



## STOTFOLD TOWN COUNCIL

Dear Councillor, you are hereby summoned to attend:

**A MEETING OF THE TOWN COUNCIL, ON WEDNESDAY 2<sup>ND</sup> MAY 2018, AT 7.15PM, IN  
THE COUNCIL CHAMBER, GREENACRE CENTRE, STOTFOLD**

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### **AGENDA**

1. **Mayor's announcements and civic attendance**  
See Agenda Report.
2. **Disclosure of Members Interests on matters contained in this agenda**  
To receive from Members any disclosures of personal or prejudicial interests on matters contained in the agenda. Members are reminded that if at any time during the meeting they feel they have an interest in an item being discussed, they should declare it at that point.
3. **To receive apologies for absence from Town Council Members.**
4. **Oral questions from Electors**  
Up to 3 members of the public will be given 3 minutes each to speak, after giving notice of their wish to do so to the Town Clerk prior to the meeting. Order of speakers will be in order of notification to the Clerk.
5. **Council minutes**  
To note and sign as a correct record, the minutes of the Council meeting held on Wednesday 4<sup>th</sup> April 2018.
6. **Clerk's Report and Matters Arising for Information**  
Nothing to report at production of agenda.
7. **Correspondence received for information**  
None at production of agenda.
8. **Casual Vacancy**  
To receive applications for the current Councillor vacancy, to run until elections in May 2019, and to co-opt a new Member. This will be by secret paper ballot, as per Standing Orders. A copy of one application received is provided for Members.
9. **General Data Protection Regulation**  
To consider information provided in the Agenda Report, and consider and adopt the following documents required under the General Data Protection Regulation:
  - Privacy Notice – General
  - Privacy Notice – Staff, Councillors & Role Holders (to be presented, but is very similar to General)
  - Consent Form

## 10. General Power of Competence

At the June 2017 Council meeting (min 106/17), it was agreed that the Clerk should achieve the relevant qualification and that the Council would subsequently adopt the General Power of Competence (GPC). The Clerk has passed the relevant section of CiLCA (Certificate in Local Council Administration) relating to the GPC. Members are therefore asked to consider resolving “that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the Clerk and that it therefore is eligible to use the General Power of Competence”. See Agenda Report.

## 11. To receive a report from a Central Bedfordshire Councillor on matters pertaining to Stotfold

## 12. To receive a report from Member and Nominated Representatives on outside bodies

## 13. To receive a report, copies of minutes and recommendations from the Town Plan Implementation Group

## 14. Arlesey Road project & relocation of Football Club

To receive an update on progress.

## 15. Monthly accounts

- i) To approve the list of payments in the Expenditure Report for May 2018 and note income received during April 2018 in the Income Report (all to be presented)
- ii) To review and note the Committee Budget Report for month end April, together with the explanation of significant budget variances report and the bank balances as at end April 2018 (all to be presented)

## 16. Committee minutes

### Planning Committee

#### 11<sup>th</sup> April 2018

- Members of the Planning Establishment Committee will be asked to confirm that the minutes are a correct record of the meeting held on Wednesday 11<sup>th</sup> April 2018.
- Members of the Council will then be asked to note the minutes of the Planning Committee meeting held on Wednesday 11<sup>th</sup> April 2018. There were no recommendations to Council.

#### 25<sup>th</sup> April 2018

- Members of the Planning Establishment Committee will be asked to confirm that the minutes are a correct record of the meeting held on Wednesday 25<sup>th</sup> April 2018.
- Members of the Council will then be asked to note the minutes of the Planning Committee meeting held on Wednesday 25<sup>th</sup> April 2018. There were no recommendations to Council.

### Recreation Grounds, Public Lands & Lighting Committee

- Members of the Recreation Grounds, Public Lands & Lighting Committee will be asked to confirm that the minutes are a correct record of the meeting held on Wednesday 11<sup>th</sup> April 2018.
- Members of the Council will then be asked to note the minutes of the Recreation Grounds, Public Lands & Lighting Committee meeting held on Wednesday 11<sup>th</sup> April 2018.

### Establishment Committee

- Members of the Establishment Committee will be asked to confirm that the minutes are a correct record of the meeting held on Wednesday 25<sup>th</sup> April 2018.  
Members of the Council will then be asked to note the minutes of the Establishment Committee meeting held on Wednesday 25<sup>th</sup> April 2018. **See Agenda Report for Recommendations**

**17. Questions from Electors on items arising from this evening's meeting**

**18. Items for information purposes only**

*pp C Jenkins*

**Mrs KA Elliott-Turner  
Town Clerk**

27<sup>th</sup> April 2018

To: All Stotfold Town Councillors, Central Bedfordshire Council Ward Members, representative of the press and electorates of Stotfold

# COUNCIL AGENDA REPORTS

<b>AGENDA ITEM 1</b>	<b>Meeting date: 2<sup>nd</sup> May 2018</b>
<b>Mayor's announcements and civic attendance</b>	
<u><b>April 2018</b></u>  <b>11<sup>th</sup> April</b> - Leighton-Linslade Town Mayors Charity Big Band Concert – apologies sent <b>15<sup>th</sup> April</b> - Houghton-Regis Civic Service at All Saints Church – Mayor attended <b>15<sup>th</sup> April</b> - Flitwick Town Council Afternoon Tea at The Rufus Centre – apologies sent <b>22<sup>nd</sup> April</b> - Dunstable Town Council Civic Service – Mayor attended  <u><b>May 2018</b></u>  <b>6<sup>th</sup> May</b> - Sandy Town Council Civic Service at St Swithuns Church – Mayor attending <b>8<sup>th</sup> May</b> - Leighton Linslade Charity Meal – apologies sent <b>12<sup>th</sup> May</b> - Houghton Regis Afternoon Tea on the Bowls Green – Apologies sent <b>13<sup>th</sup> May</b> - Central Bedfordshire Council Lord Lieutenants Annual Service of Thanksgiving at Bunyan Meeting Church, Bedford. – Mayor attending	
<b>Decision required:</b> attendance where Mayor unable to attend, or Councillors are invited	
<b>Expenditure required:</b> N/A	

# COUNCIL AGENDA REPORTS

<b>AGENDA ITEM 8</b>	<b>Meeting date: 2<sup>nd</sup> May 2018</b>
<b>General Data Protection Regulation</b>	
<p><b><u>General Data Protection Regulation</u></b></p> <p>The responsibilities and requirements of the GDPR apply to the Council as the data controller, Councillors as individuals within that corporate body and staff processing data on behalf of the Council.</p> <p><b><u>The Underlying Principles</u></b></p> <p>Personal data:</p> <ul style="list-style-type: none"><li>• Must be processed lawfully, fairly and transparently</li><li>• Is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent</li><li>• Should be adequate, relevant and limited, i.e. only the minimum amount of data should be kept for specific processing</li><li>• Must be accurate, relevant and limited i.e. only the minimum amount of data should be kept for specific processing</li><li>• Must be accurate and where necessary kept up to date</li><li>• Should not be stored for longer than is necessary, and that storage is safe and secure</li><li>• Should be processed in a manner that ensures appropriate security and protection</li></ul> <p><b><u>Lawful bases for processing personal data</u></b></p> <p>The GDPR sets out six lawful bases for processing data. It is possible for more than one to apply at the same time. The most relevant ones for Councils will be Consent (but not for staff, Councillors and role holders), Compliance with legal obligation (which includes performance of statutory obligations), and Contractual necessity (for example with contractors).</p> <ul style="list-style-type: none"><li>• <b>Consent</b> A data controller must be able to demonstrate that consent was given. Transparency is key: consents given in written declarations which also cover other matters must be clearly distinguishable, and must be intelligible, easily accessible and in clear and plain language. Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes – either by a statement or by a clear affirmative action.</li><li>• <b>Legitimate interests</b> A balance between the controller (or third party's) legitimate interests and the interests or the fundamental rights of and freedoms of the data subject. As a public authority, under the GDPR Councils cannot rely on legitimate interests as a legal basis for processing personal data.</li><li>• <b>Contractual necessity</b> Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject.</li><li>• <b>Compliance with legal obligation</b> Personal data may be processed if the controller is legally required to perform such processing, e.g. complying with the requirements of legislation.</li><li>• <b>Vital interests</b> Personal data may be processed to protect the 'vital interests' of the data subject, e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information without their consent.</li></ul>	

- **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.

#### Rights of a Data Subject

Generally, the rights of individuals that are granted under the GDPR are the same as under the current law, but with some significant additions. The GDPR includes the following rights for individuals:

- The right to be informed – explain lawful basis for processing of their data, retention periods, and their right to complain to the ICO
- The right to access (includes data subject access requests) – Councils must respond within one calendar month of receipt of the request. These requests may now not be charged for
- The right to rectification (correction) – personal data may be corrected if it is inaccurate or incomplete.
- The right to erasure (also known as the right to be forgotten) – data subjects may request removal of their personal data. However, if the purposes for which the data was collected still exists, then they cannot be ‘forgotten’ unless it was given by consent and they are withdrawing their consent
- The right to restrict processing – used in certain circumstances, e.g. if a person believes his/her personal data is inaccurate or they object to the processing – you can then still store the data, but not use the data
- The right to data portability – requests for personal data to be provided to the data subject in a machine readable portable format free of charge, and within one calendar month.
- The right to object – i.e. if a Council has relied in one lawful ground to process data without consent, and individual is not happy with this
- The right not to be subject to automated decision-making including profiling – protection against the risk that a potentially damaging decision is taken without human intervention

The Clerk has been working through an Action Plan, highlighting steps we need to take before 25<sup>th</sup> May introduction of the GDPR.

- 1) Raise awareness – Councillors have been made aware of the GDPR and its requirements over several meetings and circulation of information sheets. If training is available, then Councillors will be required to undergo training. Staff are aware of the basics, and the Clerk will shortly be providing them with in-house training on how we process and hold data, the legal requirements for its security, and rights of the data subject.
- 2) Data audit – staff are currently carrying out an audit of the data they hold for each member of staff’s specific duties.
- 3) Identify and document your ‘lawful basis’ for processing data – identified above, most of our lawful basis will be compliance with legal obligations, however some of our data processing requires use of consent forms to obtain consent from data subjects.
- 4) Check your processes meet individuals’ new rights & know how you will deal with ‘subject access requests’ – this asks us to ensure we would be able to find the data should we receive a request for information. This should be complied with within one month.
- 5) Review how you get consent to use personal data – As consent must be freely given, specific and easily withdrawn, a consent form has been produced (for Members to approve).
- 6) Update your policies & notices – ensuring that staff have clear, practical policies and procedures for staff to follow, and monitor their operation.
  - Privacy Notices - draft notices have been produced for Members to approve – for General use and for Staff, Councillors, etc.
  - Data Retention & Disposal – our data retention is currently being reviewed, together with the addition of disposal to ensure that data subjects are informed of how long we will retain their data and how we intend on disposing of the data securely.
  - Websites – this requires control of access to restricted areas – i.e. only staff are able to update the webpage, and therefore must comply with GDPR rules. Ensuring that we are allowed to publish personal data (including images) on our website and social media, i.e. Facebook – a review of our social media policy is underway.

- Data Sharing – ensure staff know when they are allowed to share personal data with others and make sure it is kept secure when shared.
  - CCTV – checks are being made on signage indicating that CCTV is present, to ensure that it is correct and a suitable policy is in place to inform people what it is used for and retention periods of data.
  - Training – as noted above, training is being provided for staff on the basics of personal data security, where the law and good practice need to be considered and know where to turn for advice.
- 7) Build in extra protection for children – the GDPR says children under 13 (in the UK only) cannot give consent so we would need to obtain consent from a parent or guardian.
  - 8) Update your contracts to deal with processing by others – checks are being made on our current contracts where personal data is being processed (i.e. our IT contract, website maintenance, etc) to ensure that they process and hold personal data securely, etc.
  - 9) Personal Data Breaches – a data breach is a breach of security leading to ‘accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data’. Processes must be put in place to detect, investigate and report a breach.
  - 10) Build data protection into your new projects – the GDPR makes privacy by design an express legal requirement. To achieve this, data protection impact assessments should be undertaken where new technology is being deployed, where profiling may significantly affect individuals or sensitive categories of data will be processed on a large scale.
  - 11) Appoint your Data Protection Officer (DPO)

At the last Council meeting, at which the Clerk was not present, Members decided not to approve appointment of an external Data Protection Officer, but to wait until further information had been received on whether this appointment could be undertaken by the Clerk. The implementation of the GDPR and its requirements is 25<sup>th</sup> May 2018. No further information has been received from Government or NALC. However, in an article in the LCR (Local Council Review) the Information Commissioner, Elizabeth Denham notes that it is unlikely that the Clerk will be able to act as the Council’s DPO, due to the conflict of interest, however the Information Commissioner’s Office is currently working with NALC to consider alternative solutions (a copy of the article is provided for Members). A copy of a statement from the Information Commissioner’s Office dated 11<sup>th</sup> April 2018 is also provided for Members.

**Members are asked to consider and be aware of the above actions required, those already completed and those still to be completed, and to approve the following draft documents:**

- Privacy Notice – General (used for residents and members of the general public)
- Privacy Notice – Staff, Councillors & Role Holders (Staff means employees, workers, agency staff and those retained on a temporary or permanent basis), Role Holders means volunteers, contractors, agents, and other role holders within the Council including former staff and former Councillors). This also includes applicants or candidates for any of these roles)
- Consent Form - a clear unambiguous form of positive action to ‘opt-in’. Note that this consent may also easily be withdrawn

**Decision required:** to approve the draft GDPR documents

**Expenditure required:** n/a

## AGENDA ITEM 8

### Statement from the Information Commissioner's Office

11<sup>th</sup> April 2018

The General Data Protection Regulation (GDPR) requires all public authorities to appoint a Data Protection Officer (DPO). The new Data Protection Act (when passed) will define 'public authority', but it is likely to have the same definition that is in the Freedom of Information Act 2000 (FOIA) and therefore includes all councils.

The Information Commissioner is sympathetic to the challenges that appointing a Data Protection Officer (DPO) may pose for parish and town councils, especially those with limited budgets. She has already acknowledged that smaller councils are unlikely to hold large amounts of personal data, and as a result tend to be less prepared for regulatory changes. But regardless of size, if councils hold personal information, from 25 May 2018, the General Data Protection Regulation (GDPR) applies.

The Commissioner has said previously that the GDPR is a journey rather than a destination. She will be looking to councils to demonstrate that they are committed to making progress towards embedding the right processes and procedures. She wants to reassure councils that if they have a positive attitude to finding practical solutions to some of the challenges of implementation, they will find a pragmatic, fair and proportionate regulator.

In the meantime, we recognise that there's still plenty of work parish and town councils need to do to implement the necessary steps to comply with GDPR. We've already provided a lot of tools and support to help with these steps, including our Guide to the GDPR, frequently asked questions, toolkit and helpline for smaller organisations.

We're also committed to working closely with the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) to consider alternative solutions to the specific issue of appointing DPOs. For example, we see promise in the idea of developing a shared DPO service allowed under Article 37(3). Whilst such a shared service may not be an immediate fix in time for 25 May, it could in the long term enable smaller councils to manage their data protection requirements effectively.

# COUNCIL AGENDA REPORTS

<b>AGENDA ITEM 10</b>	<b>Meeting date: 2<sup>nd</sup> May 2018</b>
<b>General Power of Competence</b>	
<p>The conditions for eligibility are set out in Statutory Instrument – Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.</p> <p>1. <u>Resolution</u> The Council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the Clerk. The resolution can be passed at any meeting of the Council but a further resolution must be passed at every subsequent ‘relevant annual meeting’ (i.e. Statutory Council meeting which takes place in the year of ordinary elections, so every four years).</p> <p>2. <u>Electoral Mandate</u> At the time the resolution is passed, at least two thirds of the members of the Council must hold office as a result of being declared elected. This means they should have stood for election, even if unopposed, rather than co-opted or appointed.</p> <p>3. <u>Qualified Clerk</u> At the time the resolution is passed, the Clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training on the GPC designed as part of the National Training Strategy for local Councils. Recognised sector-specific qualifications are:</p> <ul style="list-style-type: none"> <li>• Certificate in Local Council Administration (CiLCA)</li> <li>• Certificate of Higher Education in Local Policy</li> <li>• Certificate of Higher Education in Local Council Administration (or Foundation Degree in Community Engagement and Governance, or successor qualifications, awarded by the University of Gloucestershire)</li> </ul> <p>If the Council loses its qualified Clerk or has insufficient elected Councillors, then it must record its ineligibility at the next ‘relevant’ annual meeting of the Council (after the ordinary election). If it has already started an activity it can finish that, but not start anything new.</p> <p>The Council currently has 12 Members who stood for election and were elected (unopposed), and we therefore meet the electoral mandate requirement, until May 2019 elections.</p> <p>The Clerk has the Degree in Applied Social Sciences (formerly Community Engagement &amp; Governance) and has completed and passed the relevant module of the CiLCA qualification relating to the General Power of Competence.</p>	
<b>Decision required:</b> to resolve as above	
<b>Expenditure required:</b> n/a	

# COUNCIL AGENDA REPORTS

**AGENDA ITEM 16**

**Meeting date: 2<sup>nd</sup> May 2018**

## **Committee Recommendations - Establishment**

Members are asked to approve the recommendation from Establishment Committee meeting 25<sup>th</sup> April 2018, minute 19/18.

**RECOMMENDED** that the following grants are approved:

<b>Organisation</b>	<b>Purpose of Grant</b>	<b>Amount Awarded</b>
Whitbread Wanderbus Ltd	Assist in vehicle running costs for concessionary bus (Transport Act 1985 s106a)	£4000
Roecroft Centre Charitable Trust Ltd	Repair and/or replacement of two security doors (LG (M.P.) Act 1976 s19)	£768.00
Autism Bedfordshire	Towards children's services for autistic children, carers & siblings – activity days, social club, trampolining, summer schemes (LGA 1972 s137)	£200.00
Revitalise Respite Holidays	Provision of revitalise break for 3 disabled residents and their carers at one of their holiday centres (LGA 1972 s137)	£1000

**FURTHER RECOMMENDED** that subject to approval of the above grants, the sum of £1200.00 is vired from the grants budget to the Section 137 budget to cover grants awarded under Section 137 powers.

**Decision required:** see above

**Expenditure required:** see above