



## The Development and Maintenance Initiative (DMI)

### Local Government Circular

## Circular 2

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Local Government workshops	(Manchester 26_03_07) (Wales 11_04_07) (London 20_04_07)
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Welcome to the second Local Government DMI circular. This paper draws together the matters arising in the current round of local government workshops.

### 1.1 Information culture in local government

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As the DMI reaches the second round of workshops within local government (run in tandem with the first of the London sessions), the basis for the new approach to publication schemes was revisited. Three key messages emanating from the publication scheme review were outlined:

- In the early days of implementation (prior to the general rights of access), it was acceptable for schemes to meet the minimum requirements of [Section 19](#). In 2005 the focus shifted towards the general access rights, and publication schemes have been largely ignored.
- The maintenance of schemes is haphazard. This is compounded by the current approval process which does not encourage or support systematic maintenance.
- Public awareness of schemes is low, and members of the public find some schemes difficult to use.

As authorities' experience of request handling has developed, it is clear that the current approach should be reconsidered. Schemes need to be developed in a more holistic way, using more sophisticated methods of dissemination. Emphasis needs to be placed upon regular and systematic maintenance. The diagram contained in Annexe 1 illustrates how the relationship between the publication scheme and the actual delivery of information to the public may work.

Schemes should be regarded as a driver for openness and transparency and as a tool for establishing trust between the public and authorities.

In addition to supporting the development of schemes via the DMI, the Information Commissioner's Office (ICO) will develop a less bureaucratic approval process.

The DMI creates workload implications for some authorities. The ICO recognises that a balance between driving the change necessary for proactive dissemination and creating an unrealistic burden is needed. In addition, there is recognition that resource will dictate the level to which proactive dissemination is possible.

By creating high level classes rather than lists of information, duplication of effort in respect of the development of websites and publication schemes should be avoided. This will be supported further by encouraging autonomy in the delivery of information.

Checks and balances will need to be built into the new system to encourage the maximum disclosure of (appropriate) information. The ICO will explore the possibility of auditing proactive dissemination.

It has been suggested that a representative from the local government sector should be included on the DMI Advisory Panel. We would welcome any suggestions or expressions of interest in such a role. The representative must be able to act as a spokesperson at a high level within a strategic capacity.

## 1.2 Environmental information

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It is very unlikely that a class of information designated for environmental information as a collective will be included within the new model schemes. Rather, it is envisaged that environmental information will feature throughout the scheme as and when it is appropriate to include it.

The model schemes are likely to include information required by Article 7 of [Directive 2003/4/EC](#) (of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC), namely:

- (a) texts of international treaties, conventions or agreements, and of Community, national, regional or local legislation, on the environment or relating to it;*
- (b) policies, plans and programmes relating to the environment;*
- (c) progress reports on the implementation of the items referred to in (a) and (b) when prepared or held in electronic form by public authorities;*
- (d) the reports on the state of the environment referred to in paragraph 3;*

*(e) data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;*

*(f) authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found in the framework of Article 3;*

*(g) environmental impact studies and risk assessments concerning the environmental elements referred to in Article 2(1)(a) or a reference to the place where the information can be requested or found in the framework of Article 3.*

*3. Without prejudice to any specific reporting obligations laid down by Community legislation, Member States shall take the necessary measures to ensure that national, and, where appropriate, regional or local reports on the state of the environment are published at regular intervals not exceeding four years; such reports shall include information on the quality of, and pressures on, the environment.*

*4. Without prejudice to any specific obligation laid down by Community legislation, Member States shall take the necessary measures to ensure that, in the event of an imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information held by or for public authorities which could enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat is disseminated, immediately and without delay.*

In addition to the above, Regulation 4 of the [Environmental Information Regulations 2005](#) requires facts and analyses of facts which the public authority considers relevant and important in framing major environmental policy proposals to be made progressively available.

### **1.3 Use of websites and other methods of delivering information**

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As with the first round of workshops it is acknowledged that the web will be the main route of access for information. Whilst this is not explicitly catered for in Section 19 of the Freedom of Information Act, subsection (4) does make provision for an authority to *'publish its publication scheme in such manner as it thinks fit'*

In terms of environmental information, part 6 of Article 7 of [Directive 2003/4/EC](#) states that Member States may satisfy the requirements of Article 7 by creating links to Internet sites where the information can be found.

It is recognised that schemes will need an element of future proofing, in order to ensure they are not overtaken by advances in technology. By placing greater emphasis on authorities' autonomy in the delivery of information,

schemes should develop in keeping with whichever delivery mechanisms are available at the time.

Some of the workshops have discussed the appropriateness of establishing a timescale for the provision of information contained within a publication scheme, for example 10 working days. Some authorities would prefer to operate within their existing service standard frameworks. Whilst a timescale is not established by statute, the ICO will consider providing guidance on the issue from a good practice perspective.

Whilst the focus will invariably be upon the delivery of information via websites, the needs of non-web users must be considered. Information must still be reasonably accessible. The requirements of the [Disability Discrimination Act 1995](#) and the possibility of translating information for non-English speakers should be considered.

Information viewed in situ is a key characteristic of information provision in the local government sector. This is likely to arise in situations where:

- The information is contained in a public register
- The information is subject to third party copyright (e.g. architectural plans contained within a planning file)
- The information required is voluminous and it is more practical for the applicant to view the file and select which pieces they require a permanent copy of
- The information is contained within an archive for which an appointment to view is required
- The information is offered for viewing in tandem with assistance on the contents from local authority officers – e.g. planning files
- The information itself is fragile – e.g. historical deeds
- The information is contained within a public access database for which an individual must conduct a search e.g. local land charges

The new model schemes will need to reflect such provisions.

#### **1.4 Charging for information**

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The revenue generated from charging for the provision of documents can be a key income stream for some local authority departments.

The cost of raising an invoice can be prohibitive, particularly in departments which are not geared up for the collection of payments. In addition, the time taken in estimating the price of the provision of information can dissuade authorities from charging.

Whilst the ICO cannot be overly prescriptive on charges, advice will be provided within the DMI sector specific packs.

## 1.5 Model schemes and mandatory classes

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The ICO will look to existing legislation such as the [Local Government Act 2000](#) to ascertain whether precedents for the statutory provision of certain types of information are already established. Where appropriate, the outcome of ICO case and [Information Tribunal](#) decisions will also be used to develop classes.

Where appropriate, the ICO will seek to encourage the proactive disclosure of information associated with decision making.

The context of the class definitions will be crucial to the success of model schemes.

In order to manage public expectation, and allay concerns over the management of sensitive information, standard paragraphs on the application of exemptions will be developed. It must be noted that such paragraphs will not support the application of blanket exemptions.

At present, the draft classes below have been developed. These are fairly basic and designed to stimulate discussion as to what should or shouldn't be included within the model scheme. Under each of the draft class headings (indicated by a [i](#) symbol), an example of some of the mandatory and optional classes that may be included in the model scheme are demonstrated. At this stage, these are suggestions and will invariably adapt as the DMI progresses. In particular, there is much work to do with respect to distinguishing between the responsibilities of the various tiers of local government and ensuring that the mandatory and optional classes reflect this.

The ICO welcomes any [feedback](#) on the draft classes as they stand at the moment.

### [i](#) Organisational Structure (Organisational Governance)

#### **The Council, Councillors and Employees**

##### **Mandatory Classes:**

- ✓ How the Council Works
- ✓ Council Meetings and Committees
- ✓ Information about our Councillors

##### **Optional Classes:**

- Forward Plan (England Only)
- Job vacancies within the Council

- The Electoral Process / Democratic rights of residents
- Council Staff
- Town, Parish and Community <sup>(Wales)</sup> Councils

### **Licences and Legal Information**

#### **Optional Classes:**

- Bylaws
- Licenses and Registration
- Our in-house Legal services
- Courts

### **Financial information (Finance and Accounting)**

#### **The Council's Finances**

##### **Mandatory Classes:**

- ✓ Suppliers
- ✓ Procurement
- ✓ Accounts
- ✓ Audit

##### **Optional Classes:**

- Contracts and Commercial activities
- Council property and land ownership

#### **Council Tax and Benefits**

##### **Optional Classes:**

- Claims
- Appeals
- Bands

### **Strategy and Performance**

#### **The Council's performance**

##### **Mandatory Classes:**

- ✓ Best Value Performance Indicators

- ✓ Comprehensive Performance Assessment
- ✓ Council's strategy

## **① Communications**

### **Libraries, Information & Communication Technology (ICT) and Access to Information**

Mandatory Classes:

- ✓ FOI/EIR/Data Protection
- ✓ Consultations

**Optional Classes:**

- Information for the Media
- Archived information
- Data Management
- Information Systems/technology
- Historical information about births, deaths and marriages
- Disclosure Log
- Copyright

### **The Economy; Information for businesses and their customers**

**Optional Classes:**

- Trading Standards
- Business Planning
- Fire safety
- Markets
- Grants
- Business advice
- Consumer advice and protection
- Health and safety in the workplace
- Food hygiene and safety

## **① Policies and Procedures**

**Mandatory Classes:**

- ✓ Equality and Diversity Policies

- ✓ The Council's complaints procedures
- ✓ Service Standards

Service level agreements

## [① Legal Frameworks](#)

### **Mandatory Classes:**

- ✓ Council's statutory obligations

## [① Our Services](#)

### **Life Events**

#### **Optional Classes:**

- Births
- Bereavement
- Health
- Disability
- Carers
- Childcare
- Advice for young persons
- Social care
- Relationships and marriage
- Moving house
- Neighbourhood and village
- Grants
- Services for the Elderly
- Adoption and Fostering
- Employment
- Voluntary work
- Asylum
- Festive events
- Citizenship
- Travelling People
- Religion
- Languages
- Charities and interest groups

## **Education and Learning**

To be included by authorities carrying out these services.

### **Optional Classes:**

- Early years
- Adult learning
- Grants and funding
- Holidays
- Home schooling
- Truancy

## **Housing**

To be included by authorities carrying out these services.

### **Optional Classes:**

- Homelessness
- Home Improvements
- Grants and Benefits
- Sheltered Housing
- Tenant Participation

## **Travel and Transportation**

To be included by authorities carrying out these services.

### **Optional Classes:**

- Highways
- Car Parking
- Public Transport
- Private Vehicles
- Taxis
- Waterways
- Ports and Harbours
- Weather

## **Sport, Leisure and Recreation**

To be included by authorities carrying out these services.

**Optional Classes:**

- Town centres
- Public conveniences
- Council leisure and hire facilities
- Arts and entertainment
- Events
- Parks and open spaces
- Culture
- Museums
- The countryside
- The coast
- Waterways
- Grants
- Tourism
- Clubs

**Crime and Community Safety**

To be included by authorities carrying out these services of this nature, or those which offer advice on crime and community safety matters.

**Optional Classes:**

- Safety in the home
- CCTV
- Crime Prevention
- Civil emergencies
- Neighbourhood Watch
- Community Development – including grants

**Animals, Pests, Farming and Livestock**

To be included by authorities holding information relating to such matters.

**Optional Classes:**

- Pets
- Animal welfare
- Veterinary services

Pest Control

### **Planning and Conservation of the Built Environment**

To be included by authorities with responsibilities relating to planning, building control or conservation of the built environment.

#### **Optional Classes:**

- Statutory Registers
- Tree Preservation
- Sites of Special Scientific Interest
- Conservations Areas
- Listed Buildings
- Archaeology
- Building Control
- Management of the built environment
- Section 106 Agreements

### **Energy, Waste and Environmental Protection**

To be included by authorities with responsibilities relating to waste and refuse collection and disposal, environmental protection or related services.

#### **Optional Classes:**

- Municipal waste tips
- Pollution/Emissions
- Recycling
- Environmental services
- Refuse collections
- Vandalism
- Fly posting
- Street cleaning
- Energy efficiency
- Drainage
- Water rates

### **[📌 Lists and Registers](#)**

#### **Mandatory Classes:**

- ✓ Details on viewing the electoral roll
- ✓ Registers of birth, deaths and marriages

## **1.7 Further Input**

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If you have any comments on this circular or anything you would like to contribute to the initiative, please contact Paul Damerill at [paul.damerill@ico.gsi.gov.uk](mailto:paul.damerill@ico.gsi.gov.uk)

The next Local Government workshops will be held as follows:

- London: Date to be confirmed (second session)
- Manchester : 22<sup>nd</sup> May 2007
- Northern Ireland: 19<sup>th</sup> June 2007
- Wales: 16<sup>th</sup> May 2007



## Annexe 1

### Development and Maintenance Initiative

#### Delivering information

✓ The 'publication scheme'

✘ Intermediate information management tools

🖨 Delivery to the public

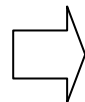
This is legally required and forms the charter or commitment to publish information.

This element must be submitted to ICO for approval and will take the form of a model or bespoke scheme.

The requirements for Section 19:

Classes  
Manner  
Fees

The ICO will approve the high level, generic commitment to provide information within certain 'classes'. The public authority will manage the individual documents/pieces of information which fall into those classes. The authority will have autonomy over how the information is delivered.



These are the support mechanisms which translate the commitment to publish information set out in the scheme into tangible results. They animate the 'classes' of information set out in the scheme to ensure the effective delivery of information to the end users.

They may take the form of document lists; metadata or taxonomies such as the Local Government Classification List or the HE Business Classification Scheme. Electronic document and content management tools may also feature. For smaller authorities, the publication scheme may be so prescriptive that this intermediate level isn't required.

In order to relate the information within 'classes' to that which is actually delivered to the public, the authority will need manage the relationship between the two. The ICO will not require sight or approval of the intermediate management systems.



Authorities may deliver the information to the public in whatever medium they see fit. However it is likely to be predominantly web focussed for large authorities.

Hard copies and the opportunity to inspect information in situ will still feature. In small authorities this will remain the primary vehicle for information dissemination.

The public facing element of the scheme may adopt whichever format and language the public authority sees fit – it will not be necessary to refer to the 'publication scheme' or 'classes'. In many cases, the public will access information without realising that it is contained within a publication scheme class.