

Minutes of an Ordinary Meeting of the REGULATORY COMMITTEE

held on **TUESDAY 17 APRIL 2018** at 7pm in Room 2, MKSNAP, Bourton Low, Walnut Tree, Milton Keynes, MK7 7DE

Present:

Councillors: Amanda Taylor (Chair), Phil Chambers, Ian McColl and Brendan Metcalfe.

Officers: Lesley Sung (Council Manager) and Sally King (Responsible Finance Officer)

RC150 DECLARATIONS OF INTEREST

None received.

RC151 MINUTES

Resolved Unanimously: That the minutes of the Regulatory Committee meeting held on 20 March 2018 be approved and signed by the Chair as a correct record.

RC152 COUNCIL MANAGER'S REPORT

The Council Manager reported on actions that she had taken since the last meeting of the Committee.

Resolved Unanimously: That the Council Manager's report be accepted.

RC153 PLANNING APPLICATION

The Committee considered a planning application: **18/00876/FUL – 14 Boyce Crescent, Old Farm Park, MK7 8PF** – Modifications to rear elevations, reduction in size to lounge area and enlargement of rooms at first floor level, all to achieve a flush gable end wall.

Resolved Unanimously: That the Council has no comment to make on the above application.

RC154 REVIEW OF PLANNING DECISIONS

Resolved Unanimously: That the report be accepted.

RC155 AUTHORISATION OF PAYMENTS

The Committee received a list of payments to be made, cheques and invoices to be paid and details of bank transfers and bank reconciliations.

Resolved Unanimously: That the invoices be reviewed and signed and that the payments and bank reconciliations be authorised and signed by two bank signatories.

RC156 REGULATORY COMMITTEE BUDGET 2017/2018

Resolved Unanimously: That the Regulatory Committee year end budget for 2017/2018 be accepted.

RC157 COUNCIL BUDGET 2017/2018

Resolved Unanimously: That the 2017/2018 year end Council budget be accepted.

RC158 REGULATORY COMMITTEE BUDGET 2018/2019

Resolved Unanimously: That the 2018/2019 Regulatory Committee budget be accepted.

RC159 COUNCIL BUDGET 2018/2019

Resolved Unanimously: That the 2018/2019 budget be accepted.

RC160 GENERAL DATA PROTECTION REGULATION 2018 (GDPR) - UPDATE

The Council Manager reported that she and her staff were carrying out an audit of all documents within the Council office. A list was being compiled of all the information available for the public, the communications the Council carries out on a regular basis and an assessment made of how we contact members of the public and how we use their data.

There had been a suggestion made at the last Full Council meeting that the Regulatory Committee considers establishing a Data Protection Sub-Committee to consider future data access requests. The Sub-Committee could also consider any Freedom of Information Requests (FOI).

Resolved Unanimously:

1. That the Committee acknowledges the work being carried to ensure the Council complies with the new Data Protection Regulation by the implementation date of 25 May 2018.
2. That, at this stage, a Data Protection Sub-Committee is not established but that this be considered at a future meeting if the number of data requests received in the future deems it appropriate to do so.

RC161 GENERAL DATA PROTECTION REGULATION 2018 (GDPR) – APPOINTMENT OF A DATA PROTECTION OFFICER

GDPR required all public authorities to appoint a Data Protection Officer (DPO). The Information Commissioner (ICO) was sympathetic to the challenges that appointing a Data Protection Officer (DPO) could pose for parish and town councils, especially those with limited budgets. But regardless of size, if councils hold personal information, from 25 May 2018, then GDPR applied.

The Commissioner has said previously that the GDPR is a journey rather than a destination. She will be looking to councils to demonstrate that they are committed to making progress towards embedding the right processes and procedures. She wanted to reassure local Councils that if they had a positive attitude to finding practical solutions to some of the challenges of implementation, then the ICO would be a pragmatic, fair and proportionate regulator.

The ICO was working closely with National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) to consider alternative solutions to the specific issue of appointing DPOs. NALC had recently made a statement that they considered that Clerks should not be a Council's Data Protection Officer due to conflicts of interest. The Council Manager was of the view that so long as the role of Data Controller and Data Processor was kept very separate (e.g.,

Resolved Unanimously: That the Council Manager be appointed as the Council's Data Protection Officer (DPO), on a temporary basis until information is forthcoming about whether a Clerk may be a Data Protection Officer for the Council.

RC162 GENERAL DATA PROTECTION REGULATION 2018 (GDPR) – DRAFT DATA PROTECTION POLICY

The Committee considered a draft Data Protection Policy.

Resolved Unanimously: That the draft Data Protection Policy, as amended, be recommended to Full Council for adoption.

RC163 DRAFT RETENTIONS POLICY

The Committee considered a draft Retentions Policy

Resolved Unanimously: That the draft Retentions Policy, as amended, be recommended to Full Council for adoption.

RC164 GENERAL DATA PROTECTION REGULATION 2018 (GDPR) – DRAFT PRIVACY NOTICE

The Committee considered a draft Privacy Notice.

Resolved Unanimously: That the draft Privacy Policy, as amended, be recommended to Full Council for adoption.

RC165 DRAFT EQUALITIES REPORT

The Committee considered the draft Equalities report for 2017/2018.

Resolved Unanimously: That the draft Equalities report be submitted to Full Council for information.

RC166 s.137 EXPENDITURE LIMITS

The Committee received details from the Ministry of Housing, Communities and Local Government (DCLG) that the appropriate sum for Parish Council for the purpose of s.137(4)(a) of the Local Government Act 1972 for 2018/2019 was £7.86. There were £9,069 electors in the parish which resulted in an expenditure limit of £71,282.34.

Resolved Unanimously: That the Council's s.137 expenditure limit of £71,282.34 be noted.

RC167 LICENSING – CONSENT STREETS

The Committee considered supporting a proposal from Milton Keynes Council's Cabinet Member (Cllr Edith Bald) with responsibility for Finance, to impose a blanket ban on street trading within 250 metres of all schools within Milton Keynes.

The motion was as follows:

"I would like to suggest a ban for all schools in the Borough. We have an obesity problem and that will send out a strong message. I won't be around to progress this matter, but I hope it will be taken up. There may be regulatory reasons why we can't, but I think this should be investigated.

The Committee considered the motion and believed children's visits to street trading outlets was a parental responsibility and that this Council should not intervene. The Committee considered that street trading vans were also competing with local shops and that street trading vans should not be discouraged unless the Council was prepared to tackle the selling of similar products at local shops.

Resolved Unanimously: That the Committee does not support the motion.

RC168 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – BOROUGH STREET TRADING CONSENT

The Committee received details of 4 ice cream van street trading applications to operate throughout Milton Keynes.

Resolved Unanimously: That the Committee has not comment to make.

The Meeting Ended at 9.15pm

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CHAIR

A Taylor

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DATE

15/5/18