

PORTLAND TOWN COUNCIL

Council Offices
Fortuneswell
PORTLAND
Dorset
DT5 1LW
E-mail:- office@portlandtowncouncil.gov.uk
Tel: 01305 821638

13th January 2016

Dear Councillor

You are hereby summoned to attend the **TOWN COUNCIL MEETING**, to be held in **EASTON METHODIST CHURCH HALL, EASTON, PORTLAND**, on **WEDNESDAY, 20TH JANUARY 2016**, commencing at 7.00 pm when the business set out below will be transacted.

It should be noted that it is the Council's intention that all meetings of the Council and its Committees be recorded aurally.

Yours faithfully

Ian Looker
Town Clerk

A G E N D A

- 1. Prayers**
- 2. Apologies for Absence**
- 3. Declarations of Interest** – to receive any declarations from Councillors or Officers of personal or prejudicial interests regarding matters to be considered at this meeting, together with a statement on the nature of those interests.
- 4. Open Forum**
 - a) Police Question Time
 - b) Public Half-Hour
 - c) Reports from Borough and County Councillors
- 5. Minutes of the Meeting**
 - a) **Town Council Meeting, 16th December 2015**
 - b) **Additional Town Council Meeting, 6th January 2016**
(attached)
- 6. Minute Update and Matters Arising from the Minutes** (see attached)
- 7. Written Questions for the Chairman**
- 8. Town Mayor's Announcements**
- 9. Financial Matters**
 - a) **Payments for Authorisation** (to follow)
 - b) **2015/16 Financial Report to 31st December 2015**
(attached)
- 10. Reducing Audit Costs** – to consider the recommendations of the Finance Working Group (see attached)
- 11. Portland Maps** – to consider the Finance Group recommendation that expenditure be recorded under Projects without additional budget provision
- 12. Recording of Meetings** – to consider the Finance recommendation that fees should be charged when the cost of compliance exceeds half an hour's work i.e. £12.50 (see attached)

13. **Payroll** – to consider the Finance recommendation that a specific consultant be paid to provide payroll services for twelve months (see confidential attachment)
14. **Additional Budget Provisions** – to consider recommendations for:-
 - a) Legal Costs
 - b) Grant Funding
 - c) Allotments
 - d) Transfer of Powers from County and Borough Councils
 - e) Youth Services (see attached)
15. **Council Offices** – to receive update reports and consider the Finance Group's recommendation (see attached)
16. **Budget and Precept, 2016/17** – to consider the recommendations of the Finance Working Group (see attached)
17. **Marine & Environment Partnership** – to consider a proposal by Cllr. Wild that its title and remit include tourism
18. **Status of Human Resources / IT Committee and Working Groups** – to consider making alterations (see confidential attachment)
19. **Standing Orders** – to lay on the table proposals for changes involving:-
 - a) References to Mayor and Deputy Chairman
 - b) Recording Numbered Votes (see attached)
20. **Cheyne Weares Remedial Landscape Works** – to receive a report from the Clerk
21. **Reports from Representatives to Outside Bodies and Voluntary Posts** (no written reports received)
22. **Appointments to Outside Bodies** – to appoint a representative to each of:-
 - a) Coastal Communities Trust
 - b) Dorset Broadcasting Action Group (DORBAG)
23. **Finance Working Group** – to consider the appointment of a replacement member

- 24. Councillors' News from the Wards** – to receive reports
- 25. Items for Future Agendas** – to receive suggestions
- 26. Grant Funding Assistance in 2015/16** – to consider whether Council should apply for a grant to provide new accommodation and, if so, what additional help from the consultant is needed (see confidential attachment)
- 27. Staffing Issues** – to consider actions following recent developments (see confidential attachment)
- 28. Exclusion of Press & Public** (discretionary)
“That pursuant to the provisions of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Item(s) ... by reason of the confidential nature of the business to be transacted.”
- 29. Date of Next Meeting**
The next scheduled meeting of the Town Council is due to take place on Wednesday, 17th February 2016, starting at 7.00 pm.

PORTLAND TOWN COUNCIL

TOWN COUNCIL MEETING HELD ON WEDNESDAY, 16TH DECEMBER 2015 IN THE PETER TRIM HALL, ST. GEORGE'S CENTRE, REFORNE

PRESENT: Councillors Ms J. Atwell, G. Chadwick, Mrs S. Cocking, C. Flack, C. Gover (from 7.35 pm), Ms S. Lees, R. Nowak, Mrs S. Reynolds, A. Sergison, D. Symes, D. Thurston, Mrs S. West and R. Wild

IN ATTENDANCE: Ian Looker (Town Clerk), Cllr. P. Kimber (Dorset County Council and Weymouth & Portland Borough Council), Cllr. Mrs P. McCartney (Weymouth & Portland Borough Council), Mr Andy Matthews (Finance Working Group and Portland Community Partnership), Mike Deadman (Marine & Environment Partnership and Heights Tourist Information Centre), Jez Morris (Magna Housing Association) and one members of the public.

Cllr. Wild in the chair.

3026 – CHAIRMAN

It was proposed by Cllr. Chadwick, seconded by Cllr. Lees and **RESOLVED** – that Cllr. Ray Nowak be appointed Chairman of the Town Council. (For: 10 votes, Against: 0 votes, Abstentions: 2 votes). Cllr. Nowak made a declaration of acceptance of the office and then took the chair.

3027 – PRAYERS

The Clerk led the meeting in prayer.

3028 – APOLOGIES FOR ABSENCE

Apologies were received from Cllr. J. Draper and Rev. James Menzies (Mayor's Chaplain)

3029 – DECLARATIONS OF INTEREST

There were none.

3030 – MAGNA HOUSING ASSOCIATION

Jez Morris, Head of Housing Services at the Association, gave members a short presentation.

Magna has eighty-four properties on the Island, including two new developments. At present it is a non-developing housing association because of the high cost of building new houses. Also it is concentrating on paying off the debt it inherited. When that is achieved Magna would wish to recommence building properties again.

Another factor currently operative is the set of welfare reforms affecting some of their residents, which requires lower rents to be charged and hence reduces Magna's income. Locally a survey of residents showed that parking was one of their main concerns.

Answering questions from members, Mr Morris said that if grassed areas were on Magna's land they would accept responsibility to maintain them. Cllr. Chadwick pointed out that often it was difficult to identify the particular owner. Asked whether one company might provide a grass-cutting service for all grassed areas, Mr Morris said Magna employs its own workers to carry out such tasks.

With regard to taking on new tenants there was an issue of whether there was sufficient housing across all age groups. Difficulty arose from insufficient turnover to new ownership. Magna had adopted a policy of six-year tenancy periods, but at present most of its tenancies were "assured."

3031 – OPEN FORUM

a) Police Question Time

No representative of the Police was present.

b) Public Half-Hour

Mr Matthews was given permission to speak under Agenda Item 16 – Budget and Precept, 2016/17 and Mr Deadman under Item 14 – Portland Maps.

c) Reports from Borough and County Councillors

Cllr. Kimber reported that the bus service survey was now completed. Five hundred replies had been received, but they had not yet been analysed. A second consultation on the youth service had ended that day, a very emotive issue he described it as.

Regarding the County's budget, it was now being allowed to precept for an extra 2%, which would be spent on social services. 30% of the budget was now being allocated to young people in care. The arts service had been privatised and was now being run as a workers' cooperative.

Discussions continued about the future shape of local government in Dorset. Cllr. Kimber had heard of consequent resignations at East Dorset District Council and the subject was being discussed at the County's Cabinet meeting that day. He thought this meant an important role for the Town Council in the future.

Cllr. McCartney also had concerns about the future of the youth service. She said she had received no reply from the County to e-mails sent. With respect to dog control orders there had been a fundamental shift in policy so that, for example, dogs in Victoria Gardens now had to be kept on leads.

Cllr. West reported on recent planning applications in Weston Street and Brandy Row that the Borough had rejected. She had attended a recent County seminar on safeguarding children, which had been informative and helpful.

(Cllr. Gover joined the meeting.)

Cllr. Thurston raised the subject of car parking machines at the Bill not being emptied. Since there were only two on the site it was causing a deal of inconvenience. Cllr. Nowak said this was a common occurrence in the Borough since its ticket machines had not been updated for twenty years, but replacements were due to be installed soon.

Cllr. Nowak went on to report that further consideration was being given to a unitary council for Dorset, which he saw as a direct consequence of a £90m. reduction in council budgets across Dorset.

d) Public Half-Hour (Continued)

Mr Nigel Ewens was granted permission to speak under Agenda Item 17 – Western Relief Route.

3032 – MINUTES OF THE MEETING HELD ON 18TH NOVEMBER 2015

The minutes were formally approved and signed as a correct record. (12-0-1)

3033 – MINUTE UPDATE AND MATTERS ARISING

Minute 3002(b) para 3 – King Street / Mallams

Cllr. Flack reported that a drain had been installed to take away the excess water.

3034 – TOWN MAYOR'S ANNOUNCEMENTS

Cllr. Wild reported that at the last meeting of the Marine & Environment Partnership several of the organisations represented had agreed to liaise on quarries and other issues of mutual interest through the Partnership. This would include the Court Leet. He also indicated his intention to bring a proposal to the next Town Council meeting to extend the Partnership's remit specifically to tourism.

Cllr. Wild also mentioned a successful Easton Promise night, his presentation of a Queen's telegram to Rene Trim for her 100th birthday and the Civic Carol Service taking place on 18th December.

3035 – WRITTEN QUESTIONS FOR THE MAYOR

There were none.

3036 – FINANCIAL MATTERS

a) Payments for Authorisation

RESOLVED – that the schedule of invoices (cheque refs. 3381 – 3396) in the sum of £5,878.65 including VAT be authorised for payment. (12-0-0)

b) 2015/16 Financial Report to 30th November 2015

Cllr. Lees asked about the projected expenditure on Cheyne Weares. The Clerk said it was just based on his educated guess at the cost of the remedial works.

Cllr. West queried the continuing use of the "Maintenance / Caretaker" heading. The Clerk thought this had been discussed at a Finance Group meeting and agreed to check.

It was agreed that the report be accepted.

c) Internal Audit, 2015/16: First Report

It was proposed by Cllr. Nowak and **RESOLVED** – that the report be accepted. (12-0-0)

3037 – RECORDING OF MEETINGS

It was agreed that the question of levying a charge be passed to the Finance Working Group to bring forward a recommendation.

3038 – COUNCIL OFFICES

Although three members had requested that Council's decision on 3rd August be rescinded the Clerk had neglected to mention this on the agenda. It was therefore agreed that this be done at an early opportunity in the New Year with a full discussion to follow.

3039 – PORTLAND MAPS

Mr Deadman spoke in favour of the tabled recommendation and supplied some of the detail involved.

It was proposed by Cllr. Thurston and **RESOLVED** – that the Council provide a one-off grant of £1,000 towards the production of Portland maps, to be reviewed annually. (12-0-0)

It was further **RESOLVED** – that the funding be made from reserves and dealt with by the Finance Working Group. (12-0-0)

3040 – ALLOTMENTS

The Clerk reported that he had received no reply to his enquiry from the Borough. The Chairman agreed to pursue the matter in conjunction with the Clerk.

3041 – BUDGET AND PRECEPT, 2016/17

It was proposed by Cllr. Wild and **RESOLVED** – that an additional meeting of the Town Council take place on 6th January 2016 to discuss again the Council's views on the Council Offices and the possible budget implications. (12-0-0)

3042 – WESTERN RELIEF ROUTE

Mr Ewens spoke in favour of retaining main transport arteries to the Island, the Western Relief Route and the railway link. These were key necessities to unlocking the full economic potential of the Island and its port.

It was proposed by Cllr. Nowak and **RESOLVED** – that the Council write to the County expressing its disappointment at the outcome of the Cabinet meeting to discuss the Relief Route, demand a commitment to preserve the potential for constructing it and ask for the details of the lower cost option. (12-0-0)

3043 – OFFICE HOURS

The Council accepted the report of the Clerk and agreed to his suggestion that the office opening hours be extended to 3.00 pm, Mondays to Thursdays. The Clerk was asked to publicise this in the Free Portland News.

3044 – DORSET HOME CHOICE

Council agreed to accept the report of the Dorset Councils Partnership.

3045 – REPORTES FROM REPRESENTATIVES TO OUTSIDE BODIES AND VOLUNTARY POSTS

It was agreed that an appointment to the Coastal Communities Trust be postponed to the January meeting of the Council.

3046 – COUNCILLORS' NEWS FROM THE WARDS

Cllr. Flack reported that Dorset Highways had carried out work to the speed bump in Reap Lane, which in his view could cause damage to car tyres.

Cllr. Lees said she was hoping to organise a clean-up by Cheyne House in January.

3047 – ITEMS FOR FUTURE AGENDAS

Cllr. Wild reiterated his proposal to add “Tourism” to the Marine & Environment title.

3048 – EXCLUSION OF PRESS & PUBLIC

It was proposed by the Chairman and **RESOLVED** – that pursuant to the provisions of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Items 23 – 25 by reason of the confidential nature of the business to be transacted. (12-0-0)

3049 – EXTERNAL FUNDING SUPPORT

It was proposed by Cllr. Thurston and **RESOLVED** – that a specific consultant be employed for a trial period of three months to explore and secure funding opportunities for the Council with an option to extend the period further. (11-2-0)

3050 – CORRESPONDENCE CONCERNING FORMER MEMBER OF THE COUNCIL

Having debated the present situation it was **RESOLVED** – that the Clerk write again to the Council’s solicitor, stating its wishes on the subject. (12-0-0)

3051 – LIVING WAGE

It was proposed by Cllr. Gover and **RESOLVED** – that the Council enact from 1st April 2016 the Living Wage sum proposed by the Living Wage Foundation for those staff so affected. (11-0-2)

3052 – DATE OF NEXT MEETING

The next scheduled meeting is due to take place on Wednesday, 20th January 2016, starting at 7.00 pm.

The meeting ended at 9.55 pm.

Signed Dated.....
(Chair)

PORTLAND TOWN COUNCIL

ADDITIONAL TOWN COUNCIL MEETING HELD ON WEDNESDAY, 6TH JANUARY 2016 AT 7.00 PM IN EASTON METHODIST CHURCH HALL, EASTON

PRESENT: Councillors R. Nowak (Chairman), Ms J. Atwell, G. Chadwick, Mrs S. Cocking, C. Flack, C. Gover, Ms S. Lees (from 7.10 pm), Mrs S. Reynolds, D. Symes, D. Thurston, Mrs S. West and R. Wild

IN ATTENDANCE: Ian Looker (Town Clerk), Rev. James Menzies (Mayor's Chaplain) and one member of the public

3053 – PRAYERS

The Mayor's Chaplain led the meeting in prayer.

3054 – APOLOGIES FOR ABSENCE

Apologies were received from Cllrs J. Draper and A. Sergison.

3055 – DECLARATIONS OF INTEREST

There were none.

3056 – PUBLIC PARTICIPATION

Richard Denton-White referred to the need to ensure all Council staff were receiving the Living Wage at least and cover the costs arising from transferring the Council to new accommodation. These factors would necessitate some increase in the Council's precept for the coming year. He also expressed concern about the Council's accommodation problem, referring to the forty-year-old arrangement with the Borough, stating that the Borough had "almost a statutory obligation to provide accommodation."

3057 – COUNCIL OFFICES

From the chair Cllr. Nowak referred to the Borough's notice for the Town to quit its Offices in early June and hoped the Town Council could reopen negotiations.

It was proposed by Cllr. Wild and **RESOLVED** – that the Council's resolution on the Borough's offer of the Council Offices be rescinded. (For: 7 votes, Against: 4 votes, Abstentions: 1 vote)

Answering a question from Cllr. West, the Clerk confirmed the Talking Newspaper people were moving from the Offices to a new location.

Cllr. Nowak led members through the current accommodation issues and options the Council might pursue. He noted the growing possibility that Weymouth might move soon to a town or parish council arrangement and any provision made by the Borough should similarly apply to Portland Town Council.

It was proposed by Cllr. Nowak and **RESOLVED** – that the Chairman, his Deputy and the Clerk attempt to reopen negotiations with the Borough on obtaining accommodation. In the meantime the Council Chairman, Chairman of the Finance

Working Group and Clerk should seek out available alternative accommodation immediately. (12-0-0)

3058 – EXTERNAL FUNDING SUPPORT

Cllr. Chadwick presented his concerns about the tendering process that had been followed, to which Cllr. Cocking responded.

It was proposed by Cllr. Thurston that the Council’s decision of 16th December 2015 (Minute 3049) should stand and the Council proceed accordingly.

Cllr. Chadwick put forward an amendment that guidelines and accountability should be put in place to govern how the work was carried out.

In the course of the subsequent discussion the amendment was withdrawn.

RESOLVED – that Council’s decision of 16th December 2015 stand and the Council proceed accordingly. (9-3-0)

3059 – BUDGET AND PRECEPT, 2016/17

Cllr. Cocking suggested the Finance Working Group review the budget at its meeting on 12th January and bring back recommendations, which was agreed.

From the chair Cllr. Nowak undertook to write an article for the February edition of the Free Portland News, first sending a draft to members for comment and approval.

3060 – DATE OF NEXT MEETING

The next scheduled meeting of the Town Council is due to take place on Wednesday, 20th January 2016, starting at 7.00 pm.

The meeting ended at 8.25 pm.

Signed Dated.....
(Chair)

MINUTE UPDATE

a) Town Council Meeting, 16th December 2015

i) Minute 3036 (b) – Maintenance / Caretaker Budget

No formal decision or recommendation has been made on this budget. From informal discussion the suggestion of “Landscape Maintenance” has been made and used in this month’s budget reports. However it remains for Council to clarify its long-term intentions on the subject.

ii) Minute 3040 – Allotments

I am not aware of any further progress on this.

iii) Minute 3042 – Western Relief Route

The Council’s letter has been acknowledged, but no specific response has been received from Cllr. Gould.

iv) Minute 3043 – Office Hours

A short article has been sent.

v) Minute 3050 – Correspondence Concerning Former Member of the Council

A letter was duly sent to our solicitor, who has sent further communications. Members have been kept informed.

b) Additional Town Council Meeting, 6th January 2016

Minute 3057 – Council Offices

The Borough has been in contact to try to arrange a meeting.

Several initiatives have been taken to find alternative accommodation.

Agenda Item 9(b)

Portland Town Council - Financial Report, 20.1.16.

	Budget 2015/16	Expend. 2014/15	Expend. to 31.12.15	Projected 2015/16	Paid / Rec'd to Date (%)
EXPENDITURE					
Salaries	23,824	23,033	22,080	31,100	92.68
Advertising	280	358	163	220	58.21
Audit	1,070	1,234	1,377	1,380	128.69
Civic Expenditure	1,000	1,525	289	700	28.90
Computer Equipment	300	636	0	500	0.00
Computer Software	360	21	39	240	10.83
IT Support	200	295	175	250	87.50
Contingency	12,803	0	0	0	0.00
Elections	6,000	5,850	4,210	4,210	70.17
Furniture & Equipment	612	600	648	870	105.88
Hire of Halls	840	0	745	1,000	88.69
Honorarium	100	100	100	100	100.00
Insurance	1,300	1,298	1,309	1,310	100.69
Mayoral Allowance	700	700	700	700	100.00
Miscellaneous	0	144	744	750	-
Postage	790	739	889	1,100	112.53
Publications	0	18	5	20	-
Stationery	710	786	535	700	75.35
Subscriptions	1,440	1,468	1,436	1,500	99.72
Telephone / Internet	300	605	447	600	
Training / Conferences	1,000	95	388	520	38.80
Travelling & Subsistence	100	57	38	70	38.00
Sub-Total	53,729	39,562	36,317	47,840	67.59
Cheyne Weares	5,000	0	200	3,000	4.00
Gifts and Donations	50	50	70	70	140.00
Grants	2,645	0	2,232	2,230	84.39
Landscape Maintenance	0	3,884	13	20	-
Neighbourhood Plan	6,600	6,335	1,895	6,600	28.71
Projects	144	1,216	414	450	-
Town Crier	50	35	35	40	70.00
Website	1,200	1,200	1,435	1,600	119.58
Sub-Total	15,689	12,720	6,094	11,010	38.84
TOTAL	69,418	52,282	42,411	58,850	61.10
INCOME					
Precept	50,723	50,222	50,723	50,723	100.00
Discount Grant	3,390	4,051	3,390	3,390	100.00
Fair	1,375	2,000	1,375	1,375	100.00
Hire of Halls Refund	840	0	801	801	95.36
Interest	220	238	65	70	29.55
Neighbourhood Plan Grant	3,600	700	0	3,600	0.00
Other	0	81	70	70	-
TOTAL	60,148	57,292	56,424	60,029	93.81
SURPLUS / DEFICIT (-) FOR YEAR	-9,270	5,010	14,013	1,179	
RESERVES RELEASED					
Cheyne Weares	5,000			3,000	
Grants	1,270			1,270	
Neighbourhood Plan	3,000			3,000	
TOTAL	9,270			7,270	
Net Total after Reserve Release	0			8,449	

Neighbourhood Plan

Expend. to
31.12.15

EXPENDITURE

Consultant's Fee	1,125
Staff Overtime	426
Advertising	95
Computer Software	249
Printing	0
Stationery	0
Website	0
Sub-Total	£1,895

2015/16 FINANCIAL REPORT TO 31ST DECEMBER 2015

Changes to Projections

Expenditure

Salaries	Increase £100	Adjustment to current spending level
Advertising	Decrease £20	Adjustment to current spending level
Civic Expenditure	Decrease £100	Little recent spending
Furniture & Equipment	Increase £30	Adjustment to current spending
Hire of Halls	Decrease £70	Adjustment to current spending level
Postage	Increase £80	Adjustment to current spending level
Telephone / Internet	Decrease £40	Adjustment to current spending level
Training / Conferences	Increase £100	Adjustment to current spending level
Grants	Increase £700	Further payments
Landscape Maintenance	Decrease £20	No further payment likely
Website	Increase £160	Additional small payments being received
Surplus	Decrease £920	
Net Total	Decrease £920	

Fees that may be charged when the cost of compliance exceeds the appropriate limit

Freedom of Information Act

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The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.

An overview of the main provisions of FOIA can be found in <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

This is part of a series of guidance, which goes into more detail than the [Guide to freedom of information](#), to help you as a public authority to fully understand your obligations, as well as promoting good practice.

This guidance explains to public authorities what fees they may charge where the cost of compliance with a request exceeds the appropriate limit.

Overview

Where it would exceed the appropriate limit to comply with a request, a public authority may charge the requestor for complying with the request. A public authority can charge for:

- the costs which may be taken into account in calculating whether the appropriate limit is exceeded; and
- the communication costs (including the costs of communicating whether or not the information is held even if it is not to be provided); and
- staff time spent on communicating the information.

What FOIA says

Section 13(1) – (3) are as follows:

13. – (1) A public authority may charge for the communication of any information whose communication –

- (a) is not required by section 1(1) because the cost of complying with the request for information exceeds the amount which is the appropriate limit for the purposes of section 12(1) and (2), and
- (b) is not otherwise required by law

such fee as may be determined by the public authority in accordance with the regulations made by the Secretary of State.

13. – (2) Regulations under this section may, in particular, provide-

- (a) that any fee is not to exceed the maximum as may be

- specified in, or determined in accordance with the regulations, and
- (b) that any fee is to be calculated in such manner as may be prescribed by the regulations.

13. — (3) Subsection (1) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

The relevant Regulations for the purposes of section 13 are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 SI No. 3244 (known as the Fees Regulations for brevity).

Charges that can be made where the appropriate limit is exceeded

Regulation 7 of the Fees Regulations allows a public authority that chooses to answer a request which exceeds the appropriate limit to charge for the total sum of the following:

- the costs which may be taken into account in calculating whether the appropriate limit is exceeded;
- the communication costs (including the costs of communicating whether or not the information is held even if it is not to be provided); and
- staff time spent on communicating the information.

Calculating whether the appropriate limit is exceeded

Public authorities should refer to our guidance on the appropriate limit for further details on which activities can be taken into account in deciding whether the appropriate limit is exceeded.

Public authorities should note that any time taken in redacting any exempt information cannot be included in the estimate.

- For further information on the appropriate limit
⇒ see [Requests where the cost of compliance with a request exceeds the appropriate limit](#)

Communication costs

Public authorities can charge for the reasonable costs it expects to incur in:

- contacting the applicant to inform them the requested information is held (even if the information will not be provided), and
- communicating the information to the applicant.

This includes, but is not limited to, the costs of:

- reproducing any document containing the information e.g. printing or photocopying;
- postage and other forms of transmitting the information; and
- complying with section 11 FOIA where the applicant has expressed a preference for the means of communication and where this is reasonably practicable.

Redaction

A public authority can charge for the costs of physically redacting exempt information. This could include the costs of materials, (for example, tape or black ink) or the use of specialist equipment (for example, rental or licensing) for the specific activity of redaction.

Format

A public authority should not charge for providing the information in the requested format where it is already subject to a statutory obligation to do so.

For example, a public authority should not charge for the costs of translating information into Welsh where it is already required to do so under the Welsh Language Act 1993.

Similarly, a public authority cannot charge for the costs of putting the requested information into an alternative format, for example, Braille, large print or on an audio tape, if this reformatting is required to meet the requirement to make reasonable adjustments for disabled persons in accordance with the Equalities Act 2010.

This should not be confused with the costs of complying with a preferred means of communication for the purposes of section 11 which can be charged for – see regulation 6(3).

Staff time

A public authority can charge for the time taken by its staff on the activities included in communicating the information.

Regulation 7(5) indicates that staff time is to be charged at the flat rate of £25 per hour, irrespective of whether a higher rate is actually incurred by internal staff or charged by external contractor staff.

A public authority can also charge for the time it takes a member of staff to actually redact the exempt information. This cost can be included because it is part of the costs of communicating the information under regulation 7. Regulation 7(5) of the Fees Regulations confirms that a public authority can only charge £25 per hour for this activity. For example, if it takes one employee 45 minutes to black out the information which is not to be disclosed then the public authority can charge £18.75 for this activity.

For the avoidance of doubt, any staff time spent redacting exempt information cannot be taken into account when initially estimating whether it would exceed the appropriate limit to comply with the request.

Practical points

Alternative means of obtaining the requested information

Section 13(3) of the FOIA recognises that some public authorities are able to charge fees for supplying information on another statutory basis.

In such cases, the Fees Regulations will not apply and the public authority is able to charge in accordance with the alternative regime even if this charge would exceed the charge that could be made under the Fees Regulations.

For example, the National Archives is able to charge a search fee, and other fees, for the supply of information in various formats (as well as other services) under the Public Record Office Fees Order.

In some cases, the application of an alternative charge by virtue of another piece of legislation may also indicate that a separate access regime, distinct from FOIA, exists for that particular type of information. FOIA should not circumvent other access regimes and a public authority may wish to consider whether section 21 is applicable.

Additional guidance is also available if you need further information on:

- Section 21
⇒ see ["Information reasonably accessible to the applicant by other means"](#)

Fees Notices

If it would exceed the appropriate limit to comply with a request, a public authority is not obliged to comply with it. The authority should however issue a refusal notice stating that it is relying on section 12.

As a matter of good practice, if a public authority is offering to provide the information for a fee then it should issue a fees notice. There is no statutory requirement to do this, because there is no obligation on the authority to comply with a request when section 12 applies. However, it will normally be the easiest way of letting the requestor know that they have the option of receiving information upon payment of a fee.

As a matter of good practice a public authority should also aim to provide a fees notice as soon as possible and at least within the 20 working day period for responding to the request.

Payment

The Commissioner is likely to follow the same approach as set out in section 9 in relation to payment of the fee. Accordingly, if a public authority does not receive payment within three months of issuing a

fees notice, the Commissioner would consider that it is no longer obliged to respond to the request. It is helpful to refer to this deadline in the fees notice.

A public authority should also note that the section 45 Code of Practice states that where a requestor has indicated that he or she is not prepared to pay the fee, the authority should consider whether there is any information which may be of interest that is available without charge.

VAT

Whether or not VAT can be charged depends on whether the information is only available from any public authority. If the requested information is only available from a public authority, any charges would not attract VAT.

However, if the requested information is available from another source that is not a public authority, VAT can then be added to the fees to be charged.

This is the position irrespective of whether or not it would exceed the appropriate limit to comply with the request.

Case example

Example

A central government department estimates that the cost of locating, retrieving and extracting information will be £800.

Outcome: The appropriate limit is exceeded and so the authority is not obliged to supply the information.

If it chooses to do so, the following charges may be made for the following activities:

(1) The costs which may be taken into account in calculating whether the appropriate limit is exceeded e.g. locating, retrieving and extracting the information = £800

(2) The communication costs = £25

(3) Staff time spent on communicating the information (1 hour @ £25 per hour) = £25

Total fee payable by the requestor = £850

Datasets

FOIA contains provisions dealing with fees for the re-use of datasets. A dataset is a collection of factual raw data, in electronic form, that a public authority gathers in the course of providing services and delivering its functions. If a public authority is providing information in response to a request, and it holds that information as a dataset, and the requester wants an electronic copy, then the public authority must provide the dataset in a re-usable form so far as reasonably practicable.

If the dataset is covered by the Re-use of Public Sector Information Regulations 2015 (RPSI), then licensing the dataset for re-use, and any charges for allowing re-use, must be dealt with under the terms of RPSI. If it is not covered (for example because the public authority is not a public sector body for the purposes of RPSI), then licensing and re-use are dealt with under the terms of the dataset provisions in FOIA.

Any fee for allowing the re-use of a dataset under the FOIA dataset provisions is in addition to any charge that the public authority makes (under section 13 of FOIA and regulation 7 of the Fees Regulations) for communicating the information. If the public authority is also issuing a fees notice for communicating the information, it can combine this with the re-use fees notice but it cannot 'double-charge' for the same activities.

If the public authority is making the dataset available for re-use under the Open Government Licence, there is no fee.

For further information on datasets and re-use, see our [guidance document on datasets](#) and our [Guide to RPSI](#).

More information

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.

It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information or data protection, please [Contact us: see our website www.ico.gov.uk](#)

REDUCING AUDIT COSTS

The Finance Working Group considers that the key to the Council exercising due financial control is for it to complete its current risk assessment and implement the resulting actions. Council is reminded that the risk assessment should be completed by 31st March and we shall be checking on the current state of progress.

Fees that may be charged when the cost of compliance does not exceed the appropriate limit

Freedom of Information Act

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The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.

An overview of the main provisions of FOIA can be found in [the Guide to freedom of information.](#)

This is part of a series of guidance, which goes into more detail than the Guide to freedom of information, to help you as a public authority to fully understand your obligations, as well as promoting good practice.

This guidance explains to public authorities what fees they may charge where the cost of compliance with a request does not exceed the appropriate limit.

Overview

Where it would not exceed the appropriate limit to comply with a request, and a public authority wishes to charge a fee, it can only include the charges it reasonably expects to incur in:

- Informing the requestor whether it holds the requested information (even if the information will not be provided), and
- Communicating that information to the requestor.

This generally means that a public authority can only charge for expenses actually incurred, for example, photocopying or postage.

It must issue a fees notice advising the requestor of the amount it will charge.

The amount that a public authority may charge depends on whether or not the cost of complying with the request has exceeded the appropriate limit.

- For further information on the appropriate limit
⇒ see Requests where the cost of compliance with a request exceeds the appropriate limit

Where the estimated costs of complying with a request would not exceed the appropriate limit, then a public authority must comply with the request unless an exemption applies. However, a public authority can charge for complying with the request. The amount that the public authority can charge is determined by section 9 of the Act.

What FOIA says

Section 9(1) – (5) are as follows:

9. — (1) A public authority to whom a request for information is made may, within the period for complying with section 1(1), give the applicant a notice in writing (in this Act referred to as a “fees notice”) stating that a fee of an amount specified in the notice is to

be charged by the authority for complying with section 1(1).

9. — (2) Where a fees notice has been given to the applicant, the public authority is not obliged to comply with section 1(1) unless the fee is paid within the period of three months beginning with the day on which the fees notice is given to the applicant.

9. — (3) Subject to subsection (5), any fee under this section must be determined by the public authority in accordance with regulations made by the Secretary of State.

9. — (4) Regulations under subsection (3) may, in particular, provide –

- (a) that no fee is to be payable in prescribed cases,
- (b) that any fee is not to exceed such maximum as may be specified in, or determined in accordance with, the regulations, and
- (c) that any fee is to be calculated in such a manner as may be prescribed by the regulations.

9. — (5) Subsection (3) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

The relevant Regulations referred to in section 9 are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 SI No. 3244 (known as the Fees Regulations for brevity).

Regulation 6(2) of the Fees Regulations provides that a public authority can charge for the costs it reasonably expects to incur in:

- Informing the requestor whether it holds the requested information (even if the information will not be provided), and
- Communicating that information to the requestor.

A public authority that wishes to charge such costs should send the requestor a fees notice. This notice must state the amount the public authority will charge and should also advise the requestor how they can pay.

What can be charged when the costs of compliance do not exceed the appropriate limit

Regulation 6(3) states that this includes, but is not limited to, the costs of:

- Reproducing any document containing the information, eg printing or photocopying;
- Postage and other forms of transmitting the information; and
- Complying with section 11 of FOIA where the applicant has expressed a preference for the means of communication and where this is reasonably practicable.

These costs are referred to as 'communication costs' or disbursements and are limited to expenses actually incurred.

However, public authorities should note that regulation 6(4) prevents a public authority from charging for staff time (either its own staff or contractors) in carrying out these activities. This means that they should not include staff time as a disbursement even where they would consider it as an 'administration' or 'handling' fee.

Practical points

A public authority can only charge for the costs it would incur in disclosing the information if the fee were paid. In other words, a public authority cannot charge the requestor a fee and then, when it receives payment, state that the information cannot be disclosed because an exemption applies.

As a matter of good practice, if the administration costs of collecting a fee would be more than the charge itself, public authorities should waive the charge.

If the actual cost of answering a request is higher than the fee specified in the fees notice, the authority should not issue a second notice and instead must bear the additional cost itself.

However, if the actual costs are lower than those specified in the fees notice, we recommended as a matter of good practice that the public authority refunds the excess amount.

Items which **cannot** be included in the fee:

- A public authority should not charge for providing the information in a particular format where it is already subject to a statutory obligation to do so.

For example, a public authority should not charge for the costs of translating information into Welsh where it is already required to do so under the Welsh Language Act 1993.

Similarly, a public authority cannot charge for the costs of putting the requested information into an alternative format, for example, Braille, large print or on an audio tape, if this reformatting is required to meet the requirement to make reasonable adjustments for disabled persons in accordance with the Equalities Act 2010.

This should not be confused with the costs of complying with a preferred means of communication for the purposes of section 11 which can be charged for – see regulation 6(3).

- A public authority cannot take into account the time taken by staff in removing any exempt information.

Items which **can** be included in the fee:

- A public authority can include the costs of physically redacting exempt information. This could include the costs of materials, (for example, tape or black ink) or the use of specialist equipment (for example, rental or licensing) for the specific activity of redaction.

Example

An applicant requests information from a local authority which will cost £375 to locate, retrieve and extract the requested information. The public authority issues a fees notice for £405.

This fee is made up of:

- (i) photocopying 200 sheets @ 10p per sheet totalling £20;
- (ii) postage @ £10 and;

(iii) costs of locating, retrieving and extracting the information - £375.

Outcome:

As the costs of locating, retrieving and extracting the information are below the appropriate limit of £450, the public authority must deal with the request.

However, the public authority cannot charge for the time taken to locate, retrieve and extract the information. It is able to charge £30 (£20 photocopying and £10 postage) for communicating the information and the public authority therefore needs to issue a fees notice for £30 in accordance with section 9.

VAT

Whether or not the public authority can charge VAT depends on whether the information is only available from the public authority (or another public authority). If the requested information is only available from a public authority, any charges would not attract VAT.

However, if the requested information is available from another source that is not a public authority, the public authority may add VAT to its fee.

Timescales

The public authority must issue the fees notice within the 20 working day period for responding to the request. As a matter of good practice, we recommend that it issues the fees notice as soon as possible after it receives the request.

Section 10(2) of the FOIA states that the time for compliance should not include the period beginning with the day on which the public authority gives the fees notice to the applicant and ending with the day on which it receives the fee.

Example

An applicant makes a request on 1 July. The public authority issues a fees notice on 9 July. The applicant pays the fee on July 15.

The public authority has used 6 of the 20 working days allowed for a response and so it has 14 days after the day on which the applicant has paid the fee (or 14 days after the cheque has cleared) to respond to the request.

Payment

If a public authority does not receive payment within three months of issuing a fees notice, it is no longer obliged to respond to the request. The public authority should tell the requestor about the deadline in its fees notice.

When a requestor pays by cheque, the public authority may choose to regard the fee as being received on the day the cheque is received, or it may wait until the cheque has cleared. However, the public authority should not delay paying the cheque into its bank account in order to delay providing the response.

A public authority should also note that the section 45 Code of Practice states that where a requestor has indicated that he or she is not prepared to pay the fee, the authority should consider whether it can release any relevant information without charge.

Alternative means of obtaining the requested information

Section 9(5) of the FOIA recognises that some public authorities are able to charge fees for supplying information on another statutory basis. In such cases, the Fees Regulations will not apply and the public authority is able to charge in accordance with the alternative regime even if this charge would exceed the charge that could be made under the Fees Regulations.

For example, the National Archives is able to charge a search fee, and other fees, for supplying information in various formats (as well as other services) under the Public Record Office Fees Order.

In some cases, the application of an alternative charge by virtue of another piece of legislation may also indicate that a separate access regime, distinct from FOIA, exists for that particular type of information. The FOIA should not circumvent other access regimes and a public authority may wish to consider whether section 21 is applicable.

Additional guidance is also available if you need further information on:

- Section 21
⇒ see ["Information reasonably accessible to the applicant by other means"](#)
- Charging for information in a publication scheme
⇒ see ["How much can we charge for information?"](#)
- Charging for environmental information
⇒ see ["Charging for environmental information"](#)

Datasets

FOIA contains provisions dealing with fees for the re-use of datasets. A dataset is a collection of factual raw data, in electronic form, that a public authority gathers in the course of providing services and delivering its functions. If a public authority is providing information in response to a request, and it holds that information as a dataset, and the requester wants an electronic copy, then the public authority must provide the dataset in a re-usable form so far as reasonably practicable.

If the dataset is covered by the Re-use of Public Sector Information Regulations 2015 (RPSI), then licensing the dataset for re-use, and any charges for allowing re-use, must be dealt with under the terms of RPSI. If it is not covered (for example because the public authority is not a public sector body for the purposes of RPSI), then licensing and re-use are dealt with under the terms of the dataset provisions in FOIA.

Any fee for allowing the re-use of a dataset is in addition to any charge that the public authority makes (under section 9 of FOIA and the Fees Regulations) for communicating the information. If the public authority is also issuing a fees notice under section 9(1) of FOIA, it can combine this with the re-use fees notice but it cannot 'double-charge' for the same activities.

If the public authority is making the dataset available for re-use under the Open Government Licence, there is no fee.

For further information on datasets and re-use, see our [guidance document on datasets](#) and our [Guide to RPSI](#).

More information

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.

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If you need any more information about this or any other aspect of freedom of information or data protection, please [Contact us: see our website \[www.ico.gov.uk\]\(http://www.ico.gov.uk\)](#)

ADDITIONAL BUDGET PROVISION

a) Legal Costs

Finance recommends a budget of £4,000 in 2016/17 to cover the costs of ongoing professional advice from the Council's solicitor. The solicitor has been made aware of the Council's wish to resolve the issue as quickly as possible and his recent correspondence which members have seen, appears to reflect this.

b) Grant Funding

Finance recommends a budget of £5,000 for consultant's fees in 2016/17. No provision has been made for the corresponding projects resulting as it is expected they will be self-funding and may generate a small surplus.

c) Allotments

This item was overlooked at the recent Finance meeting. My own view is that budget provision between nil and £500 be made. Indeed it may achieve a small surplus. The Borough has not responded to the Council's enquiry for more details. I can only reiterate that allotments is currently the only legitimate claim that the Town can make to the Borough for transfer of responsibilities. Such a move would be a clear indicator of the Town Council's intentions to shift gear and provide a wider service for its residents.

d) Transfer of Powers from County and Borough Councils

The Finance Group is mindful of the changing climate in local government produced by the Localism Act and, closer to home, council realignments in Dorset with more likely to occur. The parishing of Weymouth is now seen as a distinct possibility and if powers and assets are given to one or more new parishes in Weymouth, Portland must in all fairness receive comparable treatment.

With this uncertainty Finance recommends no specific budget provision but the hope that the Council will pass some clear resolution of its intent to take on services.

e) Youth Services

News is filtering through of town and larger parish councils in Dorset giving serious consideration to taking over the running of their local youth centres. The Council's lack of infrastructure and substantial financial reserves may well be a hindrance to it taking similar action, but the Finance Group thought Council should explore the possibilities of providing help at some stage.

COUNCIL OFFICES

The Borough has responded to the Council's request to reopen discussion and we are presently trying to arrange a meeting for later in the month. Nothing has been heard of the promise to provide a business plan for the Offices. Perhaps that could be followed up. Meanwhile several measures have been taken by Officers and members to find alternative accommodation and more fruitful possibilities are being pursued.

The Finance Group recommends a budget of £15,000 for the Offices to cover all costs.

Agenda Item 16

2016/17 Budget Working Paper, 20.1.16

	Budget 2015/16	Expend. 2014/15	Expend. to 30.11.15	Projected 2015/16	Notional Budget 2016/17	Increase on 15/16 %
EXPENDITURE						
Salaries	23,824	23,033	19,055	31,000	36,625	53.73
Advertising	280	358	149	240	280	0.00
Audit	1,070	1,234	1,140	1,380	1,300	21.50
Civic Expenditure	1,000	1,525	289	800	1,000	0.00
Computer Equipment	300	636	0	500	300	0.00
Computer Software	360	21	39	240	360	0.00
IT Support	200	295	175	250	250	25.00
Contingency	12,803	0	0	0	0	-100.00
Elections	6,000	5,850	4,210	4,210	6,000	0.00
Furniture & Equipment	612	600	490	840	612	0.00
Hire of Halls	840	0	711	1,070	840	0.00
Honorarium	100	100	100	100	100	0.00
Insurance	1,300	1,298	1,309	1,310	1,500	15.38
Mayoral Allowance	700	700	700	700	1,000	42.86
Miscellaneous	0	144	744	750	0	-
Postage	790	739	677	1,020	790	0.00
Publications	0	18	5	20	20	-
Stationery	710	786	465	700	850	19.72
Subscriptions	1,440	1,468	1,436	1,500	1,600	11.11
Telephone / Internet	300	605	427	640	500	66.67
Training / Conferences	1,000	95	358	420	1,000	0.00
Travelling & Subsistence	100	57	38	70	100	0.00
Sub-Total	53,729	39,562	32,517	47,760	55,027	2.42
Cheyne Weares	5,000	0	200	3,000	4,800	-4.00
<i>Council Offices</i>	0	0	0	0	15,000	-
Gifts and Donations	50	50	70	70	100	100.00
Grants	2,645	0	1,530	1,530	1,750	-33.84
Grant-Funding	0	0	0	0	5,000	-
Landscape Maintenance	0	3,884	13	40	5,000	-
Neighbourhood Plan	6,600	6,335	691	6,600	3,000	-54.55
Projects (inc Legal Dispute)	144	1,216	414	450	4,150	2,781.94
Town Crier	50	35	35	40	50	0.00
Website	1,200	1,200	1,375	1,440	1,200	0.00
Sub-Total	15,689	12,720	4,128	10,170	40,050	155.27
TOTAL	69,418	52,282	36,645	57,930	95,077	36.96
INCOME						
Precept	50,723	50,222	50,723	50,723	51,077	0.70
Discount Grant	3,390	4,051	3,390	3,390	3,390	0.00
Fair	1,375	2,000	1,375	1,375	1,750	27.27
Hire of Halls Refund	840	0	801	801	840	0.00
Interest	220	238	62	70	220	0.00
Neighbourhood Plan Grant	3,600	700	0	3,600	0	-100.00
Other	0	81	70	70	0	-
TOTAL	60,148	57,292	56,421	60,029	57,277	-4.77
SURPLUS / DEFICIT (-) FOR YEAR	-9,270	5,010	19,776	2,099	-37,800	307.77
 RESERVES RELEASED						
Cheyne Weares	5,000			3,000	4,800	
Grants	1,270			1,270	0	
Landscape Maintenance	0			0	5,000	
Neighbourhood Plan	3,000			3,000	3,000	
TOTAL	9,270			7,270	12,800	
Net Total after Reserve Release	0			9,369	-25,000	

BUDGET AND PRECEPT, 2016/17

The Finance Group's recommendations are shown in italics on the attached working paper. This includes the Salaries figure which now has an additional £1,000 recommended by the Group at its previous meeting on 8th December.

Accordingly Finance now recommends to Council a rise of £25,000 in the precept for the coming year. The elements and funding requirements are shown below.

	Budget Provision	Band D Input	Band A Input
Council Offices	£15,000	£4.50	£3.15
Grant Funding Assistance	5,000	1.50	1.05
Legal Dispute	4,000	1.20	0.84
Salaries Increase	1,000	0.30	0.21
TOTAL	£25,000	£7.50	£5.25

STANDING ORDERS

a) References to Mayor and Deputy Chairman

In framing the current version of Standing Orders we tended to use the option of "Chairman" where before we would have had "Mayor" or "Town Mayor." Portland Town Council is in the rather unusual situation now of having both a Chairman and Mayor. It may be that we have unwittingly written out the joint role of Mayor and Deputy Mayor, so the proposals below are an attempt to remedy any oversights.

Standing Order 3(m)

At the end add the sentence "The Town Mayor shall serve as the Deputy Chairman of the Council."

Standing Order 5(e)

After "**the Chairman**" amend the text to read, "**of the Council**, the Town Mayor and **Deputy Chairman of the Council**, and the Deputy Town Mayor.

Standing Order 5(g)

Amend the Words, "**The Deputy Chairman of the Council**," to read, "**The Town Mayor and Deputy Chairman of the Council**,"

After Standing Order 5(g) add a new paragraph, 5(h) and renumber following. Standing Order 5(h) shall read:

- h The Deputy Town Mayor, unless he resigns or becomes disqualified shall hold office immediately after the election of the Town Mayor and Deputy Chairman of the Council at the next annual meeting of the Council.

b) Recording Numbered Votes

At present the number of votes cast for, against and abstentions has to be recorded in the minutes of the Council and all its committees. This is not normal parish and town council procedure. It was introduced at the instigation of a member of the public at a time when controversial decisions had been taken on matters of the budget and precept, and were continuing to occur.

Public interest in the results of Council decisions has since subsided to more normal levels. The procedure places continuing pressure on the Clerk at meetings, because he has to make an accurate record of voting on all occasions. Some voting may be relatively unimportant matters or is a "foregone conclusion." While the Clerk is scanning the room to count hands raised some may have been lowered because the member thinks he has clearly demonstrated his will. This and other difficulties may arise, the numbers may not "add up," the chairman may ask for a fresh show of hands and the flow of the meeting is disrupted.

In order to maintain the flow of meetings, yet retain the option, the following is proposed:-

Standing Order 3(q)

Amend the second sentence to read, "At the request of a councillor the Clerk shall record the numbers of votes cast for, against and any abstentions."

Amend the fourth sentence to begin, "Such requests"