

Guide to Information published by Midlothian Council

This Guide to Information sets out how Midlothian Council makes information available through the Model Publication Scheme. It provides you with details of the publication scheme, how you can access this information, our policies on charging, copyright and records management, and how to request information not covered by the scheme.

The Guide is split into the following sections:-

1. Introduction to the Publication Scheme
2. Availability and formats
3. Information that we may withhold
4. Our charging policy
5. Our copyright policy
6. Our records management and disposal policy
7. How to access information which we do not publish
8. Charges for information available only through request
9. Contact us

Introduction to the Publication Scheme

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right to request any recorded information held by Scotland's public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available.

Midlothian Council has adopted the Scottish Information Commissioner's Model Publication Scheme developed and approved by the Scottish Information Commissioner. The Commissioner is responsible for enforcing FOISA and guidance on the scheme is available on the [Scottish Information Commissioners website](#).

The Commissioner's Model Publication Scheme is designed to ensure that authorities meet their obligation to take account of the public interest in providing access to the information that they hold which relates to:-

- the services they provide;
- the costs of those services;
- the standard of those services;
- the facts that inform the important decisions they take; and
- the reasoning that informs their decisions.

Midlothian has adopted the Model Publication Scheme without amendment. We have therefore made a commitment to publish all information which we hold which falls within the classes of information in the scheme. The information we publish through the model scheme is, wherever possible, on our website.

Midlothian Council is committed to publishing information proactively whenever possible. We do this by reviewing the types of information that are requested from us routinely and then considering whether they could be published by us more proactively. If you would like to access information not published under the scheme, you can still request it from us under FOISA or, in the case of environmental information, the Environmental Information Regulations (EIRs). For further information on accessing information we do not publish, see [“How to access information which we do not publish”](#).

Availability and formats

The information we publish through the model scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises. For example, we can usually arrange to send information to you in paper copy (although there may be a charge for this).

Online:

If you are having trouble finding any information set out in this guide on our website, then please call 0131 270 7500 or email enquiries@midlothian.gov.uk

By email:

If the information you seek is available online but you are unable to download it, we can usually send it to you by email. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary. Please send your request for information to enquiries@midlothian.gov.uk

By phone:

Information can also be requested from us over the telephone. Please call 0131 270 7500

By post:

Information may be available in paper copy form, although there may be a charge for it.

Please address your request to:-

Legal Services Manager

Resources Division

Midlothian Council

Midlothian House

Buccleuch Street

Dalkeith

Midlothian

EH22 1DN

When writing to us to request information, please include:-

- your name and address
- full details of the information or documents you would like to receive any payment (if you know the applicable fee)
- a telephone number so we can contact you to clarify any details, if necessary.

Information that we may withhold

All information published in this guide can be accessed either through our website, or by asking us for it.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from publication. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it. Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation's commercial interests, or endanger the protection of the environment. Information may also be withheld if it is another person's personal information and its release would breach the data protection legislation.

Where we withhold information we will remove it or redact it before publication and explain why. Even where information is withheld it may, in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please contact us.

Our charging policy

Unless otherwise stated below all information contained within our publication scheme is available from us free of charge where it can be downloaded by you from our website. We reserve the right to impose charges for providing information in paper copy, by e-mail or on computer disc. Charges will reflect the costs to Midlothian Council of retrieval, reproduction and postage.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs

Black and white copy	10p per A4 side of paper
Colour copy	30p per A4 side of paper
Black and white copy	20p per A3 side of paper
Colour copy	60p per A3 side of paper
Large size plans/maps	A1 plans £2.40 A0 plans £2.50
NB Where Midlothian Council is asked to reproduce information under the publication scheme then the first 20 sheets of each request will be provided free of charge.	
Alternative formats	
Computer discs	£1 per CD-Rom / DVD

Postage costs

We will pass on postage charges to the requester at the cost to Midlothian Council of sending the information by first class post or overseas by airmail.

We are required by the [Equality Act 2010](#) to take steps to meet the needs of people who share a relevant protected characteristic. In terms of access to information, this means making reasonable adjustments to our practices to ensure that information is physically accessible. This may, for example, involve producing information in a larger script or different format where it is practicable to do so.

The costs of this will be met by Midlothian Council.

Our copyright policy

Midlothian Council holds the copyright for the vast majority of information available through both its website and the Model Publication Scheme. All of this information can be copied or reproduced (but not re-used - see below) without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may however contain information where the copyright holder is not Midlothian Council. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

Our records management and disposal policy

To ensure that records are managed properly, Midlothian Council has in place a Records Management Plan that applies to all records that it creates and holds. This helps to ensure that the Council's information remains accurate, reliable,

usable and up to date. The Records Management Plan includes policies and procedures that set out lengths of time for which all types of records must be held. This means that whilst FOISA is retrospective, it is only possible to provide copies of records that are still in existence.

Some Council records are selected for permanent preservation in the Council archives for their ongoing historic value. A guide to the Council archive collections, along with a selection of catalogues, are available on our website.

Members of the public are also encouraged to visit the Council archives where more detailed catalogues are available.

For information about the Council's Records Management Plan, contact records@midlothian.gov.uk.

How to access information which we do not publish

If the information you are seeking is not available through this website, then you may wish to request it from us. Requests can be made for the following types of information:

- Information under the Freedom of Information (Scotland) Act 2002
- Environmental information under the Environmental Information (Scotland) Regulations 2004
- Personal information under the Data Protection Act 1998

For details on how to request these types of information visit our website.

Charges for information available only through request

Freedom of Information

Midlothian Council reserves the right to charge in accordance with [the FOI Fees Regulations](#) for providing information under FOISA. We will however normally refuse to deal with a request where we estimate that it will cost more than £600 to locate, retrieve and provide the information. In particular:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide, you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, this being
- calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may however be made for locating, retrieving and providing information to you.

- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.
- In calculating reproduction costs, the charges in our charging policy will apply.

We are pleased to provide advice and assistance to help requesters frame their requests and thereby reduce the possibility of incurring charges for information. Clear framing of requests can also help avoid unnecessary cost to the public purse.

Environmental Information

Midlothian Council reserves the right to charge for environmental information. We will do so on the same basis as we charge for non-environmental information under the Freedom of Information (Scotland) Act 2002. In calculating reproduction costs, our charging policy will apply.

You will be told in advance if a fee will apply. However, where it will cost more than £600 to provide the information, we will ask you to pay the full cost of providing this with no waiver for any portion of the cost.

Under the EIRS, there is no limit to the amount of staff time that can be spent responding to requests. However, the EIRS permit the Council to refuse to respond to requests which are formulated in too general a manner, when the Council has asked for further information and provided assistance and advice. A request can also be refused when it is manifestly unreasonable. Clear framing of requests will help to avoid unnecessary cost to the public purse and we will therefore be pleased to provide advice and assistance to help requesters frame their requests and thereby reduce the possibility of incurring charges for information.

We may extend the 20 working day period for making environmental information available by up to a further 20 working days if the volume and complexity of the information requested makes it impractical for us to comply with the request or to make a decision to refuse to do so (regulation 7(1)).

Personal Information

The Council will usually charge the statutory maximum fee of £10 for requests for personal data in accordance with the [Data Protection \(Subject Access\) \(Fees and Miscellaneous Provisions\) Regulations 2000](#).

If you wish to make a request for personal data (e.g. pupil's educational record by the parent or guardian, a social work file by the individual or a housing tenant file by the tenant) please email enquiries@midlothian.gov.uk

Contact us

Our aim is to make our guide to information as user-friendly as possible, and we hope that you can access all the information we publish with ease. We are obliged to review our guide to information from time to time. As a result, we welcome feedback on how we can develop it further. If you would like to comment on any aspect of this guide to information, then please contact us. You may, for example wish to tell us about:

- other information that you would like to see included;
- whether you found it easy to use;
- whether you found the guide useful;
- whether our staff were helpful; and
- other ways in which our guide can be improved.

Please send any comments, suggestions or complaints to: Legal Services Manager

Midlothian Council
Midlothian House Buccleuch Street Midlothian
EH22 1DN
Email: alan.turpie@midlothian.gov.uk

Any complaint will be dealt with in accordance with the Midlothian Council Complaints and Feedback Procedure.

You have legal rights to access information under the publication scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing** or another recordable format. If you are unhappy with our response to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

The Commissioner's website has a guide to this three step process, and she operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. Her office can be contacted as follows:-

Scottish Information Commissioner Kinburn Castle
Doubledykes Road St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

**verbal requests for environmental information carry similar rights.

CLASS 1	ABOUT MIDLOTHIAN COUNCIL
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MIDLOTHIAN COUNCIL PUBLICATION SCHEME – CLASSES OF INFORMATION

<p>Class description:</p> <p>Information about the Midlothian Council, who we are, where to find us, how to contact us, how we are managed and our external relations</p>	
<p><u>General information about the authority</u></p>	
<ul style="list-style-type: none"> - Authority name, address and contact details for headquarters and principal offices. 	<p>http://www.midlothian.gov.uk/info/200238/contacts_and_locations/1144/find_us</p>
<ul style="list-style-type: none"> - Organisational structure, roles and responsibilities of senior officers. 	<p>http://www.midlothian.gov.uk/info/690/structure</p>
<ul style="list-style-type: none"> - Business opening hours. 	<p>http://www.midlothian.gov.uk/info/200180/opening_hours_closures_and_holidays/90</p>
<ul style="list-style-type: none"> - Contact details for customer care and complaints functions. 	<p>http://www.midlothian.gov.uk/info/670/have_your_say</p>
<ul style="list-style-type: none"> - Customer codes or charters. 	<p>http://www.midlothian.gov.uk/info/695/about_us/986/customer_care</p>
<ul style="list-style-type: none"> - Single Model Publication Scheme 2013 and the authority's Guide to Information. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Charging schedule for published information. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Contact details and advice about how to request information from the authority. 	<p>http://www.midlothian.gov.uk/info/704/data_protection_and_freedom_of_information</p>

<ul style="list-style-type: none">- Charging schedule for environmental information provided in response to requests under the Environmental Information (Scotland) Regulations 2004 (if the authority charges for environmental information).	https://www.midlothian.gov.uk/
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<u>Constitution</u>	
<ul style="list-style-type: none"> - Legal framework for the authority, including constitution, articles of association or charter. 	https://www.midlothian.gov.uk/
<u>How the authority is run</u>	
<ul style="list-style-type: none"> - Description of governance structure, Board, committees and other decision making structures. 	http://www.midlothian.gov.uk/info/695/about_us/906/how_the_council_works
<ul style="list-style-type: none"> - Names of, responsibilities of and (work-related) biographical details of the people who make strategic and operational decisions about the performance of function and/or delivery of services by the authority e.g. Board members, chief officers. 	http://www.midlothian.gov.uk/download/downloads/id/803/midlothian_council_structure
<ul style="list-style-type: none"> - Governance policies, including 	http://www2.midlothian.gov.uk/membersinterestlist.aspx http://www.midlothian.gov.uk/info/772/councillors_and_politicians/955/councill

<p>standing orders, code of conduct and register of interests</p>	<p style="text-align: center;">ors</p> <p>http://www.midlothian.gov.uk/info/697/publications/90/corporate_governance</p> <p>http://www.midlothian.gov.uk/info/816/plans_and_policies</p>
<p><u>Corporate planning,</u></p>	
<ul style="list-style-type: none"> - Mission statement. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Corporate plan. 	<p>http://www.midlothian.gov.uk/info/816/plans_and_policies/460/midlothians_corporate_strategy</p>
<ul style="list-style-type: none"> - Corporate strategies e.g., for economic development, etc. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Corporate policies, e.g., health and safety, equality, sustainability. 	<p>http://www.midlothian.gov.uk/downloads/816/plans_and_policies</p>
<ul style="list-style-type: none"> - Strategic planning processes. 	<p>https://www.midlothian.gov.uk/</p>
<p><u>External relations</u></p>	
<ul style="list-style-type: none"> - Accountability relationships, including reports to regulators. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Internal and external audit arrangements 	<p>https://www.midlothian.gov.uk/</p>

<ul style="list-style-type: none">- Subsidiary companies (wholly and part owned) and other significant financial interests.	https://www.midlothian.gov.uk/
<ul style="list-style-type: none">- Strategic agreements with other bodies.	https://www.midlothian.gov.uk/

CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES

<p>Class description:</p> <p>Information about our work, our strategy and policies for delivering functions and services and information for our service users.</p>	
<p><u>Functions</u></p>	
<ul style="list-style-type: none"> - Description of functions, including statutory basis for them, where applicable. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Strategies, policies and internal staff procedures for performing statutory functions. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - How to apply for a licence, warrant, grant, etc. where it is a function of the authority to approve. 	<p>http://www.midlothian.gov.uk/info/1125/licences_permits_and_permissions</p>
<ul style="list-style-type: none"> - How to report a concern to the authority. 	<p>http://www.midlothian.gov.uk/report</p>
<ul style="list-style-type: none"> - Reports of the authority's exercise of its statutory functions. 	<p>https://www.midlothian.gov.uk/</p>

- Statutory registers (NB not if inspection-only).	https://www.midlothian.gov.uk/
- Fees and charges for performance of the authority's function e.g., fee for making a planning application, etc.	http://www.midlothian.gov.uk/site/scripts/google_results.aspx?q=fees site search on fees
<u>Services</u>	
- List of services, including statutory basis for them, where applicable.	http://www.midlothian.gov.uk/a_to_z
- Service policies and internal staff procedures, including allocation, quality and standards.	http://www.midlothian.gov.uk/downloads/200224/service_plans 2011-12 service plans
- Service schedules and delivery plans.	http://www.midlothian.gov.uk/info/816/plans_and_policies/462/service_planning
- Information for service users, including how to access the services.	
- Service fees and charges, including bursaries.	http://www.midlothian.gov.uk/site/scripts/google_results.aspx?q=fees site search on fees

CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED

Class description: Information about the decisions we take, how we make decisions and	
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how we involve others	
<u>Decision making</u>	
<ul style="list-style-type: none"> - Decisions taken by the organisation: agendas, reports and papers provided for consideration and minutes of Board (or equivalent) meetings. 	http://www.midlothian.gov.uk/info/811/council_meetings_and_minutes
<ul style="list-style-type: none"> - Public consultation and engagement strategies. 	http://www.midlothian.gov.uk/downloads/200130/communities_and_community_planning
<ul style="list-style-type: none"> - Reports of regulatory inspections, audits and investigations carried out by the authority. 	https://www.midlothian.gov.uk/
<ul style="list-style-type: none"> - Environmental Impact Assessment Reports undertaken in compliance with the Town and Country (Environmental Impact Assessment) (Scotland) Regulations 2017 	https://www.midlothian.gov.uk/

CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT

<p>Class description:</p> <p>Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).</p>	
<p>What we spend and how we spend it</p>	
<ul style="list-style-type: none"> - Financial statements, including annual accounts, any regular statements e.g. quarterly budget statements. 	<p>http://www.midlothian.gov.uk/downloads/691/performance_and_spending</p>
<ul style="list-style-type: none"> - Financial statements required by statute e.g., sections 31 and 33 of the Public Service Reform (Scotland) Act 2010, if applicable to the authority. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Financial policies and procedures for budget allocation. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Budget allocation to key policy / function / service areas. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Purchasing plans and capital funding plans. 	<p>https://www.midlothian.gov.uk/</p>

- Financial administration manual / internal financial regulations	https://www.midlothian.gov.uk/
- Expenses policies and procedures.	https://www.midlothian.gov.uk/
- Senior staff / board member expenses at category level e.g., travel, subsistence and accommodation.	https://www.midlothian.gov.uk/
- Board member remuneration other than expenses.	https://www.midlothian.gov.uk/
- Pay and grading structure (levels of pay rather than individual salaries).	https://www.midlothian.gov.uk/
- Investments, summary information about endowments, investments and authority pension fund.	https://www.midlothian.gov.uk/
- Funding awards available from the authority, how to apply for them and funding awards made by the authority.	https://www.midlothian.gov.uk/

CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES

<p>Class description:</p> <p>Information about how we manage the human, physical and information resources of the authority</p>	
<p><u>Human resources</u></p>	
<ul style="list-style-type: none"> - Strategy and management of human resources. 	<p>http://www.midlothian.gov.uk/download/downloads/id/2109/finance_and_human_resources_service_plan_2012-13</p>
<ul style="list-style-type: none"> - Staffing structure. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Human resources policies, procedures and guidelines, including e.g., recruitment, performance management, salary and grading, promotion, pensions, discipline, grievance, staff development, staff records. 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Employee relations structures and agreements reached with recognised trade unions and professional organisations. 	<p>https://www.midlothian.gov.uk/</p>

<u>Physical resources</u>	
<ul style="list-style-type: none"> - Management of the authority's land and property assets, including environmental / sustainability reports. 	https://www.midlothian.gov.uk/
<ul style="list-style-type: none"> - Description of the authority's land and property holdings. 	https://www.midlothian.gov.uk/
<ul style="list-style-type: none"> - Estate development plans. 	https://www.midlothian.gov.uk/
<ul style="list-style-type: none"> - Maintenance arrangements. 	https://www.midlothian.gov.uk/

<u>Information resources</u>	
- Records management policy, including records retention schedule.	https://www.midlothian.gov.uk/
- Information governance / asset management policies and procedures.	https://www.midlothian.gov.uk/
- Knowledge management policies and procedures.	https://www.midlothian.gov.uk/
- List of statistical information published by the authority.	https://www.midlothian.gov.uk/
- Freedom of information policies and procedures.	http://www.midlothian.gov.uk/info/704/data_protection and free dom of informat ion/691/freedom_of information

CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS

Class description: Information about how we procure goods and services, and our contracts with external providers	
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Procurement	
- Procurement policies and procedures.	http://www.midlothian.gov.uk/downloads/1/business_and_trade
- Invitations to tender.	http://www.midlothian.gov.uk/info/1/business_and_trade/270/tenders_and_contracts
- List of contracts which have gone through formal tendering, including name of supplier, period of contract and value.	http://www.midlothian.gov.uk/info/1/business_and_trade/270/tenders_and_contracts
- Information published in accordance with the Procurement Reform (Scotland) Regulations Act 2014, the Procurement (Scotland) Regulations 2016 and the Public Contracts (Scotland) Regulations 2015	https://www.midlothian.gov.uk/
- Register of Contracts awarded, which have gone through formal tendering, including name of supplier, period of contract and value	https://www.midlothian.gov.uk/
- Links to procurement information the Council publishes on the Public Contracts Scotland website	https://www.publiccontractsscotland.gov.uk/

CLASS 7: HOW WE ARE PERFORMING

<p>Class description:</p> <p>Information about how we perform as an organisation, and how well we deliver our functions and services</p>	
<p>Performance</p>	
<ul style="list-style-type: none"> - External reports e.g., annual report, performance statements required by statute (e.g., section 32 of the Public Service Reform (Scotland) Act 2010 if applicable. 	<p>http://www.midlothian.gov.uk/downloads/200222/performance_reports</p>
<ul style="list-style-type: none"> - Performance indicators and performance against them. 	<p>http://www.midlothian.gov.uk/downloads/200225/statutory_performance_indicator_results</p>
<ul style="list-style-type: none"> - Mainstreaming Equality Reports produced under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended 	<p>https://www.midlothian.gov.uk/</p>
<ul style="list-style-type: none"> - Employee and board equality monitoring reports produced under the equality Act 	<p>https://www.midlothian.gov.uk/</p>

2010 (Specific Duties) (Scotland) Regulations 2012, as amended	
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CLASS 8: OUR COMMERCIAL PUBLICATIONS

Class description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g, bookshop, museum or research journal.	Information on publications packaged and made available for sale may be found on our web page https://www.midlothian.gov.uk/
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CLASS 9: OUR OPEN DATA

It is the Council's aim to make increasing amounts of our data freely and widely available via these web pages. Midlothian Council has adopted the UK government's approach to Open Data Standards in that data should be published to a minimum of 3 stars in the Government's [5 star rating scheme \(Opens in a new window\)](#).

This means our data is easily accessible and available to re-use as required under the [Open Government Licence \(Opens in a new window\)](#). We are working hard to ensure all our published datasets meet this standard.

Throughout the councils website all text documents are presented and downloadable in pdf/odf format and spreadsheets are in .csv format.