

## **PUBLICATION SCHEME**

Information available from Pilning & Severn Beach Parish/Community Council under the model publication scheme Pilning & Severn Beach Parish Council adopted the Information Commissioner' Model Publication Scheme with effect from 1<sup>st</sup> January 2009. This scheme will enable members of the public to view and access information held by the Parish Council.

We would expect Parish/Community Councils to make the information in this definition document available unless:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or
- its release is prohibited by another statute;
- the information is readily and publicly available from an external website; such information may have been provided
- by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and public authorities should look to provide as much information as possible on a routine basis.

### **Publishing datasets for re-use**

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use. If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works. The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the Open Government Licence. The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published guidance on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Cost</b>
<b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts) This will be current information only. N.B. Councils should already be publishing as much information as possible about how they can be contacted.	Website	Nil
Who's who on the Council and its Committees	Website	Nil
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))		
Location of main Council office and accessibility details	Website	Nil
Staffing structure	Website	Nil
<b>Class 2 – What we spend and how we spend it</b>		
(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)		
Current and previous financial year as a minimum	Website/ Hardcopy	Nil
Annual return form and report by auditor	Website/ Hardcopy	Nil
Finalised budget	Website/ Hardcopy	Nil
Precept	Website/ Hardcopy	Nil
Borrowing Approval letter	n/a	n/a
Financial Standing Orders and Regulations	Website/ Hardcopy	Nil
Grants given and received	Website/ Hardcopy	Nil
List of current contracts awarded and value of contract	Website/ Hardcopy	Nil
Members' allowances and expenses	Website/ Hardcopy	Nil
<b>Class 3 – What our priorities are and how we are doing</b>	Hard copy	10p per sheet
(Strategies and plans, performance indicators, audits, inspections and reviews)		
Current and previous year as a minimum		
Parish Plan (current and previous year as a minimum)	Hard copy	Nil
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Website	Nil
Quality status	n/a	n/a
Local charters drawn up in accordance with DCLG guidelines	n/a	n/a
<b>Class 4 – How we make decisions</b>	Website	Nil
(Decision making processes and records of decisions) Current and previous council year as a minimum		

Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website	Nil
Agendas of meetings (as above)	Website	Nil
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	Website	Nil
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.	Website	Nil
Responses to consultation papers	Website	Nil
Responses to planning applications	Website	Nil
Bye-laws	Website	Nil
<b>Class 5 – Our policies and procedures</b>	Website	Nil
(Current written protocols, policies and procedures for delivering our services and responsibilities)	Website	Nil
Current information only		
Policies and procedures for the conduct of council business:		
Procedural standing orders		
Committee and sub-committee terms of reference		
Delegated authority in respect of officers		
Code of Conduct		
Policy statements		
Policies and procedures for the provision of services and about the employment of staff:	Website	Nil
Internal instructions to staff and 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)		
Information security policy	Website	Nil
Records management policies (records retention, destruction and archive)		
Data protection policies	Website	Nil
Schedule of charges (for the publication of information)	Hard copy	Nil
<b>Class 6 – Lists and Registers</b>		
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice) Hard copy	Nil	

Assets register	Website	Nil
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	n/a	n/a
Register of members' interests	Hard copy	Nil
Register of gifts and hospitality	Website	Nil
<b>Class 7 – The services we offer</b>		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Current information only		
Allotments	Website	Nil
Burial grounds and closed churchyards	Website	Nil
Community centres and village halls	Website	Nil
Parks, playing fields and recreational facilities	Website	Nil
Seating, litter bins, clocks, memorials and lighting	Website	Nil
Bus shelters	Website	Nil
Markets	n/a	n/a
Public conveniences	Website	Nil
Agency agreements	n/a	n/a
Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Website	Nil
<b>Additional Information</b>		
This will provide Councils with the opportunity to publish information that is not itemised in the lists above		

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## **SCHEDULE OF CHARGES**

**This describes how the charges have been arrived at and should be published as part of the guide.**

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
Disbursement cost	Photocopying @ 10p per sheet (black & white)	Actual cost 10p
Photocopying @ 12p per sheet (colour)	Actual cost 12p	
Postage	Actual cost of Royal Mail standard 2nd class	
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)
Other		

\* the actual cost incurred by the public authority

## **Policy for Dealing with Habitual or Vexatious Complaints**

### **Introduction**

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be 'habitual or vexatious' and ways of responding to these situations.

The Council will take action to protect staff, councillors and/or volunteers from any such vexatious behaviour. Dealing with a complaint is usually straight forward, but in the minority of cases, people pursue their complaints in a way which can either impede the investigation or can have significant resource issues for the Council.

### **Definitions**

In this policy the term HABITUAL means 'done repeatedly or as a habit' (unreasonably persistent). The term VEXATIOUS is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant': in the Parish Council context it means acting to cause annoyance to the Council, individual members of the Council, members of staff or of a misogynist nature.

Definition of a habitual (unreasonably persistent) or vexatious complainant. Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria, where complainants: -

1. Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criterion.
6. Have, during addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
7. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.

8. Are known to have recorded meetings or face to face/ telephone conversations without the prior knowledge and the consent of other parties involved.
9. Make unreasonable demands on the customer/Council relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's Complaints Procedure or normal recognised practice. Procedures for dealing with habitual or vexatious complainants If a complainant has threatened or used physical violence towards staff or members at any time – this will, cause personal contact with the complainant, and /or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such instances will be documented.

### **Courses of Action**

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chairman and Vice Chairman of the Council will as appropriate take one or more of the following courses of action: -

1. The complainant will be notified in writing as to why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
2. The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
3. The Council will decline further contact with the complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.
4. The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
5. The Council will suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.
6. The Clerk and the Chairman of the Council may invite the complainant to meet with them to discuss the matter.
7. The complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further. The Council will be notified of vexatious or habitual complainants. Withdrawing habitual or vexatious status once a complainant has been determined to be habitual and /or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed

## **Record keeping**

The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive,
- vexatious or persistent
- When the restriction came into force and when it ends
- What the restrictions are
- When the person and Council were advised The Council will be provided with an annual report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

**Last Review date: September 2023**

**Agreed at Full Council on 2<sup>nd</sup> October 2023**

**Next Review date: December 2023**