

HEATON-WITH-OXCLIFFE PARISH COUNCIL

MEMBERS OF THE PUBLIC AND PRESS ARE WELCOME TO ATTEND

**Parish Council Meeting to be held on Wednesday 11th April 2018 at
Grosvenor Park School commencing at 7.00 pm**

A G E N D A

- 1853.** To receive apologies
- 1854.** To consider & approve Minutes of the Meeting held on Wednesday 14th March 2018
- 1855.** To receive Declarations of Interest
- 1856.** To adjourn the meeting for a period of public discussion and to provide 'information only' updates on activities in recent weeks. (Note: Any matters needing a 'decision' will need to be considered as an agenda item at a future meeting)
- (i) Public discussion
 - (ii) Clerk's report on activities and actions since last meeting and correspondence
 - (iii) Members updates and information only reports
- 1857.** To consider the list of planning applications and and decisions set out below:

Application No / Description	Parish Council response / Decision Status
17/01079/FUL: Erection of an agricultural livestock building, Mr E Thornton, Downlands Farm, Moss Road, Heaton-with-Oxcliffe, LA3 3ES	No representation / Application Permitted
18/00247/FUL: Erection of extension to existing industrial unit, Mr A Brakewell, 10 Woodgate, Morecambe, Lancashire, LA3 3PQ,	No representation / Awaiting decision
18/00139/FUL: Erection of four buildings comprising of a total of 20 units (B1a and B1c use class) with associated access and parking - Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe	New Application
18/00306/FUL: Retrospective application for the conversion of a garage into ancillary accommodation - 75 White Lund Road, Morecambe, LA3 3DX	New Application
18/0060/TPO: Work to trees, 304 Oxcliffe Road, Heaton-with-Oxcliffe LA3 3EJ	New Application

- 1858.** To authorise payment of the following accounts:

100348	John Fairclough – Grounds Maintenance for March	£ 100.00
100349	Lancaster City Council – Grosvenor Park Playground Redevelopment (2 nd half payment)	£9,700.00

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100350	NALC & LALC Subscription 2018/2019	£ 313.53
100351	Lancashire County Council – Hire of Grosvenor Park School	£ 45.00

- 1859.** To consider Quarter 4 account transactions as at 31st March 2018 (Clerk to Report)
- 1860.** To consider addition to Standing Orders (motion by Councillor Percy)
- 1861.** To consider and approve Grosvenor Park Play Area sign (Clerk to Report)
- 1862.** To consider update on the General Data Protection Regulations implications and appointment of Data Protection Officer (DPO) (Clerk to Report)
- 1863.** To consider review of Local Government Ethical Standards (papers enclosed)
- 1864.** To consider date and time of next meeting (Clerk to Report)

Parish Clerk

07 April 2018

28 Wilson Grove

Heysham, Morecambe LA3 2PQ

Tel: 01524 858557

Email: clerk@heatonwithoxcliffepc.org.uk

PARISH OF HEATON-WITH-OXCLIFFE
Minutes of the Meeting of the Parish Council held at Grosvenor Park School on
Wednesday 14th March 2018 at 7-00 pm.

Present: Councillor Mr W Jackson - Chair
Councillor Mrs M Baxter
Councillor Mr I Clift
Councillor Mrs G Kelly
Councillor Mr P Melling
Councillor Mr K Percy

1838 APOLOGIES: Apologies were received and accepted from Councillor Mr S Edmondson

1839 MINUTES: It was **RESOLVED** that the Minutes of the meeting held on **Wednesday 14th February 2018** be approved.

1840 DECLARATION OF INTERESTS: There were no declarations of interest

1841 ADJOURNMENT FOR PUBLIC DISCUSSION AND TO PROVIDE 'INFORMATION ONLY' UPDATES ON ACTIVITIES:

1. No members of the public were present
2. The Clerk presented his report setting out a fixmystreet report submitted by a resident identifying that the verges between the Adsa entrance and Salt Ayre lane are 'full of rubbish'. The Clerk commented on correspondence received and invited comments from Members.
3. Members provided the following updates on issues arising since the last meeting:

- a) Councillor Melling provided a report on the recent meeting of the Community Emergency Plan Group that was attended by parish council representatives, Paul Bond from the Environment Agency and Mark Bartlett, Civic Contingencies Officer, Lancaster City Council.

Councillor Melling reported that despite the main presenters 'Rubicon' being unable to attend because of the bad weather, it had been a useful meeting allowing parish councils to network and discuss issues and experiences in developing and implementing their Community Emergency Plans.

The representative from Galgate spoke about their recent experience with flooding and advised that Rubicon – which is made up of ex-servicemen/women – provided valuable and vital support in dealing with the initial flooding and the clear up. The 'Charitable Lions' are another group who can help when major events occur. It was advised that several agencies and emergency plan groups maintain a register of vulnerable residents that can provide useful information when needed.

There was a demonstration by Mark Bartlett on the radios held by Lancaster City Council that groups can purchase and Paul Bond provided information on an alternative solution to sand bags, being sacks filled with a gel that expand when in contact with water.

- b) Councillor Baxter wished to place on record her thanks to Lancashire County Council's Gully team who recently came to clear the drains on Heaton Bottom Road. Even though only one blocked drain had been reported they cleared a total of nine drains in the immediate area which has stopped them from overflowing and water running into resident's basements.

Councillor Baxter raised a matter about Stagecoach buses when not in use taking short cuts down Heaton Bottom Road when returning to their depot. There were concerns that a proposed road closure could exacerbate this problem

- c) Councillor Jackson informed Members that a resident had contacted him about flooding on Altham Road which has since been reported.

It was **RESOLVED** that the information only updates be noted.

1842 PLANNING APPLICATIONS

Application No / Description	Parish Council Comment / Application Decision Status
17/01079/FUL: Erection of an agricultural livestock building, Mr E Thornton, Downlands Farm, Moss Road, Heaton-with-Oxcliffe LA3 3ES	No representation / Awaiting decision
18/00247/FUL: Erection of extension to existing industrial unit, Mr A Brakewell, 10 Woodgate, Morecambe, Lancashire, LA3 3PQ	New application / Awaiting decision

It was **RESOLVED** that the status of application number 17/01079/FUL be noted and that no representation be made on application number 18/00247/FUL.

1843 ACCOUNTS FOR PAYMENT:

Cheque No.	Payee and Payment Description	Amount
100342	Lancashire County Council – Hire of meeting room	£ 45.00
100343	Lancaster City Council – Grosvenor Park Playground Redevelopment	£9,700.00
100344	Alpha Engraving Limited – Manufacture & fit Grosvenor Park sign	£ 552.00
100345	Zurich Insurance Lid – Annual Insurance renewal (subject to Min 1843)	£ 288.27
100645	Mr J Fairclough – Grounds Maintenance & Lengthsman duties	£ 100.00
100646	Mr R Bailey, Clerks fees & expenses Qtr 4 January 2018 – March 2018	£1,305.05

The Clerk explained that an invoice for £19,400 had been received from Lancaster City Council being made up of £5,000 from the Galbraith Trust, £9,746 from the Big Lottery – the income for which has been paid into the Parish Council's bank account – and the balance of £4,654 from Parish Council funds. Agreement has been made with Lancaster City Council to pay half in March, represented by Cheque No: 100343, and the remainder once the 2018/2019 precept has been received.

Payment of Cheque No: 100345 is subject to Member approval of Agenda item 1844 below.

It was **RESOLVED** that, subject to approval of Agenda item 1844, the above account(s) be paid.

1844 INSURANCE: As requested an additional quotation was sought for the insurance premium for 2018/2019 based on the same level of cover offered from the Parish Council's current insurers, Zurich Municipal. This broadly comprises of:

- Public Liability: £10,000,000
- Products Liability: £10,000,000
- Employers Liability: £10,000,000
- Libel and Slander: £100,000
- Fidelity Guarantee: £25,000

- Personal Accident: £20,000 or £25 per week employees and Councillors
- Legal Expenses: £100,000

It was reported that the amount of the second quotation received was £400 compared to the premium cost offered by Zurich of £288.27.

It was **RESOLVED** that the Parish Council's insurance cover for 2018/2019 be noted and that this be renewed with Zurich Municipal and Cheque No: 100345 (Minute 1843 refers) be paid.

1845 GROSVENOR PARK PLAY AREA: The Clerk reported that the 'End of Project' reports had now been completed and submitted to the funders: Lancashire Environmental Fund; Banks Group; the Galbraith Trust and the Big Lottery. As mentioned at earlier (Agenda item 1843 refers) funding from the Galbraith Trust (£5,000) and the Big Lottery (£9,746) has been paid by BACS to the Parish Council's account. Lancaster City Council, acting as the Accountable Body for the project can now claim the funding from the Lancashire Environmental Fund (£30,000) and Banks Group (£5,000).

The Clerk reported that the Parish Council continues to receive positive and grateful comments from residents about the play area.

Further to the concerns raised at the last meeting of the Parish Council regarding errors and omissions on the sign designed by Lancaster City Council the Clerk had advised Members that the City Council had apologised for the omission of any reference to the Parish Council and had provided their reasons why the additional comments and 'warning' notices suggested by the Parish Council would be unacceptable. This included the need to comply with ROSPA requirements and a new policy not to have 'negative' warning notices on play area signs. Members had been advised that the City Council would not have any issue with another sign being put in place that thanked the funders and gave positive messages about the usage of the play area.

Councillor Mr K Percy challenged the City Council's statement on the basis that the ROSPA requirements and been misstated and that existing by-laws enable various notices to be included. Examples of these, as well as a 'community' sign that is fixed to the railings at the play area in Bolton-le-Sands were shown to Members.

It was also highlighted that in recent weeks stickers had been placed on play area signs around the district, including Grosvenor Park Play area warning that dogs are not allowed – many of which are already peeling off!

Notwithstanding these matters, Councillor Percy proposed that the Parish Council arrange for its own sign to be placed on the opposite gate to the new City Council sign and that this be facing into the play area. A sign like the one at Bolton-Le-Sands is suggested which acknowledges the support of funders and residents and includes wording indicating that the play area opening hours are '*dawn until dusk*', that the play area is '*only to be used by children 12 years and under*' and that '*Adult supervision is advised*'.

After some discussion, it was that the Clerk's 'end of project' report be noted, that Lancaster City Council be advised of the Parish Council's proposals for a new sign and, subject to their agreement, that the cost of procuring same be established.

1846 STANDING ORDERS: Councillor Percy referred to recent email correspondence between the Parish Clerk and Members that had almost resulted in decisions being made by email. It was noted that this had happened recently around matters to do with the Grosvenor Park Play Area and whilst not a regular occurrence needs to be incorporated within Standing Orders. Councillor Percy presented draft wording for inclusion which was debated.

The Chair offered further commentary on possible exemptions where a decision outside of a monthly meeting might be necessary, such as in extraordinary circumstances.

After some discussion, it was **RESOLVED** to defer a decision until the next meeting of the Parish Council to allow Members further time to consider the proposal and associated implications.

1847 PARISH PLAN: Further to the draft Parish Plan outcomes and actions considered at the last meeting Councillor Percy presented a revised version that he had worked on with the help of the Parish Clerk. Councillor Percy proposed that these be adopted so that work on achieving them can commence in the new financial year.

The suggested key 'ambitions' that the Parish Council would seek to achieve through effectively working with its partners were:

- **Improve our local environment**
- **Enhance access to public transport and improve community resilience**
- **Improve our roads, cycle paths, footpaths/pavements and other local amenities**
- **Identify and respond to the needs of our vulnerable residents**
- **Address the health and wellbeing of our residents to deliver healthier and happier communities**
- **Celebrate the history and heritage of the local area**

It was recommended that formal monitoring of progress in delivering these be carried out half yearly and annually, being October and April each year. It was noted that at some point the Parish plan would benefit from a survey designed to establish the needs and aspirations of residents.

After some discussion and questions, it was **RESOLVED** that the draft Heaton-with-Oxcliffe Parish Plan 2018 – 2021 as presented be adopted and progress monitored twice a year in October and April.

1848 LANCASTER DISTRICT LOCAL PLAN 20111 – 2031: Members considered two key elements of the developing Local Plan, being the Strategic Policies and Land Allocations Development Plan document (DPD) and a review of the Development Management DPD, originally adopted in 2014.

The Clerk advised that the Strategic Policies and Land Allocations DPD '*...sets out the strategic basis for plan-making within the Lancaster district up to 2031, it sets out the scale of growth required and how that growth will be delivered. The DPD [also] sets out a range of allocations which address the delivery of new development and the protection of land for its environmental, economic and social value*'. The Development Management DPD provides '*...updated advice and guidance to reflect any changing circumstances over recent years*'.

It was reported that the statutory eight-week period for making representations relating to both DPD's is **Friday 9th February to 5pm on Friday 6th April 2018**. Members were advised that only comments on the '*soundness*' and/or '*legal compliance*' of these documents will be considered.

Members noted the detail and evidence set out in the DPD's and that upon adoption they will be the key documents in Local Plan that will set out requirements, in planning terms, upon which all planning applications will be considered until 2031.

Members commented on sections in the draft Local Plan that referred to development proposals, heritage and employment matters that are within, or close to, the parish. There was also comments on neighbourhood planning arrangements and the future of the recycling centre.

After some discussion, it was **RESOLVED** that the no representation be made on the '*soundness*' and/or '*legal compliance*' of the Strategic Policies and Land Allocations DPD or the revised Development Management DPD

1849 EMPLOYMENT & SKILLS SUPPLEMENTARY PLANNING DOCUMENT: The Clerk reported that Lancaster City Council are currently consulting on this document which seeks to encourage and deliver more training opportunities and apprenticeships for local people through new development. Members were informed that the consultation period for this document is from **Monday 26th February to 5pm on Monday 26th March 2018**

Members noted, favourably, that the implementation of this SPD will make it a condition that employment and skills form part of any planning application to support the use of local labour during the construction phase of schemes and will help to ensure that local people are be provided with an opportunity for training and apprenticeships.

Members commented on the significant number of local young people who are not in employment, education or training (NEET) in the Lancaster district and the association between NEET and issues such as low attainment, teenage pregnancy/young motherhood; young people in care and those with learning difficulties and young offenders. Members considered that the introduction of this SPD will help to address this, but should incorporate a reference to young people with long-term health conditions, including mental health and that there should be 'targets' relating specifically to young people around negotiations made with developers.

It was also noted that the SPD does not directly mention links with national companies working within the Lancaster district who only tend to offer training outside the area, rather than take advantage of opportunities locally.

It was then **RESOLVED** that the Clerk submits a response to the consultation on the Employment and Skills SPD stating that the Parish Council supports it in principle but suggests that it would be enhanced by the inclusion of the matters outlined.

1850 LOBBY DAY 2018: The Clerk reported on the Lobby Day to be held on 20th March which the National Association of Local Council's (NALC) is promoting as a means of raising the profile of local councils with Members of Parliament, including Government Ministers. NALC are seeking to increase the influence of local councils with Government and to inform them of the achievements of local councils and to seek their support for changes that will help local councils to fulfil their potential and put '*communities back in control*'. Members **RESOLVED** to note the aims of the Lobby Day and NALC's proposals to increase the influence local council's in the delivery of services.

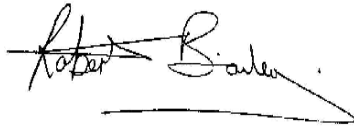
1851 GENERAL DATA PROTECTION REGULATIONS (GDPR): The Clerk reported on the main concepts and principles of GDPR that will apply from 25th May 2018. Members were advised that, essentially, GDPR is an update and review of the Data Protection Act 1998 taking account of technological advances whilst placing a greater emphasis on more accountability and transparency when dealing with personal data and the rights of individuals should a breach occur.

Members attention was drawn to a 12-step guidance provided by the Information Commissioners Office to prepare for the implications of GDPR. Members noted that not all steps are relevant to the activities of the Parish Council and that a sense of proportionately was needed.

The Clerk reported that further guidance on the direct implications and actions needed to ensure compliance will be provided by the Society of Local Council Clerks (SLCC) in week commencing 26th March. This will include advice on whether Parish Clerks can be appointed as the Data Protection Officer for small councils.

It was then **RESOLVED** that the Parish Clerk provide a further update on GDPR at the April meeting of the Parish Council subject to SLCC guidance being provided.

1852 DATE & TOME OF NEXT MEETING: The Clerk advised that the next meeting of the Parish Council will be held on **Wednesday 11th April 2018 at 7:00pm.** The meeting closed at 8:30pm

A handwritten signature in black ink, appearing to read 'Robert Bailey', with a long horizontal flourish extending to the right.

Clerk of the Council

Chair



Contact: DM Technical Team
Telephone: (01524) 582950
Email: dm@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: 18/00139/FUL



**Regeneration and Planning
Development Management Team**

PO Box 4
Town Hall
Lancaster
LA1 1QR

21 March 2018

PLANNING APPLICATION CONSULTATION

Application No. : 18/00139/FUL

Proposal : Erection of four buildings comprising of a total of 20 units (B1a and B1c use class) with associated access and parking

For : Mr Cox

Site Address : Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe, Lancashire,

Grid Reference 344605,462567

We have recently received the above application, which you may wish to comment on. Full details of this application can be viewed by searching for application number 18/00139/FUL on the Council's Public Access system which can be reached by [clicking here](#) or using the web link below.

<https://planning.lancaster.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P3QMMJIZJLR00>

If the link does not work, copy and paste it in to your web browser.

If you wish to comment please send your response to us within the next 21 days (unless your organisation benefits from legislation specifically allows for a longer period). If you require a longer period in which to comment, it may be possible to accommodate this provided you agree this with the case officer in advance.

Any comments should be submitted via email to dconsultation@lancaster.gov.uk and include the full application number in the subject line.

Yours faithfully

DM TECHNICAL TEAM



Contact: DM Technical Team
Telephone: (01524) 582950
Email: dm@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: 18/00306/FUL



**Regeneration and Planning
Development Management Team**

PO Box 4
Town Hall
Lancaster
LA1 1QR

28 March 2018

PLANNING APPLICATION CONSULTATION

Application No. : 18/00306/FUL

Proposal : Retrospective application for the conversion of a garage into ancillary accommodation

For : Mr Hoey

Site Address : 75 White Lund Road, Morecambe, Lancashire, LA3 3DX,

Grid Reference 344222,462812

We have recently received the above application, which you may wish to comment on. Full details of this application can be viewed by searching for application number 18/00306/FUL on the Council's Public Access system which can be reached by [clicking here](#) or using the web link below.

<https://planning.lancaster.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P5HFPEIZK2E00>

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Any comments should be submitted via email to dconsultation@lancaster.gov.uk and include the full application number in the subject line.

Yours faithfully

DM TECHNICAL TEAM



Contact: DM Technical Team
Telephone: 01524 582950
Email: dm@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: 18/0060/TPO



Mr B Bailey
Heaton With Oxcliffe Parish Council
28 Wilson Grove
Heysham
Morecambe
LA3 2PQ

**Regeneration and Planning
Development Management Team**

PO Box 4
Town Hall
Lancaster
LA1 1QR

27 March 2018

Dear Sir/Madam

NOTICE OF INTENTION TO CARRY OUT WORKS TO TREES

Tree Application No. 18/0060/TPO

Proposal : Willow (T1 to T4). See annotated images for notes and identification. Previously part of a group of 7 willow trees subject of a TPO put in place in 1998. 3 of the stems have probably failed in the past and been removed. There is no evidence of these stems and the current owner of the address has no knowledge of these trees which must have been removed more than 6 years ago. All the stems have suffered branch and limb/stem failure in the past. Fell all 4 remaining stems due to impaired condition and concerns regarding safety (see images). 3 of the stems contain significant defects/decay and their removal will subject the remaining stem, which is of the same age class/condition, to increased wind loading resulting in increased potential for failure.

For : Mr Tom Hill

Site Address : 304 Oxcliffe Road, Heaton With Oxcliffe, Morecambe, Lancashire, LA3 3EJ

The Council has received notification of the above works to trees in your Parish or Neighbourhood.

If you wish to comment on this application, you should let me have your comments in writing, preferably by sending an email to mknagg@lancaster.gov.uk within 14 days of the date of this letter.

The Council's Tree Protection Officer will carry out a site visit and determine the application in due course.

Yours faithfully

DM TECHNICAL TEAM

8 March 2018

PC05-18 | Review of Local Government Ethical Standards

Executive Summary

The Committee on Standards in Public Life has recently launched a consultation as part of its review into local government ethical standards. The terms of reference of the review are to examine the structures, processes and practices in local government in England for: maintaining codes of conduct for local councillors; investigating alleged breaches fairly and with due process; enforcing codes and imposing sanctions for misconduct; declaring interests and managing conflicts of interest; whistleblowing; assessing whether the existing structures, processes and practices are conducive to high standards of conduct in local government, making any recommendations for how they can be improved, noting any evidence of intimidation of councillors, and making recommendations for any measures that could be put in place to prevent and address such intimidation. NALC will be responding to this consultation. The main consultation document is available [here](#).

Consultation questions

The main consultation questions are as below;

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?
- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.
- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?

i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

f. Are existing sanctions for councillor misconduct sufficient?

i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

i. What steps could local authorities take to improve local government ethical standards?

j. What steps could central government take to improve local government ethical standards?

k. What is the nature, scale, and extent of intimidation towards local councillors?

i. What measures could be put in place to prevent and address this intimidation?

NALC is additionally interested to know your views on where there is an alleged breach, due to failure to register and / or disclose a Disclosable Pecuniary Interest. Such cases are a matter for the Police and CPS to investigate and address, and not the principal authority – but we are interested to learn more about the success of the ‘criminal’ aspects of the 2012 standards framework.

If you are a County Association of Local Councils (CALC) please also tell us how frequently and recently any training on ethical standards has been delivered by your Association. County Associations are also welcome to tell us if any training on ethical standards has been made available by Standards Committees / principal authorities in their areas.

We would be interested in answers as to whether on balance current sanctions were thought sufficient; and if there should be a time limit placed on investigations to avoid councillors being left in limbo.

Surveys

NALC have developed two surveys to provide qualitative evidence to inform its response to the review. The survey for local councils is available [here](#) and the survey for county associations is available [here](#).

Your Views

Please email your responses to this consultation to Jessica.Lancod-frost@nalc.gov.uk by 17.00 on Friday 27 April, 2018.

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Proposal for Addition to Standing Orders

(to be inserted as item 'z' in Paragraph 1 'Conduct of Meetings')

z. Business of the Council will normally be undertaken in meetings summoned in accordance with Standing Orders. Routine matters about the arrangement of business and the implementation of Council decisions may be the subject of email communications between Chair, Councillors and Clerk as necessary. However, decisions of Council must only be made at Council meetings.

Possible exemptions

Extraordinary extenuating circumstances e.g. an emergency or unforeseeable occurrence requiring an immediate or near immediate response

Or

Where information received requires attention and/or action prior to our next meeting due to the late nature of its presentation, submission or discovery.

The council members all to be informed and opinions voting preferences noted and recorded and all information circulated in its original and unedited format. With appropriate hard copy to those who may not be receiving email.

THE ICO CHECKLIST OF STEPS TO TAKE NOW SLCC'S ADVICE AS HOW TO PROCEED

1 AWARENESS

You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have.

For all local councils the Council itself, as a corporate body, is the formal Data Controller. Report to the Council on its obligations. The ICO website has a useful guide (and lots of other helpful information) [here](#). SLCC's Data Protection webinars will give you a basic understanding of the GDPR. Click [here](#) to view the webinar dates.

The presentation given by the National Legal Advisor to recent Regional Training Seminars and the Practitioners' Conference can be accessed [here](#). You may find this presentation useful in explaining the issues to your Council.

Our principal sponsors, Came and Company Local Council Insurance, have also prepared a very useful summary document of GDPR as well as a helpful "10 steps to cyber security" which can be found [here](#).

The National Association of Local Councils (NALC) has published a Guide to GDPR for its member councils.

SLCC has also published Advice Notes and magazines articles covering GDPR which are available [here](#)

2 INFORMATION YOU HOLD

You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.

Your Society has prepared a set of model data audit schedules for different sizes of councils which will help you record all the data you hold, why you are holding it, the legal basis for holding it, whether consent is necessary and how you should be protecting it. They can be accessed [here](#).

If you are having difficulty completing a schedule for your council, the Advice Service may be able to help in general terms. Three senior members of the Advice Team are studying for the BCS Certificate in Data Protection which they hope to have completed by the end of April.

However, your Society is able to offer additional help to individual councils for a fee. If you wish to pursue this option please email consultancy@slcc.co.uk

3 INDIVIDUALS' RIGHTS

You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.

Your Society has prepared a model policy to cover this. It can be accessed [here](#)

4 COMMUNICATING PRIVACY INFORMATION

You should review your current privacy notices and put a plan in place for making any necessary changes in time for the GDPR implementation.

Model privacy notices are available [here](#)

5 LAWFUL BASIS FOR PROCESSING PERSONAL DATA

You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.

The model data audit schedules will help you do this [here](#)

6 SUBJECT ACCESS REQUESTS

You should update your procedures and plan how you will handle requests within the new timescales and provide any additional information.

A model procedure is available [here](#)

7 CONSENT

You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.

Model letters seeking consent are available [here](#)

8 DATA BREACHES

You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.

A model procedure is available [here](#)

9 CHILDREN

You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

It is unlikely many local councils will be holding data relating to children but, if you think you may be doing so, please contact the Advice Service for specific advice.

10 DATA PROTECTION BY DESIGN AND DATA PROTECTION IMPACT ASSESSMENTS

You should familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation.

The key point here is minimising the risk to information privacy - the risk of harm through use or misuse of personal information. The ICO says that some of the ways this risk can arise are through personal information being:

- inaccurate, insufficient or out of date;
- excessive or irrelevant;
- kept for too long;
- disclosed to those who the person it is about does not want to have it;
- used in ways that are unacceptable to or unexpected by the person it is about; or
- not kept securely.

The Council will have to take full account of these requirements (which can be reformulated as Data Protection Impact Assessments a draft of which can be found [here](#)), when adding to or reviewing our existing ways of working. The Information Commissioner has provided more information on this, which can be accessed [here](#) and [here](#)

11 DATA PROTECTION OFFICERS

You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements. You should consider whether you are required to formally designate a Data Protection Officer.

As local authorities all town parish and community councils must appoint a Data Protection Officer (DPO). A member of staff can be a DPO provided they have no conflict of interest and meet the other criteria for the position. SLCC believes that in certain circumstances a Clerk to a smaller council can be the DPO. Separate guidance on this will be available later, please see the CEO's introduction for details.

12 INTERNATIONAL

If your organisation operates in more than one EU member state (i.e. you carry out cross-border processing), you should determine your lead data protection supervisory authority. Article 29 Working Party guidelines will help you do this.

This point does not relate to most local councils, except when involved in twinning events.



Data Protection or any other queries? Your SLCC Advice Team is here to help.

Our team of experienced practitioner clerks supported by specialist experts on finance, law, VAT, employment and planning are just an email or phone call away. Our service standard is to respond to your query by the end of the next working day not 48 hours.

 Advice@slcc.co.uk

 0845 450 6156