

RACKENFORD AND CREACOMBE PARISH COUNCIL

A meeting of the Parish Council will be held at Rackenford School, on Tuesday 5^h September 2017, starting at 7.30pm.

All councillors are summoned.

Members of the public are welcome and have the opportunity to speak on item 2 only.

Parish Clerk: Karen Ward, 8 Peard Road, Tiverton, EX16 4LQ. Phone 01884 798711

AGENDA

1 Apologies

2 **Open Forum** – members of the public, and councillors with an interest, have the opportunity to address the meeting if invited to do so by the Chairman (limiting their contribution to 3 minutes)

3 Minutes

To sign, if approved, the minutes of the 4 July 2017 meeting.

4 Declaration of Interests

5 **Vacancy on Rackenford & Creacombe Parish Council:** To consider and vote on applicants for co-option on to the Parish Council

6 **General Power of Competence** – to consider and adopt the General Power of competence under the Localism Act 2011 – see Supplementary Information 1

7 Finance 2017/18

7.1 Financial report – see budget monitoring statement

7.2 Consideration of thank you gift to former councillor

7.3 Payments to approve:

- K Ward / HMRC, clerks wages £199.46
- K Ward, expenses £14.87
- Information Commissioners Office £35.00

7.4 Accounts received after the agenda was posted

7.5 Bank signatories – the council only has 3 signatories and it is recommended that at least 1 further member is added to the bank signatories

8 **Council policies-** to consider, review and approve the new policies as set out in Supplementary Information 2

8.1 Equalities

8.2 Data protection and document retention

9 Planning

9.1 Applications awaiting NDDC decision

- 63524 Lower Bulworthy prior notification for the erection of an agricultural building for livestock housing/storage – information only, not consultation
- 63597 Creacombe Parsonage retrospective application for continues used of polytunnel – deadline for comments **6 September 2017**
- 63062 Highfield Farm erection of 2 general purpose agricultural buildings including landscaping works and alterations to vehicular access – deadline

for comments **13 September 2017**

- 63069 Highfield Farm outline application for erection of one replacement dwelling - deadline for comments **13 September 2017**

9.2 Application as neighbouring authority (From Mid Devon District Council)

- 17/00445/FULL Ford Farm, Oakford installation of 16 ground mounted solar panels with wire stock proof fencing - deadline for comments **13 September 2017**

9.3 Application / Enforcement Decisions since last meeting

- 63250, Little Tidderson, extensions and alterations to dwelling – approved

9.4 Applications received after the agenda posted.

10 Report from District and County Councillor

11 The Common:

11.1 To note progress on the grant application and other works

11.2 To consider and accept environmental and tree survey quotes

11.3 Update on grass cutting long term solution (Cllr Phillips)

12 Batsworthy Cross Wind Farm – verbal update

13 Highways & Footpaths

13.1 Footpaths – update on replacement gate, and other matters noted (SW)

13.2 Common/Children's Play Area – verbal update (SW)

13.3 Traffic issues in the village – to consider what actions the council may take to address speeding within the village such as general speed, investigate installing temporary speed monitors, consideration of traffic calming measures due to the extra development in the village, linking in with Common regeneration. (TH)

14 War Memorial – to note progress, and any outstanding information needed to complete the grant application to the War Memorials Trust

15 Trinity Well – update on the repair works needed to the well and to consider and approve any quotes received.

16 IT equipment – to consider estimates and approve purchase of a laptop, scanner and relevant software

17 Correspondence

- NDDC regarding boundary commission reviews
- Letter from Devon Rural Housing Partnership regarding community led affordable housing
- Email from Cosmic / Princes Countryside Trust regarding free digital training
- DALC invitation to AGM on 10th October, Exeter Racecourse

18 Shop/Post Office/School – verbal updates

19 Matters of Urgency raised by the Chairman for noting only

20 Next Meeting

Tuesday 7th November 2017, at 7.30pm, Rackenford School

Rackenford and Creacombe Parish Council – 5 September 2017

General Power of Competence

The General Power of Competence was introduced in the Localism Act 2011 and The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

The intention of the legislation is that eligible local authorities will no longer have to identify specific powers in order to undertake an activity. It is to be a power of first, not last, resort and as such the risk of legal challenge against any activities should be reduced. The above Statutory Instrument states *“The Government’s intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers”*.

Please note:

- It cannot be used to circumvent or override existing restrictions in existing specific powers.
- It cannot be used to raise the precept.
- Councils must still comply with other relevant existing legislation such as employment law, health and safety, equality legislation, data protection etc.
- If another council has a statutory duty to provide a service (e.g. highways) it remains their duty to provide it. It does not allow a parish to simply take over the service if they are unhappy with it, but it may allow an eligible parish to assist.

In order to adopt the General Power of Competence, there are three conditions which must be met:

1. The council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
2. At the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted).
3. At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g. Certificate in Local Council Administration)

The decision will then be clearly minuted. The Council is then required to reaffirm their eligibility and readopt the General Power of Competence at the annual meeting of the council after the next election has taken place (May 2019).

Rackenford and Creacombe Parish Council – 5 September 2017

Equalities Policy

The aim of this policy is to communicate the commitment of Rackenford and Creacombe Parish Council to the promotion of equality of opportunity, recognising that everyone has a right to equal treatment, irrespective of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- sex (gender)
- pregnancy and maternity (a protected characteristic separate to sex)
- race
- religion or belief
- sexual orientation.

The Council is opposed to all forms of unlawful/unfair discrimination. All full-time and part-time employees, job applicants, councillors, committee members, volunteers, organisations and individuals will be treated fairly.

The Council recognises its legal obligations under the Equalities Act 2010 and is committed to:

- preventing any form of direct or indirect discrimination, harassment or victimisation
- eliminating discrimination on the grounds of gender, marital status, religious beliefs, political opinions, race, ethnic origin, nationality, sexual orientation and age;
- to promote equal opportunities in employment in our recruitment and staff management
- promoting a good and harmonious working environment where all men and women are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated
- fulfilling all legal obligations under the relevant legislation and associated Codes of Practice
- taking positive/affirmative action if deemed necessary.

The Council regards discrimination, harassment and bullying as gross misconduct. Any breaches of our equalities policy will be liable to appropriate action including disciplinary proceedings.

Rackenford and Creacombe Parish Council – 5 September 2017

Data Protection and Document Retention Policy

The Data Protection Act 1998 sets out standards for the handling of personal information and protecting individuals' rights for privacy, regulating how personal information can be collected, handled and used. The Act applies to anyone holding personal information about people electronically or on paper, and for the Council this means the Clerk and Councillors.

The Council has a number of procedures in place to ensure that it complies with Act and has notified the Information Commissioner that it holds personal data about individuals. The Clerk is the Council's nominated Data Protection Officer.

When dealing with personal data, the Clerk and Councillors must ensure that:

- Data is processed fairly and lawfully
- Personal information is only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.
- Data is processed for specified purposes only
- Only data that is needed should be held.
- Data is accurate and kept up to date
- Data is not kept longer than it is needed
- Data is processed in accordance with the rights of individuals and individuals must be informed, upon request, of all the personal information held about them.
- Data is kept securely and cannot be accessed by members of the public.

Storing and accessing data

The Council will hold the minimum personal data necessary to enable it to perform its functions. The data will be deleted in accordance with the Document Retention Policy. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.

The Council recognises its responsibility to be open with people when taking personal details from them. This means that councillors and Clerk must be open and honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number, this will only be used for the purpose it has been given and will not be disclosed to anyone else and will be destroyed once the matter is closed.

Any information about individuals such as their addresses and telephone numbers will be kept in a secure location at the home of the Clerk and is accessible to the public. Any data that is out of date or has served its use, it will destroyed or deleted.

The Council is aware that people have the right to access any personal information that is held about them and if they requests to see any data that is being held about them

- They must be sent all of the personal information that is being held about them unless specific legal exemptions apply
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information at 10p per sheet.

Disclosure of personal information

Councillors will only be given personal information if it helps them to carry out their duties. They are only able to access as much personal information as necessary and it should only be used for that specific purpose only. Provision of sensitive personal information about a person, will require consent from the Clerk first.

Confidentiality

Councillors and staff are aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Data held by the parish council, where it came from and how it is used

- Application forms for employment or election - provided by interested individuals for the purposes of being considered for a vacant position on the Council. As well as contact information, it may also include qualifications, employment information and experience.
- Payroll information – provided by employees in order to get paid under the terms of the contract of employment and relevant legislation regarding employment and taxation.
- Councillor contact information – provided by councillors and only passed on to third parties if their permission is given.
- Copy of electoral register – paper copy only provided by Mid Devon District Council. Its use and access is restricted under the Representations of the People (England and Wales) Regulations 2001.
- Register of interests – provided by Councillors upon taking up office. These are then sent to Mid Devon District Council. Councillors are required under the Localism Act 2011 to declare interests where it affects Council business.
- Planning applications – information is restricted to that which is publicly available from the Mid Devon District Council planning portal in order for the Council to comment on planning matters. No further information is held.
- Correspondence – information from individuals contacting the Council may include their name, address, phone number or email address. They will be held in order to respond to any matters raised and may be passed onto Councillors if they are needed to resolve any queries or complaints, unless the individual has specifically requested they remain anonymous.
- Invoices – if suppliers are individuals, then invoices for payment may contain their name, address, phone number, email and bank account and sort code.

General Data Protection Regulation and Data Protection Bill

The Council is aware that the above legislation is soon to be introduced and is taking measures to ensure compliance. This policy will be updated, where required, to reflect the new legislation once it becomes law.

Document retention policy

Document	Retention period
Minutes (and agendas if applicable)	Indefinite
Policies	Current policies only held
Scale of fees and charges	6 years + current year
Financial accounts including receipts and payments	6 years + current year
Bank statements	Last completed audit year
Paying in books	Last completed audit year
Cheque book stubs	Last completed audit year
Quotations and tenders	6 years + current year
Invoices, expenses and cheques	6 years + current year
VAT records	6 years + current year

Timesheets	Last completed audit year
Payroll	12 years + current
Insurance policies	Indefinite
Certificate for insurance against liability for employees	40 years from date of renewal
Investments	Indefinite
Title deeds, leases, agreements, contracts	Indefinite
Trust deeds	Indefinite
Members allowances register	6 years + current
Planning matters	While current only
Information from other bodies e.g. DALC	While useful and relevant only
Magazines and journals produced	Where required under Legal Deposit Libraries Act 2003, copies will be sent to the British Library Board
Correspondence	Retained while relevant only.
Staff documentation	While valid only, subject to being required for the purposes of taxation, references, pensions etc.
Local/historical information	Retained or lent to the Devon Archives where considered important
Retention of documents for legal purposes	As set out in the Limitations Act 1980