



Kirkby Lonsdale Town Council

1st September 2017

Dear Councillors,

You are summoned to attend a meeting of Kirkby Lonsdale Town Council to be held in the Bective Room, Lunesdale Hall, Kirkby Lonsdale, on Wednesday 13th September 2017, at 7pm.

There will be a pre-meeting briefing for Town Councillors at 6.30pm.

Any planning applications will be displayed prior to the start of the Council Meeting.

Yours sincerely,

Kevin M Price

Kevin M Price. Town Clerk.

AGENDA:

1. **Apologies for absence** - to receive apologies from Councillors unable to attend this meeting.
2. **Minutes of the last meeting** - minutes of the meeting of 9th August 2017 (circulated) to be approved and signed by the Chairman.
3. **Public participation** - to hear comments and questions from electors of the parish (15 minutes).
4. **Requests for Dispensations** - the Clerk to report any requests for Dispensations to speak and/or vote on any matter where a member has a disclosable pecuniary interest.
5. **Declarations of Interest** - to receive declarations by elected and co-opted members of interests in respect of items on this agenda.
6. **Police Report** - to receive the Police Report



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7. **Contracts and Grants sub-group** - to receive any updates at the Chairman's discretion.
8. **Church Brow sub-group** - to receive an update (if available)
9. **Planning sub-group:**
 - a. *To consider the following applications::*

SL/2017/0707 Garden plot adjacent to playground at Tram Lane. Detached dwelling (Revised scheme SL/2016/0758).

SL/2017/0682 OS Field No. 9340, adjacent to A65. Installation of replacement agricultural field access
 - b. *To note any decisions, notified to the Council by the Planning Authority, including:*

SL/2017/0516 & SL/2017/0517 16 Main Street. Formation of car parking spaces in rear garden and erection of detached stone outbuilding. Granted.

SL/2017/0498 16 Main Street. Replacement floor and installation of underfloor heating and removal of lead roofing to rear bay and replacement with polyroof with simulated lead finish. Granted.

SL/2017/0578 Land at Springs View, High Biggins. Erection of livestock building. Granted.
10. **Updates** - to receive any relevant updates at the Chairman's discretion.
11. **General Data Protection Regulations** - to consider advice about changes in Data Protection legislation and what steps to take to ensure the Council complies with these changes (Councillor Muirhead)
12. **Planting of crocuses in the town** - to consider a request from The Rotary Club of Lunesdale for permission to plant crocuses in the town as part of the worldwide campaign to eradicate polio (attached).
13. **Bench at Town End** - to consider moving the bench from Town End to outside the gable end of the Old Bank at Boots' corner (Councillor Muirhead).

Reform of data protection legislation and introduction of the General Data Protection Regulation

Introduction

The Data Protection Act 1998 ("1998 Act") is the main piece of legislation which governs the protection of personal data today. NALC's guidance about the application of the 1998 Act to parish councils and, in Wales, to community councils is in Legal Topic Note 38 – Data Protection.

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.

As with the 1998 Act, local authorities including parish councils and, in Wales, community councils will be subject to the GDPR. Many of the GDPR's principles are the same as those in the 1998 Act. However GDPR imposes new obligations on data controllers and data processors and provides enhanced rights for individuals.

Preparing for the GDPR

Compliance with GDPR will have resource implications and we advise councils to start getting for ready for the introduction of GDPR without delay. We strongly recommend that councils follow the ICO's easy to read guide entitled "Preparing for the General Data

Protection Regulation (GDPR) 12 steps to take now". This is available via the web link <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>.

The Information Commissioner's Office's ("ICO") website provides detailed guidance about GDPR which is available via the web link <https://ico.org.uk/for-organisations/data-protection-reform/>.

Data protection officer

As referenced in the above ICO guide, the GDPR will require some organisations such as public authorities to appoint a Data Protection Officer ("DPO"). The GDPR does not define the term "public authorities". However the term is expected to include local authorities. The DPO's responsibilities include:

- to inform and advise the organisation and its employees about their obligations to comply with the GDPR.
- to monitor compliance with the GDPR including managing internal data protection activities, advise on data protection impact assessments, train staff and conduct internal audits.
- to be the first point of contact for the regulator and for individuals whose data is processed

It is not yet known if the requirement for public authorities to appoint a DPO will extend to parish councils and, in Wales, to community councils. We will seek clarification from the Government and the ICO and provide another briefing when we have more information.

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Reform of data protection legislation- General Data Protection Regulation and Data Protection Bill

General Data Protection Regulation

As explained in Legal Briefing L03-17, the EU regulation known as General Data Protection Regulation ("GDPR") will come into force on 25 May 2018. As an EU regulation, the GDPR has direct effect; no national legislation is required for its provisions to apply. L03-17 confirmed that preparations for compliance with the requirements of GDPR will have significant resource implications for councils but should not be delayed. Compliance will be difficult if councils leave preparations until next year.

Getting ready for GDPR

1. With reference to L03-17 and the Information Commissioner Office's ("ICO") guide entitled "Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now" (available via the web link <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>), the 12 steps required by councils include the following.
 - i) Ensuring that all councillors are aware that the law is changing and appreciate the impact this is likely to have. Councils should identify the activities/areas that could cause compliance problems under the GDPR.
 - ii) Auditing and documenting the personal data that they hold, where the personal data came from and how it is used or shared. This exercise will require resourcing.
 - iii) Identifying the lawful basis for processing and retaining personal data, documenting this and updating privacy notices. Under the Data Protection Act 1998 ("the 1998 Act"), a privacy notice is a reference to particular information which an organisation is required to provide to individuals when it is processing their personal data. This information includes confirmation of the identity of the organisation (i.e. the data controller) and, if any, the identity of the person processing personal data on behalf of the organisation (i.e. the data processor), the purpose(s) for which personal data will be processed and any other information which is necessary in the specific circumstances to enable the data processing to be fair. GDPR includes a longer and more detailed list of information that

must be provided in a privacy notice. GDPR also requires privacy notices to be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

Detailed advice about privacy notices is available from the ICO via <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/privacy-notices-under-the-eu-general-data-protection-regulation/>. It includes guidance about how to write privacy notices. The ICO has also compiled examples of good and bad privacy notices which can be accessed via <https://ico.org.uk/media/for-organisations/documents/1625136/good-and-bad-examples-of-privacy-notices.pdf>

- iv) Reviewing how consents are sought, recorded, and managed. There is a fundamental difference between telling individuals how their personal data will be used and obtaining their consent for the same. 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. It must also be separate from other terms and conditions, and there must be simple ways for people to withdraw consent.
 - v) Recruiting/procuring the services of a Data Protection Officer (“DPO”) who is required by GDPR to have expert knowledge of data protection law and practices. To clarify L03-17, GDPR requires “public authorities” (which includes local authorities such as parish councils and, in Wales, community councils) to appoint a DPO. More information about the DPO is in the Annex.
2. Councils may use the ICO’s self-assessment exercise in respect of compliance with GDPR. This is available via <https://ico.org.uk/for-organisations/resources-and-support/data-protection-self-assessment/getting-ready-for-the-gdpr/>.
 3. Councils should use the ICO’s website for detailed and practical guidance about GDPR via <https://ico.org.uk/for-organisations/data-protection-reform>.

Data Protection Bill

At the opening of Parliament on 21 June 2017, the Government committed itself to the introduction of the Data Protection Bill. Parts of the 1998 Act would need to be repealed for data processing to be within the scope of the GDPR and it is necessary to ensure that the 1998 Act does not duplicate or create inconsistencies with the GDPR, because the GDPR will be directly applicable.

In respect of the Data Protection Bill, the Government said its key priorities were:

- ensuring data protection rules were "suitable for the digital age";
- empowering individuals to have more control over their personal data;
- giving people the "right to be forgotten" when they no longer wanted an organisation to process their data - providing there were no legitimate grounds for an organisation retaining the data;
- modernising data processing procedures for law enforcement agencies;
- allowing police and the authorities to "continue to exchange information quickly and easily with international partners" to fight terrorism and other serious crimes;
- ensuring the country met its obligations while a member of the EU, and would help the UK maintain its "ability to share data with other EU members states and internationally after we leave the EU" and
- replacing the 1998 Act.

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ANNEX**a) What are the DPO's responsibilities?**

The DPO's minimum tasks are defined in Article 39 of GDPR. These are below.

- To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws;
- To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits and
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc.).

The DPO will therefore have an "internal" and "external" aspect to their role, and it will be important that these do not interfere with one another.

The appointed DPO must at all times have regard to "the risk associated with the processing operations, taking into account the nature, scope, context and purposes of processing." This is an overarching obligation which means that the role of the DPO will vary in proportion to the risks to the rights of individuals affected by the organisation's processing of personal data.

A DPO is not personally responsible in case of non-compliance with GDPR. Article 24 of GDPR makes it clear that data protection compliance is a responsibility of the data controller or the data processor.

b) 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.

Where an employee is chosen as the DPO, there is nothing to prevent that individual from also performing other roles at the organisation, provided such roles do not affect his ability to adequately perform the role of DPO. The appointment of an internal DPO may also raise confidentiality and conflict of interest issues, and it will be important for organisations to develop policies and procedures to manage any such issues.

If the DPO is external, his function can be exercised based on a service contract with an individual or an organisation. Where an external DPO is selected, it will be

important for organisations to ensure that the DPO is able to form productive relationships with internal stakeholders and colleagues in order to perform the DPO role adequately.

c) 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. This should be proportionate to the type of processing that the organisation carries out, taking into consideration the level of protection the personal data requires. In the case of a public authority, the DPO should have sound knowledge of the organisation's administrative rules and procedures.

The DPO's relevant skills and expertise should ideally include:

- expertise in national and European data protection laws and practices including an in-depth understanding of the GDPR;
- understanding of the processing operations carried out;
- understanding of information technologies and data security;
- knowledge of the business sector and the organisation and
- ability to promote a data protection culture within the organisation.

d) Resources for DPO

Article 38(2) of the GDPR provides that depending on the nature of the processing operations and the activities and size of the organisation, the following resources should be provided to the DPO:

- active support of the DPO's function by senior management ;
- sufficient time for DPOs to fulfil their tasks;
- adequate support in terms of financial resources, infrastructure (premises, facilities, equipment) and staff where appropriate;
- official communication of the designation of the DPO to all staff;
- access to other services within the organisation so that DPOs can receive essential support, input or information from those other services and
- continuous training.

Rotary Club of Lunesdale

Worldwide Polio Eradication Campaign

Crocus Planting 2017



To - Members of Kirkby Lonsdale Town Council

Last year you kindly gave the Rotary Club permission to plant nearly 5000 purple crocus bulbs in Jubilee Park. We were somewhat nervous when the shoots took a little time to show but in the end it was a great display and drew quite a lot of public comment. A photograph that we took after the bulbs flowered won first prize in a national Rotary competition. A copy of the photograph has been sent separately for distribution around the meeting.

Rotary continues its worldwide campaign to eliminate polio. The disease is now endemic in just two countries Pakistan and Afghanistan; although there are some suggestions that it may have emerged again in Syria. Vaccination needs to continue even after there has been no occurrence of the disease in a country for a period of at least three years (we still vaccinate children in the UK). Over recent years Rotary has been financially supported in the campaign by the Bill and Melinda Gates Foundation. The UK government has also recently announced that it will donate £100m to help eradicate the disease.

In order to maintain public awareness of the campaign Rotary is again promoting a nationwide crocus planting scheme. This is supported by the Royal Horticultural Society and Gee Bulbs. The Rotary Club of Lunesdale has again purchased 5000 bulbs. We have been considering sites where planting could take place. Hopefully we will be involving children from Wray School in planting in the village. This will use only a small quantity of the bulbs and we will have around 3500+ bulbs to plant elsewhere.

When the Town Council gave permission for last year's planting one member also suggested a site at the bottom of Mill Brow in the grass area adjacent to the river. The Club would like to take up this suggestion if the Council still feels it appropriate and is able to give permission for the planting. If Council would like to make suggestions for any other site then the club would be amenable to that. At this stage it would be preferable if the land was in the ownership of the Town Council; as time is short to get the necessary permissions from third parties.

A representative from the club will be at the Council Meeting to answer any questions.

Fee Proposal

Date: 21/08/2017

Client: Kirkby Lonsdale Town Council



Sites:

- 1 - Alongside the River Lune (Radical Steps to end of new footway near kissing gate)
- 2 - Jubilee Field (picnic area at Devil's Bridge)
- 3 - Play Park (rear of Fire Station)

Works:

- Carry out a tree safety survey of the above three sites
- Identifying any trees that require work.
- Present the survey results and recommendations in a summary report.

Conditions of Quote:

- The survey will take the form of a visual tree assessment, undertaken from ground level.
- The survey system used will be QTRA. ^[1]
- All trees posing a 'risk of harm' of 1 in 10,000 or higher will be identified. ^{[2] [3]}
- Trees posing a 'risk of harm' of less than 1 in 10,000 may also be identified. ^{[4] [5]}
- Numbered tags will be used where it is necessary to identify a specific tree.
- Orange marker paint may also be used where required. ^[6]
- It is assumed the sites will be resurveyed at least every two years. ^[7]

Caveats:

- No trees will be climbed as part of this survey. ^[8]
- No decay detection equipment will be used as part of this survey. ^[8]
- No statutory protection checks will be made. ^[8]
- Tree measurements will be estimates only.
- This quote is valid for two months from the date shown above.

Fee: £403-00



Additional Information:

- Public Liability Insured
- Professional Indemnity Insured
- Professional Member of the Arboricultural Association: NoPR283
- QTRA Licensed Practitioner: No931
- RFS (Royal Forestry Society) Member
- Qualified: FdSc Arboriculture

Surveyor Profile:

I am a freelance surveyor with over ten years' experience within the arboriculture industry. In that time I have held several positions which have included: Arboriculturist (Capita Symonds); Lecturer in Arboriculture (Myerscough College); and Temporary Tree Officer (Wigan Metropolitan Borough Council). These positions have included: preparing training material and training delivery; planning and undertaking tree safety and management surveys (using differing methodologies); writing contract documentation and producing a variety of reports as appropriate to the client. As RTM Surveys I specialise in undertaking tree safety surveys and tree development surveys.

[1] This system allows a 'risk of harm' (e.g. 1 in 25,000) to be attributed to a tree with respect to tree failure. A non technical summary of QTRA is provided as a supporting document. Further information can be found at www.qtra.co.uk.

[2] The Health and Safety Executive states that people should not be exposed to a risk of harm greater than 1 in 10,000. Risks greater than 1 in 10,000 are classed as 'unacceptable', and action must be taken to reduce the risk.

[3] The client, as the risk owner, may choose to alter the 'risk of harm' threshold for their site/sites. This quote however is based on the threshold of 1 in 10,000. An adjustment to the 'risk of harm' threshold would require a separate quote being issued.

[4] The Health and Safety Executive states that a 'risk of harm' between 1 in 10,000 and 1 in 1,000,000 should be managed so that the risk is 'as low as reasonably practicable'.

[5] Keeping risk 'as low as reasonably practicable' can be achieved by balancing the 'cost of risk reduction' against the 'benefits of risk reduction'. If the cost is reasonable, and benefits are significant, then action should be taken to reduce the risk. Trees that fulfil these criteria will also be identified in the report.

[6] Where it may be difficult to locate a tagged tree (e.g. a single tree within a large tree group) the tag, and small area around the tag, will be sprayed with orange marker paint.

[7] The period between a survey and resurvey can impact on the recommendations made. Short resurvey periods (e.g. annually) may justify less work per survey than a longer resurvey period (e.g. 5 yearly).

[8] The site survey, and subsequent report, may identify that 'further investigation' is required. 'Further investigation' may involve; aerial inspections, use of decay detection equipment, liaising with statutory bodies, etc. The undertaking of such work is not covered by this quote.