

ENDERBY PARISH COUNCIL

**Minutes of the Meeting of Enderby Parish Council held on the 14th March 2018
at the Civic Centre, King Street, Enderby at 7:30pm**

Present: N. Grundy (Chairman of the Council),

Councillors: P. Beard, Mrs. S. Conway, R. F. Geisler, Mrs. J. Hall, R. W. Hunt, M. R. King, F. O'Rorke, J. O'Sullivan, Ms. T. Green.

The Clerk to the Council, Ms. S Hansford and Deputy Clerk, Mrs. S. Stearn, were in attendance as was District Councillor F.G.H. Jackson.

185/17 Attendance and Apologies

Apologies for absence were received from Councillor J. Bartlett, J. Eaton, W. Hetherington, Mrs. V. Ellis and Administrator, Mrs. D. Power.

186/17 Declarations of Interest by Members and Officers

None.

187/17 To Receive and Approve Requests for Dispensations on matters which Members have a Disclosable Pecuniary Interest

None.

188/17 Minutes of the Council Meeting held on 14th February 2018

The Minutes of the Meeting of the Council held on the 14th February 2018 were considered for accuracy.

RESOLVED: That the Minutes of the Council Meeting held on 14th February 2018, be signed, as a true and correct record.

189/17 Chairman's Announcements

F. Evans – Funeral Arrangements (Former Parish Councillor)

The Chairman confirmed the funeral arrangements for former parish councillor Frank Evans.

The service would take place at All Saints Church, Narborough, at 1pm on Thursday, 22nd March 2018, and would be followed by the burial at Enderby New Cemetery.

The Chairman expressed his wish to represent the Council at the funeral.

RESOLVED: That the Chairman represent the Council at the funeral.

RESOLVED: That the Chairman makes enquiries about the family's wishes with regards to flowers at the funeral and that flowers be purchased from the Parish Council at a cost of £30 if welcomed. Alternatively, a donation to the same value be made if this is preferred by the family.

190/17 To Consider Co-option to Fill Casual Vacancies – St Johns Ward

There remain 2 Casual Vacancies on St. Johns Ward to which the Council may Co-opt.

The Clerk confirmed that although an enquiry had been received, no application has been forthcoming.

191/17 To Receive Committee Reports: -

RESOLVED: That the following reports be received: -

- Planning Committee –14th February 2018.
- Policy & Finance Committee – 28th February 2018.
- Planning Committee – 28th February 2018.

192/17 Parishioners' Time

No reports were made.

193/17 To Receive Reports: District Councillor(s)/County Councillor/Parish Councillors/Conference or Delegate)

The following reports were given:-

a) Cllr. Mrs. J. Hall: Lubbethorpe Meeting

There will not be improvements made to the Foxhunter roundabout despite what has been said previously. It was stated that lots of improvements will be made to the A47 but these seem to be adjustments rather than improvements. One of these is that there will be a 24hr bus lane. It was made very clear at the meeting that this does not constitute an improvement.

It has been confirmed that every other speed bump will be removed when the 301st house is inhabited.

S.106 money amounting to £5,000,000 had been put aside to build affordable housing, however the cost of building the bridge has gone over budget by £38,000,000 so there is no money left for S.106 funding.

On a positive note it was confirmed that the Doctors Surgery at Leicester Forest East will be expanding.

It was asked if Blaby District Council will be challenging the decision that there will no longer be any affordable housing.

Some great proposals were put forward but as there is no S.106 funding available to implement these the goodwill of the developers will need to be relied upon.

b) District Councillor F. G. H. Jackson

Cllr. F.G.H. Jackson reported that Blaby District Council is trialling the removal of the Designated Dog Waste Bins with dog waste to be put in the general waste bins instead. Stickers had been affixed to the bins to advise that they are now dual purpose. There is no legal reason why the dog waste bins cannot be removed as there is no legal requirement to provide them. However it is a health hazard, particularly as the bins have been lowered to the height of the general waste bins. The reason for this change is because Leicestershire County Council is now refusing to accept dog waste at the Waste Transfer Site unless mixed with general waste.

A trial is due to start in Narborough, Littlethorpe and Enderby on 19th March 2018, but Narborough Parish Council has not been informed (as at 14th March) and things have gone ahead without consultation.

RESOLVED: It was agreed that this item would be discussed further under Agenda item 15 b).

194/17 To Consider Recommendations Made to Council by the Council’s Standing Committees: -

PF/70/17 To Consider Quotations Received from RICS Accredited Chartered Surveyors to Conduct the Valuation of Land and Building Assets Held by Enderby Parish Council and the King George V Playing Field Charity (1086033)

Quotations have been sought for the valuation of land and assets, as follows: -

	Quotation 1	Quotation 2	Quotation 3
Enderby Parish Council	£3,600	£6,700	£2,800
King George V Playing Field	<u>£1,250</u>	<u>£2,200</u>	<u>£1,950</u>
Estimate	£4,850 + VAT	£8,900 + VAT	£4,750 + VAT

Fees are only estimates and do not include any costs which relate to rent review.

RECOMMENDATION RESOLVED: That Quotation 3 (DVS – Property Services – (Valuation Office Agency)) be accepted at a total cost of £4,750 + VAT.

PF/71/17 To Consider the Transfer of Public Open Space from the Ownership of Miller Homes (East Midlands) Ltd. to that of Enderby Parish Council (S.106 Agreement – Planning Application 07/0468/1/PX).

RECOMMENDATION RESOLVED: That Public Open Space Land and Play Area Equipment located on land between 57-65 St. John’s, Enderby (Old Church Road) be transferred from the ownership of Miller Homes (East Midlands) Ltd. to that of Enderby Parish Council (as per the terms of the S.106 Agreement between the developer and Blaby District Council for Planning Application 07/0468/1/PX).

195/17 To Consider General Data Protection Regulations (Reform of Data Protection Legislation) 25th May 2018 and Consider the Next Steps in Line with the National Association of Local Councils Toolkit issued February 2018

Members are in receipt of the National Association of Local Councils Toolkit (February 2018) and a copy of the Clerk's report dated 8th March 2018.

The Council is now required to: -

1. Review the role of the Data Processing Officer

The role of Data Protection Officer (Page 42).

Enderby Parish Council has appointed the Clerk as Data Protection Officer (DPO) and the Council is required to review the role and consider the suitability of the Clerk/RFO being appointed as DPO.

Members were referred to Appendix 5.

It is important that Members note items: -

"(d) Monitoring of compliance does not mean that it is the DPO is personally responsible where there is an instance of non-compliance. The GDPR makes it clear that it is the controller, not the DPO, who is required to 'implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with the Regulation.'"

"(g) It is the controller or the processor, not the DPO, who is required to 'maintain a record of processing operations under its responsibility' or 'maintain a record of all categories of processing activities carried out on behalf of the controller'."

The Council, as Data Controller, is required to consider item 3 (Page 43).

Data controllers and processors should ensure that:

- (i) The DPO is invited to participate regularly in meetings of senior and middle management. For councils, this would include meetings of full council and relevant committee meetings.
- (ii) The DPO's name and contact details are provided to ICO;
- (iii) The DPO should be available to advise/ support councillors and relevant staff on data protection issues;
- (iv) The DPO is present when decisions with data protection implications are taken;
- (v) All relevant information must be passed on to the DPO in a timely manner in order to allow him or her to provide adequate advice;
- (vi) The opinion of the DPO must always be given due weight. In case of disagreement it is good practice to document the reasons for not following the DPO's advice;
- (vii) The DPO should be promptly consulted once a data breach or another incident has occurred. This is good practice since the DPO will often have been involved in implementing data protection policies such as breach reporting and it will be important for the DPO to assess whether the policies work operationally.

A Role Checklist can be found under item 4.

Role Checklist

- (i) Raising data protection awareness within the council, and advising on GDPR compliance;
- (ii) Ensuring the implementation of the appropriate documentation to demonstrate GDPR compliance;
- (iii) Monitoring the implementation and compliance with policies, procedures and GDPR in general;
- (iv) Involvement in council's handling of data breaches, including assisting and advising the council with its notification to the ICO and data subjects where necessary (but it is the council which has the obligation to notify in certain circumstances not the DPO);
- (v) Liaising with the ICO, the relevant councillors and staff and with the data subjects;

(vi) Monitoring Data Protection Impact Assessments;

(vii) Cooperating with and acting as the contact point for the ICO on issues relating to processing'

It was noted at point (iv) above that data breaches must be reported within 72 hours and that should the Clerk be unavailable to report such a breach that the Deputy Clerk, in liaison with the Chairman and Vice Chairman of the Council, would have delegated authority to ensure that reporting is made within the relevant timescale.

RESOLVED: That the Clerk/RFO is suitable to take on the role of DPO and the Deputy Clerk be given delegated authority in the absence of the Clerk/RFO to ensure that reporting is made within the relevant timescales.

2. Data Protection Impact Assessments These are mandatory.

Consideration is required to be given by the Council as to whether sensitive data is being collected relating to; Race, Ethnic Origin, Political opinions, Religious or philosophical beliefs, Trade Union Membership, Genetic data, Biometric data (e.g. facial recognition, finger print data), Health data, data about sex life or sexual orientation.

The Council has collected data relating to Library volunteers. However, this data would only be referred to a health professional in a life or death situation and the data is not processed further. Consent is obtained and given by volunteers on application which is signed by the individual. Volunteers choose whether to complete this section of the application form and are not prevented from volunteering should they refuse to submit this information. Data of this nature is securely stored and only accessible to the Clerk, Deputy Clerk and Administrator. Information held is destroyed when volunteers indicate it is their intention to leave the service.

RESOLVED: That this item be noted for future reference.

3. Does the Council wish to adopt the Consent Forms and General Privacy Notices and Privacy Notices for Staff and Councillors/Role Holders contained within the Toolkit?

Members were referred to:

Appendix 3 – Consent form (Page 31).

Appendix 4 – General Privacy Notice (Page 32)

Appendix 4 – Privacy for Staff, Councillors and Role Holders (Page 36).

RESOLVED: That the Consent Form at Appendix 3 be adopted.

RESOLVED: That the General Privacy Notice at Appendix 4 be adopted and the Transfer of Data Abroad paragraph be retained.

RESOLVED: That the Privacy Notice for Staff/Councillors/Role Holders be adopted but the paragraph regarding collecting personal data about criminal convictions be omitted and that the Privacy Notice explicitly includes the role of Volunteer.

4. Consider adopting the proposed Subject Access Request Policy, template response letters

Members were referred to Appendix 7 – Subject Access Policy and template response letters – (Page 47).

RESOLVED: That the Subject Access Request Policy be adopted.

5. Consider the Privacy Policy Checklist and whether to adopt the Sample Policy

The Council will need to consider adoption of a Privacy Policy. A copy of this Policy will need to be uploaded to the Parish Council's website.

Members were referred to Appendix 8 – Sample Privacy Policy.

The Council website is provided by 2Commune and the current website Privacy Policy is managed by them on a standard page that cannot be amended by Enderby Parish Council.

RESOLVED: That the proposed NALC Privacy Policy be adopted and uploaded as an additional page on the Council's website.

RESOLVED: That the Clerk to make enquiries with 2Commune regarding the standard Privacy Policy that is managed by them and when it will be updated to bring it in line with GDPR requirements.

6. Consider the Adoption of a Security Incident Response Policy

Data security is not an IT issue.

Most breaches are through human error however the Council needs to ensure that breaches are prevented where possible.

Effective policies and controls need to be put in place

Members were referred to Appendix 9 – Part A: Checklist of what to include in a Security Incident Response Policy.

RESOLVED: That this item be noted.

District Cllr. F.G.H. Jackson advised that the Information Commissioner's Office is not looking to penalise Parish Councils and if good systems are already in place, this will usually suffice.

Cllr. N. Grundy thanked District Cllr. F.G.H Jackson and advised that the Council is looking to be fully compliant from day one.

196/17 To Receive Updates (If Any): -

a) Acquisition of Clarence Road Recreational Ground

A response is awaited from Blaby District Council (Ref. Policy & Finance Committee Minute PF/69/17a).

RESOLVED: That this item be noted.

b) Transfer of King Street and John Street Car Parks from the Ownership of Blaby District Council to that of Enderby Parish Council

Further to Policy & Finance Committee Minute PF/69/17 b) the Parish Council is awaiting the District Council's advice regarding a number of outstanding items.

Solicitor Fees

The Parish Council's Solicitor has confirmed that the costs to be applied in respect of each Car Park would be in the region of £500 + VAT to complete each transfer plus out of pocket expenses amounting to £20 in each case, together with search fees (approximately £200) and Land Registry fees (£20) for each site.

RESOLVED: That this item be noted and an item be included on the Recreation & Amenities Committee meeting agenda to be held on the 28th March 2018.

c) Transfer of Public Open Space from the Ownership of Miller Homes (East Midlands) Ltd. to that of Enderby Parish Council (S.106 Agreement – Planning Application 07/0468/PX)

Blaby District Council has confirmed the developer has completed the majority of outstanding remedial works and receipt of the RoSPA report detailing the condition of the children's play equipment is awaited.

An estimate has been sought from the Parish Council's Solicitor for completion of this transfer. It is anticipated that the costs will be in line with the fees charged for the transfer of Harolds Lane Open Space which amounted to Professional Fees, Disbursements and Land Registry Fees [Estimated Total £789 +VAT].

RESOLVED: That this item be noted.

d) Insurance Claim: Saxon Fortress - Mill Lane Recreational Ground

The repair is anticipated to be completed by Wicksteed on or around the 5th April 2018.

RESOLVED: That this item be noted.

e) Proposed Enderby New Cemetery Extension

Members are in receipt of a letter from Blaby District Council dated 5th March 2018, which confirms that Blaby District Council no longer wishes to lead the Development of a District Wide Cemetery in Enderby.

The letter confirms that Blaby District Council has no wish to take ownership of, or develop the land of Blaby Road that has been offered by the Drummond Trustees to develop a cemetery provision.

“Blaby District Council understands the requirement for a District Wide Provision and understands that the land is being offered to Enderby Parish Council by the Drummond Trustees on the basis that:

- The purchase price for the land would be £60,000 and would be restricted to be used as a cemetery.
- The Cemetery would be open to residents outside of the parish
- That the Drummond Trustees require that burial charges for residents of New Lubbethorpe be the same as those charged for Enderby residents. A differential charge may be applied to residents outside of the Enderby and new Lubbethorpe Parishes. The differential charges should not be excessive or prohibitive.
- That the Drummond Trustees are agreeable to the sale of land directly to Enderby Parish.”

A decision is required to be taken by the Parish Council with regards to how it wishes to proceed.

There are S.106 funds held by Blaby District Council for the Parish of Enderby and a decision on whether the Council wishes for these funds to be utilised towards a Cemetery Extension is required otherwise these funds may be utilised by the District Council elsewhere.

RESOLVED:

(1) That the Clerk proceed with a S.106 application to Blaby District Council for funds to purchase additional cemetery land.

(2) That the Council’s Solicitor be instructed to contact the Drummond Estate to confirm Enderby Parish Council’s intention to purchase the land at Blaby Road/Kirk Lane for its proposed Cemetery Extension in line with the terms outlined by Blaby District Council in its letter of the 5th March 2018.

197/17 Authorisation of Accounts

Members were in receipt of a report on the Accounts paid since the date of the Council meeting held 14th February 2018 (Payments made from 25th February 2018 to 14th March 2018), along with the following reports: -

- Bank-Cash and Investment Reconciliation as at 28th February 2018.
- Detailed Income & Expenditure by Budget Heading up to 28th February 2018.

RESOLVED: That the Accounts and Payments, as detailed in the schedule attached to and forming part of these minutes, be approved for payment.

RESOLVED: That Cllr. Mrs. J. Hall and Cllr. Mrs. S. Conway sign the cheques.

Reimbursement of Fees to King George V Playing Field Charity Account

Income Received

Tennis Club Rent received into Enderby Parish Council’s Current Account £127.50

Less

Expenditure

Maintenance items (CS Timber) -£2.46

Funds owing to KGV Playing Field £125.04

RESOLVED: That a Bank Transfer of £125.04 be made from the Parish Council’s Current Account to the King George V Playing Field Charity Account.

198/17 To Consider Grant Applications (If Any): -

a) Enderby Twinning Association: 30th Anniversary of Enderby – Le Haillan Town Twinning 1988-2018

Members are in receipt of a Grant Application from Enderby Twinning Association. A copy of the Association’s most recently audited accounts has been requested.

The Enderby Twinning Association has withdrawn its application and requests that the grant application be considered at the Policy & Financial Committee in April to coincide with the 2018/19 Financial Year.

RESOLVED: That this item be considered by the Policy & Finance Committee on the 25th April 2018.

199/17 Correspondence: -

a) Rural Community Council – 2018 Rural Achievement Awards

The Rural Achievement Awards will take place once again in 2018. The Categories for the Awards are: -

The categories for the 2018 Rural Achievement Awards are:

- Best Community Building
- Best Community Library
- Community Engagement Award
- Rural Business Award
- Rural Service Award
- Unsung Hero Award
- Young People's Award

Full details of our categories and guidelines on how to enter are covered within the attached guide and can be found at www.ruralcc.org.uk/awards.

RESOLVED: That this item be noted

b) Blaby District Council – Designated Dog Waste Bins

Blaby District Council has proposed changes to the District council's provision of street and open space bins.

Primarily these changes will involve the districts designated dog waste bins.

Blaby District Council has been advised by Leicestershire County Council that it can no longer dispose of waste from designated dog waste bins at the County Council's Waste Transfer sites, and that the material should be taken directly to landfill at Shawell, near Lutterworth. This represents a huge operational disadvantage to the District Council as the transfer station is next door to the District Council depot in Whetstone. The District Cleansing vehicles are not considered by the District Council to be particularly suited to transferring waste to landfill sites which increases maintenance/servicing and decreases load carrying capacity.

Almost half of all of the street bins the District Council provides are designated dog waste bins, and all District Cleansing crews collect waste from these bins. Leicestershire County Council's decision has affected the whole District service.

After proposing a number of solutions to Leicestershire County Council and Blaby District Council have now agreed a way forward.

The agreement is to close the designated dog waste bins (DDWB's) in a trial area, and encourage the redirection of bagged dog waste into the general litter bins. Leicestershire County Council is happy to accept dog waste at its transfer stations as long as it is mixed in the bag with other material. So during the trial period the District Council will be able to take street litter bin waste from the trial area to Whetstone Transfer Station.

Many other councils have already adopted the 'Any Bin Will Do' policy to dog waste. The trial will take place in the Narborough and Enderby areas. Ahead of the trial the District Council has fixed weatherproof stickers to all of the litter bins in the trial area. These stickers clearly denote that both litter and dog waste are acceptable in the bin they are stuck to. This will be accompanied by further communications via social media, email newsletter and our webpages.

During the trial, the DDWB's will be securely covered over. Leicestershire County Council will monitor the waste that is brought into their transfer station throughout the trial and assess whether this eliminates the health and safety concerns brought about by the waste from the DDWB's.

If the trial is successful, the District Council will look to roll out this approach across the district, and remove all DDWB's. The need for additional litter bins will be monitored, but with a reduction in bin numbers, the District Council should be able to service the remaining litter bins more frequently, thereby avoiding overflow and litter.

The trial period is anticipated to commence 19th March and run for a minimum of 2 weeks. Leicestershire County Council will take a view after the initial fortnight and determine whether they want to extend the trial or make a permanent decision one way or the other.

Dog Fouling is everywhere in the district and this will cut down on opportunities to dispose of the waste. It possibly won't make much of a difference to the amount of dog waste on the streets as those that dispose of it now will probably continue to do so by taking the waste away with them but it will have a great impact on the areas around the bins. There are bins near to a bus stop and the smell is very unpleasant.

An alternative option could be to retain the Dog Waste Bins but to make them dual purpose. There is no legal requirement to provide dedicated Dog Waste Bins. Why can the bins not remain separate but collected together with the general waste so they become mixed in the lorry on collection?

RESOLVED: That concerns are raised with Leicestershire County Council in the strongest possible terms to ask for them to reconsider its decision. That the Chairman write to Leicestershire County Cllr. Mrs. L. Richardson and Blaby District Council on behalf of the Parish Council.

200/17 Correspondence Received After Issue of Agenda (For Information Only)

Members are in receipt of the following correspondence.

- a) Leicestershire Footpath Association: -**
 - i) Newsletter – Spring 2018
 - ii) Programme of Walks – Summer 2018.

- b) Leicestershire Police – The Beat Policing Update March 2018**

RESOLVED: That these items be noted.

MEETING CLOSED: 8:23 PM

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**Chairman,
11th April 2018**

ACCOUNTS AUTHORISED BETWEEN COUNCIL MEETINGS HELD 15TH FEBRUARY 2018 AND 14TH MARCH 2018

Date: 14/03/2018

Enderby Parish Council

Page 1

Time : 11:53

Current Account 70355798

Payments made between 01/03/2018 and 14/03/2018

Date	Payment Reference	Payment Detail	Net Amount	VAT Amount	Total Amount	VAT Code
Allstar Business Solutions						
14/03/2018	DD	Diesel - February 18	62.56	12.51	75.07	S
British Gas						
02/03/2018	DD	Gas 01/12-31/01/18	148.16	7.40	155.56	F
08/03/2018	DD	Elec. 4/11/17-16/2/18	229.82	11.49	241.31	F
			377.98	18.89	396.87	
British Telecom						
08/03/2018	DD	Phone 01/02/18 - 28/02/18	117.08	23.41	140.49	S
Cromwell Group (Holdings) Ltd						
14/03/2018	105540	Tools/Maintenance Equip	125.75	25.15	150.90	S
CSB Timber						
14/03/2018	105538	Plasticote Clar.Park Bench	14.72	2.94	17.66	S
Eon						
05/03/2018	DD	Elec. 22/01/18-19/02/18	140.54	28.11	168.65	S
14/03/2018	105539	Christmas Lighting Elec	67.47	3.37	70.84	F
			208.01	31.48	239.49	
Legal & General						
05/03/2018	DD	lil Health Liability Ins.	46.79	0.00	46.79	E
Proudcastle Solutions Ltd						
14/03/2018	105537	Maintenance Visit	105.00	21.00	126.00	S
			1,057.89	135.38	1,193.27	

<u>Total Pension Contributions + Salaries (Month 11) = £10,815.35</u>	
• Salaries including HMRC Tax/NI	£8,608.90
• LGPS Pension	£2,206.45
<u>Bank Transfers</u>	
• Business Current Acct. to Business Premium Account	£12,000.00
• Business Premium Acct. to Salaries and Wages Account	£10,815.35

<u>Total Pension Contributions + Salaries (Month 12) = £11,100.90</u>	
• Salaries including HMRC Tax/NI	£8,782.06
• LGPS Pension	£2,318.84
<u>Bank Transfers</u>	
• Business Current Acct. to Business Premium Account	£12,000.00
• Business Premium Acct. to Salaries and Wages Account	£11,100.90