



## COLCHESTER ASSOCIATION OF LOCAL COUNCILS

### Minutes of the Colchester Association of Local Councils meeting held on Thursday 22nd. March 2018 at 7pm in the Marks Tey Village Hall

Present: John Gili-Ross (JGR) Chairman, Robert Johnstone (RJ) Vice-Chairman, John Lindsay Messing-cum-Inworth, Peter Thompson Stanway PC, Alan Walker Marks Tey PC, Stephen Scarce Wakes Colne PC, Henry Stone West Bergholt PC, Alan Frost & Simon Dougherty Abberton & Langenhoe PC, Roger Mannion Tiptree TC, Maria Oats Little Horkesley PC, Mick Mead Gt. Horkesley PC, Steve Marriott Marks Tey PC.

1. **To receive apologies.** Apologies were received from Mark Graham Mount Bures PC, Brian Hindley Dedham PC, Chris Stevenson West Bergholt PC.

JGR welcomed both Joy Darby and Peter Davey to the meeting and thanked them for giving up their valuable time.

#### 2. **Guest Speaker/s: Joy Darby & Peter Davey from EALC**

Joy Darby spoke about the GDPR and gave the following advice

- Choose where to get the best advice – EALC are promoting themselves.
- Get your Council to use the Toolkit
- Misleading advice. Your Clerk /RFO is most unlikely to be the DPO in the view of EALC. The role must be independent from the Council
- The law as it stands states Clerks cannot be DPO
- The ICO has only 1 person dealing with the GDPR / DPO
- Larger Councils can be a member of staff
- Clerks who are fully trained can be the DPO for another Council. Also the Internal Auditor can be the DPO. Councils can also employ an external company
- EALC is setting up a DPO bank of qualified DPO's
- 2 training courses are coming up in the future and EALC is to run courses on how to use the toolkit in the future

Important

1. Councils are Extremely low risk – Aimed at Banks / Amazon / Facebook / Uber
2. Holding of personal data and how to look after it.
3. Backing up PC and Council files – portable or use Cloud
4. Fire proof safe to store data
5. Store remotely and is it secure
6. Risk assessment is vital
7. Clerk must audit the information stored and kept

Councils that hoard paperwork for many years should start looking at what is being hoarded. They must go through the whole of the files to ascertain what is no longer required and what they do require to keep. Councils should now keep very little paper in storage

25.05.18 is the start date. REMEMBER Parish Councils are low risk and keep it in perspective

- 12 data courses have been run so far with 20 delegates on each course
- EALC will support PC's now and in the future
- Hard copy of toolkit free to all PC's
- Can CBC offer a DPO service to Colchester PC's
- Audit plan is very useful to do
- Cost can be shared between Councils
- Resident email held on file needs to be reassessed
- EALC is ready to help any Clerks / Councillors and Parish / Town Council with questions

CALC Secretary/Treasurer: Kevin B. Money, 7 Roach Vale, Colchester, Essex. CO4 3YN: Tel: 07810781509  
[calc.clerk@gmail.com](mailto:calc.clerk@gmail.com) : <http://www.essexinfo.net/calc>

CALC Chair: Cllr John Gili-Ross Tel: 01206 242236, email: [john.giliross@gmail.com](mailto:john.giliross@gmail.com)



## COLCHESTER ASSOCIATION OF LOCAL COUNCILS

about GDPR

- All Councillors must use a common PC email address – a specific Council address
- Clerk to have a dedicated telephone number
- PC to have a PO Box address and not using Clerks home address

Peter Davey then spoke about when JGR and himself attended a lobby day in London for NALC – pertinent issues of the day. 100 MP's were seen and spoken to about the Data Protection bill. Council Tax referendum – may not be capped for the next 2 years. Raising of the Precept should be explained to local residents

### **Summary Brief of the NALC / MP Lobby Day - 20-03-2018 – Cllr Peter Davey**

This was the fourth year we have held this important event aimed at raising the profile of the sector in Parliament. Over 100 MPs including government ministers, shadow ministers and opposition spokesmen were seen this year. John Gili-Ross and I saw:

Alex Burghart – Brentwood, Stephen Metcalfe – South Basildon & Thurrock, James Cleverly – Braintree, John Whittingdale – Maldon

**The Data Protection Bill** had its second reading in the House of Commons on 5<sup>th</sup>. March and there is a need for further sector specific advice and guidance from the ICO; a proportionate approach for our sector, especially for smaller councils; and funding support for this new legislative burden.

There is a need for the ICO to undertake an assessment of the economic consequences of measures they have taken for public authorities in particular parish councils.

NALC wrote to officials in the Department for Digital, Culture, Media and Sport, Information Commissioner's Office and Ministry of Housing, Communities and Local Government in advance of a joint meeting they were having this week on the Data Protection Bill and General Data Protection Regulation. NALC wanted to ensure they were all clear about our concerns about the Data Protection Officer requirement, the ways they can help mitigate the impact on our sector and our offer to work with them to find a solution.

Digital Minister Matt Hancock MP in response to David Drew MP in Parliament stated that he was extremely sympathetic to small businesses although he was convinced that it is good practice to follow high quality data protection standards.

**Council Tax Referendum** the final settlement has already been approved by the House of Commons, including the multi-year deal not to extend council tax referendum principles to our sector, subject to proven constraint.

**Increase the diversity of investment in community level services**, facilities and projects though greater use of community shares, crowd funding, loans, charging, trading and grant funding. Encourage joint working between principal councils and local councils including supporting onward devolution of services, introducing a new right to engage to help local councils work more equitably and effectively with principal councils and other public services. An example is:

The Mid and South Essex Sustainability and Transformation Partnership (STP) brings together all the different NHS organisations and councils that help to look after your health and wellbeing. We are working together on a single plan to improve health and care for the rising number of people who need our services in the districts and boroughs of Braintree, Maldon, City of Chelmsford, Castle Point, Rochford, Southend, Thurrock, Basildon and Brentwood



## COLCHESTER ASSOCIATION OF LOCAL COUNCILS

**Localisation of business rates** expanded to provide a share for local councils and business rate pilots extended to include some local councils'. Department of communities and Local Government states:

Revenue Support Grant (RSG) 13. Of the 131 respondents that commented on RSG, 92% were in favour of it being funded through retained business rates, with a common theme being that as RSG is a non-ring fenced grant, it would be a logical fit to be funded through retained business rates. Those who raised concerns highlighted potential issues with the business rates system as a whole, an example being the potential volatility of business rates at a local level which could impact upon local authority funding levels. Rural Services Delivery Grant (RSDG) 81% were in favour of it being funded through retained business rates, with respondents providing similar reasons to those provided in favour of the devolution of RSG.

**The continuing threat to rural bus services** needs to be raised with central government.

The reason that the service is not used more widely in the community is largely because there are only six journeys a day into Brentwood and seven return journeys. Nevertheless, it is evidently well below the County Council's viability threshold of £5 per passenger journey.

Current services are hourly on weekdays and Saturdays but while the first bus is at 7.00am the last return service leaves at 18.40pm.

The net result is that the value of the bus service to commuter residents is much diminished.

People will not use the service to access the station if the return is too early to mesh with their working day. The services are of limited value to residents engaged in shift work such as supermarkets which are open until 10.00pm.

**Give communities more control of decisions** by community proofing powers repatriated from EU, which could be devolved beyond national government and principal councils, and more of say over planning, licensing, highways and housing issues through new consultation and appeal powers and greater protection for neighbourhood plans.

Fixing the broken housing market white paper- NDP, LDP

### **Other issues if time to discuss**

**Fixed Penalty Notices** can only be issued on District Council land and not where most tipping offences take place. Local Authorities should be able to issue an FPN to any offender in the district, whether on Town, Parish Council and even private land, if it has sufficient evidence to prosecute. The cost of the clearance of Fly-Tipping would be unchanged and remain with the respective landowner.

**Enhance developer contributions** for community infrastructure and projects through an increase in Community Infrastructure Levy (when in place) and greater freedom to use Section 106 funding.

JGR thanked Joy and Peter for coming to the meeting and giving the members an update on this very tricky and complicated issue. Joy Darby then left the meeting

**Information Sharing** Item was taken next.

A concerted approach from CALC to CBC for a DPO to speak about GDPR. Invitation to a future CALC meeting.

- Huge amount of time and labour for very little rewards to local residents
- Local bus operators and scheme is not fit for purpose
- The more Councils who ask CBC for advice on DPO's the better response may be

CALC Secretary/Treasurer: Kevin B. Money, 7 Roach Vale, Colchester, Essex. CO4 3YN: Tel: 07810781509  
[calc.clerk@gmail.com](mailto:calc.clerk@gmail.com) : <http://www.essexinfo.net/calc>

CALC Chair: Cllr John Gili-Ross Tel: 01206 242236, email: [john.giliross@gmail.com](mailto:john.giliross@gmail.com)



## COLCHESTER ASSOCIATION OF LOCAL COUNCILS

DPO has legal responsibility – Implementation are done to Local Councils  
 Clerk to have a specific response to enquiries about GDPR / DPO

### 3. To receive the minutes of the meeting held on Thursday 7<sup>th</sup>. December 2017

M. Mead Proposed Seconded – All Agreed

### 4. To receive reports:

a) Treasurer' report. The treasurer circulated the accounts for 2017/18. He informed the meeting that Boxted and Copford with Easthorpe are the only 2 Parish Councils not to have paid the £35 subscription despite numerous reminders. He will keep trying and will send out further reminders when the 2018/19 Subscription invoice and Chairman's letter goes to Councils in April '18. The Treasurer informed the meeting that MTVH have increased the hiring charge due to registering for VAT. The £35 subscription can be maintained for the forthcoming year but will need to be reviewed later in the year.

b) Local Highways Panel – Nothing to report

c) Governance Board – Nothing to report

d) EALC - Brian Hindley – His EALC Report on the last two EALC meetings on 23.11 2017 and 18.01.2018 was circulated to members at the meeting

### EALC Report – Brian Hindley

I am unfortunately unable to attend this meeting, but I submit this report.

#### Meeting 23.11.2017.

The EALC is to arrange courses for the forthcoming GDPR in May 2018.

EALC is to arrange training meetings to include Saturdays (which have proved to be very successful). They include Chairman's training. EALC is able to organise group training for individual Councils.

Skills Audit. EALC will conduct a skills audit of individual executive members.

Executive elections. Cllr Davey was elected as Chairman unopposed. Vice Chairman: - Cllr Sheila Jackman MBE and Cllr John Gili-Ross were elected unopposed unanimously. The Treasurer Cllr Mcpherson-Davis was also elected unanimously. Elections also took place for the Personnel Committee and other positions. Details of which can be obtained from the website.

The Finances of the Association were reported upon and are in a healthy state.

ECC Matters. Cllr Simon Walsh was unable to attend, however it was reported that there would be further delays on the A120, Braintree to Colchester.

#### Meeting 18.01.2018.

The Local Services Fund was introduced with a fund of £500,000.00 over 3 years, with a monitoring process. The fund will be managed by the EALC.

The new Data Protection bill, now Legislation and in operation on 25<sup>th</sup> May 2018. (Cllrs will now be in a position to understand the implications of this Bill and that Clerks and Responsible Finance Officers will not be able to take on the on the position of Data Protection Officer) NALC has issued a toolkit, which will shortly be available.

ECC report. Cllr Simon Walsh gave his apologies. Cllr Mrs. Susan Barker was there in place of Cllr Walsh. Cllr Barker said that ECC had agreed an increase of 2.99% and 2% for Social Care.

Pressure on funding is of course huge and Council Tax will be raised to support Adult Social Care and the reduction in Government grants.

Feedback and Next Agenda: Lobby ECC Highways on placing parking restrictions on new developments. Use of Google maps. Look at the policy on new developments- infrastructure is key. Pothole are still an issue.

CALC Secretary/Treasurer: Kevin B. Money, 7 Roach Vale, Colchester, Essex. CO4 3YN: Tel: 07810781509  
[calc.clerk@gmail.com](mailto:calc.clerk@gmail.com) : <http://www.essexinfo.net/calc>

CALC Chair: Cllr John Gili-Ross Tel: 01206 242236, email: [john.giliross@gmail.com](mailto:john.giliross@gmail.com)



## COLCHESTER ASSOCIATION OF LOCAL COUNCILS

The Chairman asked Cllr Barker for feedback.

Local Services Fund: Being a revenue fund is brilliant. It had been agreed that Specials and neighbourhood Plans would not be included.

Cllr Barker also reported that Cllr Grundy was looking at the delegation of highway matters to the Parish Councils, for example the filling of potholes.

Highways Surgery: Cllr Berlyn reported that attendance at one of these had been a very positive experience.

### **Date of 2018 meetings**

Thursday 21<sup>st</sup>. June 2018 at Marks Tey Village Hall at 7pm

Thursday 6<sup>th</sup>. September 2018 at Marks Tey Village Hall at 7pm

Thursday 6<sup>th</sup>. December 2018 at Marks Tey Village Hall at 7pm

There being no further business, the chairman closed the meeting at 9pm and thanked everyone for attending.

Signed.....21<sup>st</sup>. June 2018

**John Gili-Ross**

Future Guest speaker

CBC Pam Donnelly DPO aspect on GDPR = view on specific delegation in relation to DPO

Can Local Councils benefit from CBC input?