



## **TO ALL MEMBERS OF THE FINANCE & GENERAL PURPOSES COMMITTEE**

Cllr G Newman (Chairman)  
Cllr S Bird (Vice Chairman)  
Cllr N Barber  
Cllr M Deacon  
Cllr S Gallant

Cllr Jan Garfield  
Cllr D Savage  
Cllr A Smith  
Cllr S Wiles  
Cllr K Williams

You are hereby summoned to attend a meeting of the **FINANCE & GENERAL PURPOSES COMMITTEE** to be held at the **Town Hall, Felixstowe** on **Wednesday 22 November 2017** at **7.30pm** for the transaction of the following business:

### **A G E N D A**

**1. Public Question Time**

Up to 15 minutes set aside to enable members of the public to make representation or put questions to the Committee on any relevant matters.

**2. Apologies**

To receive apologies for absence.

**3. 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.

**4. 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.

**5. Confirmation of Minutes**

To confirm the Minutes of the Finance & General Purposes Committee meeting held on 27 September 2017 as a true record. **(Pages 3-5)**

**6. Budget Monitoring to 31 October 2017**

To receive the budget monitoring report to 31 October 2017 and consider any actions deemed necessary. **(Pages 6-9 & Appendix A)**

- 7. Budget Estimates 2018/19 (Draft)**  
To consider draft budget proposals for 2018/19 following recommendations from Council's Assets & Services, Civic & Community and Personnel Committees and make any recommendation to Council.  
**(Page 10 & Appendices B-E)**
- 8. Internal Audit – Quarter Two Report**  
To receive the report of the Internal Auditor and agree appropriate action in respect of any matters raised.  
**(Page 11 & Appendix F)**
- 9. Community Infrastructure Levy (CIL)**  
To receive the report on CIL, approve the CIL Annual Report and make any recommendations to Council.  
**(Page 11-12 & Appendix G & H)**
- 10. General Data Protection Regulations (GDPR)**  
To receive the report on GDPR and consider any actions deemed necessary.  
**(Page 12-15)**
- 11. Consultation: Councillor Disqualification**  
To consider a consultation on Councillor Disqualification criteria and approve any response the Committee deems appropriate. **(Pages 16-17 & Appendix I)**
- 12. Proposed merger of Suffolk Coastal and Waveney District Councils**  
To note the Secretary of State's announcement on the proposed creation of a council for east Suffolk  
**(Page 18 & Appendix J)**
- 13. Closure**  
To close proceedings and confirm the date of the next meeting scheduled for Wednesday 24 January 2017 at 7.30pm.



**Ash Tadjrishi**  
**Town Clerk**  
**17 November 2017**

For information (via email): All Town Councillors  
Local Press

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***Meetings of the Town Council and its Committees are open to the press and public who are welcome to attend.***

## **AGENDA ITEM 5: CONFIRMATION OF MINUTES**

**MINUTES of the FINANCE & GENERAL PURPOSES COMMITTEE meeting held at Felixstowe Town Hall on **Wednesday 27 September 2017** at **7.30pm****

**PRESENT:** Cllr G Newman (Chairman)    Cllr A Smith  
              Cllr S Bird (Vice-Chairman)    Cllr S Wiles  
              Cllr D Savage

**OFFICERS:** Mr A Tadjrishi (Town Clerk)  
              Mrs D Frost (Deputy Town Clerk)

### **153. PUBLIC QUESTIONS**

There were none.

### **154. APOLOGIES FOR ABSENCE**

Apologies for absence were received from **Cllr N Barber, Cllr M Deacon, Cllr S Gallant, Cllr Jan Garfield** and **Cllr K Williams**.

### **155. DECLARATIONS OF INTEREST**

<b>Member(s)</b>	<b>Minute No.</b>	<b>Nature of Interest</b>
Cllr S Bird Cllr D Savage Cllr A Smith	All	Local Non-Pecuniary (as Members of Suffolk Coastal District Council)
Cllr G Newman Cllr S Bird Cllr S Wiles	All	Local Non-Pecuniary (as a Members of Suffolk County Council)
Cllr G Newman	273	Local Non-Pecuniary (as Chairman of Felixstowe Travel Watch and Council representative to East Suffolk Lines Community Rail Partnership)

### **156. REQUESTS FOR DISPENSATION**

There were none.

### **157. CONFIRMATION OF MINUTES**

**It was RESOLVED that the Minutes of the Finance & General Purposes Committee Meeting held on 26 July 2017 be signed by the Chairman as a true record.**

### **158. BUDGET MONITORING TO 31 AUGUST 2017**

Committee received the budget monitoring report to 31 August 2017.

**RESOLVED that the budget monitoring report to 31 August 2017 be noted with no other action required at this time.**

#### **159. RAIL STATION TOTEM**

Committee considered the principle of the Town Council taking on a licence from Suffolk County Council for a Rail Station totem on behalf of the East Suffolk Lines Community Rail Partnership to address the need for better signposting of the Rail Station.

It was noted that funding for the sign and its installation had been agreed in principle by various partners to the ESLCRP.

**It was RESOLVED that, subject to terms of the licence for the proposed Rail Station Totem confirming that there would be minimal liability to the Council, it be recommended and referred to Council.**

#### **160. SUFFOLK ARMED FORCES WEEKEND LEGACY FUND**

Committee considered the report on the proposed Suffolk Armed Forces Weekend Legacy Fund. It had been suggested that the Town Council could administer an associated grants scheme with the surplus fund generated by the 2017 Suffolk Armed Forces Weekend Event, totalling £10,796 currently being held by Suffolk Coastal District Council.

The Clerk advised that a scheme could be administered by a sub-committee of the Civic & Community Committee which would be able to meet as and when required to review applications and make awards in a timely way.

**It was RESOLVED that the following be referred and recommended to the Civic and Community Committee for onward referral to Council:**

- i. the receipt of funds leftover from the 2017 Suffolk Armed Forces Weekend event totalling £10,796 from the Suffolk Coastal District Council for the purposes of setting up a Suffolk Armed Forces Weekend Legacy Fund be approved;**
- ii. given the short-term nature of the fund and the timing, coinciding with the centenary year of the end of the First World War, a responsive application process be introduced to attract a wide number of applicants throughout the year;**
- iii. the formation of a 'Suffolk Armed Forces Weekend Legacy Fund Sub-Committee' with the authority to review applications as they are received and make grant awards;**
- iv. to maximise the number of projects that can be supported, an indicative cap of £500 be suggested to applicants, with authority for the Sub-Committee to award larger amounts depending on the need and nature of the project;**
- v. the Civic & Community to receive regular updates on projects for which applications had been received and any grants awarded;**
- vi. applications to be made using a modified version of the Town Council's existing Occasional Grant application form which would**

**also reflect the nature of the funding available and recognise the contribution made by Suffolk Coastal District Council and others who supported the 2017 Suffolk Armed Forces Weekend event; and,**

**vii. to agree any further guidelines in the administration of the fund.**

#### **161. SCDC CAR PARKING CONSULTATION**

Committee considered the report on the SCDC Car Parking Consultation in relation to the implementation of Civil Parking Enforcement (CPE). Members agreed that to effectively support tourism and the economy of Felixstowe's town centre and businesses, parking must be seen as a service which attracts, rather than deters, visitors.

It was further agreed that the car parking review provided an ideal opportunity to introduce an innovative 'user-centric' parking experience to the town that could offer a variety of easy to use options for payment, such as by smartphone app enabling customers to top up their tickets remotely. Members considered that the introduction of a 'rover' scheme might provide flexibility for visitor parking and contribute towards the turnover of spaces.

Members recommended that charging structures should be based on localised arrangements for each area of the district which could then be well-related and responsive to local market conditions

Committee discussed the need to keep prices as low as possible, to protect the retailers and the necessity for easily accessible low-cost parking by the seafront to discourage parking in residential streets. Members discussed how the popularity of the resort was putting pressure on parking in residential streets. It was agreed that SCDC should retain special consideration for sites such as the Garrison Lane car park which provided much needed additional free parking for visitors and residents in high season.

It was also suggested that a method should be found to rewarding the loyalty of regular visitors and of a scheme which allows a reasonable parking provision for residents should be retained.

**It was RESOLVED that authority be delegated to the Town Clerk, in conjunction with the Chairman of Finance & General Purposes Committee, to respond to the consultation based on the above comments, by the end of October deadline.**

#### **162. CLOSURE**

The meeting was closed at 8.48pm. The next meeting was noted as being scheduled for 22 November 2017 at 7.30pm.

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## AGENDA ITEM 6: BUDGET MONITORING TO 31 OCTOBER 2017

A summary Income & Expenditure Report to 31 October 2017 is shown below with a detailed report provided at **Appendix A**.

	Felixstowe Town Council	Page No 1					
07/11/2017							
08:53							
	<b>Summary Income &amp; Expenditure by Budget Heading 31/10/2017</b>						
<b>Month No : 7</b>	<b>Committee Report</b>						
	Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Of Budget
<b><u>Finance &amp; General Purposes</u></b>							
Expenditure	277,515	154,625	257,053	102,428	0	102,428	60.2 %
Income	562,055	555,166	555,342	-176			100.0 %
Net Expenditure over Income	<u>-284,540</u>	<u>-400,541</u>	<u>-298,289</u>	<u>102,252</u>			
<b><u>Assets &amp; Services</u></b>							
Expenditure	243,799	140,726	262,922	122,196	0	122,196	53.5 %
Income	127,610	83,317	105,982	-22,665			78.6 %
Net Expenditure over Income	<u>116,189</u>	<u>57,409</u>	<u>156,940</u>	<u>99,531</u>			
<b><u>Civic &amp; Community</u></b>							
Expenditure	110,142	90,122	125,584	35,462	0	35,462	71.8 %
Income	17,210	8,388	11,992	-3,604			69.9 %
Net Expenditure over Income	<u>92,932</u>	<u>81,734</u>	<u>113,592</u>	<u>31,858</u>			
<b><u>INCOME - EXPENDITURE TOTALS</u></b>							
Expenditure	631,456	385,473	645,559	260,086	0	260,086	59.7 %
Income	706,876	646,871	673,316	-26,445			96.1 %
Net Expenditure over Income	<u>-75,419</u>	<u>-261,398</u>	<u>-27,757</u>	<u>233,641</u>			

In accordance with Council's Financial Regulations, Committee is to receive explanations of Material Variances for expenditure in excess of the estimated budget of 10% or £500, whichever is the lesser. As the Council's budgets are not produced on a phased basis, the expectation is, being seven months in to the year, for overall expenditure to be around 58.33%, with an explanation for any items overspent by £500 or 10% or over this level (i.e. 64.17%). Total expenditure for the first seven months stood at 59.7%. Explanatory notes and any recommended action for individual qualifying items in the accompanying **Appendix A** are as follows:

<b>Cost Centre 101 - Administration</b>
<p><b>4030 Training (97.9%)</b> Includes upfront payment for staff tuition fees and cost of 2016/17 yearend close down. <b>Recommendation: Consider Personnel Committee recommendation for reappportioning the overall training budget for 2018-19</b></p>
<p><b>4270 Printer/Photocopier (76.3%)</b> 3 quarter rentals paid to date. Expected to be within budget. <b>Recommendation: No action required.</b></p>
<p><b>4460 Subscriptions (97.2%)</b> Front loaded – 4 annual subscriptions paid to date. Expected to be within budget. <b>Recommendation: No action required.</b></p>
<p><b>4462 External Audit (100.0%)</b> Complete. <b>Recommendation: No action required.</b></p>
<p><b>4464 Insurance (95.5%)</b> Full year payment up front. <b>Recommendation: No action required.</b></p>
<p><b>4481 IT Maintenance and Software (84.4%)</b> Front loaded annual fee for IT support, Payroll, RBS &amp; Allotment software already paid. 2 new PCs purchased. Expected to be within budget. <b>Recommendation: No action required.</b></p>
<p><b>4490 Professional Fees (70.3%)</b> Legal fees relating to land titles, licence and lease arrangements. (Moneyclaim fees to be credited back when received from debtor 10%) <b>Recommendation: No action required.</b></p>
<b>Cost Centre 201 - Town Hall</b>
<p><b>4110 Rates (66.5%)</b> Rates are paid over 10 months only. <b>Recommendation: No action required.</b></p>
<p><b>4180 Licences (100%)</b> Paid in full for 2017-18. <b>Recommendation: No action required.</b></p>
<p><b>4260 Equipment Purchases (355.9%)</b> Approved overspend for the purchase of conference tables (Minute #92 of 2017/18 refers). <b>Recommendation: Continue to monitor on a monthly basis.</b></p>

<b>Cost Centre 202 – Walton Community Hall</b>
<p><b>4110 Rates (66.8%)</b> Rates are paid over 10 months only. <b>Recommendation: No action required.</b></p>
<p><b>4260 Equipment Purchases (89.8%)</b> Purchase of 30 chairs, thermostat, shelves. <b>Recommendation: Continue to monitor on a monthly basis.</b></p>
<p><b>1000 Hirings (55.4%)</b> £510 (6.8%) invoiced, awaiting payment + £640.62 (8.5%) for year 2015/16 Invoiced 1 month in arrears for some regular users. <b>Recommendation: Continue to monitor on a monthly basis.</b></p>
<b>Cost Centre 203 – Broadway House</b>
<p><b>4170 Repairs and Maintenance (77.8%)</b> Annual boiler services and repair, annual fire service &amp; air conditioning service carried out. <b>Recommendation: Budget provision for 2018-19 recommended by Assets &amp; Services Committee</b></p>
<p><b>1030 Leases, Rents &amp; Licences (0.0%)</b> Licence fee invoiced (now paid - 1 Nov). <b>Recommendation: No further action.</b></p>
<b>Cost Centre 204 – Cemetery</b>
<p><b>4110 Rates (66.8%)</b> Rates are paid over 10 months only. <b>Recommendation: No further action</b></p>
<p><b>1140 Interment Fees (52.6%)</b> £8,171 (20.4%) invoiced, awaiting payment. <b>Recommendation: Budget provision for 2018-19 recommended by Assets &amp; Services Committee</b></p>
<p><b>1160 Admin Fees (42.4%)</b> £100 (14.29%) invoiced, awaiting payment. <b>Recommendation: Budget provision for 2018-19 recommended by Assets &amp; Services Committee</b></p>
<b>Cost Centre 301 – Civic &amp; Community</b>
<p><b>4505 Mayoral Allowance (100%)</b> Mayoral allowance transferred in full at start of Municipal Year. <b>Recommendation: No action required.</b></p>



**4530 Civic Events (67.7%)**

Includes Civic Award and Civic Reception

**Recommendation: No action required.**

**4600 CCTV (100.0%)**

Payment complete.

**Recommendation: No action required.**

**4645 Christmas Lights (100.0%)**

Payment complete.

**Recommendation: No action required.**

**1800 Agency Income (0%)**

SCDC invoiced re CCTV awaiting payment £3992 (100%).

**Recommendation: No action required.**

**Cost Centre 302 – Section 137 Expenditure****4620 Annual Grants (100%)**

All annual grants now paid.

**Recommendation: No action required.**

**Cost Centre 305 – Community Fund Projects****4625 Felixstowe Harwich Ferry (100.0%)**

Paid over at start of financial year.

**Recommendation: 2 year partnership agreement ends this year, C&C Committee reviewing arrangements with a view towards 2018-19 budget.**

**4630 Level 2 (100.0%)**

Paid over at start of financial year.

**Recommendation: No action required.**

**4670 Felixstowe Forward (100.0%)**

Payment complete.

**Recommendation: No action required.**

**Committee is requested to consider the Accounts to 31 October 2017 and decide on any action it deems necessary.**

## **AGENDA ITEM 7: BUDGET ESTIMATES 2018/19 (DRAFT)**

Committee is to consider draft budget estimates for the Financial Year 2018/19 and to make any recommendations to Council.

Sections of the budget have been considered and reviewed by Council's Assets & Services, Civic & Community and Personnel Committees. Further adjustments to these drafts have been incorporated in to a full initial draft budget for 2018/19. This is presented for consideration alongside current-year expenditure and projected outturn for the full year to 31 March 2018 and a comparison against the previous year provided at **Appendix B**. Notes to the budget estimates are provided at **Appendix C**.

Proposals for movements, reallocations and transfers to Earmarked Reserves are shown at **Appendix D** with corresponding notes at **Appendix E**.

Suffolk Coastal District Council has confirmed that Felixstowe Town Council's taxbase for 2018/19 will be 8,238.61.

Members will note that the budget estimates presented provide for the following:

	<b>Budget 2017/18</b>	<b>Budget 2018/19</b>
Total Expenditure Requirement	£645,559	£657,105
Less Estimated Income	£123,574	£131,464
Less Contribution from General Fund	£0	£15,858
Add On Contribution to Earmarked Reserves	£27,757	£51,184
Gross Precept Requirement	<b>£549,742</b>	<b>£ 560,967</b>
Band D Equivalent Properties	8162.47	8,238.61
Council Tax charge per Band D	<b>£67.35</b>	<b>£68.09</b>
% change 2017/18 to 2018/19		1.1%

The Town Council's financial forecast projected a potential 2% net increase on the total precept required. As the taxbase increase since last year is 0.9%, the Council Tax charge per Band D ratepayer is proposed to be increased by 1.1% to meet this shortfall. A contribution of £15,858 from the Council's General Fund balances the overall budget for total estimated expenditure and transfers to Earmarked Reserves.

**Pending any further adjustments, as a result of new information or recommendations of the Finance & General Purposes Committee, Committee is requested to consider draft budget estimates for the Financial Year 2018/19 and make any recommendations to Council as it considers necessary.**

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## **AGENDA ITEM 8: INTERNAL AUDIT – QUARTER TWO REPORT**

The Internal Audit Report for the half year ending 30 September 2017 is attached at **Appendix F**. The Internal Auditor made the following recommendation:

Section 11. Transparency – The details of expenditure over £500 do not include the purpose of the expenditure:

**Recommendation 1: The standard report from RBS Omega software doesn't contain the mandatory fields, but exporting the same file to Excel does, allowing the date to be tailored to meet the Transparency Code requirements.**  
*(Clerk's note: The 'Expenditure over £500' report has been amended and the October report can be found on the FTC website under Financial Information [here](#).)*

**Committee is requested to consider the attached half-yearly Internal Audit Report for the period 1 April 2017 - 30 September 2017 and make recommendations to Council for any action it deems necessary.**

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## **AGENDA ITEM 9: COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Two payments of CIL were received in the year 2016/17 of £423.06 in April 2016 and £487.61 in October 2016. At the start of the financial year 2017/18 an earmarked reserve for CIL payments was created to ring-fence CIL payments received.

This year £204.97 was received in April, and a payment of £26,691.82 was received in October.

This recent payment is for the period of 01 April 2017 – 30 September 2017, 4 CIL payments were made for development in the Felixstowe area and therefore 15% of these payments is passed to the Town Council.

The developments for which the CIL payments were paid are:

DC/15/3589/FUL – 91 Undercliff Road West, Felixstowe  
DC/16/4011/FUL – Land at Haven Exchange, Felixstowe  
DC/16/1970/FUL – 31 Glemsford Close, Felixstowe  
DC/16/0687/FUL – Land at Felixstowe Lawn Tennis Club, Bath Road, Felixstowe

The table below sent by the District Council confirms any future receipts for Felixstowe Town Council. Payments to Parish/Town Councils are made in April and October if receipts have been received in that parish in the previous 6 month period.

CIL Ref	Site address	Parish/Ward	Instalment No.	Instalment Due	Neighbourhood Funding	Due Date
CILLIBDC/16/4011/FUL	Land at Haven Exchange, Haven Exchange South	Felixstowe	2	£96,773.85	-14,516.08	05/12/2018
CILLIBDC/16/4011/FUL	Land at Haven Exchange, Haven Exchange South	Felixstowe	3	£99,706.40	-14,955.96	06/06/2019
CILDEMDC/16/1970/FUL	31 Glemsford Close, Felixstowe, Suffolk	Felixstowe	2	£1,627.53	-244.13	13/07/2018
CILDEMDC/16/1970/FUL	31 Glemsford Close, Felixstowe, Suffolk	Felixstowe	3	£1,676.84	-251.53	11/01/2019
CILDEMDC/17/2625/FUL	Land to rear of 61 Princes Road, Felixstowe	Felixstowe	1	£2,224.63	-333.69	15/10/2017
CILDEMDC/17/2625/FUL	Land to rear of 61 Princes Road, Felixstowe	Felixstowe	2	£2,224.63	-333.69	16/08/2018
CILDEMDC/17/2625/FUL	Land to rear of 61 Princes Road, Felixstowe	Felixstowe	3	£2,292.04	-343.81	14/02/2019

The leaflet shown at **Appendix G** details the process of payments made to Parish/Town Councils and what it can be spent on. Attention should be drawn to page 4 of the leaflet which gives details on the annual report which must be published by Town/Parish Councils which have received a proportion of the CIL funds. This report is to be published by 31 December of the following reported year giving details on the total CIL received, how it was spent and unspent funds. The CIL annual report for the year 2016/17 is shown at **Appendix H** for recommendation to Council. This report will then be published on the Town Council website, a brief summary reported in the newsletter and put on the noticeboard. The CIL annual report will also be sent to Suffolk Coastal District Council by the 31<sup>st</sup> December 2017 deadline.

Any funds which are erroneously spent will be required to be handed back to the District Council. Additionally funds which are not spent within 5 years must also be handed back to the District Council. It is good practice to discuss any potential expenditure of CIL funds with the District Council.

**Committee is requested to note the report on CIL, review the CIL Annual Report 2016/17 and make any recommendations to Council.**

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## **AGENDA ITEM 10: GENERAL DATA PROTECTION REGULATIONS (GDPR)**

The General Data Protection Regulations (GDPR) comes into force on 25 May 2018, as an EU regulation, the GDPR has direct effect and Council should begin to prepare for compliance. It is likely that it will be replaced by an almost identical Data Protection bill after Brexit. It repeals the Data Protection Directive 95/46/EC and overrides the Data Protection Act 1998. Although many of the requirements of the GDPR are similar to those contained in the Data Protection Act 1998 there are significant new elements and requirements placed on Council and there will be a greater need to document decision-making regarding data, including enhanced privacy notices. Probably the most significant change is the requirement for Councils to appoint a Data Protection Officer. Further sector specific guidance is anticipated in due course, however, it seems highly unlikely that the provisions will be disappplied to local councils and parish meetings.

GDPR applies to almost every organisation worldwide who hold data on EU citizens. It has been introduced as it was thought necessary to bring data protection laws into the social media age. It effectively reverses ownership of personal data and gives control back to the individual. It puts significant pressure on organisations to protect personal data from loss and encourages only the necessary data to be stored and

only for the duration necessary. The Council has a Data Retention Policy for this purpose which is reviewed regularly. There are also new obligations for Data Controllers and Data Processors.

The **Data Controller** is the legal entity that decides on the purpose and means of processing personal data, in this case the Data Controller is Felixstowe Town Council. The Data Controller shall be responsible for, and be able to demonstrate compliance with the following principles:

- Process data lawfully, fairly and transparently
- Only collect for explicit and lawful purpose
- Data must be relevant and necessary for the purpose
- Keep data up-to-date and accurate, or rectified or delete it
- Keep data only if required and for no longer than necessary
- Keep data secure

A **Data Processor** is a legal entity that processes data on behalf of the Controller. This includes but is not limited to: third-party cloud-based services, offside backup, Dropbox, Payroll Manager and Allotments software providers.

**Personal Data** is any information relating to a person that can be used to directly or indirectly identify that person.

Under GDPR it is prohibited to hold **Special category high risk data** without explicit consent or reasons to hold the data. Such data includes:

- Race/ethnic origin, political opinions, religious beliefs and union membership
- Biometric, genetic, health/medical data
- Sexual orientation, sex life
- Criminal offences, criminal convictions.

GDPR applies to:

- Manual processing such as paper in filing cabinets, keying data into a database or scanning documentation
- Automated processing such as cookies online.
- Personal data of a living data subject
- All '**data subjects**' such as members of the public, council employees and volunteers, suppliers and contractors.

A **data breach** is the accidental or unlawful destruction loss alteration authorised disclosure of or access to personal data. This could include the loss of a USB stick or an email disclosing data caused by forwarding on previous emails or using the reply to all unnecessarily.

The penalties are far higher than previously. For the most serious violations it is €20 million or 4% of global turnover (whichever is the greater) or for lesser incidents a Maximum of €10m or 2% of global turnover (whichever is the greater). This compares to a maximum of €600,000 which was under the Data Protection Act 1998.

Data subjects will be able to sue via class action for compensation for "loss and distress". If the Data Processor is at fault, they are now equally liable along with Data Controllers. The Data Controller is responsible for notifying the ICO of a breach within 72 hours, and must do this if notified by the Data Processor.

## Individual rights

Individuals have:

- The right to be informed – Privacy policy on website
- The right of access
- The right of rectification
- The right to erasure – within 30 days unless a legal obligation to keep the data
- The right to restrict processing (ability to unsubscribe)
- The right to data portability
- The right to object to processing
  - Only if it causes unwanted and substantial damage or distress*
- The right to compensation if they suffer loss or damage

Under GDPR Council can no longer charge for individuals to request the data held.

## Next Steps

Council needs to demonstrate their compliance with the regulations by the 25<sup>th</sup> of May 2018 deadline. This means as a minimum, Council is required to:

1. Carry out an 'Impact Assessment' of the datasets Council is responsible for.
2. Identify each of the Data Processors used (i.e. Dropbox), and enter into a written contract with them.
3. Review Council's data security practices and provide data protection training.
4. Appoint an appropriate person to act as Council's Data Protection Officer (DPO) on an ongoing basis.

As a processor of data, Council must appoint a Data Protection Officer (DPO) to advise and support the Council. Council may employ a DPO or appoint an external party. The DPO must have sufficient expertise for the role and would need to attend training. SALC are seeking clarification from the National Association of Local Councils (NALC) Legal Team about whether the Clerk or another member of staff can be the DPO but we understand that **it is very unlikely that the Clerk can be so appointed owing to conflicts of interest** (the DPO must be independent and able to represent the interests of the public). NALC have already advised that a councillor cannot fill this role as they are insufficiently independent. SALC are currently looking at options for third parties providing the DPO function, including the District Council, County Council or SALC. Use of a third party would not absolve the Council from the need for responsible practices and the need to deal appropriately with any breach.

Councillors will need to be mindful of the need for tighter controls over emails and data-sharing. In particular, it will be necessary to encrypt or anonymise personal data and ensure that personal data is only processed where lawful to do so. Councillors will need to develop their own knowledge in this area and will be provided with guidance to support this as and when it becomes available.

It is important that initial work is conducted within Council to ensure its administrative and electronic systems are suitably robust with data being suitably controlled and sharing suitably restricted. The Clerk will review the administrative and data systems and seek advice as necessary to ensure compliance and will report any areas of concern to Council. The determination of the purpose or manner of processing personal data will be delegated to this Committee until further guidance

on managing conflicts of interest are obtained and/or a new member of staff/external party is appointed with DPO responsibility.

The new burdens being created by this legislation, which might include additional staff hours, infrastructure for safe storage and use of hard copy and electronic information (encryption tools etc), are being considered through negotiations between NALC and Government. However, as is often the case, guidance and new burdens money, if forthcoming, are likely to come only at a late stage. The Clerk will continue to alert members to any further developments and guidance. SALC are currently pressing NALC to continue to make the case for New Burdens Funding and will advise further at the earliest opportunity.

Council's insurers will be contacted to determine the scope of any insurance cover in connection with the new rules and to determine whether there are any additional requirements from the insurers in order for any insurance to be effective.

The Clerk will also contact Council's contractors to ensure that steps are in hand to ensure that they are compliant with the new rules.

**Committee is requested to note the GDPR Report consider the following recommendations to Council:**

- i. the Council Minutes it is considering the available options for appointing a DPO and has accessed initial training on the new regime;**
- ii. the Council notes that all Councillors will need to develop their own knowledge in this area and will be provided with guidance to support this as and when it becomes available;**
- iii. the Clerk will review the administrative and data systems and seek advice as necessary to ensure compliance and will report any areas of concern to Council;**
- iv. the Council will also consider whether it needs to obtain a third party assessment or employ the services of an external Data Protection Officer service;**
- v. the determination of the purpose or manner of processing personal data be delegated to Finance and General Purposes Committee until further guidance on managing conflicts of interest are obtained and/or a new member of staff/external party is appointed with DPO responsibility;**
- vi. the Clerk alerts Council to any further developments and guidance;**
- vii. the Clerk contacts the Council's insurers to determine the scope of any insurance cover in connection with the new rules and to determine whether there are any additional requirements from the insurers in order for any insurance to be effective; and**
- viii. the Clerk contacts the Council's contractors to determine the steps that are in hand to ensure that they are compliant with the new rules.**

## **AGENDA ITEM 11: CONSULTATION: COUNCILLOR DISQUALIFICATION**

The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’);
- a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

Existing legislation prevents individuals standing for election or holding office if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine. This consultation proposes updating the disqualification criteria in:

1. Section 80 of the Local Government Act 1972, which is relevant to town and parish councillors, whereby a person is disqualified from standing as a candidate or being a member of a local authority, if they:

- are employed by the local authority;
- are employed by a company which is under the control of the local authority;
- are subject to bankruptcy orders;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
- are disqualified under Part III of the Representation of the People Act 1983;
- are employed under the direction of various local authority committees, boards or the Greater London Authority; or
- are a teacher in a school maintained by the local authority;

Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.



The updates would mean the inclusion of certain sexual offences and anti-social behaviour. This would not apply retrospectively and relevant incumbents would be prevented from standing for election after the changes came into force.

Full details of the consultation can be found on the GOV.UK website here:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/645454/Disqualification\\_criteria\\_for\\_councillors\\_and\\_mayors.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645454/Disqualification_criteria_for_councillors_and_mayors.pdf)

The consultation asks the following questions:

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

Deadline for responses to the consultation is 5pm on Friday 8 December 2017.

SALC have provided a copy of its response to the consultation which is shown at **Appendix I** for information.

**Committee is requested to consider and decide on any response on behalf of Felixstowe Town Council.**

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## **AGENDA ITEM 12: PROPOSED MERGER OF SUFFOLK COASTAL AND WAVENEY DISTRICT COUNCILS**

On 7 November 2017 the Secretary of State for Communities and Local Government issued the following House of Commons Written Statement (HCWS232):

Having carefully considered all the material and representations I have received, I am 'minded to' implement the locally-led proposal I received from Suffolk Coastal and Waveney district councils in February 2017 to merge their two respective councils to become a single, new district council.

I have reached this decision on the basis that I consider:

- the proposal is likely to improve local government in the area (by improving service delivery, giving greater value for money, yielding cost savings, providing stronger strategic and local leadership, and/or delivering more sustainable structures);
- the proposal commands local support, in particular that the merger is proposed by all councils which are to be merged and there is evidence of a good deal of local support; and
- the proposed merged area is a credible geography, consisting of two or more existing local government areas that are adjacent, and which, if established, would not pose an obstacle to locally-led proposals for authorities to combine to serve their communities better and would facilitate joint working between local authorities.

I intend to assess any further locally-led merger proposals that I receive against these criteria.

Before I take my final decision on this proposed merger there is now a period until 8 January 2018 during which those interested may make further representations to me, including that if the proposal is implemented it is with suggested modifications. The final decision would also be subject to Parliamentary approval.

The statement is available online here:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-11-07/HCWS232/>

Suffolk Coastal and Waveney District Councils issued a press release on the subject which is provided for information at **Appendix J**.

**Committee is requested to note the announcement from the Secretary of State for Communities and Local Government and consider any comment it wishes to make by the 8 January deadline.**

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