

UPLOWMAN PARISH COUNCIL

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15/09/18

All Parish Councillors

Dear Councillors,

UPLOWMAN PARISH COUNCIL - NOTICE OF MEETING THURSDAY 20th September 2018, starting at 7.30pm in Uplowman Village Hall

The next meeting of this Council will be on **THURSDAY 20th September 2018**, starting at 7.30pm in Uplowman Village Hall with any comments from the public. Draft Minutes of the last meeting have been circulated and can be found at <https://parish.middevon.gov.uk/Uplowman>.

We are expecting Cllr Peter Heal, Chair of MDDC to attend the meeting. We have also arranged for Andy Cattermole of Barratt David Wilson Homes to attend to tell us how their work on the Uplowman Road this autumn will affect Uplowman residents.

Items of particular note on the Agenda:

- Update on the Parish Planning process – A report from the group meeting on 18 Sept;
- I attach the text of an email from MDDC explaining changes to the Section 106 funding process. Essentially, from now onwards, Uplowman will not be able to apply to a pot of Section 106 funds as there will be no such pot. We must identify in advance projects suitable for funding that can then be specified to developers when planning approval is granted.
- More information on the working of the Data Protection Act 2018 is becoming available. I attach an article culled from Clerks & Councils Direct that may help to enlighten you. I have also obtained the toolkit of policies and procedures from National Association of Local Councils and I hope to draft a Privacy Policy, which we need. We will also need to pay a £40 annual charge to the Information Commissioner's Office.

The following date is booked for our last meeting in 2018 and provisional dates for 2019 are (all Thursdays):

2018: 15th November,

2019: 17th Jan, 21st March, 16th May, 18th July, 19th Sept and 21st Nov.

Yours sincerely,

Robert Hodgson (Clerk to Uplowman Parish Council)

ps. 1st November will mark the 20th anniversary of my service to Uplowman PC. It has been a pleasure to serve and I thank you for your support!

UPLOWMAN PARISH COUNCIL

AGENDA FOR MEETING TO BE HELD AT THE VILLAGE HALL, UPLOWMAN, ON THURSDAY 20th Sept 2018 at 7.30pm

The evening will start with an open session at which parishioners may raise matters of concern. It will include an address by Cllr Peter Heal, Chair of MDDC, and one by Mr A Cattermole of Barratt Homes to outline how the forthcoming work in Uplowman Road will affect Uplowman residents. All are welcome to observe the council meeting.

1. Attendance
2. Procedural matters, including reports from DCC and MDDC:
 - 2.1 Apologies for Absence
3. Minutes of last meeting (19 July 2018)
4. Matters arising from Minutes of last meeting not covered elsewhere
5. Finance and procedures
 - 5.1 Current position :

| | |
|------------------------------------|------------------|
| Bank balance at last meeting : | £6,494.84 |
| Income since last meeting | £0.00 |
| Expenditure authorised on 19 July: | £265.37 |
| Current balance: | £6,229.47 |

- 5.2 Payments for approval:
 - R Hodgson, Clerk's salary plus expenses (£550.00+£9.32)
 - WJ Veen, grass cutting (£83.50)
 - Payment for projector, expected £500 to £600
 - DALC Annual Conference: Clerk's attendance (£25 + expenses)
- 5.3 Banking arrangements: should UPC set up on-line banking?
6. Planning
 - 6.1 18/00739/House: 1 Chapel Cotts, alter flat roof. Has been approved by MDDC
 - 6.2 18/00783/FULL:Chieflowman Fm: convert ag bldg to dwelling: Application has been withdrawn
 - 6.3 18/01393/House: 1 Locks Cottage. Eect garden shed. To be discussed at meeting
7. Parish Planning
 - 7.1 Update on progress of Parish Planning group, and proposals for taking forward.
8. Correspondence (See attached list plus any correspondence received after this notice)
 - 8.1 Environment, SWW, etc:
 - 8.2 Local Plans and Surveys, Including Foot Path Definitive Map Review
 - 8.3 General Correspondence
 - 8.5 Village projects
9. Hall & Recreation Association
 - 9.1 Report.
10. Emergency Planning & Neighbourhood Watch
 - 10.1 Neighbourhood Watch Report
11. Community Projects and matters.
 - 11.1 School parking update
 - 11.2 Hall Projector Update
 - 11.3 Armistice centenary arrangements
12. Parish Transport/Paths.
 - 12.1 Footpath review: UPC comments of proposed bridleway in Whitnaga lane required.
 - 12.2 Any further comments on proposal to reroute footpath 11 around Wood Farm
13. Date of next meeting (Thursday 21 Nov 2018, to be confirmed).

CORRESPONDENCE SINCE LAST MEETING (19 July 2018)

| Ser No | Date received | From/to | Subject | Date replied/sent |
|--------|---------------|----------|---|-------------------|
| 469 | 27/07/18 | Nat West | Changes to terms of foreign currency payments | |
| 470 | 11/09/18 | J Veen | Invoice for grass cutting (£83.80) | |
| 471 | 06/09/18 | MDDC | Section 106 arrangements (attached) | |
| 472 | 13/09/18 | DALC | Booking for Annual Conference (£25) | |

6. PLANNING

| Ser No | Date received | From/to | Subject | Date replied/sent |
|--------|---------------|---------|---|-------------------|
| 639 | | MDDC | 18/00783/F:Chieflowman Fm: convert ag bldg-UPC no obj | 24/07/18 |
| 640 | 26/07/18 | MDDC | 18/00739/House: 1 Chapel Cotts, alter flat roof: granted | |
| 641 | 06/08/18 | MDDC | 18/00783/F:Chieflowman Fm: convert ag bldg-withdrawn | |
| 642 | 10/09/18 | MDDC | 18/01393/House: 1 Locks Cott. Eect garden shed. To be discussed | |

7.1 ENVIRONMENT, including Sewerage, Recycling, Roads & rivers

| Ser No | Date received | From/to | Subject | Date replied/sent |
|--------|---------------|---------|---|-------------------|
| 325 | 05/09/18 | DCC | Various emails relating to definitive footpath map review | |
| | | | | |

7.2 LOCAL PLANS & SURVEYS, including HRA

| Ser No | Date received | From/to | Subject | Date replied/sent |
|--------|---------------|---------|-------------------|-------------------|
| 314 | | | None at this time | |

7.3 GENERAL CORRESPONDENCE

| Ser No | Date received | From/to | Subject | Date replied/sent |
|----------|---------------|---------------|---------------------------------------|-------------------|
| 1580 | 25/07/18 | Mr D Field | Continuing issues with boundary hedge | |
| 1581 | 30/07/18 | Creative Play | Play space catalogue | |
| 1582 | 21/08/18 | Dogs Trust | Poster put on board | |
| 1583 | 31/08/18 | DALC | Annual Report and info on conference | |
| 1584 | 06/09/18 | C&CD | Clerks & Councils Direct magazine | |
| 03/05/04 | 15/09/18 | Glasdon | Village Gateway cataogue | |

7.5 Village projects.

| Ser No | Date received | From/to | Subject | Date replied/sent |
|--------|---------------|---------|-------------------|-------------------|
| 333 | | | Nothing this time | |
| | | | | |

Plus about 230 incoming emails. Support for councillors: <http://www.ntselearning.co.uk> for information and on-line courses.

To all Parish Clerks and Councillors,

RE: Planning S106 and governance arrangements.

Many of you will be aware that the district council secures monies through planning obligations linked to development (known as s106 agreements). Typically these are for specific projects or infrastructure needed to make the development 'sound' or acceptable in planning terms - and there is little discretion over what these sums can be used for.

Prior to 2015, there was more latitude over what we could pool these pots of money towards - so many of you will be familiar with the historic process of collaborating on understanding local need around things like play and open space funding, and then Parishes asking for funds from this 'pot' to spend on local projects.

Since 2015 these rules have been changed by Central Government, so for this process to be managed effectively the planners need to know in advance about any improvements schemes so that these can be written in to the legal agreements. We do not have the ability any more through the planning system to keep unassigned 'pots' of money, so it is vital that we work with Parish and Town Councils further upstream of any development proposals to ensure we maximise opportunity going forward.

An item has been added to the Cabinet forward plan for the October meeting over proposed governance arrangements for planning S106 agreements - and this will include a process map so that all Parish and Town councils understand how they can 'plug into' this process. In the meantime the historic process of requesting unassigned s106 funds from us is coming to a close.

We are also managing the transition between the two systems, and are taking the opportunity to digitise all of our records on a new s106 database to manage these more effectively going forward. We are therefore writing to you to update you on S106 agreement matters and also request that you bear with us on any outstanding/pending requests, as in the short term our priority has to be the transfer of all files to the new database and securing agreement on the new governance process for administering these funds. Collation, checking, and reconciliation of records has advanced significantly over the last few months.

I trust this clarifies the current situation but we do hope to contact you in the autumn with a view to rolling out further training and opportunities to engage in the s106 process.

Regards

Alison

Alison Fish | Area Planning Officer (Cross District) | Mid Devon District Council |
Phoenix House | Phoenix Lane | Tiverton | EX16 6PP

LEGAL MATTERS

Data protection

by Paul Clayden,
expert in local council law



THE General Data Protection Regulation (EU regulation 2016/679) (GDPR) came into force on 25 May 2018 and makes changes to the law relating to data protection. The legislation is lengthy and complicated. It imposes duties and responsibilities on local councils and on parish meetings in parishes without councils. This article sets out only an outline of the new rules; detailed information can be obtained from the Information Commissioner's Office (ICO). The National Association of Local Councils (NALC) has issued *Protection Laws: A GDPR toolkit for local councils*, which can be viewed by NALC members on the association's website. The official English text of the GDPR can be viewed on the website eur-lex.europa.eu.

The main thrust of the GDPR is to regulate the collection, management, transmission and processing of personal data. The GDPR does not apply to the processing of data by a living individual in the course of purely personal or household activity. References below to "articles" are to articles of the GDPR.

Definitions

The GDPR contains a number of definitions which are important to know: *Personal data*: this is elaborately defined in article 4 of the GDPR but is essentially information held in recorded form, both electronically and in writing or printing.

Data subject: an individual who is the subject of personal data.

Sensitive personal data: data consisting of information about a data subject relating to racial or ethnic origins; political opinions; religious or similar beliefs; membership of a trade union; physical or mental health; sexual life; the commission or alleged commission of any offence; any proceedings relating to any offence or alleged offence.

Data controller: a natural or legal person or public authority which, either alone or jointly with others, determines the purposes for which and the manner in which personal data is, or will be, processed. A local council is thus a data controller (either alone or jointly with one or more others). A parish meeting is a public authority but it is not a statutory corporation and is thus not a legal person. However, section 13 of the Local Government Act (LGA) 1972 provides that in every parish without a separate parish council there exists a statutory corporation consisting of the chairman of the parish meeting and an officer appointed by the district council; they are called the parish trustees. It would seem that the parish trustees constitute the data controller.

Data processor: the person or authority which processes data on behalf of a data controller. In the case of a local council, the clerk will probably be the processor, acting under the direction of the council as controller. In a parish without a council, the parish trustees (if they are the data controller) will be responsible for appointing a data processor. It is likely

that the chairman of the meeting will be appointed as that person. *Processing*: obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data.

Data protection principles

It is the duty of a data controller to comply with the data protection principles. These, stated shortly, are that personal data:

1. Must be processed fairly and lawfully and in a transparent manner;
2. Must be collected and held only for specified, explicit and lawful purposes;
3. Must be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
4. Must be accurate and kept up to date;
5. Must not be kept for any longer than is necessary for the stated purpose;
6. Must be processed in a manner that ensures appropriate security of the personal data;
7. Must have appropriate technical and organisational safeguards against unauthorised or unlawful processing;
8. Must not be transferred to any country outside the European Economic Area (the 28 member states of the European Union plus Iceland, Liechtenstein and Norway) unless that country has an adequate level of protection of the rights and freedoms of data subjects.

The lawful bases of processing

1. *Consent*: the data subject has consented to the processing of data about him/her.
2. *Contract*: the processing is necessary in accordance with a contract of employment between the data controller and the data subject.
3. *Legal obligation*: the processing is required in pursuance of a legal obligation but not including a contractual obligation.
4. *Vital interests*: the processing is necessary to protect someone's life.
5. *Public task*: the processing is necessary for the carrying out of a task in the public interest or official functions (e.g. the functions of the Houses of Parliament, the administration of justice and the exercise of functions of a public nature in the public interest by any person (including a local council and a parish meeting)).

Exemptions

There are number of exemptions from the data protection principles, as follows:

1. National security
2. Defence
3. Public security
4. Prevention and detection of crime
5. Other important public interests such as public health, budgetary and taxation matters
6. Protection of judicial independence and proceedings
7. Monitoring of inspection or regulatory functions
8. Protection of the individual or the rights and freedoms of others
9. Enforcement of civil law matters.

So far as local councils and parish meetings are concerned, personal data may be exempt in certain circumstances, of which the following are examples:

1. Disclosures of information required by law (e.g. under the Freedom of Information Act 2000).
2. Maintenance of a public register, such as the register of councillors' interests in accordance with the council's Code of Conduct.
3. Where the information which is processed does not include personal data.
4. Information which is confidential, as between the council and its legal professional adviser.

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LEGAL MATTERS/NEWS

5. Certain administrative procedures, for example:
accounts and audit
staff administration
public relations and marketing of the council.

Data protection officer (DPO)

Where a public authority carries out data processing, the authority must appoint a data protection officer. The DPO's main tasks are to inform and advise the data controller or processor and their staff about their obligations under the GDPR; to monitor compliance by the authority with the GDPR and other data protection laws; and to carry out data audits. Section 7 of the Data Protection Act 2018 exempts local councils, parish meetings and charter trustees from the requirement to appoint a DPO.

Rights of data subjects

1. *The right to be informed:* where personal data is collected, the data subject must be provided with details of the controller, the DPO (if any), the purposes for which the data is used and the legal basis for processing.
2. *The right of access:* the data controller must provide information on request. A data subject has the right to give written notice to a data controller requiring him/her to provide a description of the data, the purposes for which it is being processed and the recipients, or classes of recipients, to whom the data may be disclosed. No fee is chargeable.
3. *The right to rectification:* where information is inaccurate or incomplete, a data subject is entitled to require the information to be altered and updated.
4. *The right of erasure:* a data subject may require the controller to erase personal data in circumstances specified in article 17. The right is restricted on various grounds, including freedom of expression and information, in compliance with a legal obligation and in court proceedings. This right is sometimes called "the right to be forgotten".
5. *The right to restrict processing:* a data subject has the right to restrict the processing of data on various grounds set out in article 18. These include inaccuracy of data; unlawful processing; and situations where the controller no longer needs the data.
6. *The right to data portability:* a data subject can require a controller to provide him or her (and third parties) with their personal data in a machine-readable portable format.
7. *The right to object:* a data subject has the right to object to processing in breach of article 6(1)(e) and (f) broadly on the grounds that the processing was not necessary in the public interest or in carrying out official duties.
8. *The right not to be subject to automatic decision-making including profiling:* this is covered under article 22.

There is no requirement for data controllers to register with the Information Commissioner's Office (as was necessary under the now repealed Data Protection Act 1998). However, the Digital Economy Act 2017 enables the Secretary of State to make regulations requiring data controllers to pay a charge to the ICO. These regulations are the Data Protection (Charges and Information) Regulations 2018 (SI 2018/480), which came into force on 25 May 2018. For a local council or parish trustees with fewer than ten members of staff the annual fee is £40, and for one with ten or more staff the fee is £60 (in both cases with a £5 discount for paying by direct debit).

Showcase for community groups

WITHAM Town Council hosted its third annual Community Day in the Town Park on 9 June. The event, which was officially opened by the mayor, Cllr Tom Pleasance, showcased the different clubs and societies available to various age groups in the Essex town.

Performances in the display arena included choirs, dance groups, majorettes, parkour and football. Events to take part in included circus skills, archery, bowls, football skills and Kwik

Cricket, as well as face painting, a fairground ride and inflatables. There was a selection of food stalls and a picnic area complete with deckchairs. Entry was free, as were some of the activities.

