

# KILMERSDON PARISH COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING OF KILMERSDON PARISH COUNCIL AT THE COLES GARDEN MEETING ROOM ON MONDAY 19<sup>th</sup> MARCH 2018 AT 7.30PM

## A G E N D A

1. **APOLOGIES** To receive apologies for absence
2. **DECLARATIONS OF INTEREST** To note any members' interests
3. **MINUTES** To approve the Minutes of the Parish Council Meeting held on 19<sup>th</sup> February 2018. Pages 1-5
4. **PUBLIC SPEAKING TIME** (max 15 mins).
5. **VACANCY ON THE PARISH COUNCIL** Following the 14 day notice to call an election, to advertise the vacancy for co-option.
6. **FINANCIAL MATTERS** To approve expenditure as follows

Payee	Detail	Gross	Net	Power	Ch no
K Hutton	Defib grant	£100.00	£100.00	LGA 1972, s142	001228
1 & 1 Internet Ltd	Domain renewal .co.uk	£11.99	£9.99	LGA 1972. S111	001229
L Welch	Salary (Feb)	£241.62	£241.62	LGA 1972, s112	001230
GB Sport & Leisure	Quarterly inspection	£66.00	£55.00	LGA 1972, s143	001231
HMRC	Quarterly tax	£180.60	£180.60	LGA 1972, s112	001232

Income – to note the VAT refund of £352.25 from Revenue & Customs

7. **TREATMENT WORKS** verbal update
8. **HIGHWAY MATTERS**
  - Moving of the 30mph signs to their original positions, with gates outside no.3 and at the bottom of the hill.
  - To receive any feedback from Cllr Drewe regarding the possibility of being part of local initiatives to reduce speed. (Sept 2017, feedback requested 18/10/17)
  - Charlton Lane - feedback on the request for a sign approaching the junction (Cllr Gibbs) (Sept 2017, feedback requested from Somerset CC 18/10/17)
  - Light at the top of Jack and Jill hill
  - Request from a resident for dog bins on the cycle track, put to Mendip DC 8/3/18
9. **VILLAGE SIGN AT THE TOP OF THE HILL**

The Village Day Committee has given the Parish Council £200 towards the sign. Mendip DC confirmed that they cannot contribute to the cost. Quotes attached. Pages 6-7

## KILMERSDON PARISH COUNCIL

### 10. PLAYING FIELD

- Rat infestation and clearance of site. The landowner confirmed 26/2/18 that work would start within a couple of weeks.
- Footpath to Silver St (Cllr Lewis)
- Signage for the eight overflow parking spaces (Cllrs Hudson and Lewis)
- Quote for rubber mulch beneath the swing seat
- Loose stone at the spiral garden
- Land registry check (Clerk)

### 11. PLANNING APPLICATIONS (Cllr Butt)

### 12. NEIGHBOURHOOD PLAN

### 13. PROPOSED TPO ON THE SILVER BIRCHES IN THE PLAYING FIELD pages 8-9

### 14. GENERAL DATA PROTECTION REGULATION (GDPR) Draft Privacy Policies pages 10-19 and Data Protection Officer pages 20-22. The payroll provider has confirmed that they will have a GDPR contract in place by the end of May 2018.

### 15. SPEED INDICATOR DEVICE To consider being part of the scheme pages 23-25

### 16. CORRESPONDENCE

### 17. OUTSIDE BODIES

### 18. MATTERS OF REPORT AND ITEMS FOR THE NEXT MEETING

### 19. DATE OF NEXT MEETING: 16<sup>th</sup> April 2018

*Part 2 To resolve to exclude the press and public under s.1(2) of the Public Bodies (Admission to Meetings Act) 1960 on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.*

### 20. Review of leases



**Lesley Welch**  
**Parish Clerk**  
12<sup>th</sup> March 2018

**Tel: 07521 951471**

[Clerk@kilmersdonpc.co.uk](mailto:Clerk@kilmersdonpc.co.uk)  
[www.kilmersdonpc.co.uk](http://www.kilmersdonpc.co.uk)

To: Cllrs R Butt, S Gibbs, D Hudson, A Jolliffe, K Lewis (Vice Chair), R Morse (Chair)

Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (race, gender, sexual orientation, marital status and any disability) Crime & Disorder, Health & Safety and Human Rights.



## KILMERSDON PARISH COUNCIL

### Minutes of the Kilmersdon Parish Council Held at the Coles Garden Meeting Room At 7.30pm on Monday 19<sup>th</sup> February 2018

- PRESENT:** Cllr K Lewis (Vice Chair, in the chair), Cllrs R Butt, S Gibbs and D Hudson.
- ABSENT:** Cllrs A Jolliffe and R Morse
- ATTENDING:** L Welch (Parish Clerk)

#### 803. APOLOGIES

Apologies for absence were received and accepted from Cllr Morse (Chair), Cllr Jolliffe and from Cllr Hudson for lateness.

Action

#### 804. DECLARATIONS OF INTEREST

Cllr Gibbs declared an interest in item 9 Grant Payments, as a member of the Village Day Committee.

#### 805. MINUTES

The minutes of the Parish Council meeting held on 15<sup>th</sup> January 2018 were agreed as a true record and signed by the Chair.

#### 806. PUBLIC SPEAKING TIME

There were no members of the public present.

#### 807. FINANCIAL MATTERS

The following payments were **agreed**.

Payee	Detail	Gross	Net	Power	Ch no
L Welch	Stamp/envelopes	44.03	44.03	LGA 1972, s111	001222
L Welch to reimburse for 1 & 1 Internet Ltd	Quarterly website fee	£14.97	£2.99	LGA 1972. S111	001223
L Welch	Salary (Jan)	£241.62	£241.62	LGA 1972, s112	001224
SALC	Subs	£145.97	£145.97	LGA 1972, s143	001225

A replacement to cheque no. 001218 made out in error to the Coles Garden Meeting Room, was agreed in the correct name of Kilmersdon Meeting Room, cheque no 001226.

The Clerk reported that she had applied for the biennial VAT refund.

The Parish Council discussed the fact that there are seven places on the Parish Council. **Agreed** to advertise the vacancy.

Clerk

*Minutes are draft until approved at the next meeting.*

Signed:

Date:

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KILMERSDON PARISH COUNCIL

Action

**808. TEMPORARY VILLAGE SHOP/ CAFE**

The Notice under Article 13 was noted. The Parish Council recapped its agreement to the planning application subject to satisfactory car parking arrangements. Photos of parking when there is an event at the Village Hall showed over 8 extra cars parked in Manor Close, blocking the pavement and impeding maneuverability. If the grass-crete is used for 8 extra parking spaces for Village Hall events, then this still left the difficulty of where people will park to use the temporary café/shop when there is an event at the Village Hall.

Solutions discussed were (1) use of the sheep field which poses problems of safety in crossing the road and (2) parking around the back of the Village Hall, which had the disadvantage that the land slopes making the work potentially expensive, and the advantage that the parking would be on the same site as the Village Hall and temporary shop/café. **Agreed** that the parking has not been overcome in relation to the temporary shop/café.

Cllr Hudson arrived at 7.55pm.

The Parish Council discussed the leases which cover the Village Hall car park and playing field and which throw up a number of anomalies, which would need some funding to put right.

These leases to be reviewed and put back on the next agenda.

Raph Butt

The Land Registry entry to be checked and brought back to the next meeting.

Clerk

**809. NEIGHBOURHOOD PLAN**

This item was moved to the back of the agenda.

**810. INSURANCE**

**Resolved:** to add the Spiral Garden to the insurance at a cost of £30.42pa.

Clerk

**811. GRANT PAYMENTS**

**Resolved:** (1) that the grant payment below be agreed;

Organisation	Amount	Cheque no	Purpose	Power
Kilmersdon Village Day	£50	01227	M&S Voucher prize	LGA 1972 s142

*Minutes are draft until approved at the next meeting.*

Signed:

Date:



## KILMERSDON PARISH COUNCIL

Further, a grant of £100 was **agreed** to Mr K Hutton for the defibrillator outside the school, subject to confirmation that it is permanently accessible to the public (LGA 1972 s 142).

Action

**Agreed** also to make a commitment to pay for the replacement pads for the defibrillator on the wall of Norton Green Farm Machinery on an ongoing basis.

### 812. TREATMENT WORKS

Cllr Butt marked the location of the missing gate on a map which would be sent to Wessex Water and a meeting arranged if necessary.

Clerk

### 813 HIGHWAY MATTERS

(1) The light at the top of Jack and Jill hill is still not working.

(2) Double White lines up the hill and the moving of the 30mph signs to their original positions, with gates outside no.3 and at the bottom of the hill– Cllrs Morse and Lewis met with Cllr Mike Pullin and Chris Betty of Somerset Highways and as a result agreed to apply for 30mph signs at both ends of the village to be moved. The request for double white lines on the Hill was rejected as inappropriate and Chris Betty suggested removing the single solid white line to reduce driver frustration.

**Resolved:** (a) that £2,000, this being 50% of the total cost, be allocated to the new 30mph signs/gates;  
(b) that the Parish Council's unanimous opposition to reducing the single solid white line be noted due to the fact that it would encourage even more overtaking on the Hill;

Ken  
Lewis

(3) Feedback from Cllr Drewe regarding the possibility of being part of local initiatives to reduce speed – Cllr Butt to chase.

Raph Butt

(4) Charlton Lane – The Highways Officer had confirmed that signage alerting drivers on approaching this junction would be put up by the end of March 2018.

### 814. VILLAGE SIGN AT THE TOP OF THE HILL

Highways had confirmed that it would not contribute to the new signs at the entrances to the village. The Parish Council was holding £200 as a contribution towards the signs.

**Resolved:** To obtain two quotes for signs to the same specification as the ones at Farrington Gurney and bring back to Committee.

Clerk

*Minutes are draft until approved at the next meeting.*

Signed:

Date:

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KILMERSDON PARISH COUNCIL

Action

**815. TERMINATION OF THE CURRENT SIDS PROGRAMME BY SOMERSET CC**

The Parish Council noted the information and asked to be kept informed.

**816. SPEED MEASURING DEVICE AND DOCUMENTS**

Given the termination of the current SIDS programme it was agreed to keep the speed measuring device in case it is needed.

**817. PLAYING FIELD**

(1) Rat infestation and clearance of the site – the works had still not been done despite chasing. A letter from the Parish Council to be sent to the owner.

Clerk

(2) Footpath to Silver St – works were being done that Saturday.

(3) Signage for the eight overflow parking spaces – Cllr Lewis outlined a quote for the signage and its installation.

**Resolved:**a. to test the spaces by parking 8 cars;  
b. to send details to the Village Hall Committee for agreement to its installation on the Village Hall wall;  
c. to agree the quote of £98 + VAT.

Councillors

Ken Lewis

(4) Weekly inspections of the play park – A loose stone on the spiral garden wall was noted which Cllr Lewis had removed for safety.

**Agreed** Nick Taylor to repair when he does the footpath work and also use some of the earth to tamp down the matting under the swings.

Ken Lewis

**818. PLANNING APPLICATIONS**

There were no planning applications. Cllr Lewis gave an update on Planning training he attended that month.

The preservation of two beautiful silver birches in the playing field was discussed.

**Resolved:** to look into Tree Preservation Orders.

Clerk

**819. GENERAL DATA PROTECTION REGULATION**

The report of the Clerk was noted.

**820. REVIEW OF COMPLIANCE WITH THE TRANSPARENCY CODE**

The report of the Clerk was noted.

**821. CORRESPONDENCE**

There was no correspondence.

*Minutes are draft until approved at the next meeting.*

Signed:

Date:



## KILMERSDON PARISH COUNCIL

Action**822. OUTSIDE BODIES**

There was no report on outside bodies.

**823. NEIGHBOURHOOD PLAN**

The Parish Council discussed the advantage of a Neighbourhood Plan for Kilmersdon. **Agreed** to put an article into Kilmersdon News

**824. MATTERS OF REPORT AND ITEMS FOR THE NEXT MEETING**

Review of leases (Part 2).

**825. DATE OF NEXT MEETING:** 19<sup>th</sup> March 2018

The meeting ended at 9.30pm

*Minutes are draft until approved at the next meeting.*

Signed:

Date:

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Lesley Welch <kilmersdonclerk@gmail.com>

**837821 reply: Village signs for Kilmersdon**

2 messages

**Traffic Management** <TrafficManagement@somerset.gov.uk>  
To: Lesley Welch <kilmersdonclerk@gmail.com>

Tue, Feb 27, 2018 at 9:55 AM

Dear Lesley, the first hurdle is finding a safe location for the signs. If introduced, existing signs would be obsolete and would need to be removed to reduce sign clutter. If introduced I would not erect any duplicate standard style village nameplates for the same reasons.

The feature would have to be licenced and deal with by issuing a 115E licence for an obstruction on the highway. The admin cost would be £165.00 plus legal fees which are not fixed but would be in the region of £400.

You could employ an approved contractor to undertake the works that would have to do the works by applying for a 171 licence via the area maintenance office, to carry out works on or adjacent a highway. I have no costs for installing this type of sign? I am guessing in the region of £2K?.

Mr Christopher Betty  
Senior Traffic Engineer  
Traffic and Transport Development  
Somerset County Council  
County Hall  
Taunton  
TA1 4DY  
Tel: 0300 123 2224  
Email: trafficmanagement@somerset.gov.uk  
Web: www.somerset.gov.uk

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**From:** Lesley Welch [mailto:kilmersdonclerk@gmail.com]  
**Sent:** 26 February 2018 15:03  
**To:** Traffic Management  
**Cc:** ken@kenlewisdesign.co.uk; Andrew Jolliffe; Donald Hudson; Raph Butt; Roy Morse; Shayne Gibbs  
**Subject:** Re: 837316 reply: Village signs for Kilmersdon

Dear Chris



Lesley Welch <kilmersdonclerk@gmail.com>  
To: Andy Turner - Glasdon UK Limited <andy.turner@glasdon-uk.co.uk>

Tue, Feb 27, 2018 at 6:02 PM

Many thanks for this Andy and look forward to hearing from you with a quote for the signs themselves.

Best wishes,

Lesley

Lesley Welch  
Parish Clerk  
**Kilmersdon Parish Council**  
**Tel. 07521 951471**

The view and comments expressed in this email are confidential to the recipients and should not be passed on to others without permission.

[Quoted text hidden]

Andy Turner - Glasdon UK Limited <andy.turner@glasdon-uk.co.uk>  
To: Lesley Welch <kilmersdonclerk@gmail.com>

Tue, Feb 27, 2018 at 7:42 PM

Hi Lesley,

The style you see here is the Ornate Gateway feature which measures at 1.8m above ground and 1.7m wide. We offer this in white, light oak (colour on the image you supplied) or dark oak effect.

The cost is £1392.44 per gateway which includes the sign for one side or £1609.25 for this to be double sided with signs facing both sides of the carriageway.

We also offer many other layouts depending on the space you have available. I live in Bristol so could easily come out to measure the sites next week if you so wish

Regards



**Andrew Turner**

Area Sales Manager

T: +44(0)1253 600411 | M: +44(0)7764 854907

Web: [www.glasdon.com](http://www.glasdon.com)



Glasdon UK Limited  
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Registered Office: Glasdon House, Preston New Road, Blackpool, Lancashire, FY4 4WA. Disclaimer



## Consideration of making an application for a Tree Preservation Order on the two Silver Birches on the Playing Field

### 1. Background

Mendip DC provides the following advice:

Anyone who wants Mendip District Council to make a TPO should make a request in writing and provide a plan to show the location of the tree/s and the reasons why it is important to protect it. Any request will be considered against the following criteria:

- The extent to which the tree(s) can be seen by the general public and the amenity value
- The tree's particular importance in terms of its size, form, rarity, screening value or contribution to the character or appearance of a Conservation Area
- The significance of the tree(s) in their local surroundings and wider impact on the environment.
- The Council can also make a TPO as a precautionary measure but only if there is a very good reason to believe that the tree/s could be at risk in the immediate future.

### 2. Draft Request

Kilmersdon Parish Council would like Mendip District Council to make a TPO on each of the two Silver Birch trees, pictured below and located on the Playing Field adjacent to Kilmersdon Village Hall, shown on the map below.

These mature Silver Birch trees are beautiful specimens, they have grown to full height and enhance the rural nature of the playing field, their light, open canopy sitting perfectly within the grounds, giving it character and screening from surrounding houses and roads.

In terms of the wider impact on the environment, in a rural village such as Kilmersdon they provide food and habitat for more than 300 insects and a number of hole-nesting birds.







## KILMERSDON PARISH COUNCIL

**GENERAL PRIVACY NOTICE****Your personal data – what is it?**

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

**Who are we?**

This Privacy Notice is provided to you by the Kilmersdon Parish Council which is the data controller for your data.

**Other data controllers the council works with:**

- [e.g. other data controllers, such as local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies]

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be "joint data controllers" which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

**The council will process some or all of the following personal data where necessary to perform its tasks:**

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.



### How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
  - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
  - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;



- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
  - To process relevant financial transactions including grants and payments for goods and services supplied to the council
  - To allow the statistical analysis of data so we can plan the provision of services.
- Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

#### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

#### **Sharing your personal data**

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

#### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

#### **Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

##### **1) The right to access personal data we hold on you**

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.



- 2) **The right to correct and update the personal data we hold on you**
- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3) **The right to have your personal data erased**
- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
  - When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4) **The right to object to processing of your personal data or to restrict it to certain purposes only**
- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) **The right to data portability**
- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) **The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**
- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) **The right to lodge a complaint with the Information Commissioner's Office.**
- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

#### Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

#### Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

#### Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on [www.kilmersdonpc.co.uk](http://www.kilmersdonpc.co.uk). This Notice was last updated in February 2018.

#### Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Kilmersdon Parish Council

Email: [clerk@kilmersdonpc.co.uk](mailto:clerk@kilmersdonpc.co.uk)

Review History	
To Parish Council	19/3/18



KILMERSDON PARISH COUNCIL

**PRIVACY NOTICE**

**For staff\*, councillors and Role Holders\*\***

\*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

\*\*Includes, volunteers, contractors, agents, and other role holders within the council including former staff\*and former councillors. This also includes applicants or candidates for any of these roles.

**Your personal data – what is it?**

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

**Who are we?**

This Privacy Notice is provided to you by Kilmersdon Parish Council which is the data controller for your data.

**The council works together with:**

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA.
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

**The council will comply with data protection law. This says that the personal data we hold about you must be:**

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

**What data do we process?**

- Names, titles, and aliases, photographs.
- Start date / leaving date



- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems.

**We use your personal data for some or all of the following purposes: -**

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.



- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

#### **How we use sensitive personal data**

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
  - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
  - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
  - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

#### **Do we need your consent to process your sensitive personal data?**

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.



### **Information about criminal convictions**

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.] [Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

### **What is the legal basis for processing your personal data?**

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

### **Sharing your personal data**

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your responsibilities**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.



### Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1. ***The right to access personal data we hold on you***
  - At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
  - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
2. ***The right to correct and update the personal data we hold on you***
  - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
3. ***The right to have your personal data erased***
  - If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
  - When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
4. ***The right to object to processing of your personal data or to restrict it to certain purposes only***
  - You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
5. ***The right to data portability***
  - You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
6. ***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
  - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
7. ***The right to lodge a complaint with the Information Commissioner's Office.***
  - You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

### Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

### Changes to this notice



We keep this Privacy Notice under regular review and we will place any updates on [www.kilmersdonpc.co.uk](http://www.kilmersdonpc.co.uk) This Notice was last updated in February 2018.

#### Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Kilmersdon Parish Council

Email: [clerk@kilmersdonpc.co.uk](mailto:clerk@kilmersdonpc.co.uk)

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Review History	
To Parish Council	19/3/18

## 1. Will you need to appoint a Data Protection Officer?

- 1.1 Data Protection Officers are specifically required in certain circumstances under the GDPR, such as where organisations process sensitive (special category) personal data on a "large scale" or are a public body. As a public body, local councils (and parish meetings) will be required to appoint a DPO, who may be an internal or external appointment. In other words, the DPO may be a staff member or engaged under a service contract.
- 1.2 However most clerks and RFOs cannot be designated as a council's DPO. This is because although they may satisfy some requirements of the DPO job, they will not satisfy all of them. There can also be a conflict of interest between the role of a clerk and RFO and that of a DPO and these types of conflicts should be avoided. More information about the role of DPOs can be found in [Error! Reference source not found.](#)

### - The role of Data Protection Officers

#### 1. What does a Data Protection Officer do?

- (a) The GDPR sets out in detail the minimum responsibilities of the Data Protection Officer ("DPO") role. GDPR specifies that DPOs "should assist the controller or the processor to monitor internal compliance with this Regulation".
- (b) A DPO's duties include:
- (i) informing and advising the council and its staff of their obligations in the GDPR and other data protection laws;
  - (ii) monitoring compliance of the council, both its practices and policies, with the GDPR and other data protection laws;
  - (iii) raising awareness of data protection law; providing relevant training to staff and councillors;
  - (iv) carrying out data protection-related audits;
  - (v) providing advice to the council, where requested, in relation to the carrying out of data protection impact assessments ('DPIAs') and the council's wider obligations with regard to DPIAs; and
  - (vi) acting as a contact point for the Information Commissioner's Office.
- (c) As part of these duties to monitor compliance, DPOs may, in particular:
- (i) collect information to identify processing activities;
  - (ii) analyse and check the compliance of processing activities; and
  - (iii) inform, advise and issue recommendations to the controller or the processor
- (d) Monitoring of compliance does not mean that it is the DPO is personally responsible where there is an instance of non-compliance. The GDPR makes it clear that it is the controller, not the DPO, who is required to 'implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation.'
- (e) 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 council's processing of personal data.

- (f) The DPO should 'cooperate with the supervisory authority' (in the UK, this is the **Information Commissioners Office ("ICO")**) and 'act as a contact point for the supervisory authority on issues relating to processing, and to consult, where appropriate, with regard to any other matter'.
- (g) It is the controller or the processor, not the DPO, who is required to 'maintain a record of processing operations under its responsibility' or 'maintain a record of all categories of processing activities carried out on behalf of a controller'.

**2. DPOs and DPIAs**

- (a) A data controller (and not the DPO) is required to carry out a data protection impact assessment ('DPIA') under the GDPR in certain circumstances.
- (b) The controller must 'seek advice' from the DPO when carrying out a DPIA. DPOs have the duty to 'provide advice where requested as regards the DPIA and monitor its performance'.
- (c) It is recommended that controllers should seek the advice of the DPO on the following issues:
  - (i) Whether or not to carry out a DPIA;
  - (ii) What methodology to follow when carrying out a DPIA;
  - (iii) Whether to carry out the DPIA in-house or whether to outsource what it safeguards (including technical and organisational measures) to apply to mitigate any risks to the rights and interests of the data subjects; and
  - (iv) Whether or not the data protection impact assessment has been correctly carried out and whether its conclusions (whether or not to go ahead with the processing and what safeguards to apply) are in compliance with the GDPR.
- (d) If the controller disagrees with the advice provided by the DPO, the DPIA documentation should specifically justify in writing why the advice has not been taken into account.

**3. Data controllers and processors should ensure that:**

- (a) The DPO is invited to participate regularly in meetings of senior and middle management. For councils, this would include meetings of full council and relevant committee meetings.
- (b) The DPO's name and contact details are provided to ICO;
- (c) The DPO should be available to advise/ support councillors and relevant staff on data protection issues;
- (d) The DPO is present when decisions with data protection implications are taken;
- (e) All relevant information must be passed on to the DPO in a timely manner in order to allow him or her to provide adequate advice;
- (f) The opinion of the DPO must always be given due weight. In case of disagreement it is good practice to document the reasons for not following the DPO's advice;
- (g) The DPO should be promptly consulted once a data breach or another incident has occurred. This is good practice since the DPO will often have been involved in implementing data protection policies such as breach reporting and it will be important for the DPO to assess whether the policies work operationally.

**4. Role Checklist**

- Raising data protection awareness within the council, and advising on GDPR compliance;
- Ensuring the implementation of the appropriate documentation to demonstrate GDPR compliance;
- Monitoring the implementation and compliance with policies, procedures and GDPR in general;
- Involvement in council's handling of data breaches, including assisting and advising the council with its notification to the ICO and data subjects where necessary (but it is the council which has the obligation to notify in certain circumstances not the DPO);
- Liaising with the ICO, the relevant councillors and staff and with the data subjects;
- Monitoring Data Protection Impact Assessments;
- Cooperating with and acting as the contact point for the ICO on issues relating to processing'



## **Speed Indicator Device (SID) Q&A**

This information sheet has been produced to answer the most common queries relating to the revised SID programme which will operate after April 2018.

### **When does the current SID programme end?**

The current SID programme is ending on the 31<sup>st</sup> March 2018.

### **Why is the programme ending?**

The current stock of SIDs is fast becoming obsolete and needs to be replaced. The County Council do not have the resources to replace them.

### **What will happen to the SIDs that still work?**

They will be retained for use in the revised programme.

### **Will there be any SIDs installed up to 31<sup>st</sup> March 2018?**

The only SIDs installed between January and March are those that were not installed in 2017 for various reasons.

### **What will happen from 1 April?**

There are four basic options.

1. Parish/Town Councils will no longer receive a SID;
2. Parish/Town Councils may decide to purchase and operate their own SID;
3. Parish/Town Councils may decide to 'share' the purchase cost and operation of a SID with adjoining parish/town council(s);
4. Parish/Town Councils may decide to contribute financially towards a revised SID programme operated by the county council.

### **What Response has the County Council had so far?**

About 59% of the parish/town councils that were contacted have responded so far with the majority willing to support a revised scheme financially providing the contribution required is acceptable. A further number are considering purchasing or jointly purchasing their own SID.

### **Can a parish/town council buy and operate its own SID?**

Yes – provided they liaise with the County Council over the make/model they wish to purchase.

### **What type of SID are we allowed?**

Any SID used on the highway network must comply with current regulations etc. The County Council only endorses the use of SIDs that display the posted speed limit when activated.

### **How much does a SID cost?**

Depending on manufacturer between £2.5k and £3.5k (including data collection facility – highly recommended).

**Is the parish/town council allowed to install and remove it?**

In order to install/remove a SID on the highway (including grass verges and footways) the person must be qualified to Chapter 8 standard and accredited to work on the highway. There may already be a person within your community with these qualifications who may be willing to volunteer to install/remove the SID.

**Is training available and how much does it cost?**

There are several suitable training establishments available - details can be supplied on request. The cost for training is between £300- £500 per person.

**Can we get any financial assistance with the cost of training?**

SCC will contribute 50% of the cost of the training for the first applicant from each parish/town council only. It may also be worth the parish/town council seeking sponsorship or funding for training from a third party, (local business etc.).

**Do we need any insurance?**

Yes – you will need public liability insurance and employer's liability insurer to cover the installer(s). You are also strongly advised to insure the SID against theft and vandalism.

**Do installers need to wear specialist clothing – i.e. reflective jackets?**

As part of the requirements to work on the highway the installer(s) will need to wear the current standard personal protective equipment (PPE) - i.e. reflective jacket etc. suitable for the speed of the road.

**Can we install our own SID wherever we want and are there any restrictions on installation times?**

SIDs can only be installed at all locations agreed with SCC and are subject to the current policy restrictions regarding installation periods – i.e. they may only be installed for a maximum of two weeks at any one location and may not be returned to that location within two months of its removal date.

**Can we have additional locations to those we already have?**

Yes – additional suitable locations can be agreed with SCC.

**What happens to the information/data we collect with our own SID?**

The information can be used to generate reports for the parish/town council and we are currently looking at how it can also be transferred to our own SCC database so that it can be distributed to other interested parties (police, county councillors; Somerset Road Safety etc.)

**Will a revised SID programme definitely be operating after 31<sup>st</sup> March 2018?**

This will depend on the uptake of the parish/town councils. At present there is a 'healthy' response from parish/town councils interested in becoming part of an ongoing revised SID programme.

**What is the contribution required likely to be?**



The contribution required from parish/town councils has been confirmed as £100 per SID installation.

**If a parish/town council wants to be part of the revised SID programme are they liable for all of the locations currently allocated to them under the current scheme?**

No – the parish/town council can join with one or more locations and may allocate installations to each of these as it requires.

February 28<sup>th</sup> 2018 (v1.1)