

THE TOWN COUNCIL
OF
ROYAL LEAMINGTON SPA
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ROBERT NASH ACIS DMS
Clerk to the Town Council

Our Ref: RN/

Date: 6th March, 2018

Dear Councillor,

A meeting of the **POLICY AND RESOURCES COMMITTEE** will be held in Meeting Room 5A, Town Hall, Parade, Royal Leamington Spa on **MONDAY 12th MARCH, 2018 at 6.00 pm.**

The business will be as set out below.

Yours faithfully,

CLERK TO THE TOWN COUNCIL

To Councillors: Janet Alty, Sarah Boad, Judith Clarke, Hayley Grainger, David Greenwood, Daniel Howe, John Knight and Ann Morrison.

(All other Members of the Town Council – Agenda for information only)

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST
Members of the Committee are invited to declare any interest they may have in items identified for discussion at the Meeting.
3. PUBLIC FORUM
To receive representations from members of the public in accordance with the Council's Standing Orders.
4. MINUTES
To consider and approve as a correct record the Minutes of the Meeting held on 8TH January, 2018 (Report No. 4)

5. MATTERS ARISING FROM THE MINUTES

(i) Christmas Lighting (Minute 67)

6. BUDGET OUT-TURN – 2017-18

To consider the attached report (Report No.6)

7. ANNUAL TOWN ASSEMBLY

To consider the attached Report (Report No.7)

8. GENERAL DATA PROTECTION REGULATIONS

To consider the attached Report (Report No 8)

9. TOWN COUNCIL PROMOTIONAL/MARKETING POLICY

To consider the attached Report (Report No 9 to follow)

10. ACCOUNTS

To approve a schedule of accounts arising for payment since the last meeting.

**MINUTES OF A MEETING OF THE POLICY AND RESOURCES COMMITTEE HELD ON
8th JANUARY 2018 AT THE TOWN HALL, PARADE, ROYAL LEAMINGTON SPA**

Present: Councillors Ann Morrison (Chair), Janet Alty, Judith Clarke, Sarah Boad, Hayley Grainger, David Greenwood, Daniel Howe and John Knight.

64. **DECLARATIONS OF INTEREST**

There were no declarations made at this time.

65. **PUBLIC FORUM**

No representations were made by members of the public.

66. **MINUTES**

RESOLVED that the Minutes of the Meeting of the Policy and Resources Committee held on 4th December, 2017 are confirmed as a correct record.

67. **MATTERS ARISING FROM THE MINUTES**

(i) **Local Government Boundary Commission – Review of Warwick District Council Electoral Arrangements**

Councillor Grainger asked if the Committee should be considering the options for new District Ward arrangements in order to make a representation to the Local Government Boundary Commission. The Town Clerk advised that the District Council Licensing Committee was to consider a Report on this matter at a meeting on the 11th January, following which the Town Council would be in a better position to comment on the District Council's preferred arrangements for new Wards. This would also allow the Town Council opportunity to make representations on Town Wards and levels of representation of Town Councillors. It was intended to submit a Report on this matter to the next Council meeting on 23rd January.

RESOLVED that further consideration is deferred to the Council Meeting on 23rd January.

(ii) **Christmas Lighting 2017**

Consideration was given to the reply to email correspondence from the Town Clerk to the Head of Planning and Development (Warwick District Council). The Committee had previously expressed strong concerns at the standard of service provided by the contractor for Christmas lighting and sought an explanation for the variation in lighting including the misplacement of lights intended for Clemens Street and the absence of lighting in areas of South Leamington.

The District Council had acknowledged that the standard of service in 2017 had been below expectations and a number of measures were proposed to rectify the situation in 2018 including:-

- Production of a comprehensive map to record all crossings and timer controls
- A requirement that the new contract to be awarded in 2018 should include speed of response to call out requests and proactive checking of the scheme prior to its installation
- The commissioning of a detailed inventory of all lights, including purchase dates and any subsequent refurbishments

It was noted that the delivery of the contract in 2018 would also be influenced by the outcome of the ballot to extend the term of the Business Improvement District which currently supported Christmas Lighting financially and in terms of monitoring the performance of the contractor. Councillor Alty reminded the Committee that one new light crossing at Clemens Street remained unaccounted for and that some of the new timer clocks intended for column lights did not appear to have been installed correctly. There was a consensus that the Council would need to be more actively involved in the specification, award and delivery of the contract in the future.

RESOLVED

- (i) that the reply of the Head of Planning and Development Services is noted;
- (ii) that the Town Clerk ensures that the Town Council's investment in new lights in Clemens Street is accounted for in readiness for use in 2018; and
- (iii) that the Town Council's representation in the contract specification and tender award processes is agreed in principle, subject to further details being reported at the appropriate time.

68. **LILLINGTON YOUTH CENTRE – GRANT APPLICATION**

Consideration was given to an application for financial assistance for an Art Project at Lillington Youth Centre.

The Council had allocated a budget of £4500 in 2017/18 to support youth initiatives and a balance of £2250 remained to be allocated. The proposal was to introduce a mural around the outdoor hard court area using the services of a professional artist. The mural would be designed by members of the youth club and users of the youth centre.

The Committee was supportive of the Project though it was considered that the application would have benefitted from more detail in relation to the role of young people in the project and the monitoring of the project outcomes. A member

suggested that details of other professional artists could be circulated to the applicant to assist with ensuring value for money.

RESOLVED

- (i) that the Active Art Project at Lillington Youth Centre is approved in the sum of £1950;
- (ii) that the applicant is advised of the requirement to submit a Report providing the Council with feedback on the outcome of the project; and
- (iii) the Town Clerk provides the applicant with details of local artists who may be qualified to lead this Project.

69. **2018/19 BUDGET**

Consideration was given to a Report (Report No. 7), setting out the Council's draft revenue budget for 2018/19, including budgetary options.

The Committee was advised that the Liberal Democrat Group had earlier considered the draft budget and had proposed the following amendments:-

- (a) that the provision for tree planting and maintenance is restored to £16,500;
- (b) that the sum of £21,500 is withdrawn from reserves
- (c) that the acquisition of new ornamental planters is funded through external sponsorship, which if unsuccessful shall be funded from the tree planting budget.

Councillor Boad acknowledged that the Council could not indefinitely use reserves to balance its current account spending and indicated that future budgets would need to address the Council's longer term financial commitments in the light of the loss of Council Tax Support Grant and base budget items over which the Council had little control. The proposal was seconded.

During discussion it was noted that increases in Council Tax by the Principal Councils and the Police and Crime Commissioner would exceed inflation and that the Town Council Precept, though a small part of the total Council Tax bill, would be increasing similarly. This was however modest in terms of the monetary impact with the annual Precept for each property at Band D increasing by £1.92. Concerns were also expressed by the Labour Group in relation to such a large reduction in the Council's reserves in view of the uncertainties connected with the Council's future accommodation requirements.

An amendment to the proposal was moved and seconded that the withdrawal from reserves is reduced to £10,000. On being put to the vote the amendment was carried by 5 votes to three.

RESOLVED to recommend the Council

- (i) that the budget for 2018/19 is approved in the sum of £382,979
- (ii) that the sum of £10,000 is withdrawn from the Council's reserves and that the sum of £361,563 is declared as the Council's Precept on the Council Tax collection fund representing a precept of £22.04 at Band D;
- (iii) that the opportunity to obtain sponsorship for new ornamental planters outside Leamington Town Hall is pursued with the cost being met from the provision for tree planting in the event of this being unsuccessful; and
- (iv) that the Report (Report no.7) is received.

70 **PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2018/19**

The Committee had been previously circulated with a copy of the Government's latest Consultation Paper on the proposed Local Government Finance Settlement for 2018/19.

The Paper outlined the Government's intentions for Local Government over the interim period 2018- 2021 in which it intended to continue the policy of funding more of Local Government spending locally through measures such as the retention of business rates. To this end the Government proposed establishing ten new "pilot authority areas" to trial 100 per cent business rate retention. The Government had also announced changes to the Council Tax Referendum principles to allow Local Authorities to increase Council Tax by up to 3 per cent to meet inflation with a further allowance for Social Services and Adult Care of 3 per cent. The Government had also announced that it would defer the setting of referendum principles for Town and Parish councils for three years, subject to these Councils including the use of reserves where they are not already earmarked for other uses or for "invest to save" projects which will lower on-going costs.

The Town Clerk advised that the increasing reliance on business rates to fund local services placed Town and Parish Councils at a continuing disadvantage since no provision had yet been made for devolution of an element of business rate income to the lowest tier of local government.

RESOLVED

- (i) that the Government's proposals not to extend referendum principles to Parish and Town Councils is welcomed; and
- (ii) that the Government decision to extend the proportion of income derived from business rates is welcomed subject to consideration of an element of this revenue being devolved to Parish and Town Councils where appropriate.

71. **SYDENHAM WARD BY-ELECTION – 17TH AUGUST 2017**

Consideration was given to a schedule of expenses provided by the Returning officer for the by-election at the Sydenham Ward on 17th August.

The Town Clerk was asked to clarify the breakdown of expenditure in relation to election fees and premises costs and to circulate Members with details.

RESOLVED that the schedule of expenses for the Sydenham Ward by-election are noted and further explanation of election fees and premises costs is obtained.

72. **ACCOUNTS**

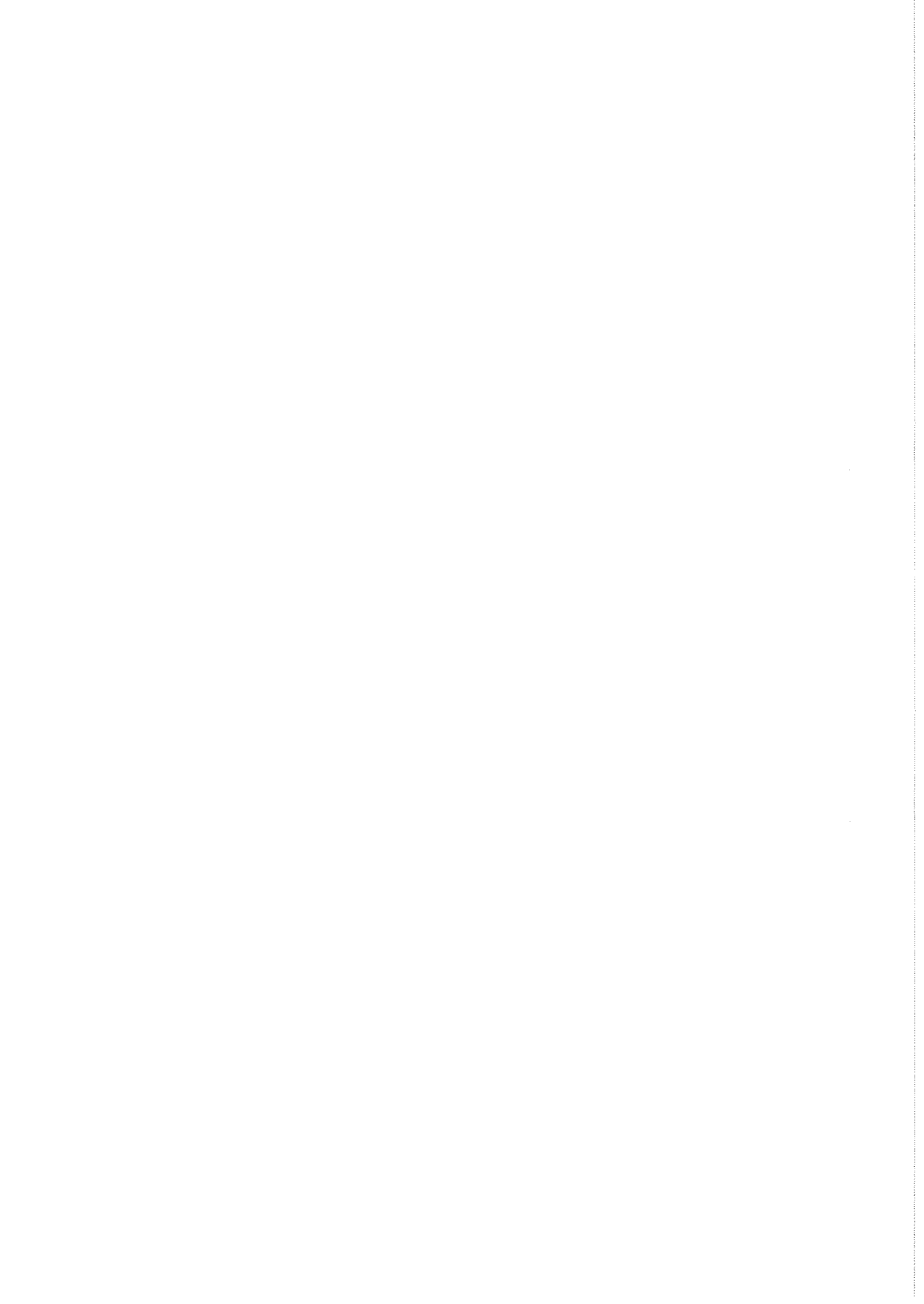
Consideration was given to a schedule of accounts arising for payment since the last meeting.

RESOLVED that the schedule of accounts in the sum of £40,150.78 including payments under Section 137 of the Local Government Act 1972, of £13,500 is approved.

The meeting commenced at 6.00 pm and ended at 7.30 pm.

Budget Monitoring - April 2017 - February 2018

Cost Centre	Budget 2017/18	Expenditure at 31.01.18	Adjustment for 2016/17 expenditure	Balance of budget remaining £	% of budget unspent at 1/02/18	Notes
	£	£	£	£	%	
Allowances	18000	15976	-4452	6476	36	
Salaries	129500	117039	-2636	15097	12	
Mayoral Transport	5362	3416	-27	1946	36	
Civic Expenses	5470	6363	966	73	1	Expenditure to be refunded from Mayor's Charity Fund
Administrative Expenses	14095	10417	-394	4072	29	
Buildings and Charges	16950	16182		768	5	
Twinning and Friendship	400	336		64	16	
Neighbourhood Plan	5000	1588	-135	3412	68	NP Workshops to be invoiced
Annual Award	250	165		85	34	
Grants and Section 137 Expenditure	155094	100019		55075	36	Final Community Grant expenditure to be debited March 18
Allotments	5800	831	-1092	6061	105	Expenditure against income derived from Alloment rentals. 2018 grant expenditure outstanding
Elections	18000	8553		9447	52	This is an annual provision set against the cost of a four yearly election cycle. One - off- cost of Sydenham By-election
less Income	1500	1333	-300	467	31	
Total exc V A.T.	372421	279552		102109	27	



REPORT TO A MEETING OF THE POLICY AND RESOURCES COMMITTEE TO BE HELD ON 12TH MARCH 2018

ANNUAL TOWN ASSEMBLY 2018

1. **PURPOSE OF THE REPORT**

1.1 To agree the arrangements for the meeting of the Annual Town Assembly on 23rd April 2018.

2. **BACKGROUND**

2.1 The Annual Town Assembly is a meeting of Parishioners required by the Local Government Act 1972. It is a meeting of electors of the Parish and is distinct from meetings of the Town Council.

2.2 Such meetings must be held between the 1st March and 1st June and must be held at least once a year. The meeting may be called by the Chairman of the Parish Council, or any two Parish Councillors, or by six electors for the area in which the meeting is held. The Parish Council may also convene it but is under no obligation to do so.

2.3 In recent years, concern has been expressed by Members of Council regarding the low level of public engagement with this meeting and endeavours have been made since 2015 to encourage higher levels of participation. This report reminds the Committee of the measures previously taken to encourage public attendance and invites member observations.

2.4 Numbers of people attending have remained fairly consistent as evidenced below:-

Date	Total Persons attending	No of Town Councillors
2017	27	6
2016	30	10
2015	24	9
2014	19	8

3. **ANNUAL TOWN ASSEMBLY**

3.1 The format for the meetings held in 2016 and 2017 was changed to experiment with the following:-

Presentations

Invitations are extended to a wide range of Associations and Societies which have had contact with the Council (not just recent grant recipients). Additionally, student groups such as the University of Warwick Student Union have been invited to attend. Presentations are time limited. Groups not wishing to make a formal presentation are given the opportunity to use static display facilities. Presentation facilities are open to those wishing to use them.

This has had mixed success – in 2017 seven organisations took the opportunity to address the meeting on their work during the preceding year. However four of these had presented the previous year hence there is an element of repetition.

There is also a problem with time management. Speakers are asked to confine their presentation to a maximum of 15 minutes but this nevertheless requires almost 2 hours to be set aside to accommodate the presentations outlined above. Perhaps a clearer focus on particular themes with a more limited number of presentations should be considered.

Meeting arrangements

Light refreshment has been offered over the last two years. Seating is arranged in an informal style to encourage interaction among the audience.

Town Council Reports

Reports are delivered by the Mayor and Town Clerk on the work of the Town Council. This is supplemented usually by brief oral reports from members who represent the Council on outside bodies, such as Shopmobility, Leamington in Bloom etc. Visual presentations could be helpful to this process and the opportunity will be taken this year to supplement the Mayor's report with some illustrative content.

Open Forum

The public are traditionally reluctant to raise items for discussion in the open forum. It has been suggested that this can be better facilitated by a message board which could be used for people to raise topical issues during the interval.

Publicity

It is probably a reasonable conclusion that attendance is not influenced to any significant extent by publicity. The meeting is extensively promoted through the Town Council website, social media, press releases, posters and noticeboards. Direct invitations to subscribers through the website are also emailed, though this practice will need to be reviewed in the light of the new restrictions on data processing.

3. CONCLUSION

3.1 The views of the Committee are invited.

REPORT TO A MEETING OF THE POLICY AND RESOURCES COMMITTEE TO BE HELD ON 12TH MARCH 2018

GENERAL DATA PROTECTION REGULATIONS

1. **PURPOSE OF THE REPORT**

1.1 To outline the implications for the Council of the General Data Protection Regulations (GDPR) which are to be laid before Parliament in May 2018. The Committee is required to consider the implications of this legislation in terms of the way in which the Town Council collects, stores and processes data supplied by individuals.

2. **BACKGROUND**

2.1 The good news is that the GDPR's main concepts and principles are very similar to those contained in the current Data Protection Act 1998. The Information Commissioner's Office ("ICO") will still be the regulator in charge of data protection and privacy issues. Therefore, much of the current law still applies under GDPR. However, there are some changes and additions which mean that there are steps that the Council will need to take for the first time and some things must be done differently.

2.2 One of the main changes to note is that the GDPR places a much greater emphasis on transparency, openness and the documents that need to be kept in order to demonstrate compliance with the legislation. This is incorporated within the idea of "accountability".

2.3 The GDPR will however impose new burdens on Councils and parish meetings, including new reporting requirements and increased fines and penalties. The Government has made clear that after Brexit the UK will continue to adopt a similar standard for data protection as set out in the GDPR.

2.4 The extent of the new Regulations is somewhat daunting at first sight. However the National Association of Local Councils has provided a Toolkit including Action Plan which sets out the actions Councils should take to be compliant with the GDPR.

3. **KEY PRINCIPLES**

3.1 It will be appreciated that the GDPR relate to the management and control of data across all sectors of the economy, both public and private. This legislation is therefore comprehensive and in several respects there are parts of the Regulations that extend to activities in which the Town Council does not presently engage. However, this is a very significant piece of legislation and will impact on all organisations and require them to make changes to the way in which data is collected, used, stored and protected.

3.2 The Regulations refer to personal data as "information about a living individual which is capable of identifying that individual e.g. a name, email address or photograph". A glossary of the terminology in the Act is set out in Appendix 1.

3.3 The GDPR has a number of underlying principles. These include that personal data:

- (a) Must be processed lawfully, fairly and transparently.
- (b) Is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent.
- (c) Should be adequate, relevant and limited i.e. only the minimum amount of data should be kept for specific processing.
- (d) Must be accurate and where necessary kept up to date.
- (e) Should not be stored for longer than is necessary, and that storage is safe and secure.
- (f) Should be processed in a manner that ensures appropriate security and protection.

4. PRINCIPAL CHANGES

4.1 The main changes arising from these regulations compared to the existing provisions under the Data Protection Act 1998 are:-

- Changes to how consent can be obtained from data subjects for the use of their data. For example, data subjects have to explicitly **'opt in'** to allowing their data to be shared, and it must be made clear for what purpose their data is being used.
- Data subjects have new rights, such as data portability and the **"right to be forgotten"**.
- Data must only be used for the purpose it was gathered for and should be deleted when it is no longer needed for that purpose.
- Sanctions over sharing data outside the European Economic Area ("EEA") will be strengthened. This requires councils to ensure appropriate privacy safeguards are in place with organisations (e.g. a business hosting and maintaining the council's server) holding data outside the EEA or that the 'importer' of data is on a list of countries which the European Union has deemed to have adequate protection for citizens regarding data protection.
- All councillors, managers and other relevant staff must have suitable training and awareness as well as additional sources of guidance and support when required.
- Conducting Data Protection Impact Assessments (DPIAs) in order to design data privacy into any new systems and processes will often be mandatory e.g. if new technology is deployed, where there is processing on a large scale of 'sensitive personal data', or if profiling is performed which will have an impact on individuals.
- Councils and parish meetings will need to appoint a Data Protection Officer.
- Data breaches must be reported (where this is required) to the ICO within 72 hours of the breach.
- A new principle of accountability puts the compliance burden on Councils, requiring them to produce and maintain documents that demonstrate what actions have been taken to achieve compliance.

4.2 The Regulations make no reference to Councillors as data controllers but this category has been subject to advice from the Information Commissioner on previous occasions. In some instances, Councillors have been advised to register separately by the

Information Commissioner but this advice does need to be clarified in the case of Town Councillors. Data sent to members and held on their personal computers is covered by the Council's registration as a Data Controller. However this would not extend to data acquired independently. Further advice on this matter will be obtained and reported to Council in due course.

5. INITIAL STEPS REQUIRED TO BE TAKEN

5.1 The Council is able to access professional advice on this matter and this will help in determining the steps necessary to ensure that the Town Council is fully compliant with the new Regulations. In summary these steps will include:-

- Reviewing all the personal data held by the Town Council including how it is stored and the basis for processing it. This will map all personal data in the Council's possession and where it is held.
- In cases where no consent exists, new consents will need to be obtained before May 2018. A specific consent form will need to be sent to all existing data subjects except those who are staff, councillors and other role holders. The exclusion recognises that data held on staff and councillors falls outside the definition of informed consent
- Develop Data Privacy Notices. These will be required for staff, councillors and other role holders and non-role holders in the Council. They explain the purpose for which data is collected and must be written in a concise, easy to understand way. Under the GDPR privacy notices must give additional information such as how long data will be kept and the lawful basis for processing it.
- Review the role of the Data Protection Officer. This is a challenge for local Councils as the Regulations require the appointment of a Data Protection Officer (DPO). The DPO should report to the highest level of management (i.e. full council) and must be informed about all data protection issues within the Council. Advice is presently unclear as to whether the Town Clerk and RFO can undertake this role – the need for separation between the roles of Data Protection and Data Control would suggest not. However further advice is being sought and this will need to be determined by Council as a policy decision.
- The Regulations introduce the concept of Data Protection Impact Assessments. Given the nature of the data presently held by the Council it is unlikely that we will need to undertake this but it may be necessary if the Council's systems or processes are upgraded or substantially changed in the future.
- Update data subject access policies – this relates to the processes that ensure that data subjects can access records held within the new time limit of one month
- Update the Council's current data protection policy.
- Review procedures for responding to a security breach and consider your security generally particularly cyber security.

6. CONCLUSION/RECOMMENDATION

6.1 The introduction of the GDPR in May 2018 represents the most significant change to data protection and management since the introduction of the Data Protection Act

1998. All Parish and Town Councils and Parish meetings will be required to meet the requirements of the new Regulations.

6.2 The Report sets out certain key steps that need to be initiated immediately in order to ensure that the Council can comply with its obligations under the new regime when it becomes law in May 2018. These steps will need to be prioritised over the forthcoming weeks.

6.3 In addition, there are additional steps that the Council will need to consider in order to ensure that mechanisms are in place to satisfactorily deliver oversight of the Council's data management. This will include appointing a Data Protection Officer. At present advice is inconclusive as to whether this appointment can be accomplished internally or through an external contractual arrangement. A further report will be submitted to Members of Council on this matter

6.4 The position of elected Members as data users will need to be clarified in the context of the Council's obligations under the new regulations. In any event, training and support for members in the management and security of data and an awareness of the key principles of data protection will need to be undertaken and financial provision identified.

6.5 The Town Clerk is presently enrolled for further training on the implications of the Regulations through a seminar arranged by Warwickshire and West Midlands Association of Local Councils on 17th March. This will be used to support the actions now required and inform further reports to Council on this important matter.

6.6 The Committee is therefore recommended:-

(1) approve the Town Clerk implementing measures to prepare for compliance with the GDPR including:-

(a) undertaking an audit of all Council held data to establish the basis for its retention and arrangements for security;

(b) where necessary, obtain the requisite consents from data subjects to continue to collect, process and store data on their behalf

(c) draw up data privacy notices for use in connection with all data collected from residents and members of the general public and for staff members, councillors and anyone else with a role in the council.

(d) ensure that the Council's website is suitably complaint

(2) to review the requirements for the appointment of a Data Protection Officer based on external advice and emerging best practice;

(3) to subsequently consider and approve a training strategy for all Councillors and members of staff to provide for appropriate instruction and guidance on compliance with the principles of data protection

(4) to recommend Council to review and amend all current Council policies and procedures as necessary.

APPENDIX 1

Glossary: The jargon explained:

Consent is a positive, active, unambiguous confirmation of a data subject's agreement to have their data processed for a particular purpose. Consent must be easy to withdraw and must be freely given, provided on an opt-in basis rather than opt-out.

Data controller is the person or organisation who determines the how and what of data processing.

Data processor is the person or firm that processes the data on behalf of the controller.

Data subject is the person about whom personal data is processed.

Personal data is information about a living individual which is capable of identifying that individual e.g. a name, email address or photo.

Privacy Notice is a notice from a data controller to a data subject describing how personal data will be used and what rights the data subject has.

Processing is anything done with/to personal data (obtaining, recording, adapting or holding/storing) personal data.

Sensitive personal data is also described in the GDPR as 'special categories of data' and is the following types of personal data about a data subject: racial or ethnic origin; political opinions; religious beliefs; trade union membership; physical or mental health or condition; sexual life or orientation; genetic data; and biometric data.

