



Sodbury Town Council

Freedom of Information Request – Clerks Report December 2021

A request has been received for copies of correspondence to the Town Council in relation to the land alongside Badminton Road, Old Sodbury which has been the subject of agenda items this year. The timeline and actions that have been taken to date are as follows:

13th October 2021

- Request for copies of correspondence received by the Town Council in relation to this matter
- Clerk advised that guidance would be obtained and would keep applicant updated

18th October 2021

- Clerk advised applicant that guidance was still awaited

1st November 2021

- Further to verbal confirmation from NALC the Clerk ascertained the content of emails in relation to matters which the Council is considering/has considered should be made available to the public.
- Clerk copied and pasted content of emails in to one PDF document ensuring no identifying information was included.
- PDF sent to applicant as requested
- Applicant advised they wanted the dates of each piece of correspondence

2nd November 2021

- Clerk sent dates to applicant

25th November

- Request made by applicant 2 under the Freedom of Information Act for all emails including authors and dates sent (acknowledged that some of this information has been received)
- Clerk acknowledged receipt and advised that legal advice would be sought
- Applicant 2 responded with information from the FOI Act that they believe supports their request for the information – specifically the meta-data which includes the author of emails
- Clerk contacted ALCA with a resume of the situation and asked for specific legal advice in relation to the releasing of details of the authors of the emails

During consideration of this matter the clerk has referred to:

- Information Commissioner's Office – www.ICO.org.uk
- Freedom of Information Act – www.legislation.co.uk
- General Data Protection Regulations (GDPR) – www.gdpr-info.eu

It is the Clerks opinion that the information requested by applicant 2, specifically details of the authors of emails received from the Town Council **cannot** be supplied for the following reasons (as highlighted):

FOI Act 2000 Section 41 – Information Provided in confidence

(1) Information is exempt information if—

- (a) **it was obtained by the public authority from any other person (including another public authority),**
and

- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
- (2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

FOI Act 2000 Section 40 – Personal Information

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
- (a) it constitutes personal data which does not fall within subsection (1), and
- (b) the first, second or third condition below is satisfied.
- (3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—
- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.
- (3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).]
- (4A) The third condition is that—
- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

GDPR – Personal Data

- Personal data is information that relates to an identified or identifiable individual.
- What identifies an individual could be as simple as a name or a number or could include other identifiers such as an IP address or a cookie identifier, or other factors.
- If it is possible to identify an individual directly from the information you are processing, then that information may be personal data.

Advice received from the National Association of Local Councils

- Number of exemptions under the FOI Act 2000 including section 40 exempting the personal information of a third party – But this is subject to the public interest test. (CD – What is the public interest in releasing this information?)
- Advises that STC could contact the authors of the email/s and ask for their permission to release the information – on the basis that emails were sent to the Clerk in confidence and they were anonymised when sent to Councillors it is not felt (by the Clerk) this is appropriate.

The final date for a response to this FOI request is 23rd December 2021 therefore a decision needs to be made at the December Full Council meeting.

MEETING DATES 2022

(Please check website for any updates – www.sodburytowncouncil.gov.uk)

JANUARY 2022			
11th	Full Council Meeting	19.30	C/S Town Hall
18th	Markets Committee	19:30	STC Offices
25th	E & L Committee	19.30	Old Grammar School
FEBRUARY 2022			
8th	Full Council Meeting	19.30	O/S Village Hall
15th	Remembrance Day Committee	19:30	Old Grammar School
22nd	Staffing Committee	19.00	Old Grammar School
22nd	F&GP Committee	19.30	Old Grammar School
MARCH 2022			
8th	Full Council Meeting	19.30	C/S Town Hall
22nd	E & L Committee	19.30	Old Grammar School
APRIL 2022			
12th	Full Council Meeting	19:30	C/S Town Hall
19th	Annual Parish Meeting	19:30	O/S Village Hall
26th	Markets Committee	19:30	STC Offices
MAY 2022			
3rd	Annual Council Meeting	19.00	C/S Town Hall
17th	F&GP Committee	19:30	STC Offices
24th	E & L Committee	19.30	STC Offices
JUNE 2022			
7th	Full Council Meeting	19.30	O/S Village Hall
21st	Markets Committee	19:30	STC Offices
28th	Remembrance Day Committee	19:30	STC Offices
JULY 2022			
5th	F&GP Committee	19.30	STC Offices
12th	Full Council Meeting	19.30	C/S Town Hall
26th	E & L Committee	19.30	STC Offices
SEPTEMBER 2022			
6th	Markets Committee (Budget)	19.30	STC Offices
13th	Full Council Meeting	19.30	O/S Village Hall
27th	F&GP Committee	19.30	STC Offices

MEETING DATES 2022

(Please check website for any updates – www.sodburytowncouncil.gov.uk)

OCTOBER 2022			
4th	Remembrance Day Committee	19.30	STC Offices TBC
11th	Full Council Meeting	19.30	C/S Town Hall
25th	E & L Committee (Budget)	19.30	STC Offices TBC
NOVEMBER 2022			
8th	Full Council Meeting	19.30	O/S Village Hall
22nd	F&GP Committee (Precept)	19.30	STC Offices TBC
DECEMBER 2022			
13th	Full Council Meeting - Precept	19.30	C/S Town Hall

Working Budget 2022/23

	21/22 Budget	21/22 Predicted	Earmarked	22/23 Budget	Difference £
	£	£	£	£	
Finance & General Purposes Committee					
Administration	118,200.00	126,359.00		129,457.00	11,257.00
The Old Reading Rooms	24,335.00	23,000.00		24,335.00	0.00
The Snuggery	1,000.00	1,000.00		1,000.00	0.00
Clock Tower Maintenance	5,000.00	2,500.00		4,000.00	-1,000.00
Mayors Allowance/Regalia	500.00	500.00		500.00	0.00
CIL Funds not to be inc in general					0.00
Elections	3,000.00	3,000.00	6,000.00	3,000.00	0.00
PWLB Loan 1	14,458.00	14,458.00		14,458.00	0.00
PWLB Loan 2	17,025.00	17,025.00		17,025.00	0.00
Remembrance Day	1,600.00	1,600.00		1,600.00	0.00
S137 Grants Fund	4,500.00	4,000.00		4,500.00	0.00
Youth Club Grant	10,000.00	10,000.00		10,000.00	0.00
Tourist Information Centre Grant	3,000.00	2,500.00		3,000.00	0.00
Sodbury In Bloom Grant	1,000.00	1,000.00		1,000.00	0.00
Churchyard Maintenance Grant	4,000.00	4,000.00		4,000.00	0.00
Council Reserves	5,000.00	5,000.00	60,000.00	5,000.00	0.00
Committee Totals	212,618.00	215,942.00	66,000.00	222,875.00	10,257.00
Markets Committee					
Christmas Lights (inc e/m from Pitchings)	5,000.00	2,000.00		3,000.00	-2,000.00
Christmas Trees	3,500.00	3,500.00		3,500.00	0.00
Town Centre/Pitching's	4,000.00	4,000.00		4,000.00	0.00
Mop Fair	1,200.00	1,200.00		1,200.00	0.00
Public Conveniences	21,420.00	15,050.00		17,500.00	-3,920.00
Committee Totals	35,120.00	25,750.00	0.00	29,200.00	-5,920.00
Environmental & Leisure Committee					
Maintenance Contract	8,400.00	8,088.00		8,400.00	0.00
Bin Emptying	4,000.00	3,938.00		4,400.00	400.00
Grass Cutting (SGC Contract)	5,390.00	6,840.00		7,000.00	1,610.00
Grass Cutting Additional	2,000.00	2,000.00		1,800.00	-200.00
Floral Displays	4,000.00	4,000.00		4,100.00	100.00
Floral Watering	9,010.00	9,200.00		8,000.00	-1,010.00
Street Furniture (inc bins)	1,000.00	1,000.00		1,000.00	0.00
O/S Play Area	2,000.00	2,000.00		2,000.00	0.00
The Ridings Play Area	2,000.00	2,000.00		2,000.00	0.00
Equipment Hire	150.00	150.00		200.00	50.00
Maintenance Consumables	1,200.00	1,000.00		1,000.00	-200.00
Old Sodbury Woodland	0.00	500.00		1,000.00	1,000.00
Holiday Playscheme	4,500.00	2,569.00		3,500.00	-1,000.00
Contingency Fund	1,000.00	1,300.00		1,500.00	500.00
Committee Totals	44,650.00	44,585.00	0.00	45,900.00	1,250.00
Total Expenditure	292,388.00	286,277.00	66,000.00	297,975.00	5,587.00
Total required including earmarked balances				363,975.00	

Income

	21/22 Budget	21/22 Predicted	22/23 Budget
	£		£
Finance & General Purposes Committee			
Rental Income from lease of TORR	9,500.00	9,500.00	9,500.00
Committee Totals	9,500.00	9,500.00	9,500.00
Markets Committee			
Mop Fairs	3,100.00	0.00	5,000.00
Christmas Tree Grant	250.00	250.00	250.00
Committee Totals	3,350.00	250.00	5,250.00
Environmental & Leisure Committee			
Playscheme Grant	2,000.00	2,000.00	2,000.00
Floral Display Grant	1,000.00	1,200.00	1,000.00
Committee Totals	3,000.00	3,200.00	3,000.00
Total Income	15,850.00	12,950.00	17,750.00

Sodbury Town Council

Precept Calculation 2022/23

Estimated Year End Balance 31st March 2022

Fund Balance 1st April 2021	63,086.00
Add projected income (including Precept of £274,052)	287,002.00
Less projected expenditure	286,277.00
Estimated Balance 31st March 2022	63,811.00
Precept Calculation	
Opening Balance	63,811.00
Add Income	17,750.00
Less Expenditure	363,975.00
Total	-282,414.00

