

**BISHOPSTONE PARISH COUNCIL
ANNUAL MEETING OF THE PARISH COUNCIL
Held in the Village Hall, Bishopstone
Thursday 10th May 2018 at 7.30pm.**

MINUTES

<u>Present</u> :	Parish Councillors :	J Gibbon (JG) (Chairman) A Thorne (AJT) N Barter (NTB) G Brutton (GRB) Mrs A Smith (AS) Mrs M Foster (MF) P Edwards (PE)
	Parish Clerk:	M R Ash (MRA)
<u>Also present:</u>	Mr R Goodfellow Mr C Goodfellow Mrs M Gulliver Mr J Gulliver Mr N Mead Mr J Steedman Mr R Stockton Mrs C Ash	Ms C Shepherd Mr S Dennis Mrs S Dennis Ms V Middleton Smith Mrs M Barter Mrs A Stutchbury Mr A Stutchbury

Before the meeting began the Chairman, Councillor John Gibbon, asked whether any apology had been received for the remarks about Cllr Thorne made at the last meeting. It was confirmed that no apology had been forthcoming. Cllr Gibbon reminded the meeting that members of the public had no right to speak at meetings and were allowed to do so only at the discretion of the Council. Whilst the Council remained committed to public participation in its discussions, this privilege had been abused, with this incident being but the latest example. He felt that the Council needed to make a stand on this matter and he proposed that, for this meeting, the items on the agenda which provided an opportunity for the public to speak should be suspended.

The motion "That as no apology has been forthcoming for the unwarranted and disrespectful comments made about a Councillor at the meeting on 8th March 2018, Agenda Item 9 " Public Question Time" be deleted from the Agenda and the words "and any further questions from members of the public" be deleted from Agenda Item 16." was proposed by Cllr Foster and seconded by Cllr Smith and approved. Cllr Gibbon asked the Clerk to consider what changes needed to be made to Standing Orders to better regulate public participation in meetings in the future and to deal with unacceptable behaviour.

1. Election of Chairman 2018/19

Cllr Smith proposed that Cllr Gibbon continue as Chairman. This proposal was seconded by Cllr Edwards and unanimously approved.

2. Election of Vice Chairman 2017/18

Cllr Gibbon proposed that Cllr Thorne continue as Vice Chairman. This proposal was seconded by Cllr Foster and unanimously approved.

3. Declaration of Acceptance of Office

The Chairman and Vice-Chairman signed Declarations of Acceptance of Office.

4. Apologies for Absence

There were apologies for absence from Unitary Councillor Jose Green.

5. Declarations of interest

There were none.

6. Re-appointment of the Community Response Group and report from Emergency Planning Co-ordinator

MRA said that the Community Response Group – responsible for implementation of the Bishopstone Emergency Plan – was technically a sub-committee of the Council and had to be reappointed each year. This was proposed by PE, seconded by MF and agreed.

The Emergency Planning Co-ordinator Roger Stockton presented a short report (attached at Annex A) on the flood warnings received at the end of March and beginning of April and the action taken. The good news was that this incident demonstrated that the arrangements set out in the village Emergency Plan for supporting occupants of property potentially at risk from flooding worked. A copy of the Emergency Plan for the general public is available on line on the village website and covers potential problems such as flooding, snow and ice, blocked roads and communication failures amongst others. He suggested people read it! JG thanked Mr Stockton for all his work on emergency planning for the village.

7. Approval of Minutes of the meetings on 8th March 2018

PE proposed that the minutes of the meeting on 8th March be approved, this was seconded by AS and agreed.

8. Matters Arising from the Minutes, including Action Plan.

MRA said that most matters arising from the Minutes were covered by items on the Agenda or in the Action Plan.

The “narrow lane” signs for Faulston and Mill Lanes had been erected. Two representations (one via STaB) had been received objecting to the size and design of these signs. He had responded in STaB pointing out (a) that the intention to erect these signs had been discussed by the Council on several occasions and reported in STaB and (b) that the size and design of the signs was dictated by Government regulations.

MRA reported that, following Wiltshire Council's refusal to consider any lowering of the speed limit in the 40mph limit section of Broad Chalke Road past the pub and recreation field, the Parish Council had sought permission to operate the Community Speed Watch in that area. The first step had been for Wiltshire Council to undertake a metro count (measuring the actual speed of vehicles). This was done at the end of March opposite the recreation field. The count found that the average speed of vehicles was 34.8mph and that 85% of vehicles travelled at or below 40mph. These results mean that this location is not eligible for the Community Speed Watch. However, the Parish Council will continue to occasionally deploy the Speed Indicator Device in this area. Cllr Edwards said that consideration was still going on as regards what to do about the "back lanes" in the village.

Other Action Plan items had been completed (see end of these Minutes). Including the repairs to the new footpath beside the High Road, which had been completed that day.

9. Public Question Time

Item deleted.

10. Chairman's Items

JG thanked Madeline Gooch for bringing together a team to undertake a litter pick in Portfield Road. A large amount of rubbish had been collected.

11. Annual Governance and Accountability Return 2018

MRA said he had circulated a paper to Councillors on this item setting out the information required in relation to the Governance and Accountability Return for 2017/18.

He reported that the Internal Auditors (Atkinsons) had cleared the accounts for 2017/18.

As far as external audit was concerned MRA explained that arrangements have been changed this year. Bishopstone falls within the category of smaller authority (gross income or expenditure below £25,000) which is exempt from submitting an Annual Return for an assurance review by external auditors. However, the Council does have to submit a signed "Certificate of Exemption" to the auditors and, nevertheless, complete all the usual forms and publish them on a website (the auditors ask for a note of the website address so that they can check that this has been done).

The circulated paper contained copies of:

- (a) the Exemption Certificate.
- (b) the Internal Audit Report.
- (c) the Annual Governance Statement.
- (d) the Accounting Statements 2017/18.
- (e) the additional table required to be published with the rest of the Annual Return setting out significant variances (+/-15%) in income and expenditure between 2016/17 and 2017/18.

Other information circulated in the paper included:

- a table setting out income and expenditure in 2016/17 – this shows the balance of our two accounts at the end of the financial year.
- a table showing a comparison between the budget and actual expenditure for 2017/18.
- the up to date Fixed Assets Register.
- details of all individual items of expenditure over £100 (this table was required to be published under the “Transparency Code for Smaller Authorities”.

The various documents were displayed at the meeting.

Following discussion:

- (a) GRB proposed that the Certificate of Exemption be approved. This was seconded by AJT and agreed.
- (b) PE proposed that the Annual Governance Statement be approved. This was seconded by NTB and agreed.
- (c) GRB proposed that the Accounting Statement be approved. This was seconded by AS and agreed.
- (d) MF proposed that the information for publication under the Transparency Code for Smaller Authorities be approved. This was seconded by PE and agreed.
- (e) NTB proposed that Atkinsons be re-appointed as the Council’s internal auditors. This was seconded by GRB and agreed.

12. General Data Protection Regulations

MRA said that he had circulated a detailed paper on the GDPR to Councillors (copy attached at Annex B to these minutes). He said that these new regulations would be coming into force on 25 May 2018. They replace the existing law on data protection and give individuals more rights and protection regarding how their personal data is used. An audit had been completed of the personal information held by the Parish Council. Steps were being taken to establish the lawful basis for holding this information and to identify any further action required (eg. to produce new privacy notices). The Information Commissioner’s Office had made it clear that not all of this had to be in place by 25 May and more detailed implementation measures will be brought forward at future meetings.

13. Amendments to Standing Orders.

MRA reminded Councillors of the changes to Standing Orders that had been proposed by Councillor Gibbon, seconded by Councillor Edwards at the meeting on 8th March. These are set out in Annex C to these minutes. In accordance with that part of Standing Orders which refer to their amendment it was necessary for a vote to be taken at this meeting. The proposals were unanimously approved.

14. Parish Clerk’s Report

MRA presented a number of items of expenditure for approval as follows:

BISHOPSTONE PARISH COUNCIL – EXPENDITURE MAY 2018

Wiltshire Assoc of Local Councils subscription	260.40	
Zurich Insurance	756.99	
Atkinsons (internal audit)	75.00	
Boswells (path repair)	275.00	
Clerk's expenses:		
ICO Registration	35.00	
Parish Online subscription	18.00	
Good Councillor Guides	27.79	
Weebly subscription	42.00	
		122.79

JG proposed that this expenditure be approved, this was seconded by NTB and agreed.

15. Planning Matters

MRA said that the Council had been consulted by Wiltshire Council on proposals for works to trees at Croucheston Cottage. Details of the application had been circulated. It was agreed to make no objection to these proposals.

MRA said that the Council had been asked for its informal view of a proposal in relation to Eden House, High Road, Bishopstone. He reminded Councillors of past discussions on the status of the land immediately surrounding Eden House. This land has planning permission for equestrian activities. The new landowner proposes to apply to Wiltshire Council for planning permission to make the part of that land shown hatched on a plan that had been circulated (approximately half the area with permission for equestrian activities) part of the domestic garden. Before submitting an application the landowner was seeking the informal views of the Parish Council on whether it would wish to object to that proposal.

GRB said that he considered that the area of the proposed garden extension was rather large and could be reduced to the north and west of the house. There was a risk that the land could be used for a new dwelling. MRA said that whilst it was unlikely that such a proposal would be approved under current planning policy, that situation could, of course, change. Other councillors pointed out that the house had been considerably extended and that the garden extension now proposed was in scale with the house. Following discussion it was agreed that, should a planning application for extension of the garden, as outlined, be submitted the Council would not raise any objection but would ask Wiltshire Council to impose conditions limiting the future use of the land.

16. Questions or statements from Councillors and any further questions from members of the public.

This item was restricted to statements by Councillors. MF said that she was deeply upset at the comments directed towards Cllr Thorne and very disappointed that no apology had been forthcoming. She said that she was a volunteer Parish Councillor who works on behalf of the

village and villagers. This is a beautiful village and it is shameful that a blame culture had developed. Rather than continuing to complain residents of Whitlock Rise should make a positive contribution to the village. She was happy to step down as a parish councillor if a suitable candidate from Whitlock Rise came forward to serve on the council.

17. Date, location and time of next meeting.

The next meeting of Bishopstone Parish Council will be in the Village Hall on Thursday 12th July 2018 at 7.30pm.

The meeting closed at 8.20pm.

Signed as an accurate record:

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Chairman

Date

**BISHOPSTONE PARISH COUNCIL
PARISH COUNCIL MEETING
Thursday 10th May 2018
ACTION PLAN**

WHAT ACTION	BY WHOM	COMPLETED ✓
Arrangements for erecting new fence on west side of Recreation Field to be cleared with Mr A Draper.	MRA	
Wiltshire Council to be requested to clear the drain by the crossing on the High Road.	MRA	✓
Further consideration to be given to the case for extending the 30mph speed limit in Broad Chalke Road. Notice to be published in STaB asking for reports of any road accidents etc to be sent to the Clerk.	PE/MRA	✓
Consideration to be given to using CSW and SID in 40mph area.	JG/MRA	✓
Wiltshire Council to be requested to carry out Metro Count in four locations on village roads.	MRA	
Note to be sent to Rev Jenny Taylor regarding re-appointment of Mr R Barrett as the Council's representative on Rev Augustus Montgomery Coal Charity trustees.	MRA	✓
Repairs to footpath to be commissioned.	MRA	✓
Notice to be placed in STaB seeking volunteers to help with Parish Steward scheme.	MRA	✓

Annex A**BISHOPSTONE FLOOD WARNING PROCESS AND PHOTOS - MAR/APR 2018**

30 March

1741hrs Message received by phone from EA of Flood Alert for the River Ebbles and its tributaries. (Also received by email and mobile!)
Local river levels were high but not of concern at this stage.

1824hrs Message by email to all below (we have prepared messages in draft format on email system)
Owners of at risk properties
Flood Wardens E&W warned
Parish Clerk
Chairman of Parish Council
All standby team with 4WD and tractors
All Area Representatives
cc To neighbours of elderly with no internet access
River monitoring begun.

31 Mar 2nd message received - same as first.

2 April Warning of surface water flooding in Cranborne Chase area. First indication of River Ebbles breaking banks.
The gradual rise in the river has enabled us to monitor height against various points on the river e.g. Faulston Bridge.

3 Apr - 11 Apr

River continued to rise but monitored regularly. Footpath The Cottage to Two Bridges under-water and river over banks.
Further messages received and passed on.

13 Apr River level dropping.

Summary

Our system worked. The Area Representatives quickly over-viewed the elderly and vulnerable. Flood Wardens monitored levels.

This time two properties were deemed at risk, Sedge Cottage and The Cottage, both in Crouchston and just below the derelict mill.

Pump was deployed to The Cottage with FW to assist residents on 7 Apr and kept in location until 12 Apr. Flooding was around the property. No internal flooding was experienced by any one in the village. Follow up with resident to occur.

Concern over digging of ditches between two parts of the River Ebbles and the development of fishing above Lower Mill diverting water from the river. Who grants authority?

RJS 16 Apr 18

Annex B**BISHOPSTONE PARISH COUNCIL****BPC(02)18****GENERAL DATA PROTECTION REGULATIONS 2018****Introduction**

1. The General Data Protection Regulations (“GDPR”) will take effect in the UK from 25 May 2018. These replace the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by councils. Local councils and parish meetings must comply with its requirements.
2. The GDPR will impose new burdens, including new reporting requirements and increased fines and penalties. The Government has made clear that after Brexit the UK will continue to adopt a similar standard for data protection as set out in the GDPR.
3. If you want to read what the GDPR is all about I suggest that you look at the Information Commissioner Office’s (ICO) guidance at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>. The National Association of Local Councils has produced a GDPR Toolkit for Local Councils which sets out the steps that we need to take; this runs to some 63 pages.
4. Amidst widespread panic in the sector the ICO has been indicating that councils will not have to have everything in place by 25 May, but to be able to show that they have “started down the road” of compliance. I suppose we could put this in context by saying that Bishopstone Parish Council put its Data Protection Policy, as required under the 1998 Act, in place in 2017!

The GDPR

5. The GDPR applies to the “processing” (which includes storage) of ‘personal data’ - meaning any information relating to an identifiable person who can be directly or indirectly identified. This definition provides for a wide range of personal identifiers to constitute personal data, including name, location or online identifier, reflecting changes in technology and the way organisations collect information about people.
6. Article 5 of the GDPR requires that personal data shall be:

“a) processed lawfully, fairly and in a transparent manner in relation to individuals;

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

What “personal information” do we hold?

7. **Personal information** includes any information about a living individual which is capable of identifying that individual e.g. a name, address, email address etc. **Processing** is anything done with/to personal data (obtaining, recording, holding/storing) personal information. Therefore the fact that I hold on my computer your names, addresses, telephone numbers and email addresses means that the Council has personal data about you. Every email I receive from a local resident, and which is stored on my computer, represents personal data. However, compared with most public authorities Bishopstone, mercifully, has only limited amounts of personal data. We do not have mailing lists or email alerts etc. We don’t collect much information beyond names and addresses. Attached at Annex A is a first draft audit of the personal information we hold – the main categories are:

- (1) Electoral Register (name and address)
- (2) Councillor/Clerk name and contact details
- (3) Volunteer name and contact details (eg Emergency Planning Officer, Flood Wardens etc)
- (4) Allotment holder name and contact details
- (5) Names of attendees and references in text of Minutes of Parish Council Meetings
- (6) Clerk’s Email Correspondence (name and contact details)
 - Councillors
 - General Public
 - Organisations (including Wiltshire Council, SWWAB, CATG, WALC etc)
- (7) Consultation on planning applications (name, address, property details)
- (8) Information on contractors for goods and services.

8. I have not included, thus far, reference to the village website. It is open to discussion whether the website is the Parish Council’s responsibility. The Parish Council does meet its costs so it could be argued that we control it. The website clearly contains personal information (on the Blog pages and in contact sheets for the Village Hall, Church, Parish Council etc). I think there may be advantage in making the website more clearly a “stand alone” organisation, though even as an independent entity it may still need to comply with the GDPR.

What do we have to do?

9. In some ways we are already ahead of other parishes in that we do have a Data Protection Policy and are registered with the ICO. The NALC suggested “Action Plan” is at Annex B. I have greyed out those sections I think won’t apply to us. There is more work to be done to identify just exactly what we need to do, but it will include:
- (a) publication of a general “Privacy Notice”, probably on the village website and in STaB. A Privacy Notice sets out an undertaking about how the Council will use, protect etc personal data supplied to it. This can then be referred to in emails etc. Arguably we should have this already (it will be similar to our Data Protection Policy document). There will be a requirement for me to send each of you a specially tailored Privacy Notice for Councillors.
 - (b) consideration of the need to obtain “consent” to the holding of personal data. Happily there are a number of “lawful bases” for holding information which mean that specific consent is not required. These include:
 - i. Public Interest – “Personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest”. I think that the Public Interest basis covers emails to and from us.
 - ii. Contractual Necessity – “Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject (or to take steps prior to entering into a contract)”. The Contractual Necessity basis covers email exchanges with contractors about projects and, probably, the details I hold about Allotment Holders.
 - iii. Legal obligation – “Personal data may be processed if the controller is legally required to perform such processing e.g. complying with the requirements of legislation”. This covers holding any personal data in planning applications (and also perhaps information on Allotment Holders).

Whilst they might be covered by the “public interest” basis, there are some instances where it might be prudent to get a specific consent from individuals for the fact that we hold and process their information (eg. all those volunteers named in the, publicly available, Emergency Plan, possibly the CSW volunteers etc). Consent involves the provision of a form which has to be signed and returned.
 - (c) there will be a need to update our policy documents and procedures and protocols. There is supposed to be a written record of all processing (every email?). We need to establish “breach” procedures. A lot of detailed adjustments (eg to the way I store material on my computer) will need to be made.
 - (d) one of the major outstanding issues concerns the appointment of a Data Protection Officer. Every Council will have to have one of these and it will cost money. A note of their role is attached at Annex C. NALC have asked the

Government to consider exemption for smaller authorities, or the provision of “new burdens” funding. It would be possible for groups of parishes to join together to employ a DPO, though Wiltshire Council has already indicated that it will not be supplying this service.

Conclusion

10. This note only sets out my first thoughts on this subject. The impression created by the various documents is that implementing all this is going to be a nightmare. However, more detailed consideration indicates that it should be manageable, and we can clearly take our time to do this over the next few months. The problem I have encountered is that I have been unable, for one reason or another, to get to any training on this (so some of what I say above may be wide of the mark!), but hopefully as things develop there will be more public discussion and I am in touch with other parishes about what they are doing.
11. I will bring detailed proposals to future meetings.

Mike Ash
April 2018

Annex C

**BISHOPSTONE PARISH COUNCIL
AMENDMENTS TO STANDING ORDERS**

1. At the meeting on 8th March it was proposed that the following amendments be made to the Parish Council's Standing Orders.

Paragraph (5): Delete sentence underlined:

"At the start of each Council meeting there shall be a short period during which any resident of the Council's area, or anyone who practises any trade or profession or is employed within the area, may raise any matter relevant to the Council, its functions or the parish. At the end of the meeting there will be a further short period for any of those present to raise any additional matters not discussed as items on the agenda."

Paragraph 6: Insert words underlined:

"Members of the public are permitted, at the discretion of the Chairman, to make representations, answer questions and give evidence in respect of any item of business included in the agenda."

Paragraphs 14 and 15: Delete the words underlined:

"In an election year the ANNUAL meeting of the Council shall be held within 14 days of the election, normally on the second Thursday in May. In any other year the meeting will be held on the second Thursday in May. The annual meeting shall begin at 8.00pm.

The ORDINARY meetings of the Council shall be held on the second Thursday of January, March, July, September and November of each year at 8.00pm."

Add additional paragraph 15a:

"The start time of meetings shall be agreed at the immediately preceding meeting and publicised in the minutes of that meeting and on the notice of meetings and the relevant agenda."

Paragraph 30:

"The Parish Clerk shall record the details of all planning applications received for consultation – date, reference number, location, nature – and update that eventually with the decision and date.

Delete words underlined and replace with: "retain copies of all consultations on planning applications and of the comments submitted by the Parish Council".

Paragraph 31: Delete paragraph and replace with:

“The Parish Clerk will circulate details of the planning application to all members for their comments. Any member who intends to make a personal comment direct to the planning authority shall inform the Parish Clerk.”

Proposed: to make the above amendments to Bishopstone Parish Council Standing Orders.

Proposed by Councillor Gibbon, seconded by Councillor Edwards.