



Freedom of Information, Environmental Information and Publication Scheme Policy

Document Owner: Town Clerk / Responsible Financial Officer (RFO)

Organisation: Shipston Town Council

Approved by: Full Council

Approval Date: 14th September 2026

Review Frequency: Annual

Next Review Date: September 2027

Version: 1.0

1. Purpose of this Policy

Shipston on Stour Town Council is committed to openness, transparency and accountability in the conduct of public business.

This policy sets out how the Council will handle requests for information under:

- the **Freedom of Information Act 2000**;
- the **Environmental Information Regulations 2004**;
- the Council's **Publication Scheme**;
- associated guidance issued by the **Information Commissioner's Office**, known as the ICO.

It also sets out the Council's approach to charging fees, including the charging of the **maximum permitted fees** where legislation allows.

The Council will normally make information available unless there is a lawful reason not to do so.

2. Scope

This policy applies to recorded information held by Shipston on Stour Town Council.

Recorded information may include, but is not limited to:

- minutes and agendas;

- reports;
- policies;
- correspondence;
- contracts;
- financial records;
- asset records;
- planning consultation responses;
- allotment records;
- cemetery or burial records, where applicable;
- emails;
- handwritten notes;
- audio or video recordings;
- maps, plans and photographs;
- information held on behalf of the Council by contractors or service providers.

This policy does **not** give a requester a right to require the Council to create new information, provide explanations, give opinions, or answer general questions where no recorded information is held.

3. Legal Framework

The Council will comply with the following legislation and guidance:

- **Freedom of Information Act 2000**, referred to in this policy as FOIA;
- **Environmental Information Regulations 2004**, referred to as EIR;
- **Data Protection Act 2018**;
- **UK General Data Protection Regulation**, referred to as UK GDPR;
- **Freedom of Information and Data Protection — Appropriate Limit and Fees — Regulations 2004**;
- ICO guidance on FOIA, EIR, fees, exemptions, refusals and publication schemes.

For local authorities and parish/town councils, the FOIA cost limit is currently **£450**, calculated at **£25 per hour**, equivalent to **18 hours of staff time**. The ICO states that the

cost limit is £450 for public authorities other than central government, Parliament and the armed forces. (ico.org.uk)

4. Definitions

For the purposes of this policy:

Council means Shipston on Stour Town Council.

Requester means any person or organisation making a request for information.

FOIA request means a valid request for recorded information under the Freedom of Information Act 2000.

EIR request means a request for environmental information under the Environmental Information Regulations 2004.

Publication Scheme means the Council's scheme for routinely publishing certain classes of information.

Working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or bank holiday.

Appropriate limit means the cost limit prescribed by the FOI Fees Regulations, currently £450 for the Council.

Disbursements means direct costs incurred in providing information, such as photocopying, printing, postage, scanning to removable media, or other physical reproduction costs.

5. Making a Request

5.1 FOIA Requests

To be valid under FOIA, a request must:

1. be in writing;
2. state the requester's real name;
3. provide an address for correspondence, which may be an email address;
4. describe the information requested.

Requests may be sent to:

The Town Clerk

Shipston on Stour Town Council, New Clark House, West Street, Shipston on Stour,
CV36 4HD

Email: clerk@shipstontowncouncil.org

A request does not have to mention the Freedom of Information Act to be valid.

5.2 Environmental Information Requests

Requests for environmental information may be made in writing or verbally.

Environmental information may include information about:

- land;
- air;
- water;
- noise;
- emissions;
- planning;
- development;
- trees;
- open spaces;
- allotments;
- waste;
- energy use;
- environmental policies, measures or activities.

Where a request falls under EIR rather than FOIA, the Council will handle it under EIR.

5.3 Personal Data Requests

Requests by individuals for their own personal data will normally be handled as **subject access requests** under the UK GDPR and Data Protection Act 2018, not under FOIA or EIR.

If a request under FOIA or EIR includes personal data about someone else, the Council will consider whether disclosure would breach data protection law.

6. Time Limits for Responding

The Council will respond to FOIA requests promptly and in any event within **20 working days** of receipt.

EIR requests will normally be answered within **20 working days**, although this may be extended to **40 working days** for complex and voluminous requests.

Where clarification is required from the requester, the time limit will not begin, or may be paused, until sufficient clarification has been received.

Where a fee notice is issued, the period between issuing the fee notice and receiving payment is not counted towards the statutory response time. The ICO confirms that, where a fee is charged, the authority must notify the requester within 20 working days and explain the fee, payment method and complaint rights. (ico.org.uk)

7. Duty to Advise and Assist

The Council will provide reasonable advice and assistance to requesters.

This may include:

- helping the requester clarify what information is being sought;
- explaining whether the request is more appropriately handled under FOIA, EIR or data protection legislation;
- directing the requester to information already published;
- helping the requester narrow a request that may otherwise exceed the cost limit;
- explaining the Council's complaints procedure and the right to complain to the ICO.

8. Information Already Published

Where the requested information is already reasonably accessible to the requester, the Council may direct the requester to the relevant page, document, publication scheme entry, noticeboard or inspection arrangements.

Information available through the Council's website will normally be available free of charge.

Where hard copies are requested, charges may apply in accordance with this policy.

9. Publication Scheme

The Council will maintain a Publication Scheme based on the ICO model publication scheme.

The Publication Scheme will set out:

- the classes of information the Council publishes;
- how the information can be accessed;
- whether the information is available online, by inspection or by hard copy;
- whether any charge applies.

The ICO model publication scheme expects charges to be justified, transparent and kept to a minimum. (ico.org.uk)

The Council will review the Publication Scheme periodically to ensure that it remains accurate and up to date.

10. Charges and Fees: General Principles

The Council's general approach is that access to information should be free wherever reasonably possible.

However, the Council may charge fees where permitted by law. This includes:

- copying;
- printing;
- postage;
- other direct disbursement costs;
- costs permitted under the Council's Publication Scheme;
- EIR charges where reasonable;

- FOIA fees where permitted by the FOIA Fees Regulations.

The Council will seek to charge the **maximum lawful fee** where appropriate, while ensuring that any fee is lawful, reasonable, justified and transparent.

The Council will not charge for staff time unless legislation permits it.

Part A: FOIA Charging Policy

11. FOIA Cost Limit

Under FOIA, the Council is not obliged to comply with a request where the estimated cost of compliance exceeds the appropriate limit.

For Shipston on Stour Town Council, the appropriate limit is:

Item	Amount
Statutory hourly rate	£25 per hour
Maximum hours	18 hours
Appropriate limit	£450

The ICO confirms that the FOIA cost limit for authorities other than central government is **£450**, based on the statutory rules in the FOI Fees Regulations. (ico.org.uk)

12. Activities Included in the FOIA Cost Estimate

When estimating whether a request exceeds the £450 appropriate limit, the Council may take account of the time reasonably expected to be spent on:

1. determining whether the information is held;
2. locating the information;
3. retrieving the information;
4. extracting the information from documents or records.

The estimate will be calculated at the statutory rate of **£25 per hour**, regardless of the actual hourly rate of the officer or councillor undertaking the work.

13. Activities Not Included in the FOIA Cost Estimate

The Council will not include the following when calculating whether the £450 appropriate limit is exceeded:

- considering whether an exemption applies;
- applying the public interest test;
- redacting exempt information;
- seeking legal advice;
- obtaining internal approval;
- preparing the final response;
- general administrative handling, except where permitted by law.

14. Requests Exceeding the FOIA Cost Limit

Where the Council estimates that complying with a FOIA request would exceed the £450 appropriate limit, the Council may:

1. refuse the request under section 12 of FOIA;
2. provide advice and assistance to help the requester refine the request;
3. offer to comply with the request voluntarily, subject to payment of a fee calculated in accordance with the Fees Regulations, where lawful and appropriate.

The ICO guidance confirms that public authorities may refuse requests where the estimated cost of compliance exceeds the appropriate limit, provided the estimate is reasonable and made in accordance with the Fees Regulations. (ico.org.uk)

15. Aggregating Related FOIA Requests

The Council may aggregate two or more requests for the purposes of the cost limit where the requests:

- are made by the same person;
- are made by different persons who appear to be acting together or in pursuance of a campaign;

- relate to the same or similar information;
- are received within a period of 60 consecutive working days.

Where aggregated requests exceed the appropriate limit, the Council may refuse the requests under section 12 of FOIA.

16. FOIA Fees Where the Cost Does Not Exceed £450

Where the cost of locating, retrieving and extracting the information does **not** exceed the £450 appropriate limit, the Council will not charge for staff time spent carrying out those activities.

However, the Council may charge for disbursements, including:

- photocopying;
- printing;
- scanning;
- postage;
- providing information on physical media;
- other costs directly incurred in communicating the information.

The ICO confirms that, where the cost of compliance does not exceed the appropriate limit, authorities may charge for disbursements such as photocopying and postage.

(ico.org.uk)

17. FOIA Maximum Disbursement Charges

Where a FOIA request is below the £450 cost limit, the Council may charge the following maximum disbursement fees:

Item	Maximum charge
Black and white A4 photocopy or print	10p per sheet

Black and white A3 photocopy or print	20p per sheet
Colour A4 photocopy or print	50p per sheet
Colour A3 photocopy or print	£1.00 per sheet
Scanning to email	No charge, unless unusually large or complex
USB stick or other removable media	Actual cost to the Council
Postage	Actual Royal Mail or courier cost
Large-format plans or maps	Actual cost to the Council
Specialist copying or external reproduction	Actual cost to the Council
Certification of copies, where required	Actual cost or statutory fee, if applicable

The Council may waive charges where the cost of collecting the fee would exceed the fee itself.

18. Fees Notice Under FOIA

Where the Council intends to charge a fee, it will issue a written fees notice.

The fees notice will include:

- the amount payable;
- how the fee has been calculated;
- how payment may be made;
- the date by which payment must be received;
- confirmation that the statutory response time is paused until payment is received;
- the requester's right to request an internal review;

- the requester's right to complain to the ICO.

The Council will not be obliged to provide the information until the fee has been paid.

If payment is not received within **three months** of the fees notice, the Council will treat the request as closed.

Part B: Environmental Information Regulations Charging Policy

19. Environmental Information Requests

Requests for environmental information will be handled under the Environmental Information Regulations 2004.

Unlike FOIA, the EIR do not have the same fixed £450 appropriate limit. However, the Council may refuse requests that are manifestly unreasonable, which may include requests that impose an unreasonable burden.

The ICO notes that there is no equivalent FOIA-style cost limit under EIR, but authorities may take FOIA Fees Regulations as a starting point when considering the burden of compliance. (ico.org.uk)

20. EIR Access by Inspection

Where environmental information is made available for inspection at the Council's offices or another agreed location, inspection will normally be free of charge.

The Council may arrange a reasonable appointment time for inspection.

The requester may take notes during inspection.

Charges may apply if copies are requested.

21. EIR Charges

For EIR requests, the Council may make a reasonable charge for making environmental information available, except where the law requires access to be free.

Any EIR charge will be reasonable and will not exceed the actual cost to the Council of providing the information.

Charges may include:

- photocopying;
- printing;
- postage;
- scanning;
- staff time spent locating, retrieving, extracting and preparing the information, where legally permissible and reasonable;
- costs of transferring information to another format;
- costs of external reproduction, such as large plans or maps.

The ICO states that EIR charges must be reasonable and that inspection of environmental information is generally treated differently from providing copies. (ico.org.uk)

22. EIR Maximum Charging Schedule

Where legally permissible and reasonable, the Council may charge the following maximum fees for EIR requests:

Item	Maximum charge
Staff time for locating, retrieving and preparing information	£25 per hour
Black and white A4 photocopy or print	10p per sheet
Black and white A3 photocopy or print	20p per sheet
Colour A4 photocopy or print	50p per sheet
Colour A3 photocopy or print	£1.00 per sheet
USB stick or removable media	Actual cost to the Council
Postage	Actual Royal Mail or courier cost

Large-format plans or maps	Actual cost to the Council
Specialist external copying	Actual cost to the Council
Inspection of environmental information	No charge

The Council will not apply a charge where doing so would be unreasonable, discriminatory or contrary to the EIR.

Part C: Publication Scheme Charging Policy

23. Publication Scheme Charges

Information available on the Council's website will normally be free of charge.

Where information is requested in hard copy or another physical format, the Council may charge for:

- printing;
- photocopying;
- postage;
- physical media;
- external reproduction;
- other direct costs.

The following charges will apply unless the Council agrees otherwise:

Item	Charge
Website access	Free
Email copy	Free, unless unusually large or complex
Inspection by appointment	Free
Black and white A4 photocopy or print	10p per sheet

Black and white A3 photocopy or print	20p per sheet
Colour A4 photocopy or print	50p per sheet
Colour A3 photocopy or print	£1.00 per sheet
Postage	Actual cost
USB stick or physical media	Actual cost
Specialist documents, plans, maps or external copying	Actual cost

Charges will be reviewed periodically by the Council.

24. VAT

VAT will be charged where required by law.

Where the Council is the only source of the information and is providing information under a statutory access regime, VAT may not be applicable. However, where information is supplied on a commercial or discretionary basis, VAT may be chargeable.

The Clerk/RFO will determine VAT treatment on a case-by-case basis.

25. Payment

Payment must be made before information is supplied where a fee notice has been issued.

The Council may accept payment by:

- bank transfer;
- cheque;
- card payment, if available;
- cash, by prior arrangement only.

The Council will not normally accept part-payment.

26. Waiving Fees

The Council may waive a fee where:

- the fee is very small;
- the cost of collecting the fee would exceed the fee itself;
- the information is of clear public interest and readily available;
- the requester has a disability or other circumstance making a charge unreasonable;
- the Council considers that waiver is appropriate.

Any waiver will be at the discretion of the Clerk, in consultation with the Chair of the Council where appropriate.

27. Exemptions and Exceptions

The Council may withhold information where an exemption under FOIA or an exception under EIR applies.

Common reasons for withholding information may include:

- personal data;
- confidential information;
- commercially sensitive information;
- legal professional privilege;
- information intended for future publication;
- health and safety;
- law enforcement;
- vexatious or repeated requests;
- manifestly unreasonable environmental information requests.

Where required, the Council will apply the public interest test before deciding whether to disclose or withhold information.

The Council will explain, as far as legally possible, the reason for any refusal.

28. Personal Data

The Council will not disclose personal data under FOIA or EIR where doing so would breach data protection law.

Personal data may include:

- names;
- addresses;
- telephone numbers;
- email addresses;
- signatures;
- employment information;
- complaint details;
- allotment tenancy details;
- burial records relating to living individuals;
- correspondence from members of the public.

Councillor names and official council contact details will normally be disclosed where they relate to council business, unless there is a specific lawful reason not to do so.

29. Vexatious, Repeated or Manifestly Unreasonable Requests

The Council may refuse requests that are vexatious or repeated under FOIA, or manifestly unreasonable under EIR.

In deciding whether a request is vexatious or manifestly unreasonable, the Council may consider:

- the burden imposed by the request;
- the motive and tone of the requester, where relevant;
- harassment or distress caused to staff or councillors;
- obsessive or unreasonable persistence;
- whether the request has serious purpose or value;
- whether previous requests have already been answered;
- the cumulative impact of correspondence.

The Council will not treat a request as vexatious merely because it is inconvenient, embarrassing or critical of the Council.

30. Internal Review

If a requester is dissatisfied with the Council's response, they may request an internal review.

A request for internal review should be made in writing within **40 working days** of the Council's response.

The internal review will normally be conducted by the Chair of the Council, Vice-Chair, a nominated councillor, or another appropriate person who was not directly responsible for the original decision.

The Council will aim to complete the internal review within **20 working days**. In complex cases, this may be extended to **40 working days**.

The outcome of the internal review will be provided in writing.

31. Complaints to the Information Commissioner

If the requester remains dissatisfied after the internal review, they may complain to the Information Commissioner's Office.

The ICO can be contacted via its website.

The Council will cooperate with the ICO in the event of a complaint or investigation.

32. Records Management

The Council will maintain appropriate records to support compliance with FOIA and EIR.

This includes:

- logging requests received;
- recording deadlines;
- retaining copies of responses;
- recording exemptions or exceptions applied;
- keeping copies of fee notices;

- recording payments received;
- retaining internal review records;
- ensuring information is stored securely and can be located when required.

33. Responsibilities

The **Town Clerk** is responsible for:

- receiving and coordinating FOIA and EIR requests;
- maintaining the request log;
- calculating fees;
- issuing fee notices;
- coordinating searches for information;
- preparing responses;
- seeking advice where required;
- reporting significant requests to the Council where appropriate.

Councillors and staff must:

- forward any information request to the Clerk promptly;
- assist with searches where required;
- preserve relevant records;
- avoid deleting, altering or concealing information after a request has been received.

The Council recognises that deliberately destroying, altering or concealing information after a request has been received may be a criminal offence under section 77 of FOIA.

34. Approval and Review

This policy will be reviewed periodically and at least every two years.

It may also be reviewed earlier if there are changes in legislation, ICO guidance, case law or Council procedures.