies and procedures for the conduct of council business: Procedural standing orders Committee and Working Group terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Website, Email, Hard Copy
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	Email, Hard Copy
Records management policies (records retention, destruction and archive)	Email, Hard Copy
Schedules of charges	Website, Email, Hard copy

Class 6 – Lists and Registers	
Any publicly available register or list	Hard copy
Assets Register	E mail, Hard copy
Disclosure log (indicating the information that has been provided in response to requests)	Hard copy
Register of members' interests	Website, email, Hard copy
Register of gifts and hospitality	Hard copy

Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)	
Cemeteries	Website, Email, hard copy (some records by inspection only)
Other	Email, hard copy

Table 2**SCHEDULE OF CHARGES**

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/ printing @ 10p per sheet	Estimate of actual cost
	CD/DVD	£1 per disc
	Postage	Royal Mail standard 2 nd class

If a request for information is likely to exceed an appropriate limit (which is deemed to be 15 hours of staff time) a charge will be made of £30.00 per hour for any additional time.

Records Retention

- 1 Attached at Annex 2b is a schedule indicating the appropriate minimum retention periods for audit and other reasons. There is a clear need to retain certain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings. Subject to the need to retain documents, papers and records may be destroyed if they are no longer of use or relevant.

Planning papers

- 2 Where planning permission is granted, the planning application, any plans and the decision letter may normally be retained until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission. Where planning permission is granted on appeal, a copy of the appeal decision may also be retained (if provided to the Council). If an appeal is made, and dismissed, the decision letter may, as in (a) above, be worth retaining against further applications relating to the same site. As Farnham Town Council is not the Planning Authority, there is no obligation to keep records of individual applications as these are held by the Planning Authority. Copies of comments on planning applications submitted to the Planning Authority will be retained in the Minutes.

Insurance policies

- 3 All insurance policies should be kept for as long as it is possible for a claim to be made under them. Irrespective of how long policies and correspondence are retained, the recommendation is that councils ensure that they keep a permanent record of insurance company names and policy numbers for all insured risks. Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.

Information from other bodies (e.g. circulars etc. from County Associations, NALC and other bodies (e.g. principal authorities) too numerous to mention)

- 4 Such information will only be retained for as long as it is useful and relevant.

Documentation relating to staff

- 5 Staff Information should be kept securely and in accordance with the data protection principles contained in the Data Protection Act 1998. The principles provide that personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. However even after an employment relationship has ended, a council may need retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment

tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered in paragraph 7 below. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended or the date of the act complained of. Subject to where the Limitation Act 1980 applies, the most common time limit for lodging a claim at an employment tribunal is 3 months (for example a claim for unfair dismissal must, by virtue of s.111 of the Employment Rights Act 1996, be lodged at an employment tribunal within 3 months of the date of the termination of the employment contract) although 6 months applies in redundancy and equal pay claims.

Local/historical information

- 6 The Local Government (Records) Act 1962 provides that parish councils (and parish meetings in parishes without a separate parish council) may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information). The Town Council may send its own records to the Surrey Records Office instead of destroying them and consideration should be given to the archive value of material prior to destroying records.

Retention of documents for legal purposes

- 6 Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

Category	Limitation Period
Negligence (and other 'Torts')	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

- 7 Where the limitation periods above are longer than other periods specified in this policy, the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories (depending on the circumstances):
- contract (6 years) – because all tenancies and leases are contracts;
 - leases (12 years) – if the arrears are due under a lease; and
 - rent (6 years) – if the arrears are due under a tenancy (and not a lease).

Trusts

- 8 As there is no limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and schemes and other similar documentation.

Extensions to time limits

- 9 It should be noted that some limitation periods can be extended. Examples include:
- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
 - where damage is hidden (e.g. to a building); or
 - where a person suffers from a mental incapacity;
 - where there has been a mistake or where one party has defrauded another or concealed facts.
- 10 In such circumstances Farnham Town Council will consider (i) the costs of storing relevant documents and (ii) the risks of:
- claims being made;
 - the value of the claims; and
 - the inability to defend any claims made should relevant documentation be destroyed.

RETENTION OF DOCUMENTS REQUIRED FOR AUDIT

1) Corporate

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	6 years	Management
▪ Receipt and payment account(s)	Indefinite	Archive
▪ Receipt books of all kinds	6 years	VAT
▪ Bank statements, including deposit/savings accounts	Last completed audit year	Audit
▪ Bank paying-in books	Last completed audit year	Audit
▪ Cheque book stubs	Last completed audit year	Audit
▪ Quotations and tenders	6 years	Limitation Act 1980 (as amended)
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Limitation Act 1980 (as amended)
▪ VAT records	6 years	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
▪ Timesheets	Last completed audit year	Audit
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	Management
▪ Insurance related documents	Up to 70 years	Management
▪ Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
▪ Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)

2 Services

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
For Halls, Centre, Recreation Grounds		
<ul style="list-style-type: none"> ▪ application to hire ▪ lettings diaries ▪ copies of bills to hirers ▪ record of tickets issued 	6 years	VAT
For Allotments		
<ul style="list-style-type: none"> ▪ register and plans 	Indefinite	Audit, Management
For Burial Grounds		
<ul style="list-style-type: none"> ▪ register of fees collected ▪ register of burials ▪ register of purchased graves ▪ register/plan of grave spaces ▪ register of memorials ▪ applications for interment ▪ applications for right to erect memorials ▪ disposal certificates ▪ copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (Sl. 204)
<ul style="list-style-type: none"> ▪ Ephemera and general documents 	No minimum – intend to destroy after two years maximum	Management - Avoid clutter

