

## EXECUTIVE SUMMARY

### The context of this policy paper

1. Our councils should be open in the way they do business, in delivering local services to local people and in how they make decisions. They need to be ready to provide information about the council's services and the decisions they make.
2. Councils already make a great deal of information available to the public – both through the rules they work under and on their own initiative. Under existing rules, the public already have access to the minutes and reports from council meetings and the reasons why councils have made decisions, as well as a wealth of information in areas of key service provision, such as housing, education, health and planning.
3. Alongside the existing rules for access to information, people will have new rights to obtain information under the Freedom of Information Act 2000. This Act will bring about a step change in the range of information the public can request from their council and the way in which the council releases it to them.
4. The first milestone is that councils must produce, by February 2003, a guide for the public to the information they publish or intend to publish. This is known as a Publication Scheme. It will show everyone what information they can get, where they can get that information, and if there is a charge for information. The full set of rules will come into force from January 2005.
5. Under Freedom of Information, the essential approach is that any person will have a general right to see any information that is held by the council. Local authorities can decide to withhold certain types of information, for example if it relates to information provided in confidence or personal information about a third party. But, in most of these cases, the council will not be able automatically to withhold information – If they want to do so, they have to be able to prove that it is the public interest to do so. They will need to be able to justify such a decision to the independent Information Commissioner.

### Issues for consideration

6. Because new rules are coming in, the Government is reviewing the current access to information rules which apply to local authorities to see how they can best be integrated with the new rules under Freedom of Information. This consultation document is an important part of the review process, and is intended to help deliver a culture of openness throughout local government.
7. We are asking individuals, user-groups and key stakeholders to tell us;
  - how they think councils can most effectively provide local people with information, both now and when the Freedom of Information Act 2000 comes into force,
  - what practical problems people who want access to information held by local authorities face, and how these can be addressed,

how the new requirements will work alongside the responsibilities councils already have to release information, and whether the existing rules need amending to make them clearer and easier to operate, for both councils and for local people,

how councils release information to the public now including examples of best practice and examples of how they use electronic media, such as the internet.

8. More detailed questions to which we are seeking answers can be found at Annex C. We also welcome any general comments about the issues raised in this paper and comments from user groups about their practical experience of the implications of the legislation. We would be grateful for comments by 2 December 2002.

## Question Summary Sheet

- Q1: The Department seeks to identify and disseminate best practice in how local authorities are approaching the process of implementing the Freedom of Information Act 2000. What structures have local authorities established for managing the process of implementing the Freedom of Information Act 2000?
- Q2: The Government is interested to hear suggestions from local authorities and other interested stakeholders as to how the exemptions in the Freedom of Information Act and Schedule 12A can be more closely aligned, including examples of best practice.
- Q3: Do you see any of the following as being additional uses of your forward plan?
- \* Internal management planning/communications document?
  - \* Tool to encourage public participation?
  - \* Work programme of the executive?
  - \* Other (Please specify)
- Q4: How do you publicise your forward plan to the electors?
- Q5: What feedback do you get from local people and key stakeholders on your forward plan?
- Q6: Do you think the forward plan achieves its purpose, of being the means by which electors know the decisions, which an executive is to take?
- If not, why not?
- Q7: what impact has the advent of the forward plan had on the working practices of your local authority?
- Q8: What proportion of key decisions are taken at public meetings?
- Q9: How does your local authority make their scheme of executive delegations available to the public?
- Q10: How does your local authority publicise key decisions taken by officers and executive members under delegated powers?
- Q11: What proportion of executive decisions, that would be key decisions, has the authority had to take under urgency procedures?
- Q12: How does your local authority make agendas and connected reports available to the public?

- Q13: How does the authority publish decisions?
- Q14: Does it make use of electronic media to publish decisions?
- Q15: How does it help with providing the public with access to records of these decisions?
- Q16: How does your local authority ensure accurate records are kept of key decisions taken by individual members or officers?
- Q17: What processes have local authorities developed to deal with applications for the release of exempt information, including disputes over the classification?
- Q18: What provisions are in place to monitor the authority's performance, including consistency of its decisions?
- Q19: Describe how your authority defines key decisions?
- Q20: How does your authority publicise the criteria it is using to define key decisions? Does it receive and act on public feedback on this definition?
- Q21: How does your authority define "significant" expenditure?
- Q22: Has your authority set a standard financial threshold or a number of different thresholds? What is the reason for the approach taken?
- Q23: How does the authority ensure that decisions, which are likely to be significant in terms of their effects on communities, are defined as key?
- Q24: Have overview and scrutiny committees been challenging the executive with regard to the definition of key decisions?
- Q25: Has your definition of a key decision altered as your local authority gets used to working under new arrangements? Do you intend to review your definition, and if so, how do you plan to go about this review?