

# SEBERGHAM PARISH COUNCIL

Clerk: Rachael Kelly, 29 Greystoke Park Avenue, Penrith, Cumbria, CA11 9DB. Tel: 01768 863900;  
clerk@seberghamwelton.org.uk; www.seberghamwelton.org.uk

## Freedom of Information Policy

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### 1 LEGAL CONTEXT

Sebergham Parish Council (“the Council”) is a public authority that falls within the scope of the Freedom of Information Act, 2000. This Act provides public access to information we hold in two ways:

- We are obliged proactively to publish certain information about our activities;
- Members of the public are entitled to request information about our activities.

The first of these is proactive: information is published so that the public do not have to make specific requests for it. This is covered by our *Publication Scheme*, which follows the model set down by the Information Commissioner’s Office (ICO). The second is reactive and is covered by this Freedom of Information Policy.

The Act covers any recorded information that we hold. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound and video recordings.

The Act does not cover information that exists only in someone’s head. If a member of the public asks for information, we only have to provide information we already have in recorded form. We do not have to create new information or find the answer to a question by asking staff or members who may happen to know it.

### 2 HOW TO OBTAIN INFORMATION

We recommend that you use our *Publication Scheme* (attached) as a starting point, because it tells you how to obtain information we proactively publish. Depending on the information you are seeking, the following sources may be available:

- our website;
- parish notice boards;
- by email correspondence with the Clerk;
- hard copy from the Clerk (see the schedule of charges in the *Publication Scheme*);
- personal inspection of documents held by the Clerk (after first agreeing suitable arrangements with the Clerk).

In cases where the information you seek is not included in the *Publication Scheme*, you should make an information request to the Clerk, and this will be treated according to Section 3 below.

### 3 HOW WE WILL RESPOND TO REQUESTS FOR INFORMATION

Within 20 working days of receipt of your written request the Council will:

- i. Acknowledge receipt of the request (normally within five working days) and state the latest date by which you will receive a response.
- ii. confirm to you whether or not it holds the information

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- iii. advise you if a fee will be charged
- iv. provide you with the information (after any relevant fee has been paid) unless an exemption applies (see 'Exemptions' paragraph below).

## 4 EXEMPTIONS

Some information may not be provided by the Council as there are 23 exemptions in the Freedom of Information Act, for example, personal data about individuals which is protected by the Data Protection Act 2018, or commercially confidential information.

## 5 CHARGEABLE FEES

The Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

- i. Disbursement costs such as printing, photocopying and postage; and
- ii. When estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £25 per hour, plus disbursements for the estimated work.

For the majority of requests, or a series of requests from the same applicant within a 12-month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £25), the Council can decide to:

- refuse the request; or
- comply with the request and charge for allowable costs as prescribed in the regulations; or
- comply with the request free of charge.

If the estimated cost of a request is more than £450, and it is decided to release the information and make a charge for the information then:

- A fee notice will be sent to the applicant requesting the appropriate fee.
- The request will not be answered until the fee has been received.
- If the actual cost of completing the request is more than the estimate, then the Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For disbursements costs, please see the Schedule of Charges in our *Publication Scheme*.

## 6 DISCLOSURE LOG

Part of the ICO's model publication scheme records the information we have provided in response to questions from the public. This log itself is recorded information that may be requested by the public.

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## 7 FURTHER INFORMATION

If you need help in accessing information from the Council under the Freedom of Information Act, please contact the Clerk (contact details on website and noticeboards).

You will also find more detailed guidance on the website of the Information Commissioner.

For further information and clarification, please see The Guide to Freedom of Information, available from the Information Commissioner's Office website ([www.ICO.org.uk](http://www.ICO.org.uk)).

## 8 COMPLAINTS

If you are dissatisfied with the response from the Council, then you should put your complaint in writing to the Clerk. If you are still dissatisfied, you may contact the Information Commissioner at:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

*Approved:* May 2020

*Review:* May 2021

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## Freedom of Information Act 2008 Publication Scheme

Information to be published	How the information can be obtained	Co
<b>Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts). This will be current information only.</b>		
<b>Who's who on the Council and its Committees</b>	Website / Email Hard copy – contact Clerk	Free 10p/sheet
<b>Contact details for Parish Clerk and Council members: (named contacts where possible with telephone number and email address (if used))</b>	Website / Email Hard copy – contact Clerk	Free 10p/sheet
<b>Staffing structure</b>	<b>Website / Email</b> <b>Hard copy – contact Clerk</b>	<b>Free</b> <b>e</b>
<b>Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial</b>		
<b>Annual return form and report by auditor</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Finalised budget</b>	Website / Email Hard copy – contact Clerk	Free e
<b>Precept</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Financial Standing Orders and Regulations</b>	Website / Email Hard copy – contact Clerk	Free <b>10p/shee</b>
<b>Grants given and received</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>List of current contracts awarded and value of contract</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Members' allowances and expenses</b>	<b>Hard copy – contact Clerk</b>	<b>10p/sheet</b>

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Information to be published	How the information can be obtained	Co
<b>Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)</b>		
<b>Council Priorities (current and previous year as a minimum)</b>	Hard copy – contact clerk	<b>10p/sheet</b>
<b>Annual Report to Town Meeting (current and previous year as a minimum)</b>	<b>Hard copy – contact clerk</b>	<b>10p/sheet</b>
<b>Class 4 – How we make decisions (Decision making processes and records of decisions). Current and previous council year as a minimum</b>		
<b>Timetable of meetings (Council, any committee/sub-committee meetings)</b>	Website / Email Hard copy – contact Clerk	<b>Free</b>
<b>Agendas of meetings (as above)</b>	Website / Email Noticeboard Hard copy – contact Clerk	<b>Free</b> <b>Free</b>
<b>Minutes of meetings (as above) – this will exclude information that is properly regarded as private to the meeting.</b>	Website / Email Hard copy – contact Clerk	<b>Free</b> <b>10p/sheet</b>
<b>Reports presented to council meetings - this will exclude information that is properly regarded as private to the meeting.</b>	Email Hard copy – contact Clerk	<b>Free</b> <b>10p/shee</b>
<b>Responses to consultation papers</b>	Email Hard copy – contact Clerk	<b>Free</b> <b>10p/shee</b>
<b>Responses to planning applications</b>	<b>Email</b> <b>Hard copy – contact Clerk</b>	<b>Free</b> <b>10p/shee</b>

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Information to be published	How the information can be obtained	Co
<b>Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities)</b>		
<b>Policies and procedures for the conduct of council business: Procedural Standing Orders &amp; Financial Regulations Committee and sub-committee terms of reference Code of Conduct</b>	Website / Email Hard copy – contact Clerk	<b>Free 10p/sheet</b>
<b>Policies and procedures for the provision of services and the employment of staff: Health and safety policy Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)</b>	Website / Email Hard copy – contact Clerk	<b>Free 10p/sheet</b>
<b>Information security policy</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Records management policies (records retention, destruction and archive)</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Data protection policies</b>	Hard copy – contact Clerk	<b>10p/sheet</b>
<b>Schedule of charges (for the publication of information)</b>	<b>Website / Email Hard copy – contact Clerk</b>	<b>Free</b>

<b>Class 6 – Lists and Registers Currently maintained lists and registers only</b>		
<b>Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)</b>	Not applicable	
<b>Assets Register</b>	Website / Email Hard copy – contact Clerk	<b>Free 10p/sheet</b>
<b>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)</b>	Inspection only – contact Clerk	
<b>Register of members' interests</b>	Website / Email Hard copy – contact Clerk	<b>Free 10p/sheet</b>

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**Register of gifts and hospitality**

**Inspection only – contact Clerk**

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Information to be published	How the information can be obtained	Co
<b>Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only</b>		
<b>Parish Council Lengthsman</b>	Hard Copy - Contact Clerk	<b>10p per sheet</b>
<b>Notice Boards</b>	Hard Copy - Contact Clerk	
<b>Village Renovation Projects</b>	Hard Copy – Contact Clerk	
<b>War Memorial (Maintenance)</b>	Hard Copy – Contact Clerk	
<b>Website</b>		
<b>Additional Information: Information that is not itemised in the lists above: None</b>		

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

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	<b>Actual cost</b>
	Postage	<b>Actual cost of Royal Mail 2<sup>nd</sup> class</b>

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