

Horton Parish Council

To: Every Member of the Council for the Parish of Horton. YOU ARE HEREBY SUMMONED TO ATTEND A MEETING of the COUNCIL of the Parish of Horton at 7.30pm to transact the business specified in the agenda set out hereunder: to be held in Champney Hall on

Tuesday 17th October 2017

AGENDA

#01	Present & apologies & declaration of interest:	
	(and questions from the public if appropriate):	
#02	Minutes of previous meeting for approval:	
#03	Matters arising from previous meetings of the Parish Council:	
	(Ongoing matters: // Purchase of defibrillator // No updates received for these items)	
A	Parish Graveyard:	
B	Matters arising from Extra meeting (2016/17 Audit recommendations): R4: Standing Order & Financial Regulations - training to be investigated or responsibility sub-contracted R5: Risk Register & Succession Planning - general Risk Management to be lead by Cllr Crame. Documents saved off site (using Hickley off site network and Google Docs). Passwords to be provided to Chair and Vice Chair R6: IT 'idiot's guides' - proposed subcontracted to Stuart Pollard, internal auditor who quoted £200 for 4 hours work. Proposed Cllr Crame, seconded Cllr Cole R7: Precept value to be minuted - next meeting R12: Adoption of financial & other risk assessments - Clerk to establish what G&AM refers to. Cllr Crame to prepare Risk Assessment, PC to approve Cllr Crame has taken NALC legal briefing on this matter to review them. R13: Acquisition of LCRS software - Clerk to see if RBWM can allow access to something similar, and to see if neighbouring PCs have expertise we can use R14: Details of Charitable Accounts – R15: Asset register must be constructed -	
	Qualified Assistance to be requested:	
C	Memorial Green (No Horses):	
	Memorial Green (Chains & Fences)	
	Memorial Green - traffic & parking.	
D	Fly tipping: signage?	
E	Arthur Jacobs' Nature Reserve & Poyle Poplars:	
F	Lighting (new street lamps):	
G	Landfill at Kingsmead Quarry Report: Complaints re early starts and noise from reversing vehicle alarms	
H	Pickins' Piece: Fair Licence: -QUERY - Also to investigate (B) The pack of papers the council has about Pickins' Piece mentions a lease – we do not have a copy of this: (C) The pack of papers mentions payments for the last 20 years – but accessible records do not indicate that payments have been made	
I	Brookfield House (Horton Road access):	
#04	Planning applications and Highways:	
A	17/01125 & 01512 & 02593 – construction at 28-30 Coppermill Road:	
B	16/03678: 9 Layburn Crescent SL3 8QL: (is this Horton?)	
C	16/04001 New Mill Cottage, Mill Lane (Previously 471678 in Oct 1993).	
D	<u>Public Right of Way & Milestones statement:</u>	
E	17/02516/FULL - Millbridge Stud:	

F	17/02454/FULL - 165 Coppermill Road Cllr Rayner was asked to call it in (Planning permission refused)	
G	17/02487/Discharge - Site of Paper Works, Stanwell Road:	
H	Any other application received after agenda is published and before the meeting:	
#05	Chairman's Communications:	
A	Reform of Data Protection Regulation: Deferred to next meeting. Please see attached BALC document.	
B	Electoral Review for Royal Borough:	
C	RBWM Councillors to meet Clerk & Chair:	
D	Any other communication received after agenda is published and before the meeting:	
#06	To receive reports from Borough Councillors:	
A	Accident on corner of Coppermill Road:	
#07	Other Communications or Consultations:	
A	Register of Community Assets:	
B	HPC Asset Register:	
C	Councillors' Declaration of Interest forms:	
D	Councillors' Code of Conduct forms:	
E	Neighbourhood Plan	
F	Flower Container / Betty:	
G	Neighbourhood Action Group:	
H	Report on state of play equipment:	
I	Signage outside Milton Close maisonettes:	
J	Fast Internet / fibre to west Horton:	
K	RK Leisure Group:	
L	Road Closure for Remembrance Sunday:	
M	Windsor Lions:	
N	Any other communication received after agenda is published and before the meeting:	
#08	Financial	
A	Payment of invoices: to receive for approval a list of invoices received:	
B	Bank Reconciliation: for July, August & September to be presented for approval by Finance sub-committee	
#09	Questions from the public:	
#10	Dates of future meetings: Third Tuesday of each month	
	Tuesday 21st November 2017	
	No Parish Council meeting in December 2017	
	Tuesday 16 th January 2018	
	Tuesday 20 th February 2018	
	Tuesday 20 th March 2018	

NOTE Meeting Rules apply.- circulated to Members - May 2015. I have arranged for this agenda to be added to the Parish Council Website: www.hortonparishcouncil.gov.uk along with approved and signed minutes

Clerk to the Council.

Mrs Benta Hickley,

Email Clerk@HortonParishCouncil.Gov.uk .

4B Bells Lane, Horton, SL3 9PW Note: Personal callers by appointment only.

Horton Parish Council

Minutes of meeting on Tuesday 19th September 2017

#01	Present & apologies & declaration of interest: Present Cllrs SinclairHill, Crame, Cole, Tillyer, Patel, Coogan and the Vice Chair, Cllr Rayner, together with Paul Shine. Apologies: Cllr Bovingdon. Cllr Cole made a declaration of interest on items 4C and 4K	
	(and questions from the public if appropriate):	
#02	Minutes of previous meeting for approval: Proposed Cllr Crame, seconded Cllr Coogan, all in favour	
#03	Matters arising from previous meetings of the Parish Council:	
	(Ongoing matters: // Purchase of defibrillator // No updates received for these items) Cllr Rayner has submitted a Capital Bid to move the phone box to the centre of the village	
A	Parish Graveyard: Cllr Rayner asked RBWM if there was funding available. No reply to date. Cllr Rayner also to ask CEMEX for appx value of the land. Access would need to be available from the road.	CR CR
B	Rubbish Bin @ Arthur Jacobs' Nature Reserve: Finally installed. Cllr Rayner thanked the clerk for her perseverance	
C	Memorial Green (chains & fences): "No Horses" signs & bylaw? It was suggested we could have signs "No horses by order of the Parish Clerk" Cllr Cole to investigate this, or creating a by law?. Brian Hickley and Mark Sleep to look at the chains. Maybe replace with same spec as Datchet	NC BH
	Memorial Green (tree): confirmed as Turkey Oak	
	Memorial Green - traffic & parking. Parking is understood to be customer parking from the garage in Stanwell Road, and from Air B'n'B customers at Betty's old house. Cllr Crame will talk to garage owners	JC
D	Fly tipping: signage? Clerk to look into costs of fly-tipping banners "Please report all Fly-tipping to Neighbourhood Enforcement on (RBWM) 01753 475111 or (Slough) 01753 875255" Fly-tippers face up to £50000 fine and six months, while their vehicle can be seized. Cllr Crame suggested the clerk also contact local police as Fly-tipping is one of their targeted items for the village. It was suggested that CCTV at the Poyle Road and Coppermill Road junctions of Stanwell Rd would enable investigators to see loaded vans entering that stretch of road and emptied vans exiting at the other end	BH BH BH
E	Arthur Jacobs' Nature Reserve & Poyle Poplars – Maintenance: Jason Mills (RBWM Countryside Manager) advises that RBWM is responsible for both sites. Paths are cut back monthly, and grass is cut annually by contractors ISS. Groundwork (charity group) also visits every month working on invasive weeds & cutting back reed beds. All tress have been inspected and are not considered to be a significant risk. He believes the trust is no longer active. Some paths are prone to rapid overgrowth on nettles - he will request that these are attended to. Clerk to submit request for information (RFI) re trust	BH JC
F	Lighting (new street lamps): 12 will be replaced due to damage / beyond repair. Cllr Rayner has submitted a Capital Bid to replace the modern lamps with Victorian style lamps. If this is unsuccessful RBWM will advise what contribution would be required from HPC so Councillors can vote.	CR
G	Flood Liaison Group Report: Duncan reported that he was in regular contact with the EA. They had advised that they would soon be clearing weeds and fallen trees from the river (Stanwell Rd to Wraysbury Station) They will also clear Mill pond at Duncan's request). Duncan was thanked for his contribution and asked to please continue to monitor.	
H	Landfill at Kingsmead Quarry Report: Paul (HPS representative regarding The Kingsmead site) met with Cappagh. They have 12 years to fill the quarry (the only wet fill in the country, the EA insisted). He was unable to inspect the tipping area. The original planning consent was granted to Cemex: Cappagh have to stick to the same consent - consent is given to the project not to the owners/company. Complaints have been made about work starting at 5:15am on Saturdays, and about the noise of reversing warnings (see 7Q). Clerk to contact Cappagh and EA.	BH
#03	I Pickins' Piece: Fair Licence: Clerk to find mention in plans and reply to RBWM -Also to investigate (B) The pack of papers the council has about Pickins' Piece mentions a lease – we do not have a copy of this: (C) The pack of papers mentions payments for the last 20 years – but accessible records do not indicate that payments have been made	BH

J	Brookfield House: From Cllr Crame's Planning report: "Following personal representation from neighbours about noise and parking disruption, we wrote to the council and also the police to ask for their intervention. Not a huge amount has come out of it, but it seems that there are no contraventions of either planning or the law. We also wrote to the owner and asked him if there was any way he could alleviate some of the disruption. He has responded to say that there is some dispute between him and his neighbours and asked us not to become involved. I doubt there is more we can do on this, but am still in communication with the borough". Cllr Crame was thanked for the work she has put into this - liaising with police, planning and other departments. On a separate note concerns were raised regarding the access on Stanwell Road. JC to check if this was permitted under previous planning consent.	JC BH
K	Clarification to Neighbourhood plan section: There is some disagreement about previous (2012?) consultation regarding sites to be considered for development. RBWM (in reply to RFI) say there is no record of Horton and Wraysbury Neighbourhood Planning Group being consulted. JC reported that Margaret Lenton says there was consultation. Colin Rayner reported that he recalls attending a meeting at the Guild Hall with Cllr Samantha Rayner and Cllr Marilyn Hodgeson on behalf of Horton PC (confirmed by Borough RFI). Sites (Pickins Piece, Brookfield, Mildridge and Coppermill Road) were debated but subsequently the Parish Council under Betty Marlow rejected each proposal and wrote to RBWM to advise their decision. RBWM have no record of this correspondence	
Extra	Minutes of Extra (Audit) meeting held on 25th August for approval: The minuted were approved (proposed Cllr Crame, seconded Cllr Coogan, all who attended agreed)	
A	Matters arising from Extra meeting (2016/17 Audit recommendations): The Internal Auditor's recommendations were addressed item by item. R1: Cashbook -Now being used R2: Quarterly reconciliations: see item 8. Cllr Crame proposed Sub committee to review reports before meetings, seconded by Cllr Cole. Cllrs Rayner and Cole to take this responsibility. R3: simplification of presentation of finance records - finance tabs used in lever arch files R4: Standing Order & Financial Regulations - training to be investigated or responsibility sub contracted R5: Risk Register & Succession Planning - general Risk Management to be lead by Cllr Crame. Documents saved off site (using Hickley off site network and Google Docs). Passwords to be provided to Chair and Vice Chair R6: IT 'idiot's guides' - proposed subcontracted to Stuart Pollard, internal auditor who quoted £200 for 4 hours work. Proposed Cllr Crame, seconded Cllr Cole R7: Precept value to be minuted - next meeting R8: Each page of minutes to be initialled by Chair - will be carried out in future and past minutes initialled R9: Lack of invoice: proforma will be raised in future R10: rubber certification stamp - purchased and now in use R11: VAT returns - will now be done more frequently and to cover the full financial year R12: Adoption of financial & other risk assessments - Clerk to establish what G&AM refers to. Cllr Crame to prepare Risk Assessment, PC to approve Cllr Crame has taken NALC legal briefing on this matter to review them. R13: Acquisition of LCRS software - Clerk to see if RBWM can allow access to something similar, and to see if neighbouring PCs have expertise we can use R14: Details of Charitable Accounts - establish nature of these monies, transfer to separate account? Cllr Tillyer/Rayner ??? advised these date back to 1972 when monies were given to HPC to be used for a worthy cause. Brian to show these amounts separately in bank reconciliation. Cllrs to advise Clerk if they are aware of any worthy cause. R15: Asset register must be constructed - This is been started re this year's purchases, old accounts to be reviewed to establish past purchases. Mobile assets, and land assets ie who owns village green. Brian to check land registry COMMENT: Cllr Rayner (acting Chair) told the council that legislation has resulted in far more expectations from employees and volunteers ("not what we signed up for"). Qualified assistance will be required, and we need to establish how much we don't know. BALC may be able to help. Council has to be prepared for additional expense.	CR NC BH BH BH RFO BH BH RFO BH JC BH RFO ALL RFO BH
#04	Planning applications and Highways:	
A	17/01125/DEM . AND 17/01512 & 17/02593 - Construction at 28-30 Coppermill Road (by 27th Sep): Horton Councillors would like the planning team to ensure that there is adequate off-street parking provided under the proposals, and to be mindful of the need for appropriate surface water provisions and that rain water to be stored within the confines of the property, not added to the main drains. Additionally they ask that all permitted development rights be removed and no expansion permitted for at least ten years.	BH
B	15/03999/FULL - 177 Coppermill Road: This had previously been approved by HPC - minuted in January 2016.	
C	16/01798/FULL - Little Court, Bells Lane (convert from 1 to 2 dwellings): Refused	

D	17/02397/Cert - 187 Coppermill Road: certificate of lawfulness. A separate building on the plot to be used as an office and gym. The Borough have decided it's permitted and they don't need planning permission.	
E	17/01786/FULL - 187 Coppermill Road: withdrawn on 27th July	
F	17/02454/FULL - 165 Coppermill Road (by 5th Sept, extended to 21st Sept) : Cllr Colin Rayner took no part in the discussion or vote. The remaining Councillors observed that this seemed a huge extension and the result would be overbearing and not in keeping with the neighbours. The property would be out of character for the area, and the Parish Council voted unanimously against the plans. Cllr Crame proposed that Cllr Rayner is asked to call it in, and this was seconded by Cllr Patel and agreed unanimously by the voting Councillors. If however the proposal is approved by the Borough, Horton Councillors would like the planning team to ensure that there is adequate off-street parking provided under the proposals, and to be mindful of the need for appropriate surface water provisions and that rain water to be stored within the confines of the property, not added to the main drains. Additionally they ask that all permitted development rights be removed and no expansion permitted for at least ten years.	BH -
G	Public Right of Way & Milestones statement: To be revisited	
H	17/02516/FULL - Millbridge Stud: Councillors asked if the barn was listed. They asked that replacement barn be constructed in keeping and character with the other buildings.	BH
I	17/02487/Discharge - Site of Paper Works, Stanwell Road: This relates to new development at back of Champney Hall and contamination of the site. It has been partially refused and partially accepted: The Local Planning Authority cannot confirm conditions 3, 4, 6, 7, 8 and 11 have been discharged. The Local Planning Authority can confirm conditions 5 and 10 have been discharged. Clerk to ask why remaining conditions have not been met	BH
J	17/02046/FULL - Planning Dept answer to our query re name of the building occupier: This has been explained in that the occupier's name was taken from the Council's system and the occupiers may have changed recently.	
K	17/02155/FULL - Hermitage: withdrawn 29th August	
L	17/00721/FULL - 121 Coppermill Road (appeal): This has now gone to appeal and is in the hands of the planning inspectorate.	
M	16/04001 New Mill Cottage, Mill Lane (Previously 471678 in Oct 1993). The borough has not responded to our email. Clerk to chase.	BH
N	Any other application received after agenda is published and before the meeting: none	
#05	Chairman's Communications:	
A	Fly tipping at Sunnymeads' bridge / Kingsmead quarry: Removed by RBWM. Councillors are reminded the RBWM Fly Tipping number is 01753 475111	
B	Residents' Newsletter: Available by email to residents who sign up	
C	SSE Community Resilience grant: (And other funding) The clerk has applied to SSE for Management Disaster funding to bring Champney Hall into the 21st Century: connection by phone and internet will give the village its own emergency hub rather than having to rely on Wraybury. The Police Property Act fund also has funding but the bidding criteria did not fit with any proposed improvements for the village.	
#05	D	Highways Parks & Countryside - new service: Clerk has details if required. Highways inspection and emergency pothole repairs have transferred to Volker Highways (Horton inspector contact is Kevin Dyble or Graham Matthews, 01753 483300 highways.inspections@volkerhighways.co.uk), while road safety (RBWM.traffic@projectcentre.co.uk) and flood risk management (Simon Lavin 03300088447) have transferred to Project Centre. Simple fix issues (potholes, faulty street lights, graffiti etc) should still be referred to Streetcare@RBWM.gov.uk or contact Customer Services on 01628 683800
E	Letters from the Mayor (Christmas decorations, and Zoo Visit): These were read to the councillors (copies are available from the clerk.) Cllr Rayner believes that we do have a village crest and will look into this.	CR
F	Children's play scheme 2017: RBWM Youth Team reported 45 children attended the Summer Fun activity day - much higher than anticipated: the breakdown of Horton / Wraybury / other children has been requested but not received	BH
G	BALC 2017 AGM bulletin: This will be on Tuesday 28th November at Woodley Town Council from 7:45pm. If any councillors are able to attend please advise the clerk.	ALL
H	Reform of Data Protection Regulation: Deferred to next meeting. Please see attached BALC document.	
I	Police & Crime Commissioner - Police Property Act Fund: See item 5C	
J	WAM Get Involved Volunteer Surgeries & Funding news: This gives details of volunteering opportunities, and of sources of funding, copies of this are available from the clerk. Clerk to apply for management disaster funding from Aviva.	BH
#06	To receive reports from Borough Councillors:	

A	Accident on corner of Coppermill Road: RBWM have contacted Cllr Rayner to ask if any works are required to make this road safer. Cllr Rayner has replied any decisions will need to be left until after the police report is available.	CR
#07 Other Communications or Consultations:		
A	Register of Community Assets: in progress	RFO
B	HPC Asset Register: in progress	RFO
C	Councillors' Declaration of Interest forms: A volunteer was asked to proof read these ready for re-signing by councillors. Cllr Coogan to oblige	EC
D	Councillors' Code of Conduct forms: A volunteer was asked to proof read these ready for re-signing by councillors. Cllr Coogan to oblige	EC
E	<p>Neighbourhood Plan Cllr Crame reported that this has not yet been formally submitted as the final changes are being made to the character assessment. However, no changes will now be made to the Plan as such. It is hoped that the full plan will be available on the web site within the next few weeks and it will then be submitted for examination. Thereafter the steps will be approved (hopefully) and then Village-wide referendum on the content.</p> <p>Borough Plan: Cllr Crame reported: "Borough Plan – I have sent an email to all PC members showing the RBWM Action Group's approach. The Horton PC objected to the original plan, under section 18, on the following specifics (precis below)</p> <p>A. HA45-Land adjacent to Coppermill Road, Horton. Horton Parish Council have seen plans for the development to this site and strongly object to the design of the proposed affordable housing provision here.</p> <p>B. HA44-Land east of Queen Mother Reservoir, Horton. There has been no consultation with Horton Parish Council regarding this planning proposal, nor have we seen any outline plan for the development of 100 dwellings. If the strategic policies e.g. IF3 are to be adopted, particularly regarding... 'Optimisation of traffic flows and circulation to minimise negative environmental impacts...' then we request that special planning restrictions are applied to prevent traffic from this new development using the roads through Horton to access to the M25, Poyle etc.</p> <p>C. 2. Section 1.5 Neighbourhood Plans- states that Neighbourhood Plans should support strategic development needs set out in the BLP. Until and unless the Borough have reviewed and understood the requirements set out by individual Parish Councils, the BLP cannot accurately reflect the strategic plans and in fact will likely contradict the policies and strategies set out in neighbourhood plans.</p> <p>D. Policy HO4 Gypsies and Travellers: Horton Parish Council are concerned that there is no effective policy in place as a reference point for future planning applications. The policy HO4 cannot be included in the BLP as is until and unless proper consultation has taken place with the Parishes to help draw up the Borough's Local proposed guidelines.</p> <p>E. We request that a representative from Horton Parish Council should be able to take part in and speak at the Public Meeting to discuss the Borough Local Plan when the meeting takes place.</p>	
	As you know, none of these have been acknowledged or discussed with us by the Borough. There have been 2 meetings between RRAG and the PM in her capacity as Maidenhead MP. Adam Afriyie had also finally approached some of the members of his constituency to attend a meeting with him in London (note that the PM came to Maidenhead!) including Horton PC. The meeting was to be last week but as neither I nor Freda could attend, we have asked for a new date. No answer yet. RRAG have asked Simon Dudley to delay publication of the BP to allow for changes and consultation. He has refused. The Borough extended the consultation period by one week but have made it clear that no changes will be made.	
	The Borough are holding an LGA Peer Review over this week. The intention is to ensure that they are following all the governance and compliance rules. It is to be overviewed by external Council representatives from other parts of the country. Cllr Crame asked to attend a meeting tomorrow morning, but this was rescinded at the last minute!	
F	Flower Container / Betty: The manufacturer we previously approached seem unable to respond to emails without several reminders. Datchet PC have forwarded details of their street furniture. This has been deferred to the next meeting.	
G	Neighbourhood Action Group: Cllr Crame reported that the meeting due to be held on 21 st September had to be re-scheduled. Horton were due to hold their first Neighbourhood Watch recruitment drive on Thursday 5 th October but this also needs to be re-scheduled as we hadn't had confirmation from the police and also couldn't get Champney Hall on Thursday. JC to report back with new dates when agreed with police.	JC
H	Poyle Bus Gate : no update	
I	Trees at 4 Milton Close: RBWM Trees have confirmed that this will be carried out	
J	Rubbish on NE corner of Sunnymeads Bridge (Cemex?): Helen Hudson at CEMEX advises that this is CEMEX plant and equipment and will be moved off site when it is required at another CEMEX site.	
K	Report on state of play equipment: Cllr McAudley was not present at this meeting. Clerk to request a report for the next meeting.	BH
L	Complaint re trees opposite 221 Coppermill Rd: Some confusion as the complaint was transferred from RBWM to Wraysbury to Horton and back to RBWM. Clerk has asked resident to advise if works are not carried out.	

M	Signage outside Milton Close maisonettes: This was first raised 28/6, and followed up on 11/07, 02/08, 08/08, 10/08, 08/09 16/09. Radian are waiting to replace the sign but the replacement has been damaged by a flood. They have replied that the sign would be removed 07/08, asap (14/08), 5th Sept, next week (13/09) and 10th October. Clerk is still chasing a response, and has emailed Radian to advise that a complaint will be made if the sign is not removed on or before 10th October																																																	
N	Health Makers : The posters and info have been sent to all Councillors and are on the parish notice boards																																																	
O	Fast Internet / fibre to west Horton: Deferred to next meeting	NC																																																
P	Bennett Street Care : Councillors asked the clerk to ask them to quote	BH																																																
Q	Complaint re reversing alarms at Kingsmead site: See 3H Clerk to email Cappagh.	BH																																																
R	Travellers on Cemex site at Horton side of Sunnymeads Station: Chief security office at Cemex asked the travellers to leave, police and bailiffs were then called. They have now left. The site is in Horton not Wraysbury - why were Wraysbury advised officially whereas Horton did not get emailed until after 5pm on Monday. Cemex were thanked for taking quick action.	BH																																																
#07 S	RK Leisure Group: Cllr Crame reported that some members of the Neighbourhood Planning Group were invited to attend a meeting with the owners of RK Leisure Group this week. At the Chair's request, she attended, along with a number of NP Group members including 3 Wraysbury PC members (Diana Hughes, Peter Lord & M Lenton). The Khalili Brothers, who own RK Leisure, made a presentation on some development work they would like to do on both Wraysbury and Horton Lakes. For Horton, this would be around the Kingsmead Lake (south of Datchet Road). The plans actually look quite good. They have clearly made a huge investment to improve the areas they have bought and she believes Horton could potentially benefit from their proposals if we work with them. Having said that, she made it clear to them that the PC need to understand their plans and they have agreed to attend a meeting with us at our convenience in the near future. The councillors discussed the plans. They plan to improve the Horton Park Lane to Wraysbury (Douglas Lane) footpath and there is mention of a restaurant and affordable housing. Cllr Crame to invite the Khalili Bros to a meeting with the Council.																																																	
T	Window Flowers - winter displays: Councillors voted unanimously to accept Windowflowers' quote of £539 nett for seven baskets	BH																																																
U	Road Closure for Remembrance Sunday: Clerk to apply to RBWM	BH																																																
V	Pot Hole Challenge: Councillors suggested a number of roads, Clerk to submit the list to Volker	BH																																																
W	Report on HortonParishCouncil.Gov.uk Website: Cllr Cole emailed the councillors explaining that he would not be able to provide a report on the website as he has not been involved with its creation																																																	
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Horton Parishcouncil <clerk@hortonparishcouncil@gmail.com>

Important legislative changes to Data Protection Law without duplicate paragraph

1 message

Berkshire Association of Local Councils <jayne.kirk@balc.org.uk>
Reply-To: Berkshire Association of Local Councils <jayne.kirk@balc.org.uk>
To: clerk@hortonparishcouncil.gov.uk

11 August 2017 at 17:08

**BALC - Briefing on the new Reform of Data Protection Regulation (GDPR)
and Parish and Town Council requirements to comply**



**Berkshire Association
of Local Councils**



**Briefing on the new Reform of Data Protection
Regulation (GDPR) and Parish and Town
Council requirements to comply.**

It is important that you forward a copy of this briefing to all of your council members to ensure that they are informed of this change in legislation and the significant requirements of the council.



IMPORTANT - NEW LEGISLATION CHANGES

**REFORM OF DATA PROTECTION
LEGISLATION AND INTRODUCTION OF THE
GENERAL DATA PROTECTION REGULATION**

The Data Protection Act 1998 (1998 Act) is the main piece of legislation which governs the protection of personal data today.

Legislative Changes

Data protection law will significantly change **on 25 May 2018**,

when the 2016 EU Directive known as General Data Protection Regulation (GDPR) takes effect. The GDPR will effectively replace the 1998 Act which implemented the EU Data Protection Directive (95/46/EC). The GDPR will be directly applicable in the UK without the need to implement national legislation. **The Government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR in 2018.**

NALC strongly advise councils to start getting ready for the introduction of GDPR without delay



Getting Ready for GDPR

Preparations for compliance with the requirements of GDPR on the 25 May 2018 will have significant resource implications for Councils and preparations should not be delayed. Compliance will be difficult if Councils leave preparations until next year.

The Information Commissioner Office's ("ICO") has prepared a guide entitled "**Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now**". (Link below) Some of the 12 steps required by Councils include the following:

- Ensuring that all councillors are aware that the law is changing and appreciate the impact this is likely to have.
- Auditing and documenting the personal data that they hold, where the personal data comes from and how it is used or shared. This exercise will require resourcing.
- Identifying the lawful basis for processing and retaining personal data, documenting this and updating privacy notices. GDPR includes a more detailed list of information that must be provided in a privacy notice than under the 1998 Act. GDPR requires privacy notices to be concise, transparent, intelligible and easily accessible, free of charge etc.
- Reviewing how consents are sought, recorded and managed. Consents to a council must be freely given,

specific, informed and unambiguous. There must be a positive opt-in consent cannot be inferred from silence, pre-ticked boxes or inactivity.

- **Important** – Recruiting/procuring the services of a Data Protection Officer (“DPO”) who is required by the GDPR to have expert knowledge of data protection law and practices. GDPR requires ‘public authorities’ to appoint a DPO. Some of a DPO’s responsibilities will include informing and advising the organisation and its employees about their obligations to comply with GDPR, to monitor compliance, advise on data protection impact assessments, train staff and conduct internal audits and be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc.) A DPO is not personally responsible in case of non-compliance with GDPR data protection compliance is a responsibility of the data controller or the data processor (i.e.a Council).

Who may be appointed as the DPO?

Article 37(6) of the GDPR provides that the DPO may be an employee or external to the organisation, fulfilling the tasks on the basis of a service contract.

Does the DPO need specific qualifications?

Article 37(5) of the GDPR provides that the DPO shall have expert knowledge of data protection law and practices.

It is recommended that all Councillors read

- the full NALC Legal Briefing (LO4-17) link [here](#)

(NALC member log in and password required) or contact the BALC office.

- Link to ICO’s Guide “Preparing for the General Data Protection Regulation (GDPR) 12 steps (required by councils) to take now” [here](#)



BALC - Council Briefing Courses in Preparation for GDPR

BALC is in the process of setting up a briefing course/Session(s) for Councils in Berkshire with a sector expert who is providing training in another County.

The course will be to prepare delegates to appoint Data Protection Officers and manage Data under the new regulations.

Councils need to get ready for the changes. These briefings will be suitable for all Council Members, Clerks and Officers.

BALC Help Needed

To help us prepare and facilitate the right number of courses please can you kindly ask your Clerk to email BALC to advise how many delegates from your council will attend training?

Also due to the demand for tutors please can you advise whether delegates from your council would be flexible and willing to attend training say on a Saturday? Friday evening, weekday daytime?

Do you have a venue or access to a venue that BALC could use, especially in the east of the County?

We look forward to hearing from you.



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