



TO ALL TOWN COUNCILLORS

You are hereby summoned to attend the **ANNUAL** meeting of the **FELIXSTOWE TOWN COUNCIL** to be held at the **Town Hall, Felixstowe** on **Wednesday 20 May 2015** at **7.30pm** for the transaction of the following business preceded by:

- i. **Prayers:** Rev Diane Smith, Trinity Methodist Church, Felixstowe.

A G E N D A

1. **Election of Town Mayor**
To elect the Town Mayor for the Municipal Year 2015-16. The new Mayor will make the Statutory Declaration of Acceptance of Office and address the Council.
2. **Election of Deputy Mayor**
To elect the Town Mayor for the Municipal Year 2015-16.
3. **Councillors' Declaration of Acceptance of Office**
To note that, in accordance with section 83(3) of the Local Government Act 1972, all Members elected to Felixstowe Town Council have made their Declaration of Acceptance of Office before the Town Clerk.
4. **Apologies**
To receive apologies for absence.
5. **Declarations of Interest**
Members and officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the meeting if it becomes apparent that this may be required when a particular item or issue is considered.
6. **Requests for Dispensation**
Councillors with a pecuniary interest in an item on this agenda, who wish to remain, speak and/or vote during consideration of that item, may apply for a dispensation in writing to the Town Clerk prior to the meeting. Applications may also be considered at the meeting itself should the nature of the interest become apparent to a Councillor at the time of the meeting.
7. **Confirmation of Council Minutes**
To confirm the minutes of the Ordinary Council Meeting held on Wednesday 1 April 2015 as a true record. **(Pages 4-10)**

8. Minutes of Committee Meetings

To receive and adopt the minutes of the following meetings:

Plans Committee 25 March 2015	(Pages 11-14)
Plans Committee 8 April 2015	(Pages 15-18)
Plans Committee 22 April 2015	(Pages 19-23)
Plans Committee 6 May 2015	(Pages 24-27)

9. Delegation Arrangements

To review and approve powers delegated to the Town Clerk by Council for 2015/16. **(Page 28)**

10. Council Governance 2015/16

To receive and confirm the following governance documents for 2015/16 as previously approved:

Terms of Reference (<i>approved 3 December 2014 Min. 412</i>).	(Appendix A)
Standing Orders (<i>approved 1 April 2015 Min. 596</i>).	(Appendix B)
Financial Regulations (<i>approved 1 April 2015 Min. 597</i>).	(Appendix C)
Meeting Schedule (<i>approved 4 February 2015 Min. 482</i>).	(Appendix D)

11. Appointments to Committees

To appoint the Chairman, Vice-Chairman and Members to serve on the following Committees in 2015/16:

Finance & General Purposes Committee (12 Members)	
Assets & Services Committee (10 Members)	
Civic & Community Committee (10 Members)	
Planning & Environment Committee (10 Members)	
Personnel Committee (5 Members)	
Appeals Committee (5 Members)	
Highways Advisory Committee (3 Members)	
Youth Forum (3 Members)	(Schedule attached on pages 29-30)

12. Appointments to Outside Bodies

To appoint Members to represent the Town Council on the following Outside Bodies in 2015/16. **(Schedule attached on page 31)**

13. Authorisation of Signatories

To confirm Council's authorised signatories for 2015/16. **(Page 32)**

14. Review of Asset Register

To review and approve the Council's Asset Register. **(Page 33 and Appendix E)**

15. Review of Insurance Provision

To confirm the Council's arrangements for insurance cover in respect of all insured risks. **(Page 33)**

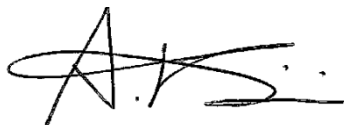
- 16. Subscriptions**
To review and approve the Council's and staff subscriptions to other bodies.
(Page 34)
- 17. Council Complaints Procedure**
To review and approve the Council's complaints procedure. **(Pages 35-36)**
- 18. Freedom of Information**
To review and approve the Council's procedures for handling requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
(Pages 37-51)
- 19. Press & Media Policy**
To review and approve the Council's Press & Media Policy. **(Pages 52-54)**
- 20. Accounts for Payment**
To confirm and approve the payments of accounts since the previous meeting as follows:

(Schedules attached at Appendix F)

Date	Voucher Nos.	Total Payment
25/03/2015	286 – 305	£50,036.21
31/03/2015	306 - 325	£34,528.28
10/04/2015	1 - 17	*£204,921.73
22/04/2015	18 - 30	£13,341.44
06/05/2015	31 - 51	£35,632.87
	TOTAL	£338,460.53

**£200,000 of which representing a one year investment bond with Nationwide.*

- 21. Closure**
To close proceedings and note that the next meeting is the Ordinary Council Meeting scheduled for 7.30pm on Wednesday 10 June 2015.



Ash Tadjrishi
Town Clerk
12 May 2015

AGENDA ITEM 7: CONFIRMATION OF COUNCIL MINUTES

MINUTES of the **ORDINARY COUNCIL** meeting held at Felixstowe Town Hall on
Wednesday 1 April 2015 at 7.30pm

PRESENT: Cllr G Newman (Town Mayor) Cllr D Savage (Deputy Mayor)
 Cllr N Barber Cllr J Sennington
 Cllr S Bird Cllr M Sharman
 Cllr M Deacon Cllr C Slemmings
 Cllr Jan Garfield Cllr A Smith
 Cllr Jon Garfield Cllr M Walker
 Cllr M Morris Cllr K Williams

OFFICERS: Mr A Tadjrishi (Town Clerk)
 Mrs L Monsen (Mayor's Secretary)
 Mrs R Jones (Estates Officer)

IN ATTENDANCE: 15 members of the Public, 1 Member of the Press.

Prior to opening the meeting the Mayor advised that in order to meet the requirement of the Openness of Local Government Bodies Regulations 2014, Standing Order 3(l) would be suspended.

PUBLIC QUESTIONS

A member of the public asked whether the consultation period for a recently submitted outline planning application for 560 homes on land at Candlet Road could be extended to allow for public comments to be submitted up to the date of the Suffolk Coastal Development Management Committee meeting in June. Members heard that there had been some technical issues with the online planning portal which had prevented the public being able to view the application sooner.

In response to the request the Town Clerk undertook to seek assurance from SCDC that any comments received in relation to this application up until the date of the Development Management Committee meeting would be included for consideration at that meeting.

PRAYERS

The meeting was preceded with prayers by Rev Caroline Allen, St Mary's Church, Walton.

586. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr C Webb.

587. DECLARATIONS OF COUNCILLORS' INTERESTS

The following declarations of Councillors' interests were made:

Councillors S Bird, M Deacon, Jan Garfield, M Morris, D Savage, M Sharman, J Sennington, C Slemmings, A Smith and K Williams each declared a Local Non-Pecuniary Interest in all items on the agenda as Members of Suffolk Coastal District Council.

Councillors N Barber and G Newman each declared a Local Non-Pecuniary Interest in all items on the agenda as Members of Suffolk County Council.

588. REQUESTS FOR DISPENSATION

There were none.

589. QUESTIONS TO THE MAYOR

There were none.

590. MINUTES OF THE PREVIOUS ORDINARY MEETING

It was RESOLVED that the Minutes of the Ordinary Council Meeting held on 4 February 2015 be signed by the Mayor as a true record and adopted by the Council.

591. MINUTES OF THE 4 MARCH EXTRAORDINARY MEETING

It was RESOLVED that the Minutes of the Extraordinary Council Meeting held on 4 March 2015 be signed by the Mayor as a true record and adopted by the Council.

592. MAYOR'S COMMUNICATIONS

The Mayor referred to a list of engagements: 07.02.15 - Felixstowe Swimming Club; 13.02.15 – Beacon School/Level2 at Bombay Nite Restaurant; 14.02.15 – The Mayor of Sudbury Music Night; 16.02.15 – Mayor's Charity Cutty Night; 23.02.15 Launch of Felixstowe Fairtrade Fortnight; 01.03.15 – Felixstowe Hockey Club Presentation; 01.03.15 Seafarers Charity Concert; 08.03.15 – Choral Evensong, St Edmundsbury Cathedral; 12.03.15 – Apprentice Awards Evening, Felixstowe Trade & Enterprise College; 12.03.15 – Meet the Burgermeisterin of Wesel; 13.03.15 – Wesel Association Dinner for Wesel Visitors; 14.03.15 – Wesel & Salzwedel Reception; 14.03.15 – Historic Tour of Ipswich with Wesel & Salzwedel Civic Party; 14.03.15 – Mayor's Charity Ball; 15.03.15 – Church Service at St Andrews Church, 15.03.15 – Lunch with Civic German Party – Deputy Mayor; 16.03.15 – Vicar's Coffee Morning; 19.03.15 – Felixstowe Academy Chamber Concert; 20.03.15 – SSAFA AGM; 22.03.15 Civic Service & Reception for Mayor of Woodbridge; 23.03.15 - Sports Council AGM – Deputy Mayor; 24.03.15 - Commission of Chaplain to Felixstowe Academy, Deputy Mayor; 25.05.15 Felixstowe in Flower Mail Shoot with Guides; 27.03.15 – Reception of the Chairman of Suffolk County Council –

Deputy Mayor; 28.03.15 – The Eve Appeal, Highcliffe House Nursing Home;
30.03.15 – Open Day at Genesis Housing.

The Mayor expressed his thanks to the Deputy Mayor for those events she had attended in his absence.

The Mayoral engagements were noted.

593. MINUTES OF COMMITTEE AND SUB-COMMITTEE MEETINGS

It was RESOLVED that the Minutes of the following meetings be noted as received and adopted:

- a) Plans Committee: 28 January; 11, 25 February; 11 March 2015**
- b) Highways Advisory Committee: 10 March 2015**
- c) Personnel Committee: 10 March 2015**
- d) Finance & General Purposes Committee: 18 March 2015**

594. FINAL MINUTES OF OTHER COMMITTEES

Council received the final Minutes from those Committees and Sub-Committee which would be dissolved at the end of the municipal year 2014-15.

It was RESOLVED that the Minutes of the following meetings be signed by the Mayor as a true record and adopted by the Council:

- a) Town Members Committee: 23 June 2014**
- b) Recreation & Amenities Sub-Committee: 11 February 2015**
- c) Premises Committee: 18 March 2015**
- d) Cemetery & Allotments Committee: 19 March 2015**

595. OUTSIDE BODIES

No reports received.

596. STANDING ORDERS 2015/16

Council received the draft Standing Orders 2015/16 as recommended by the Finance & General Purposes Committee.

It was RESOLVED that, in accordance with the recommendation in Minute #565 of the 18 March Finance & General Purposes Committee, Council's Standing Orders for 2015/16 be approved and adopted as presented.

597. FINANCIAL REGULATIONS 2015/16

Council received the draft Financial Regulations 2015/16 as recommended by the 18 March Finance & General Purposes Committee and noted the further addition at paragraph 6.18(d), to allow an Open Credit Agreement to be

arranged with Council's bank following a recent change to banking arrangements for the provision of petty cash.

It was RESOLVED that:

- i. The Financial Regulations for 2015/16 be approved, in accordance with the recommendation in Minute #566 of the 18 March Finance & General Purposes Committee and subsequent amendment, as presented in the report; and,**
- ii. The RFO, Cemetery & Allotments Officer and Finance Administration Officer be appointed as authorised persons for the purposes of withdrawing up to £250 per month via an Open Credit Agreement with Council's bank.**

598. LITTER/DOG WASTE BINS

Council noted that the Recreation & Amenities Sub-Committee on 11 February 2015 had recommended authorising expenditure for provision of three bins, subject to Suffolk Coastal Norse agreeing that there was substantive need (Minute #507 refers).

Council noted an update from the Clerk following confirmation from Suffolk Coastal Norse as to the cost and locations for the bins. The following bins and locations had been approved by Suffolk Coastal Norse who had agreed arrange for the emptying of the bins once installed:

- Dog waste 'Fido' bin to be located at the Hopkins Homes end of Tower Road; which would need to be green coloured bin out of sight from residents' windows;
- Litter bin near the bridleway by Colneis School on the left hand side of the bridleway about 5 metres in from the road; and,
- Litter bin at the school end of Elmcroft Lane.

It was noted that an additional 'Fido' bin had been suggested for Taunton Road on the footpath near the bend in the road and Garrison Lane Roundabout.

It was RESOLVED that:

- i. The provision of two litter bins and two dog waste bins be approved for the locations set out above; and,**
- ii. Expenditure to fund the purchase and installation of the four bins, to a total cost of £766.00 plus VAT, authorised via Council's 'Recycling Credits Reserve' Earmarked Reserve.**

599. TOWN HALL REFURBISHMENT WORKS – APPOINTMENT OF CONTRACTOR

Council considered the recommendation of the 18 March Premises Committee (Minute #553 of 2014/15) as set out in the report.

It was RESOLVED that:

- i. R G Carter be instructed to undertake works to refurbish the front façade of the Town Hall, to the approved specification, to the sum of £34,781.05 plus VAT;**
- ii. The Mayor be authorised to sign the contract as a Deed on behalf of the Town Council;**
- iii. Authority be delegated to the Clerk to approve any further expenditure which may be necessary to complete the project to an overall project limit of £40,000 plus VAT; and,**
- iv. Expenditure for the works to be approved to come from Council's 'Town Hall Maintenance' Earmarked Reserve.**

600. LEASE FOR CAR PARKING SPACES

Council heard from Chairman of Premises Committee, Cllr M Stokell, on a lease and lease-back arrangement for the six parking spaces on the opposite side of the road to the Town Hall which had been approved by Suffolk Coastal District Council Cabinet in January

- It was noted that, whilst the principle of the arrangements had been agreed, there were a few amendments pending as follows:
- Leased area updated to present configuration of in-line parking bays rather than previous echelon bays;
- Notice period for termination of lease to SCDC be reduced from 90 to 30 days; and,
- No rating liability whilst FTC not in beneficial occupation.

It was RESOLVED that subject to the amendments above being incorporated, the Mayor be authorised to sign the leases as a Deed on behalf of the Town Council.

601. TOWN HALL DRAINAGE EASEMENT

It was noted that, in accordance with the recommendation of the 18 March 2015 Premises Committee (Minute #557 of 2014/15), it had been necessary to

grant SCDC an easement for the purpose of being able to legally drain the proposed seating shelter in the Town Hall Gardens through the Town Hall land owned by the Town Council.

It was RESOLVED that the Drainage Easement arrangements be approved and the Mayor was authorised to seal the document as a Deed.

602. FELIXSTOWE FORWARD

Council noted the update on the Felixstowe Forward initiative as presented in the report.

Members heard that Helen Greengrass had been appointed as the Felixstowe Forward Change Director and would be taking up her post on 13 April 2015. Members asked that the Clerk pass on their best wishes to Helen.

It was RESOLVED that Felixstowe Forward update report be noted and that that the Report of Felixstowe Forward become a standing item on future Council agendas.

603. FELIXSTOWE/HARWICH/SHOTLEY FERRY

It was noted that Mr Christian Zeman had been appointed as the sole Director of Harwich Harbour Foot Ferry Services Limited following the retirement of the previous operator, Mr Alan Sage.

An agreement between Essex County Council, Suffolk County Council, Tendring District Council, Babergh District Council, Suffolk Coastal District Council and Felixstowe Town Council had been drawn up to provide funding support towards the service and Members noted that the timetable, boat, ticket prices and other aspects of the service were to remain the same as last year with the service due to commence on Friday 3 April 2015.

It was RESOLVED that the transfer of the partnership agreement to Mr Christian Zeman for the provision of the foot ferry service be approved; and, £1,000 be provided for the year 2015-16 as per the terms previously agreed.

604. LISTING OF 91-95 UNDERCLIFF ROAD WEST

It was noted that the Town Council's application for English Heritage Listing of 91-95 Undercliff Road West (Minute #295 of 2014/15 refers) had been rejected following consideration and an assessment of the building by English Heritage.

Members also noted as per the report that Suffolk Coastal District Council had sold the building to Ipswich-based Coltway Properties Ltd. who had expressed plans to refurbish and enhance the existing buildings in the hope that they may provide a suitable location for a coffee shop or restaurant.

RESOLVED that the update on this matter be noted with no further action at this time.

605. ACCOUNTS FOR PAYMENT

It was **RESOLVED** that the schedule and payment of accounts be received and approved as follows:

Date	Voucher Nos.	Total Payment
04/02/2015	233 – 240	£953.33
11/02/2015	241 – 249	£2,654.95
25/02/2015	250 – 261	£31,285.50
04/03/2015	262 – 271	£2,540.86
11/03/2015	272 - 285	£3,254.31
	TOTAL	£ 40,688.95

606. CLOSURE

The meeting was closed at 8.42pm. It was noted that the next meeting was the Annual Council Meeting scheduled for 20 May 2015 at 7.30pm.

Date: _____

Town Mayor: _____

AGENDA ITEM 8: MINUTES OF COMMITTEES MEETINGS

MINUTES of the **PLANS COMMITTEE** meeting held at Felixstowe Town Hall on
Wednesday 25 March 2015 at 9.15am

PRESENT: Cllr M Stokell (Chairman) Cllr D Savage (Deputy Mayor)
 Cllr S Bird Cllr Jon Garfield
 Cllr M Morris Cllr J Sennington
 Cllr C Webb

OFFICERS: Mrs R Jones (Estates Officer)
 Mrs S Morrison (Administration Assistant)

Three members of the public.

578. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A. Smith, Cllr M. Deacon, and Cllr K. Williams.

579. DECLARATIONS OF COUNCILLORS' INTERESTS

The following declarations of Councillors' interests were made:

Member	Minute No.	Nature of Interest
Cllr S Bird	582	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr M Morris	582	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr D Savage	582	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr J Sennington	582	Local Non-Pecuniary (Suffolk Coastal District Council Member)

580. REQUESTS FOR DISPENSATIONS

There were none.

581. MINUTES OF THE PREVIOUS MEETING

It was **RESOLVED** that:

The Minutes of the Plans Committee Meeting held on 11 March 2015 be signed by the Chairman as a true record.

582. PLANNING APPLICATIONS

Committee considered the following planning applications received since the last meeting and **RESOLVED** to submit the following observations to Suffolk Coastal District Council:

Councillors Savage, Sennington, Bird and Morris left the room during discussion of the following item;

a)	DC/15/0701/FUL To further enhance the existing play area through the addition of new equipment with a strong inclusive design at Land between Orford Road and Manor Terrace, South Seafront, Langer Road, Felixstowe.
	<p>Committee recommended APPROVAL with the following comments;</p> <p>Having been aware of previous aspirations to develop the recreational areas of the South Seafront site as a visitor destination and with the recent decision to provide public toilets including a Changing Places facility near the Manor Terrace South car park, Members welcomed this proposed investment in the communal areas to create inclusive play facilities. Members carefully considered the location and specification of the proposed entrance arch and all the items of play equipment.</p> <p>Members carefully considered three letters of objection from nearby residents.</p> <p>Members seek reassurance on the following points;</p> <ul style="list-style-type: none">• that the central post in the proposed ornate entrance arch allows sufficient access for both visitors using double buggies and motorised wheelchairs• that each item of proposed play equipment will be sited appropriately within the areas available taking into consideration the proximity and amenity of nearby residents and that Suffolk Coastal District Council seeks to minimise the potential intrusion of the proposal as a result.

Councillors Savage, Sennington, Bird and Morris re-joined the meeting at this point.

b)	DC/15/0516/ADI Installation of the following external shop front signage after the removal of those in situ; 4no. 515mm high NatWest fascia signs with 2 no. sets of 360mm high internally face illuminated lettering and chevron logos. 1 no. 500mm high NatWest internally illuminated projecting signs. 1 no. internally illuminated NatWest ATM tablet to go around 1no. ATM which is to be replaced with 1no. new ATM of similar size and look as the original. Other permitted development signage included here for clarity; 1 no. address and
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	nameplate. 1 no. web/tele vinyl at 104 Hamilton Road, Felixstowe
	Committee recommended APPROVAL.

c)	DC/15/0617/FUL Car park lighting at Premier Inn, 1 Undercliff Road West, Felixstowe.
	Committee recommended APPROVAL.

d)	DC/15/0727/FUL Erection of new office block (710m2) and formalisation (white lining) of adjacent car parking area at Land off Fagbury Road, The Docks, Felixstowe.
	Committee recommended APPROVAL.

e)	DC/15/0835/FUL Conversion of dwelling into 2 no. flats at 35 Ranelagh Road, Felixstowe.
	Committee recommended APPROVAL. Members request that the conversion of the property into 2 habitable units complies with the provisions of policy DM5 in relation to noise transference to protect the amenity of attached properties.

f)	DC/15/1031/FUL Proposed porch and front extension at 2 Stuart Close, Felixstowe.
	Committee recommended APPROVAL.

g)	DC/15/0500/TPO T1 – Holm Oak – remove the two lower limbs back to the stem due to decay on the limbs. T2-T4 – Holm Oak – Crown lift to 5-6m and lateral reduce the branches by 2-3m which are over the roof to allow roof to be repaired. At the moment the canopy of the trees are resting on the roof at 17 Foxgrove Lane, Felixstowe
	Committee recommended APPROVAL

583. FELIXSTOWE PENINSULA AREA ACTION PLAN

There were no further items to report on this matter.

584. CORRESPONDENCE

None.

585. CLOSURE

The meeting was closed at 10.35 am. The date of the next meeting was noted as being Wednesday 8 April 2015 at 9.15am.

Date: _____

Chairman: _____

**MINUTES of the PLANS COMMITTEE meeting held at Felixstowe Town Hall on
Wednesday 8 April 2015 at 9.15am**

PRESENT: Cllr A. Smith (Chairman) Cllr M. Deacon
 Cllr S Bird Cllr Jon Garfield
 Cllr M Morris Cllr J Sennington

OFFICERS: Mrs R Jones (Estates Officer)

607. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr D Savage, Cllr M Stokell, Cllr Webb and Cllr K. Williams.

Cllr M Morris gave apologies in advance of leaving the meeting at 10.50am in order to attend to other business.

608. DECLARATIONS OF COUNCILLORS' INTERESTS

The following declarations of Councillors' interests were made:

Member	Minute No.	Nature of Interest
Cllr A Smith	611	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr M Morris	611	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr S Bird	611	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr J Sennington	611	Local Non-Pecuniary (Suffolk Coastal District Council Member)

609. REQUESTS FOR DISPENSATIONS

There were none.

610. MINUTES OF THE PREVIOUS MEETING

It was **RESOLVED** that:

The Minutes of the Plans Committee Meeting held on 25 March 2015 be signed by the Chairman as a true record.

611. PLANNING APPLICATIONS

Committee considered the following planning applications received since the last meeting and RESOLVED to submit the following observations to Suffolk Coastal District Council:

a)	<p>DC/15/0931/FUL Development of 13 No New Dwellings plus Parking and Amenity Space. Adastral Close Felixstowe</p>
	<p>Committee recommended REFUSAL. Members entirely support in principle residential development on this site having considered the issues of noise addressed in the Acoustic Report. However, we note that the site is in Flood Zone 3 and as such a Flood Risk Assessment is required as is due consideration of potential real flood risk in this area. It must be acknowledged that this area flooded to an approximate depth of 2m in 1953 and deaths occurred in single storey properties at a similar level some 600m away from this site in the vicinity of the IOC European Foods building at the junction of Orford Road and Langer Road. Whilst the area has high quality flood protection, it must be acknowledged that in an extreme storm event, there is a real, albeit very low, risk of a flood occurring. Accordingly it is inappropriate for residential development to be of a nature where no internal escape route is available to a higher level. Therefore we must recommend REFUSAL for the application as presented due to the dangers arising from a significant flood event.</p> <p>The Committee requested that this Minute be sent to the Planning Policy Team at Suffolk Coastal District Council to request that a specific policy be developed as part of the AAP concerning Flood Risk in this area of Felixstowe.</p>

b)	<p>DC/15/1070/OUT Proposed 4 Bed Chalet Bungalow. Land to rear of 102 Garrison Lane, Felixstowe.</p>
	<p>Committee recommended REFUSAL. Committee strongly recommended refusal for this proposal which it believes is an extremely inappropriate form of backland development contrary to the principles of policy DM7, notably in its extremely cramped relationship to the host dwelling and requirement for excessive parking in the host dwelling's front garden.</p>

c)	DC/15/0942/FUL Proposed side extension to existing house creating ground floor and maisonette flat. 36 Victoria Street Felixstowe
	Committee recommended APPROVAL.

d)	DC/15/1077/FUL Regularisation of use as two separate houses. 26 Lansdowne Road, Felixstowe
	Committee recommended APPROVAL.

e)	DC/15/1008/FUL Currently 2No. existing temporary storage containers occupy the site which have had previous planning permission which has expired. The proposal intends to re-apply for this expired permission and apply for 1No. additional container to occupy the site directly adjacent to the existing. Additionally a fence would be installed with a lockable gate to prevent access to the storage containers from pupils on site. Felixstowe Academy, High Street, Walton, Felixstowe
	Committee recommended APPROVAL but for a maximum period of 3 years given the temporary nature of the storage containers.

It being 10.50am, Councillor M Morris left the meeting at this point.

f)	DC/15/1004/FUL Proposed self-contained family annex extension 27 Exeter Road Felixstowe
	Committee recommended REFUSAL. The Committee recommends refusal for this application on the grounds that the proposal is entirely disproportionate in terms of the normal concept of an annexe. Committee does not believe therefore that it conforms with either the principle or the detail of Policy DM6. As an absolute minimum we would want a condition attached to any consent that under no circumstances this could eventually become a separate dwelling. The latter would clearly be a cramped and unacceptable form of development.

g)	DC/14/3483/FUL Erection of a sectional garage (renewal of planning Permission C09/1073). Garages Adjoining 20 Quintons Lane, Felixstowe
	Committee recommended APPROVAL as with the previous consultations on this application.

h)	DC/15/1011/TPO To reduce Hawthorn tree to front of property by 30%. 5 Undercliff Road West, Felixstowe
	Committee recommended APPROVAL

612. FELIXSTOWE PENINSULA AREA ACTION PLAN

There were no further items to report on this matter at this time.

613. CORRESPONDENCE

It was **RESOLVED** that the following correspondence be noted as received:

- a) Highways Act 1980- Suffolk County Council (Footpath 31 and unrecorded footpath at Runnacles Way, Felixstowe) Rail Crossing Extinguishment Order 2015. A letter from Suffolk Legal (Suffolk County Council) informing the Town Council that the above Order had been confirmed. A copy of the Order and plan was attached.**

614. CLOSURE

The meeting was closed at 11.10am. The date of the next meeting was noted as being Wednesday 22 April 2015 at 2.00pm at Walton Community Hall.

Date: _____

Chairman: _____

MINUTES of the **PLANS COMMITTEE** meeting held at Walton Community Hall, Felixstowe, on **Wednesday 22 April 2015** at **2pm**

PRESENT: Cllr A Smith (Chairman) Cllr M Deacon
 Cllr S Bird Cllr D Savage
 Cllr M Morris Cllr J Sennington
 Cllr G Newman (Town Mayor) Cllr K Williams

OFFICERS: Mr A Tadjrishi (Town Clerk)
 Mrs R Jones (Estates Officer)

IN ATTENDANCE: 24 Members of the Public, 1 Member of the Press.

615. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Jon Garfield, Cllr M Stokell, and Cllr C Webb.

616. DECLARATIONS OF COUNCILLORS' INTERESTS

The following declarations of Councillors' interests were made:

Member	Minute No.	Nature of Interest
Cllr A Smith	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr S Bird	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr M Deacon	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr M Morris	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr G Newman	619	Local Non-Pecuniary (Suffolk County Council Member)
Cllr D Savage	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr J Sennington	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr K Williams	619	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr K Williams	619a	Disclosable Pecuniary Interest (Owner of property mentioned in Visual Impact Assessment Report submitted in relation to this application)

Cllr Williams advised that although she had a Disclosable Pecuniary Interest with regards to item 611a, she had been granted a dispensation to remain in the room and participate in any discussion, but not vote, on the item.

617. REQUESTS FOR DISPENSATIONS

Committee noted the terms of the dispensation granted to Cllr K Williams, as determined by the Clerk as Proper Officer to the Town Council, in accordance with the Town Council's Standing Orders 13(e) and Section 33(2) of the Localism Act 2011 as follows:

Dispensation for Cllr K Williams to participate, but not vote, in any consideration by the Town Council of planning application DC/15/1128/OUT, or subsequent applications for planning permission associated with this outline application for a period of up to four years

618. MINUTES OF THE PREVIOUS MEETING

It was **RESOLVED** that:

The Minutes of the Plans Committee Meeting held on 8 April 2015 be signed by the Chairman as a true record.

619. PLANNING APPLICATIONS

The Chairman adjourned the meeting at 2.58pm for ten minutes to allow comments from members of the public on DC/15/1128/OUT.

The meeting was reconvened at 3.08pm.

In accordance with the terms of the dispensation, Cllr Williams participated in the discussion on DC/15/1128/OUT but left the meeting before Committee voted on this item, returning thereafter.

Committee considered the following planning applications received since the last meeting and RESOLVED to submit the following observations to Suffolk Coastal District Council:

a)	DC/15/1128/OUT Application for outline planning permission for up to 560 dwellings, including a Local Community Centre, a 60 bedroom extra Care Home and 50 Assisted Living Units, 2 small Business Units and open space provision with associated Infrastructure. Land at Candlet Road, Felixstowe
	Committee strongly recommended outright that this application be REFUSED. It is clear that it contravenes the Planning Authority's existing

	<p>Local Plan and the underlying policies in the NPPF. In particular the Committee rejects the applicants' contention that, by a calculation which is in our view spurious, Suffolk Coastal District Council has a housing supply of only 1.7 years. It follows from that, that the requirement for new housing in the district – in particular the allocation to the Felixstowe peninsula area – can be satisfied by sites already identified by the SHLAA process and the emerging Felixstowe Peninsula Area Action Plan.</p> <p>Specifically this application for a major new housing site, with very large consequential requirements for infrastructure and other major impacts is clearly in contravention of a number of Core Strategy policies, notably:</p> <p>SP1A – Presumption in Favour of Sustainable Development. This site does not satisfy the additional criteria therein with regard to sustainable development.</p> <p>SP19 – Settlement Policy. We believe that the district has clearly defined policies which fully describe the settlement areas as being within the defined physical limits of the town.</p> <p>SP21 – Felixstowe with Walton and the Trimley Villages. This application is in clear contravention to policy SP21.</p> <p>SP29 – Countryside. The application site, immediately adjacent to the existing physical limits of Felixstowe, is a critical and valued asset in terms of a green area of great visual and recreational importance. Equally, the application clearly contravenes SP17 as a green space including its use as a golf driving range. Furthermore, it is in clear and direct contravention to retained policy AP28 with regards the Felixstowe Urban Fringe.</p>
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At this point the Chairman adjourned the meeting at 3.58pm to allow a number of members of the public to leave.

Cllr M Morris left the meeting.

The Chairman reconvened the meeting at 4.10pm.

b)	DC/15/0924/FUL Proposed 3 bedroom detached dwelling on land adjacent 20 Rosebery Road. 20 Rosebery Road, Felixstowe.
	Committee recommended APPROVAL.

c)	DC/15/1276/FUL Demolish flat roofed utility room. Erect pitched roof larger utility room with toilet. 14 Glenfield Avenue, Felixstowe
	Committee recommended APPROVAL. However, Committee felt that the aspect on the street scene would be improved with the addition of a window.

d)	DC/15/1196/FUL Replacement of dwelling. Spindrift, The Ferry, Felixstowe.
	Committee recommended APPROVAL.

e)	DC/15/1106/CLE Application for a lawful certificate for an existing use or operation or activity including those in breach of a planning condition. Proposed alterations and extension. 104 Maidstone Road, Felixstowe
	Committee recommended APPROVAL.

f)	DC/15/1249/FUL To turn redundant shop into a one bedroom flat. 4 Manning Road, Felixstowe
	Committee recommended REFUSAL on the following basis: a) It is unacceptable to have living accommodation at street level in an area which has low risk of a severe flood event; b) Committee requests that a full exploration of retention of retail use for this site be carried out; and, c) The proposed design is unacceptable in the conservation area.

g)	DC/15/1088/OUT New dwelling using existing access Part side garden, 51 Westmorland Road, Felixstowe
	Committee recommended APPROVAL

h)	DC/15/0957/FUL Replacement UPVC (white) windows, doors and conservatory. (Conservatory – to be built on existing basework.) Windows and doors – sizes and styles staying the same. 3 College Green, Felixstowe
	Committee recommended APPROVAL but requests that the UPVC windows should have symmetrical and constant sight lines.

i)	DC/15/0859/TPO To reduce Yew tree by up to 30%. The Gate House, Maybush Lane, Felixstowe
	Committee recommended APPROVAL provided all work is carried out under the guidance of the Arboricultural Officer at the District Council.

620. FELIXSTOWE PENINSULA AREA ACTION PLAN

Committee noted that the Felixstowe Peninsula Area Action Plan Working Group would be reconvened in June.

621. CORRESPONDENCE

None.

622. CLOSURE

The meeting was closed at 4.50pm. The date of the next meeting was noted as being Wednesday 6 May 2015 at 9.15am.

Date: _____

Chairman: _____

**MINUTES of the PLANS COMMITTEE meeting held at Felixstowe Town Hall on
Wednesday 6 May 2015 at 9.15am**

PRESENT: Cllr A Smith (Chairman) Cllr Jon Garfield
 Cllr S Bird Cllr D Savage
 Cllr M Morris Cllr M Stokell

OFFICERS: Mr A Tadjrishi (Town Clerk)
 Mrs R Jones (Estates Officer)

623. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Deacon, Cllr J Sennington, Cllr C Webb and Cllr K Williams.

624. DECLARATIONS OF COUNCILLORS' INTERESTS

The following declarations of Councillors' interests were made:

Member	Minute No.	Nature of Interest
Cllr A Smith	627	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr M Morris	627	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr S Bird	627	Local Non-Pecuniary (Suffolk Coastal District Council Member)
Cllr D Savage	627	Local Non-Pecuniary (Suffolk Coastal District Council Member)

625. REQUESTS FOR DISPENSATIONS

There were none.

626. MINUTES OF THE PREVIOUS MEETING

It was **RESOLVED** that:

The Minutes of the Plans Committee Meeting held on 22 April 2015 be signed by the Chairman as a true record.

627. PLANNING APPLICATIONS

Committee considered the following planning applications received since the last meeting and RESOLVED to submit the following observations to Suffolk Coastal District Council:

a)	DC/15/1295/FUL First floor games room over garage. 2 Vicarage Road Road, Felixstowe
<p>Committee recommended REFUSAL on the grounds the proposal would result in overdevelopment of the site contrary to development management policy DM23(e); and, an intrusive development out of keeping with the strong linear character of the street scene, contrary to development management policy DM21 where it refers to massing.</p> <p>However, should SCDC be minded to approve the application the Committee would wish to see a clear condition that the proposed extension could not be used for residential purposes.</p>	

b)	DC/15/1324/FUL Erection of new office block (710m2) and formalisation (white lining) of adjacent car parking area. Resubmission of withdrawn application DC15/0727/FUL (PP-04000611) Land off Fagbury Road, Felixstowe.
Committee recommended APPROVAL.	

c)	DC/15/1396/ADI Consent to display (Application No: C10/0869) is expiring on 30/3/2015 we are now proposing to be renewed. 173 Hamilton Road, Felixstowe
Committee recommended APPROVAL.	
<p>In considering this application Committee had to note that no site location plan had been made available on the District Council's planning portal.</p>	

d)	DC/15/1400/FUL Proposed single storey extension to rear of property. 10 Ferry Road, Felixstowe.
Committee recommended APPROVAL.	
<p>In considering this application Committee had to note that no elevation drawings had been made available on the District Council's planning portal.</p>	

e)	<p>DC/15/1463/FUL Remove existing shop front and stall risers and move shop front forward – all glazed. Provide disabled persons access. Change name to Premier General Stores. Provide roof top air conditioner units. 51-53 Undercliff Road West, Felixstowe</p>
<p>Committee recommended APPROVAL in principle. Committee were concerned that the creation of a disabled ramp as proposed may itself be problematic and ask that this provision be re-examined. As the frontage is being replaced, it could be appropriate for the change of levels to be accommodated inside the premises.</p> <p>Furthermore, Committee noted that there was no information on the fascia sign, details of which are a requirement in the Conservation Area and should be the subject of a separate planning application for advertisement consent. We would draw attention to the fact that issues surrounding the scale of in-window advertising may also be subject to planning consent which, equally, must be addressed given that the site is location in the Conservation Area.</p>	
f)	<p>DC/15/1480/FUL Installation of 2 no. dipole antennas, a 1.8m diameter satellite dish, an equipment cabin and development ancillary thereto including 2 no. GPS antennas. Communications Mast Site, Walton Avenue, Felixstowe</p>
<p>Committee recommended APPROVAL.</p>	
g)	<p>DC/15/1548/TCA T1 – Holm Oak, remove to ground level, T2 – Holm Oak, remove to ground level. Reason: both trees have Ganoderma fungus at the base and being previously pollarded are losing limbs into the road 4a Hamilton Gardens, Felixstowe</p>
<p>Committee recommended APPROVAL provided all work is carried out under the guidance of the Arboricultural Officer at the District Council.</p>	

628. PLANS COMMITTEE INTERREGNUM ARRANGEMENTS

Committee considered arrangements for responding to those planning applications which may be received for which the deadline for comments may fall before the first meeting of Council's Planning & Environment Committee on 3 June 2015.

It was RESOLVED that, subject to advising current Members of the Plans Committee who are re-elected as Town Councillors, the Town Clerk and Estates Officer be delegated the authority to respond to planning applications for which the deadline for comments may fall before the first meeting of Council's Planning & Environment Committee on 3 June 2015. This authority being limited to applications which are not of major significance.

629. FELIXSTOWE PENINSULA AREA ACTION PLAN

Committee noted that Members would be appointed to the Felixstowe Peninsula Area Action Plan Working Group at the Annual Council meeting on 20 May 2015.

630. CORRESPONDENCE

DC/14/2907/OUT | Outline Planning Application for up to No.61 Residential Units with all Matters Reserved except highway access. Land East Of, Haven Exchange, Felixstowe.

Committee noted that an appeal had been made to the Secretary of State by Equity Land Limited against the decision of Suffolk Coastal District Council to refuse planning permission for the above application.

It was RESOLVED that further information be brought to the Planning & Environment Committee in due course.

631. CLOSURE

It being the final meeting of the Plans Committee, the Chairman thanked his fellow Members and Officers for their support during throughout the term. Committee recorded a vote of thanks to the Town Clerk and the Estates Officer for their work supporting the Committee.

The meeting was closed at 10.32am. The minutes from this meeting would be brought forward to the first meeting of Council's Planning & Environment Committee; which was noted as being Wednesday 3 June 2015 at 9.15am at Felixstowe Town Hall.

Date: _____

Chairman: _____

AGENDA ITEM 9: DELEGATION ARRANGEMENTS

The previously approved arrangements are as shown below with some suggested amendments and reasons for the recommendation in brackets.

Delegated Authority to the Town Clerk

Subject to any further delegation by Committees, the Town Clerk will have delegated authority to:

- a) ~~Incur~~ **Approve routine** expenditure within budgets ~~on the budget related to the provision of the Town Council administration and Civic functions,~~ without further approval by Committee. *(Revision recommended for clarity)*
- b) Within the agreed staffing establishment and budget, to vary working hours of established staff, and to recruit both permanent, casual and contract staff provided that the grade of such staff is ~~level 2~~ **NJC Scale Point 29** or below. *(Revision recommended in line with existing contractual arrangements – SCP 29 is the ceiling for the majority of Council's administration staff)*
- c) In the event of an emergency incur expenditure to a maximum of £50,000 **in consultation with the Town Mayor.** *(Revision recommended to provide stronger governance)*
- d) ~~To obtain and manage, on behalf of the Council, an Argos Corporate Card~~
(Recommend deletion as provision already included in Financial Regulations)
- e) To write off assets of less than £250 residual value. *(Recommend deletion as provision already included in Financial Regulations)*
- f) ~~To~~ make investments in accordance with the Council's agreed policy.
- g) ~~To~~ ban persons from entering Council premises or land with just cause.
- h) ~~To~~ negotiate commercial filming rights on Council property/land.
- i) ~~To~~ produce and/or edit any Council newsletter in consultation with the Mayor.
- j) ~~To~~ implement, where timescales require, any legislation which may affect the Town Council and to report its implementation to Full Council.

Council is requested to review and approve its arrangements for delegated authority to the Town Clerk for 2015/16.

AGENDA ITEM 11: APPOINTMENTS TO COMMITTEES

Council is requested to confirm the appointment of Chairmen, Vice-Chairmen and Members to its Committees for the Municipal Year 2015/16 on the basis of the following schedule. Council is requested to note that the Town Mayor, unless otherwise formally appointed to a Committee as a Councillor, is an ex-officio Member of all Committees with full voting rights:

FINANCE & GENERAL PURPOSES COMMITTEE

1. Chairman -
2. Vice-Chairman -
3. This seat held for the Chairman of Council's Civic & Community Committee
4. This seat held for the Chairman of Council's Assets & Services Committee
5. -
6. -
7. -
8. -
9. -
- 10.-
- 11.-
- 12.-

CIVIC & COMMUNITY COMMITTEE

1. Chairman -
2. Vice-Chairman -
3. -
4. -
5. -
6. -
7. -
8. -
9. -
- 10.-

ASSETS & SERVICES COMMITTEE

1. Chairman -
2. Vice-Chairman -
3. -
4. -
5. -
6. -
7. -
8. -
9. -
- 10.-

PLANNING & ENVIRONMENT COMMITTEE

1. Chairman -
2. Vice-Chairman -
3. -
4. -
5. -
6. -
7. -
8. -
9. -
- 10.-

PERSONNEL COMMITTEE

1. Chairman - this seat held by the Town Mayor for 2015/16
2. This seat being by the Deputy Mayor for 2015/16
3. This seat being by the past Town Mayor for 2014/15
4. -
5. -

Vice-Chairman to be confirmed.

APPEALS COMMITTEE

Members appointed to this Committee should not be those appointed to the Personnel Committee.

1. -
2. -
3. -
4. -
5. -

HIGHWAYS ADVISORY COMMITTEE

1. -
2. -
3. -

YOUTH FORUM

1. -
2. -
3. -

Council is requested to consider and decide its Committee appointments for 2015/16.

AGENDA ITEM 12: APPOINTMENTS TO OUTSIDE BODIES

Council is requested to confirm the appointment of representatives to Outside Bodies and Partnerships on the basis of the following schedule:

Organisation	Representatives to appoint
Felixstowe & District Council for Sport & Recreation	Two Town Councillors
Felixstowe Ferry Fairways Committee	One Town Councillor
Felixstowe Forward (was Futures)	Two Town Councillors
Suffolk Libraries Industrial and Provident Society (IPS)	One Town Councillor
Felixstowe Nightsafe	One Town Councillor
Felixstowe Old People's Welfare Association	One Town Councillor Mayor is Honorary President (<i>ex-officio</i>)
SALC Area Meeting	Three Town Councillors
Felixstowe Salzwedel Partnership Association	Two Town Councillors Mayor is Honorary President (<i>ex-officio</i>)
Felixstowe Wesel Association	Three Town Councillors Mayor is Honorary President (<i>ex-officio</i>)
Felixstowe Travel Watch	One Town Councillor
Haven Ports Welfare	One Town Councillor
Landguard Partnership	One Town Councillor
Port of Felixstowe Local Authority Liaison Committee	One Town Councillor Town Mayor & Town Clerk (<i>ex-officio</i>)
Safer Neighbourhood Team	Five Town Councillors
Emergency Schemes	Two Town Councillors
Felixstowe Peninsula Area Action Plan Working Group	Five Town Council representatives (Currently four Town Councillors + Town Clerk)
Felixstowe Combined Charities (comprising the De la Roche and Felixstowe Widows Charity, Felixstowe War Memorial Cottages and King George VI Coronation Memorial Homes)	None at this time. Note: The Town Council will be requested to appoint up to three trustees as and when a vacancy arises. Trustees appointed by the Town Council may remain as trustees until such a time as they resign or otherwise give up the position.

Council is requested to consider and decide its Representatives to Outside Bodies and Partnerships for 2015/16.

AGENDA ITEM 13: AUTHORISED SIGNATORIES

Council is requested to confirm those authorised to act as signatories in regard to its banking arrangements on the basis of the schedule below:

BANK SIGNATORIES

- Mayor
- Deputy Mayor
- Chairman of Finance & General Purposes Committee
- Vice-Chairman of Finance & General Purposes Committee
- Chairman of Planning & Environment Committee
- Vice-Chairman of Planning & Environment Committee

And any other Member appointed by the Council so that the total number of Members authorised as signatories on the Council's accounts be six.

QUARTERLY BANK RECONCILIATION SIGNATORY

- Any Member of the Council who has not been appointed as an authorised signatory on the Council's accounts above.

OPEN CREDIT AGREEMENT

- RFO plus Finance Administration Officer and Cemetery & Allotments Officer are authorised by Council to withdraw up to £250 per month from Council's bank account by way of an Open Credit Agreement for the purposes of maintaining a Petty Cash float only.

Council is requested to consider and decide its Authorised Signatories for 2015/16.

AGENDA ITEM 14: REVIEW OF ASSET REGISTER

The Council maintains an asset register, which is also published on the Town Council's website. The Town Council defines an asset as any land or property owned by the Council, and any equipment/tools/vehicles with a renewal price exceeding £500.

In the schedule land and property is assumed to be held for community benefit and is shown at a nominal value of £1 in accord with recommended practice. Council is required to review its Asset Register at least once annually and this is attached at **Appendix E**.

Council is requested to review and approve the Asset Register.

AGENDA ITEM 15: REVIEW OF INSURANCE PROVISION

Council's insurance is arranged through a broker, WPS and provided by Aviva.

Insurance cover is provided, in accordance with Council's Risk Management Policy, to the following levels;

- (a) Protection of physical assets: All physical assets are insured.
- (b) Public Liability: The Council has a Public Liability Insurance of £10,000,000. It has also personal accident liability cover for employees, members and volunteers under the above policy.
- (c) Employers Liability: The Council has an Employers Liability Insurance of £10,000,000
- (d) Loss of cash: Insured to the sum of £2,000
- (e) Fidelity guarantee: Insured to the sum of £1,500,000
- (f) Libel and Slander: Insured to the sum of £250,000
- (h) Office equipment: Insured to the value of £58,600
- (i) Personal accident: Insured to standard contingencies

Council is now in year two of a three year agreement with WPS and the insured risks may be changed at any time within that period. There is no charge to change the risks but the insurance premium may change accordingly.

Council is requested to confirm the adequacy of its arrangements for insurance cover in respect of all insured risks

AGENDA ITEM 16: REVIEW OF SUBSCRIPTIONS

The Town Council has approved a budget provision to pay subscription costs for 2015/16 to the following organisations:

Organisation	2015/16 fee	Notes
Suffolk Association of Local Councils (SALC)	£2,057	Provides procedural and legal advice to the Town Council. Subscription is recommended as part of review of Council's risks.
Institute of Cemetery & Cremations Management (ICCM)	£90	Provides procedural and legal advice to the Town Council. Subscription is recommended as part of review of Council's risks.
Community Action Suffolk	£30	
Ipswich Transport Museum	£25	

And on behalf of its staff Council pays subscription fees to:

Organisation	Annual Payment	Notes
Royal Institute of Chartered Surveyors	£506	Contractual provision for Estates Officer to remain in Membership
Society of Local Council Clerks	£330	Contractual provision for Town Clerk

Members are to review and confirm its subscriptions to these and any other organisations.

AGENDA ITEM 17: COUNCIL COMPLAINTS PROCEDURE

Council is to review its Complaints Procedure annually.

The procedure below was adopted by Council at its meeting of 21 May 2014 and is recommended for approval as below without amendment:

Complaints Procedure

Before the Meeting

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and it is not possible to satisfy the complainant fully forthwith, the complainant shall be asked to put his complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.
2. If the complainant does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the Mayor of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Town Council's Appeals Committee.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting

6. The Appeals Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the next meeting of the Town Council in public.
7. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, Clerk or other proper officer to explain the Council's position.

12. Members to ask any question of the Clerk or other proper officer.
13. Clerk or other proper officer and complainant to be offered opportunity of last word (in this order).
14. Clerk or other proper officer and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back.)
15. Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

16. Decision confirmed in writing within seven working days together with details of any action to be taken.

Council is requested to review and approve the Council's complaints procedure.

AGENDA ITEM 18: FREEDOM OF INFORMATION

Council is to review its procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

In respect of the Data Protection Act 1998 the Council approved the following procedure on 21 May 2014:

Request for information subject to the Data Protection Act 1998

A formal request from a data subject for information that we hold about them must be made in writing. A fee is payable by the data subject for provision of this information. Any member of staff who receives a written request should forward it to the Clerk immediately.

Where reference is made to any fees for providing information, within the guidelines of the model publication scheme Felixstowe Town Council undertakes to make information available in hard copy at a cost of 10p per sheet plus second class postage if required.

Freedom of Information Policy and Procedure

Council's Freedom of Information Policy and Procedure was approved by Council at its meeting of 21 May 2014. The policy is presented below with no changes recommended at this time:

1. INTRODUCTION

This publication has been written to explain the way in which the Council will deal with Freedom of Information (FOI) requests from 1st January 2012 and exactly what members of the general public may expect from us.

We provide an explanation covering all aspects of the implementation and application of the Freedom of Information Act (2000), including the application process and a review of the key exemptions we're likely to use and why.

From the outset, we would stress that the Council fully embraces the opportunity to become more transparent and accountable at every level. It is our intention to adopt a positive approach to the release of information wherever and whenever possible. We believe that the public has a right to know that the Council it funds is being run efficiently and effectively. However, when considering the release of information, we must balance this right against the Council's responsibility to the communities it serves. There is information that is not included within the scope of the Act. These are called 'exemptions'.

1.1 Statement of Fairness

The Council is committed to the fair treatment of people regardless of their age, colour, culture, disability, ethnic or national origins, gender, race, religious beliefs or sexual orientation.

The content of this brochure has been created to ensure that every individual or group is treated equitably and consistently.

When applying the FOIA, the Council will consider the legislative requirements that must guide decision making to avoid discriminating against any group or individual.

2. MAKING AN FOI REQUEST

2.1 What You Can Expect

If you apply for information under the FOIA, you have the following rights:

- The right to be told whether we hold the information; and
- The right to receive the information you've requested, subject to the application of exemptions.

The Councils policy is to contact you to clarify your request upon receipt if necessary. This will help us to provide you with the most efficient service possible and narrow down the search for information you require, thus assisting you to the best of our ability.

We will acknowledge receipt of your request and provide you with an estimated time within which it will be dealt. With straightforward requests, this will be within 20 working days (as stipulated in the legislation) and the first working day is classed as the day AFTER we receive the request.

Where we are required to apply more complicated qualified exemptions, we can 'stop the clock'. This means that for more complex requests or requests referring to sensitive information, we have more time to make a decision but we will inform you of how long it may take.

Another obligation we have under the Act is to provide the information in the requested format, subject to cost considerations. These will be explained shortly.

2.2 What You Must Do

For a request to be valid under FOI, it must meet a number of criteria including:

- It must be made in writing by letter, fax or e-mail;
- It must clearly describe the information being sought;
- It must be legible;
- It must contain the name of the applicant and a contact address, even if this is only an e-mail address; and,
- Although not mandatory, it would assist us if you provided a telephone number.

FOI requests can be made from anyone anywhere in the world and they can be made by an individual or an organisation.

If you wish to make an FOI request, you neither need to mention the Freedom of Information Act in your application nor are you obliged to use a special form.

2.3 What's covered?

The UK's Act is unique in that it is fully retrospective. As long as the public authority holds the information, it must consider releasing it. The Act covers records capable of recovery **in any format**, no matter how it's recorded.

The FOI Act:

- Applies to information not data;
- Applies to information and not just documents;
- Applies to written records, typed, handwritten and scribbled notes, emails, spreadsheets, photographs, exhibits, tapes records, flip-charts, videos, audio tapes, computer tapes, logs, answer phone messages, tapes of telephone conversations, archived records;
- Applies to structured and unstructured information; and,
- Applies to any information, documentation or record that's produced internally by a public authority, or held by contractors or third parties on behalf of the public authority, is covered by the Act.

2.4 Fees & Charging

When dealing with FOI requests, the Council can charge for two types of fees:

- Marginal costs; and,
- Disbursements

2.5 Marginal Costs

Where the cost of dealing with a request is less than £450, we will provide the information free of charge.

Costs that may be included in the £450 limit are:

- Time taken in determining whether the information's held;
- Time taken in locating and retrieving the information;
- The first full reading of the information by the FOI decision-maker;
- Time taken in extracting information to be disclosed from other information;
- Time taken in editing, summarising or redacting (making invisible) information which is covered by an exemption;
- Time taken in communicating information including time spent writing a response to the request; and,
- Time spent making arrangements for an applicant to view documents, books, and videos or electronically held information.

The Council will charge a standard hourly rate of £25 when estimating the cost of an FOI request. This equates to approximately 18 hours of work.

2.6 Costs That Are Not Included

- Time taken to make a decision as to whether the material should be exempt under the Act;
- Time taken in obtaining authorisation to send out the information;
- Time spent to obtain the consent for disclosure from another public authority or any other individual or organisation; and,
- Any overheads.

If your request for information will exceed the £450 limit, there are a range of options available to the Council. These are:

- Declining to answer the request since the cost of compliance will exceed the limit;
- Answering the request but charging for the full cost. This means that where the cost of answering the request is £500, we can pass the full cost onto you and not just the £50 over and above the £450 limit
- Answering the request and waiving the fee
- Entering into a discussion with you to refine the question to a more manageable level that would fall within the fees limit;
- Contacting you to determine whether you would like part of the information up to the prescribed maximum;
- Discussing with you whether you would like your request to be dealt with outside the FOIA;
- Discussing with you whether you would like a summary or digest of the information you have requested; and
- Offering you the opportunity to view the information if the cost of providing it in permanent form be too costly

2.7 Disbursements

The Council can pass on the full cost of disbursements incurred in responding to an application to the applicant. The maximum amount that may be passed on is £50.

Disbursements include:

- Photocopying or printing material;
- Postage;
- Producing material in an alternative format, such as putting it onto CD Rom, video, audio cassette or in Braille; Translating information into a different language at the request of the applicant (not Welsh).
- If a public authority regularly works in the language requested and has an in-house translation service, it should consider waiving any translation costs.

The following charges for disbursements have been agreed:

- Cost per photocopy 10p per page

- Postage as per Royal Mail
- Packing at cost

2.8 Fees Notices

Where the cost of the request will exceed the £450 limit, we will send out a fees notice. This will be within a maximum of 20 working days.

Applicants will then have 3 calendar months to meet the fees notice so that the request may be processed.

Fees are not subject to VAT.

On occasions, fees may also be charged for information that appears on the Council publication scheme. Details of any charges will be clearly stated on the publication scheme itself.

2.9 Transferring Requests

If we receive a request, do not hold the information and are unsure as to where the information might be held or feel a transfer may be inappropriate, we will advise you accordingly.

2.10 Consulting with a Third Party

Where a request for information might impact the legal rights of a third party, we will consult with the third party prior to the release of any information.

However, where the Council is the original receiving authority, we will take the ultimate decision on the release of information, whether that is in its entirety or as an edited version.

2.11 Providing Assistance

We are committed to providing the best service we can in respect of FOIA applications. Where necessary, we will contact you to establish a rapport at an early stage and clarify exactly what information is required, particularly where the request is ambiguous or the information is unidentifiable.

If you are unable to make a request in writing – due to illiteracy, disability or illness, for example – we are committed to providing assistance.

2.12 Communicating Information

When requesting information, you may express a preference for the format in which you wish to receive the reply, whether that be in permanent form or in another form.

We will also provide reasonable opportunity for you to inspect a record containing the information; and/or a digest or summary of the information in permanent form or in another form acceptable to you.

We will comply with your preferred form of presentation as far as it is reasonably practicable. In determining whether it is reasonably practicable, we will review all the circumstances, including the cost.

Where we are unable to comply with your preferred format, we will notify as to the reasons why. Where you have not specified your preferred method of communication, we will provide the information by any means reasonable in the circumstances.

Where a request for information has been made successfully, we will advise you in writing of the following:

- The decision;
- The date on which it was made;
- The name of the person who dealt with the request;

Where a request for information has been refused, we will advise you in writing of the following:

- The decision;
- The day on which it was made;
- The name of the person who dealt with the request;
- The grounds for refusing the request, e.g. the application of an exemption, in the public interest, cost of compliance;
- When exemption/s are used, the specific exemption used and the reasons for using the exemption;
- When the public interest test has been considered, the reasons why it was applied
- Any other issues relevant to the decision or matters that were taken into consideration; and your right to apply to the Information Commissioner for a decision notice

Note: The Council is not obliged to state why an exemption applies if by doing so, exempt information would be revealed.

2.13 Dealing with Vexatious or Repeat Requests

The Council can refuse to process an FOI request if we consider it to be either vexatious or repeated, or both.

If this is the case, we will inform you within 20 days of receiving the request. At the same time, we will provide details of your right to apply to the Information Commissioner for a decision notice. If a notice has already been issued that a request is repeated or vexatious, we will not send out a further notice.

Where a second request is received for information that has already been provided and the second request is identical or substantially similar, we will not comply with the request unless a reasonable time has elapsed between the two requests.

2.14 The Complaints Procedure

Our decisions and actions on any request will be logged and recorded. These will be retained, together with any other pertinent information in the event of a complaint.

We will review the following:

- Was the applicant kept informed?
- Was a transfer or partial transfer of request made? If so, was this handled correctly?
- Was a fees notice served and the principles of the charging regime applied?
- Was a refusal notice served?
- If the request appeared to be vexatious, were the correct procedures followed and the correct decision reached?
- Was the information requested sourced correctly?
- Was there a need to obtain additional information?
- Analysis of decisions made by the FOI decision-maker in relation to any exemptions applied.
- Review of comments made by information owners (if any) regarding disclosure of the information.
- Discussion with the FOI decision-maker with regard to their decision logs (if appropriate)

2.15 Involving the Information Commissioner's Office (ICO)

The ICO will only accept complaints AFTER the complaint has been processed through the Councils own internal complaints procedure. This may involve consultation with the principal authorities Solicitors Office to ensure the relevant legislation has been fully complied with. Once the complaint has been reviewed by the ICO, it will be returned to the Council at which point it becomes subject to that Councils own internal processes once more.

The responsibility for monitoring the operation of the FOI Act and enforcing obligations placed upon public authorities lies primarily with Information Commissioner.

Failure to comply with notices issued will be treated as contempt of court.

The Information Commissioner has the power:

- To issue decision notices;
- To enforce the right of access to information; and
- Enforce sanctions.

2.16 Timing

It is the Council's policy to deal with complaints and appeals in a timely manner. Thus, the target time for responding to appeals and complaints should be as soon as practicable and in any case within three months

3. EXEMPTIONS

3.1 Introduction

When an FOI request is made, we will adopt the spirit of the legislation and look to release the information.

However, there will be occasions where exemptions contained within the Act must be applied. The purpose of these exemptions is to assist the Council in protecting information that, if released, may have a negative impact on our ability to fulfil our commitments to our partners and to prevent unnecessary and repeated requests

There are 23 exemptions included under the FOIA. The exemptions are classified as either 'absolute' or 'qualified'.

Where an absolute exemption applies, no release is required under Freedom of Information legislation.

Where a qualified exemption applies, the public interest test must be considered. This gives the Council more time to make a decision about the release of information. Where there is a public interest in releasing information and a benefit to the community as a whole, the information will be disclosed. However, where the opposite is true, we will withhold the information

The complete list of exemptions is as follows:

- **Section 21** Information accessible to applicant by other means
- **Section 22** Information intended for future publication
- **Section 23** Information supplied by, or relating to, bodies dealing with security matters
- **Section 24** National security
- **Section 26** Defence
- **Section 27(2)** International relations
- **Section 28** Relations within the UK
- **Section 29** The economy
- **Section 30** Investigations and proceedings conducted by the public authority
- **Section 31** Law enforcement
- **Section 32** Court records
- **Section 33** Audit functions
- **Section 34** Parliamentary privilege
- **Section 35** Formulation of government policy
- **Section 36** Prejudice to the effective conduct of public affairs
- **Section 37** Communication with Her Majesty etc and honours

- **Section 38** Health & Safety
- **Section 39** Environmental information
- **Section 40** Personal information
- **Section 41** Information provided in confidence
- **Section 42** Legal professional privilege
- **Section 43(1)** Commercial interests
- **Section 44** Prohibitions on disclosure

It is the responsibility of the FOI decision-maker to provide a structured and valid argument to justify the non-release of information.

4. THE PUBLIC INTEREST TEST (PIT)

4.1 Introduction

The PIT is a centrally important to the application of qualified exemptions. When we apply the PIT, it is not sufficient that the information will be of interest to the public, its release must be **beneficial to the community as a whole**. There is no definition of the 'public interest' in the UK's FOI legislation. The definition will evolve and develop as cases are brought before the ICO.

At this stage, we will be applying the following criteria in favour of disclosure:

Accountability – When information disclosed relates directly to the efficiency and effectiveness of the Council

Public Participation – Where disclosure would enhance informed debate and decision-making by the Council

Public Debate – Where release of information would contribute to the quality and accuracy of public debate.

Research – In appropriate cases providing information/records that assist in research could benefit the community at large.

Accountability for Public Funds – Where public funds are being spent, there is a public interest in accountability and justification.

Improper Actions of Public Officials – Disclosure of information relating to the abuse of office.

The following criteria will be applied by the Council in favour of nondisclosure:

Exemption Provisions – Where one or more of the exemption provisions applies and gives rise to a public interest consideration favouring nondisclosure.

Interests of Third Parties –Where third party interests might be jeopardised by release of information that relates to personal affairs of individuals and/or sensitive commercial information held about business, financial, contractual or operational issues. See also Data Protection issues.

Fair Treatment of an Individual – There can be public interest in nondisclosure of information that adversely affects the reputation of an individual e.g. where they have been the subject of unsubstantiated allegations.

Fishing Expeditions – It would not be in the public interest to release all information relating to a vague ‘catch all’ type request. In these circumstances, the applicant should be contacted to determine exactly what information is required

Existing Procedures – It would not be in the public interest for Freedom of Information to be used to obtain information which is already available under existing procedures.

Tortuous Duty – In circumstances where the Council is under a legal obligation to maintain confidences, it would not be in the public interest to release the information if the grounds for this duty can be shown to be valid.

In addition, there are a number of criteria that may be not be considered as part of the public interest test or may be applied only in limited circumstances:

Embarrassment – To the Council or an individual is not a valid public interest consideration favouring non-disclosure. Potential embarrassment to the Council or an individual officer does not prohibit disclosure of information

High Public Office – Where the subject of the information, the giver or the recipient of the information holds high office, this is not in itself sufficient to weigh against disclosure; an assessment of the consequences of the disclosure of the particular issue is required.

Candour and Frankness – Claims that disclosure would prejudice the supply of frank and candid information in the future can only be considered where there is a very particular factual basis to support this view. The possibility of future publicity through disclosure may deter immediate release and should provide an incentive to improve the quality of the information/record prior to disclosure.

Disclosure of Confusing or Misleading Information – In most cases, The Council would have a means of avoiding such a prejudicial effect by releasing new or revised information to rectify any inaccuracies or clarify the situation. If a certain course of action hasn’t been considered and should have been, this is not enough to withhold.

Information/Records Held do not Fairly Reflect the Reasons for a Decision – Where this occurs, the Council would have the opportunity to provide additional information that accurately explains the reason for the decision.

Where the public interest test is applied to a request for information, we will provide a review of the reasons why we believe a decision to release or withhold information is or is not in the public interest.

5. KEY COUNCIL EXEMPTIONS

These are:

- **Section 21** Information accessible to applicant by other means
- **Section 22** Information intended for future publication
- **Section 38** Health & Safety
- **Section 40** Personal information
- **Section 41** Information provided in confidence
- **Section 43(1)** Commercial interests

We provide detailed guidance on each of these key exemptions in this document.

5.1 Information Reasonably Accessible By Other Means (Section 21)

Introduction

This is an absolute exemption that we may apply if the information you request is available, or is published, elsewhere.

Under Section 21, we are required to confirm to you that the information you've requested can be found somewhere else and explain where it is and how you can go about obtaining it.

We are not, however, obliged to communicate the information to you as long as it's 'reasonably accessible'.

It may even be that we refer you to another public authority's website or to a website or source external to the Council and maintained by another individual or organisation.

Information is not 'reasonably accessible' if:

- You live a considerable distance away from the location where the information is held;
- You have mobility or other disability issues;
- There are other factors that may influence your ability to view the information i.e. If it is available in one location only;
- You don't have access to an Internet connection and are therefore unable to access websites; or,
- The cost of accessing or obtaining the information is inordinately high.

Where a request is received in another language, the Council should translate the request, assuming this is practicable. We may ask you to visit your Citizens Advice Bureau or a community leader to provide us with an English version of the request. We are not, however, under an obligation to translate information released in

response to a request into another language, though this does not preclude us from doing so.

Where an applicant has a disability or may require the information in an alternative form – such as in Braille or an audio-tape – the onus is on the Council to consider providing it in the format requested, again assuming that it is 'reasonably practicable' to do so.

One of the key sources for information available by other means will be the Councils publication scheme. We will use our publication scheme to proactively publish frequently requested – and released – information. The aim of this is to provide applicants with easy access to key information classes and to simplify the request process for both you and us.

There may be occasions when we charge for information on our publication scheme but any fees will be clearly indicated to you. We will not use this exemption if the fee to access the information you've requested is inordinately high.

In Summary

This is an absolute exemption and as such, there is no requirement for us to apply the public interest test.

If we cite Section 21, we will provide you with the following information:

- How and where the information you've requested can be found. If this is online we will state the Internet address and also give details, when we are able, to where the nearest public access to the
- Internet can be found (usually public libraries);
- Details of any specific procedure that you will need to follow; and details of any relevant legislation and fees.

5.2 Information Intended for Future Publication (Section 22)

Introduction

We will use this exemption where we receive a request for information and the decision has already been taken to publish the information. We cannot use this exemption if the decision to publish is taken only AFTER we receive the request. When applying this exemption, a firm publication date does not necessarily have to have been set and the proposed publication may be via our publication scheme. We can also use this exemption where another authority or individual intends to publish.

Section 22 is a qualified exemption and therefore subject to the application of the public interest test.

There may be occasions when it's in the public interest to bring forward a publication date. This is the case even if the document in question is still in a draft form, so long as the message or information imparted is likely to remain unchanged. There may even be occasions when we publish parts of a document earlier than planned.

There may be occasions when the Council might wish to control the release date of certain information to ensure all parties that have an interest in it have equal access to it. Again, if the public interest dictates the date be brought forward, we are obliged to publish earlier than we may have intended.

In Summary

Section 22 is a qualified exemption and therefore subject to the application of the public interest test.

This exemption is concerned with the TIMING of the release of information. It is not concerned with the suitability of the CONTENT for release.

Whilst the decision to publish has been taken in principle, the public interest will dictate whether the publication date should be brought forward. To use this exemption, the Council doesn't necessarily have to have a set date in mind for publication: however, the Act states that this date must be 'reasonable'.

There may be occasions when publication of certain information may be delayed to ensure a reasonable return from commercial publication: in these cases, we will apply a Section 22 exemption. However, we will not use this exemption to hide political embarrassment and administrative inefficiency to delay publication. When we apply this exemption, we will confirm to you that the information will be published at a future date and if the date is known, we will provide details. We will also inform you of where the information will be published.

5.3 Health & Safety (Section 38)

Introduction

Section 38 is another key exemption that is of relevance to the Council. Information would be exempt from disclosure under the FOIA if the release of the information may put the physical or mental health or safety of any individual in danger. The individual can be anybody, including the requester – and the harm may be real or perceived.

In Summary

We will use this exemption if we believe actual or perceived harm to the physical or mental health of any individual would be threatened if it were to be released. In keeping with other qualified exemptions, the public interest test will be applied to consider the course of action, either release or retention, is in the public interest and therefore of benefit to the community,

5.4 Personal Information (Section 40)

Introduction

This is a complicated exemption but one that will apply to the Council

There are two elements to it:

1. Where an individual requests information about themselves; and
2. Where an individual requests information about a third party

In the first case, where an individual is requesting information about themselves, this is automatically exempted under the FOIA. This is a request for personal data and becomes a Subject Access Request, thus falling automatically under the Data Protection Act.

In the second example, where an application is made by an individual for information about somebody other than themselves, this is a third party application and falls under the FOIA. Where the release of information would breach any of the Data Protection Principles, as would be the case in the majority of examples, this information will probably not be released.

In Summary

This exemption is complex and has elements that are absolute and elements that are qualified.

When we receive a request from an individual about themselves, we will automatically consider it subject to Data Protection. This is because it falls outside the remit of the FOIA. In this case, the Council does not need to confirm or deny the existence of the information.

If a request is received from individuals requesting information about somebody else, this is called third party data. This falls within the scope of the FOIA. However, it will be rare that this type of information would be released. In addition, the Council is not required to confirm or deny the existence of any information if doing so would contravene Data Protection Principles or imply the existence of requested information.

5.5 Information Provided In Confidence (Section 41)

Introduction

We will use this exemption to protect information that has been provided in confidence.

Under the conditions of this exemption, we will be required to demonstrate that the information requested has certain characteristics that may be attached to it. These characteristics include the following:

- The information must have been obtained from another person or public authority; and
- Its disclosure would mean that the Council would be open to legal action for a breach of confidence.

Information that might be exempted under s41 will include:

- Information received from another body or person;

- Information that is commercial, personal and official in nature and of a confidential nature.

Significantly, information that we consider to be 'confidential' is not necessarily covered by this exemption. In addition, this exemption does not apply to information that has been generated internally.

This exemption may be enforced only where an actionable breach of confidence would occur should the information be disclosed. In light of this, we will consider the following when taking a decision as to whether this exemption may be cited:

- Does the information have the necessary quality of confidence about it?
- Was the information imparted in circumstances that imply an obligation of confidence?
- If released, would there be an unauthorised use of that information to the detriment of the person communicating it?

The Council is relieved of the duty to 'confirm or deny' whether the information is held if doing so would result in a breach of confidence as outlined above.

In Summary

This is an absolute exemption that does not require the application of the public interest test.

When we apply this exemption, we will need to demonstrate the following:

- That the information has the 'necessary quality of confidence';
- That the information was imparted in circumstances implying an obligation of confidence;
- That disclosure of the information would be to the detriment of a party; or that the party who gave the information objects to disclosure.
- The duty to 'confirm or deny' is relieved if doing so would reveal any of the confidential information.

5.6 Commercial Interests (Section 43(1))

Introduction

The Council will use this exemption to prevent the release of information that is a trade secret.

Whilst there is no strict definition of the meaning of what constitutes a 'trade secret', there are a number of factors that we will consider when making our decision. These are:

- Is the information commercially sensitive and does it give a company a competitive edge' over its rivals?
- Is it obvious from the nature of the information that its release would cause harm and erode competitive advantage? Has the owner of the information stated this?
- Is the information already in the public domain?

- How easy would it be for others to discover or reproduce the information themselves?

The information is also exempt if its disclosure would have an adverse effect on the commercial interests of any person.

In Summary

This is a qualified exemption. As such, the public interest test will be considered prior to the release or retention of any relevant information.

Integral to this exemption is the assessment of whether the information is a trade secret and that, as such, its disclosure would reveal a secret and if a commercial interest would or could be prejudiced if the requested information were to be released.

The Council is not required to 'confirm or deny' if doing so would have an adverse effect on the commercial interests of any person.

Council is requested to review and approve the procedures for handling requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.

AGENDA ITEM 19: PRESS & MEDIA POLICY

Council is to review its Press & Media Policy as approved by Council at its meeting of 6 August 2014. The policy is presented below with no changes recommended at this time:

Press & Media Policy

Preamble

This policy applies on those occasions when the Town Council, as a body corporate, is asked for a statement, a comment or information from the media, or as a body corporate issues a press release, or information to factually clarify/correct other comments published in the media. Media is defined as any activity "reporting" on the Town Council.

This policy does not, and is not intended to, apply when individual Councillors are contacted directly by the media for a personal comment/statement nor when individual Councillors contact the media with a personal statement. In such cases it should be made clear that is the individual's own opinion/comment, not that of the Town Council.

Policy Statement

Felixstowe Town Council wishes to be open and transparent in the way it considers information and takes decisions. As a Town Council we will therefore proactively seek opportunities to publish information about our activities with the intention of raising awareness about what the Town Council is doing.

Procedures

Notes:

- (i) When the Mayor is unavailable the Deputy Mayor will take on any of the specified tasks and responsibilities.
- (ii) When the Town Clerk is unavailable the Technical Officer will take on any of the specified tasks and responsibilities.

(A) Requests from the Media

1. All staff should make the Mayor and/or the Town Clerk aware of all approaches from the media for interviews, statements or information.
2. Any request from the media will be discussed by the Mayor and Town Clerk and then forwarded to the most appropriate person - Mayor, Deputy Mayor, Committee Chair or Vice-Chair, Town Clerk or combination of those people to make a response on behalf of the Town Council.
3. Prior to its release, the Mayor and Town Clerk should be made aware of the broad content of any response.

(B) Response to Media Articles, published letters, on-line comments, tweets, Facebook items

1. Every situation must be carefully assessed and in many cases a corporate response will not be appropriate.
2. Anyone seeing an article / item and thinking a corporate response may be needed should inform the Mayor and the Town Clerk.
3. In assessing whether or not a corporate response is appropriate the following will be considered:
 - Is the article / item in question factually accurate?
 - Is the article / item expressing a personal view – and if so is that clearly stated?
 - Would further discussion on the subject be constructive?
4. Any potential corporate response will be discussed by the Town Clerk and the Mayor and then forwarded to the most appropriate person - Mayor, Deputy Mayor, Committee Chair or Vice-Chair, Town Clerk or combination of those people to prepare a response on behalf of the Town Council.
5. Prior to its release the Mayor and Town Clerk should be made aware of the broad content of any corporate response where they were not involved in its preparation.

(C) Media Releases

1. The Town Clerk, Mayor and Committee Chairs will identify issues and stories that have the potential to be interest to the public.
2. The Town Clerk will draft corporate media releases consulting with the Mayor and Committee Chairs or any individual Councillor as appropriate.
3. An information copy of the final corporate media release will be sent to the Mayor and any Councillor who is quoted in the text.
4. Corporate media releases will be sent to relevant media outlets as determined by the Town Clerk following consultation with the Mayor.
5. A copy of the corporate media release will be posted on the Town Council's website.
6. A copy of the corporate media release will be sent to Councillors and staff.

(D) Media Training

1. Opportunities will be made for all Councillors and the Town Clerk to attend training in dealing with the media.

(E) Decision Making

1. The Town Council's Standing Orders (No 21) refer to relations with the press / media and the Town Council's policy - this media and publicity policy and procedures is the relevant policy.

Any decision about the content of corporate media releases or information to be supplied to the media or any response to any media item will be taken by the Town Clerk following consultation with the Mayor. (This delegation complies with the legislative restriction that an individual Town Councillor cannot make a decision on behalf of the Council.)

Council is requested to review and approve the Press & Media Policy.
