

# Item no.

Report to: **District Council of Easington**

Date: **4 December 2008**

Report of: **Monitoring Officer**

Subject: **New Publication Scheme under the Freedom of Information Act 2000**

Ward:

## 1. **Purpose of the Report**

To recommend adoption of a new Publication Scheme with effect from 1st January, 2009 in accordance with the requirements of the Information Commissioner.

## 2. **Consultation**

Prior to circulating this report I have consulted direct with Heads of Service.

## 3. **Background**

It is a requirement of the Freedom of Information Act 2000 that each Council makes available a Publication Scheme highlighting the class of the documents which it makes available to the public and whether or not charges are applicable. The scheme currently on the Council's website was devised when the legislation became effective at the beginning of 2004. It has been updated subsequently but it does not represent a full picture of the material available on the Council's website.

The Information Commissioner's directive of the new Publication Scheme be made available from 1st January, 2009. A model scheme has been devised by the Commissioner and Councils have been encouraged to follow this model. Annexed to this report is my recommended draft scheme which does adopt the model provisions.

I have reviewed the content of our website to test its current compliance with the specification of the model scheme. I am satisfied that the website generally meets the requirements. Consultations have identified areas which fall short of where we would ideally wish to be. If it were not for the Local Government Review I would be recommending immediate action to improve the areas where shortcomings have been identified but I take the view that the resources applied to this task need to be proportionate to the lifespan of the scheme which will only be three months. It would not be appropriate to divert resources from LGR to remedy weaknesses which are nevertheless still compliant for such a limited period.

When the initial scheme was drafted attention focused on the availability of the material in hard copy form. The Council's website is now the best source of material available. There remains an obligation to make a copy of the

scheme available in hard copy form. My recommendation is that we use a printed copy of the website's site plan as the hard copy index.

#### 4. **Implications**

##### 4.1 **Financial**

The Council is entitled to charge for the production of copies. Access via the website results in no cost to the Council. There will be limited publishing costs in making available hard copies of the scheme.

##### 4.2 **Legal**

It is a statutory obligation of the Council to maintain a publication scheme when it is necessary to follow the directives of the Information Commission on the nature of the scheme provided.

##### 4.3 **Policy**

None.

##### 4.4 **Risk**

Failure to implement a compliance scheme would render the Council at risk of being subject to legal action by the Information Commission.

##### 4.5. **Communications**

The availability of the Publication Scheme will be highlighted on the website one the new model is available.

##### 4.6. **Corporate**

None.

##### 4.7 **LGR**

None.

##### 4.8 **Recommendations**

The Council is recommended to adopt the Model Publication Scheme annexed to this report.

#### **Background documents referred to**

Information Commissioner's guidance on Model Publication Schemes  
District of Easington website