

## HANNINGTON PARISH COUNCIL

### DRAFT Minutes of the meeting held on Tuesday 12<sup>th</sup> December 2017 at 7.00 pm; Hannington Village Hall

**Present:** Cllr Simon Taylor (Chairman), Robert Finlayson, Cllr Janusz Hertz, Cllr Oliver Larminie and Cllr Clare Kinnear.

**Also present:** Cllr Donald Sherlock (BDBC), six members of the public, and Chris Pottinger (Clerk).

The Chairman opened the meeting by welcoming the members of the public, and asking if there were any particular items they had come for. As a result, the two agenda items regarding planning applications were brought forward on the Agenda.

#### 1. Apologies for Absence and declarations of interest.

The meeting was informed by the Clerk that he had received an apology from Cllr Rhydian Vaughan (HCC)

There were no declarations of interest from Cllrs.

#### 2. Minutes of Council Meeting 26<sup>th</sup> September 2017.

The DRAFT Minutes had been circulated in advance of the meeting. The Clerk informed the meeting that he had not been informed of any proposed corrections or amendments.

**COUNCIL AGREED** the Minutes as circulated. The final page (18) of the Minutes was signed by the Chairman and all consecutively numbered pages (1-17 ) were initialed, in accordance with Schedule 12, para 41(2) of the Local Government Act 1972, which states, *"the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialed, at the same or next suitable meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof."*

#### 3. Matters Arising (not covered elsewhere on the agenda)

The list of Outstanding Items from the meetings up to and including September 2017 was reviewed in detail, and in particular as to their current status. The Clerk was authorised to amend the list accordingly and to include any new actions arising from the December 2017 meeting.

**ACTION: Clerk**

In reviewing the list of Outstanding Items, the Council concluded that ALL issues were adequately updated in the review or were dealt with elsewhere on the Agenda.

#### 4. Broadband:

Cllr Hertz informed the meeting that as at 4th December, the latest update from the Hampshire Superfast Broadband Team was as follows,

*". . . I know you were waiting for more information about Kingsclere 8 . . .*

*The decision on where to place the cabinet has been made, so we can tell you now that the cabinet will be just up the road from the Methodist Church on Rectory Lane, next to a telegraph pole outside of Moonpenny Cottage.*

*Once the cabinet has been built and connected to power, we will have more detail for you as to an estimated go-live date.*

*In the meantime, Openreach will be working on connecting the other end of the network (to the exchange etc.) to ensure that once the cabinet has power, the rest runs as smoothly as possible.*

*Therefore, in terms of this cabinet, we will keep an eye on when the cabinet itself has been built and connected to power, then we can provide you with more information. . ."*

Cllr Hertz said that he was waiting for detailed information as to which post codes would be covered by this initiative, and from testing, what line speeds those residents can expect. From the information as to 'who is in' he will be able to identify 'who is out' and further work can proceed on what alternative solutions may exist for them to also benefit from Faster Broadband Speeds. [See Minute 4 of the Council Minutes 26<sup>th</sup> September].

**ACTION: Cllr Hertz** to continue to liaise with HCC Superfast Broadband Team, and to inform the residents (through the Clerk) of any developments.

## **5. Correspondence**

5.a HALC e-updates. The Clerk confirmed that all issues that were of potential concern to the Parish Council had been circulated to Cllrs as the e-updates had been received.

**NO ACTION REQUIRED**

The Council also noted receipt of the following three items of correspondence

5.b BDAPTC meeting Tuesday 21<sup>st</sup> November had been attended by the Clerk. Notes of the meeting had been circulated to Cllrs, as had the draft minutes of that meeting. The draft Minutes had also been posted by the Clerk on the HPC website as part of this Parish Council's Agenda papers.

The key items discussed were the impact of the General Data Protection Regulations (see item 12(a) on this Parish Agenda) and the potential charging of Parish Councils by BDBC of the costs incurred by BDBC of 'interim Parish Council elections'. A final decision has yet to be made by BDBC as to whether or not they are going to introduce this charge. BDAPTC have suggested that the number of such 'interim elections is rare, approximately one per year, and that Parish Councils may wish to make contributions to a central fund that would cover such costs. NO decision was taken at the BDAPTC meeting.

**NO ACTION REQUIRED**

5.c BDBC's Medium Term Financial Strategy 2018-19 to 2021-22. A copy of the strategy was circulated by the Clerk to the Cllrs in advance of the meeting.

The Clerk informed the meeting he had not received any comments.

**NO ACTION REQUIRED**

5.d Hannington Village Association 21<sup>st</sup> November. The meeting was attended by Cllr Finlayson on behalf of the Parish Council. Draft Minutes of the Association's meeting had been circulated to Cllrs in advance of the Council meeting, and had also been posted by the Clerk on the HPC website as part of the Parish Council Agenda papers. The draft Minutes had also been circulated to Hannington residents through the village email network managed by Barbara McMurchy.

The Clerk informed the meeting had not received any comments.

**NO ACTION REQUIRED**

## **6. Village Green.**

At the last meeting of the Parish Council 26<sup>th</sup> September the following three actions for the Clerk were agreed:-

- a. to remove the flint stones, [the Clerk sent an email 27th November to Hannington Farm asking for these flint stones to be removed, and to provide an estimate for the erection of ten posts.]
- b. to ask residents to ask guests not to park so that vehicles will **NOT** have to go on the village green to pass [email sent to residents] and

- c. to seek clarification from BDBC regarding the need for their agreement to 'damage the surface of the village green' prior to making a decision with regards the installation of posts, and if it is necessary, to seek approval/permission from BDBC to either or both of putting up 'No Parking' notices and putting in 'telegraph pole posts'. [see email reply below from BDBC Planning Department in response to question raised by Clerk].

Stephanie Baker <Stephanie.baker@basingstoke.gov.uk>

Thu 02/11,

10:58 You;simon@sbtproperty.co.uk;janusz@hertz.me.uk;robert.finlayson@lambbrooks.com;oliver\_larminie@newton.co.uk;clare45@tiscali.co.uk;

*"Dear Chris,*

*Thank you for your emails.*

*I understand this relates to the written query you submitted, 17/03630/EN10, which is a 10 day enquiry due for a response by 9th November.*

*Regarding action you can take for vehicles being parked on the land, as you have indicated the land is owned by/ registered to the Parish Council it would be private land such that any unauthorised parking would be a private matter, not to be controlled by the Borough Council, County Council or Police.*

***Having taken an initial look, I would advise that the means of enclosure around the village green (i.e. small timber posts and rope or chain link between) would not require planning permission subject to the height of such posts not exceeding 1 metre in accordance with Schedule 2, Part 2, Class A of The Town and Country Planning General Permitted Development Order (2015).***

*The relevant planning legislation is attached as 'GPDO 2015'.*

*In respect of placing 'no parking' signage on the green, I would advise that this would not require express Advertisement Consent subject to the size of each sign not exceeding 0.3 square metre in area, there being no illumination, no character or symbol exceeding 0.75m in height and no part of the sign being more than 4.6 metres above ground level.*

*The relevant advertisement consent legislation and guidance document are attached.*

*I hope this has resolved your query.*

*Kind regards,*

*Stephanie Baker Senior Planning Officer*

Based on the content of the above, the Clerk advised the Council that it could proceed with the erection of posts around the green should it wish to do so. However, Cllr Hertz raised concerns and asked that further guidance be sought before any decision/action was taken.

**ACTION: Cllr Hertz and the Clerk** to resolve any outstanding issues and to report back to the Parish Council as soon as possible.

Points raised by the public included a suggestion that the Parish Council considered white posts with white chains, tidying up raised and damaged earth, and problems with horse deposits on the unadopted roads.

**Since the Parish Council meeting there has been another incident between Christmas and New Year of damage being caused to the village green by 'joy riders' driving around on the village green. This has generated a proposal from a resident that the PC considers installation of video cameras.**

A question was asked, that now the Parish Council has earmarked funds for the future repair and maintenance of the two unadopted roads around the village green to meet its obligations, does the Parish Council know what, if any, provision is being made by those residents whose properties are

on the boundary of the unadopted roads, or require to access either of them for entry to/exit from their properties?

**ACTION: Chairman** to write to the residents.

## **7. Public Observations**

All points raised by members of the public have been recorded and addressed in the respective paragraphs of the Minutes.

## **8. County Councillors Report (Cllr Rhydian Vaughan)**

In advance of the meeting County Cllr Rhydian Vaughan sent a statement to the Clerk concerning the budget pressures being faced by Hampshire County Council. The full copy of the statement was posted on the HPC website by the Clerk. In his introduction, Cllr Vaughan states,

*"I would like to share with you the highlights of our 'half-term' financial strategy. Hampshire is facing similar problems to most other upper-tier authorities—although we are probably better placed than many, largely because of good forward planning.*

*In essence, as a result of reductions in Government grant, coupled with inflationary pressures, such as salaries and the living wage (costing an extra £50 million) and also the demographic pressures of more elderly people and more children, we have to take £140 million out of our budget by 2019-2020. That £140 million figure was reported to us in February last year.*

*This further reduction comes on top of the £340 million that we have already taken out of expenditure. This is why it is so hard now to find the savings required through back office re-organisation.*

*By law, we have to set a balanced budget. This is non-negotiable."*

*Cllr Vaughan's statement then proceeded to outline in greater detail some of the demographic and inflationary pressures and some of the options being considered."*

The Parish Council **NOTED** the report, and was grateful to County Cllr Vaughan for taking the time and effort to outline the budget position so clearly.

## **9. Borough Councillors Report**

Borough Cllr Sherlock provided an update on the proposed revision of Ward boundaries, with the potential for three, rather than two, Borough Councillors from May 2019.

Borough Cllr Sherlock understood that issues had been raised by the Environment Agency 5<sup>th</sup> December regarding the proposed Green Burial Site. No decision had yet been made by the Borough Council.

## **10. Planning Applications**

a.i. Rose Cottage Planning Application 17/03634/FUL: Erection of three bedroom dwelling with garage and store on land adjacent to Rose Cottage using existing access (Amended scheme to that already approved under 15/02902/FUL to allow the inclusion of two dormer windows and three conservation roof-lights)

The Parish Council had already submitted its Objection to the above planning application on 22nd November. This unanimous decision was taken by way of email correspondence due to the deadline set by BDBC for the responses being before the next Parish Council meeting to be held on 12<sup>th</sup> December 2017.

The reasons for the Parish Council's objection were the same as the first two objections that were raised in April 2015 when the Parish Council considered the applicant's first planning application for 'the erection of a three bedroom dwelling.' [Planning application 15/01329/FUL]. Application

17/03634/FUL was considered to be a proposal for the addition of a 1<sup>st</sup> floor, i.e. 3<sup>rd</sup> bedroom, box / study and bath room.

**Planning History:** The initial two storey planning application proposed dormer windows on the 1<sup>st</sup> Floor overlooking the Village Green which was refused,

*"Planning permission was refused for a detached two storey dwelling under the ref: 15/01329/FUL in June 2015. The dwelling was two storeys with the first floor being served by dormer windows in the roof and containing a maximum ridge height of approximately 7.3 metres. The proposal was considered unacceptable as it would cause harm to the character and visual amenities of the area the North Wessex AONB; the setting of the group of non-designated heritage assets and would fail to have special regard for the character and appearance of the Conservation Area."*

Source: <http://pad.basingstoke.gov.uk/documents/4753/01/08/01/01080124.PDF>

**The Parish Council concluded that the latest planning application attempted to reinstate those very features, i.e. two storey build, with dormer windows that were refused originally in the planning application 15/01329/FUL.**

However, since the submission of the Parish Council's Objection, the Parish Council has been informed the planning application is NOT for a three bedroom dwelling (even though that is what is stated in the Notice). The Parish Council has been informed the planning application is for an **"Amended scheme to that already approved under 15/02902/FUL (albeit that planning application was for a two bedroom dwelling) to allow the inclusion of two dormer windows and three conservation roof-lights"**. The framework and size of the dwelling is not altered by this new planning application. The Parish Council were informed that it is NOT necessary to submit a planning application to convert roof/loft space into another facility, in this case a third bedroom, bathroom.

It was clear from statements made at the Parish Council meeting on 12<sup>th</sup> December that many residents were either unaware of this 'correction/clarification' with regards what the planning application was for, or were unsure of its implications. Accordingly, any Comments they had submitted to BDBC Planning Department would probably have focussed on the 'three bedroom' aspect (as had the Parish Council originally), and had not addressed the substantive planning application that the Parish Council has been informed is purely for the dormer windows etc. [A statement on the above was circulated on 19<sup>th</sup> December to residents seeking to 'correct/clarify' the basis of the planning application. This notification is reproduced at Appendix B.

**DECISION: the Parish Council consider the stated 'Proposal' of the planning application is totally misleading, and sufficiently inaccurate so as to make it unacceptable.**

**ACTION: The Parish Council instructed the Clerk to write to BDBC Planning Department accordingly, and to require the current planning application, as shown on the BDBC public planning website (and reproduced in the paragraph title above) is withdrawn, and a new, correctly worded planning application published. This action by BDBC Planning Department would provide the public with the opportunity to consider the real planning application in its proper context.**

The Council then considered the planning application as it now understands it should be interpreted i.e. as a proposal for the inclusion of two dormer windows and three conservation roof-lights.

The Council noted there was no representative of the applicant at the meeting, to answer any questions or to put forward the case on behalf of the applicant.

**DECISION: the Council unanimously voted to Object to the planning application.**

**ACTION: the Clerk to inform BDBC Planning Department, accordingly with the reasons for the Objection.**

A full copy of the statement issued by the Parish Council to residents on which the above decision was reached is attached at Appendix A.

**Since the Council meeting 12<sup>th</sup> December, the Parish Council has gained further information concerning the planning application.**

This information has come from two sources.

- i. meeting with Mike Townsend, Planning and Development Manager, BDBC. The meeting was requested by, Borough Cllr Donald Sherlock and was attended by the Hannington Parish Council Clerk, Chris Pottinger.  
and
- ii . access to the publicly available video of the Development Control Committee 13<sup>th</sup> January 2016, that considered and approved 15/02902/FUL for the erection of a detached two bedroom single storey dwelling.

The information circulated to residents on 19<sup>th</sup> December is attached as Appendix B

The applicant did not attend the Parish Council meeting. In response to the two statements issued by the Parish Council (App A) and (App B), the applicant issued an email to residents via the village email system putting his point of view. This is reproduced as Appendix C.

**CONCLUSION: The Parish Council has seen no reason why it should change its earlier decision to Object to the planning application.**

#### 10.a.ii Land between Woodstock and Primrose Cottage

The Parish Council had Objected to the previous application 16/00041/FUL dated 21<sup>st</sup> January 2016 that was refused by the BDBC Planning Department and by the Planning Inspectorate, on Appeal.

The Council noted that the latest application was substantively the same as the previous planning application. From comparison of the two applications it had been possible to identify that the latest application proposed to:-

- move the building away from the woodland at the rear of the property and further towards White Lane. The benefit was that this would reduce any damage to the woodland and would enable the stables to be continue to be used as such. However, the disadvantage was that the two storey building with a ridge height of 7.8m would be closer to the road and therefore be even more intrusive, and,
- redesignate the site as 'brown field'. Based on the evidence given in the planning application itself, as being used to graze horses, and from local knowledge, the Council could not understand this new classification, and discounted it.

The Council noted there was no representative of the applicant at the meeting to answer any questions or to put forward the case on behalf of the applicant.

**DECISION: the Council unanimously voted to Object to the planning application.**

**ACTION: the Clerk to inform BDBC Planning Department, accordingly with the reasons for the Objection.**

Since the Council meeting 12<sup>th</sup> December, the Parish Council has been informed the planning application has been refused by BDBC Planning Dept. See the link reproduced below.

<https://planning.basingstoke.gov.uk/online-applications/applicationDetails.do?keyVal=OYQXO7CRLGD00&activeTab=summary>

## **11. Roads, Footpaths & Bridleways Officer's Report**

### 11.a. Update on Lengthman's Scheme

Cllr Hertz informed the meeting that he was awaiting a response from the BDBC Arboreal Consultant for a time/date of his visit to inspect the trees that have had the Ivy removed earlier in the year. The outcome of that inspection will determine if any need to come down or not.

**ACTION: Cllr Hertz to follow up.**

The expectation is that the qualified Lengthsman would be employed to carry out the tree felling work, and that any costs would be met from the £1,000 allocation from the scheme, and therefore there would be no cost falling to be met by the Parish Council.

### 11.b ROW Vegetation Cutting List 2018

Cllr Hertz informed the meeting that the expectation is to use the same cutting list as in 2017 unless we hear of any other suggestions to alter the list.

**NO ACTION REQUIRED**

### 11.c HCC Highways discussion

Ref. 7033383: Hannington Parish - Road from Hannington Village to the A339 -Rectory Lane

Steve Pellatt as at 7<sup>th</sup> December, 2017 provided the following update to Cllr Hertz in response to the HPC request,

*" . . .Whilst the 2018 surface dressing programme is fully committed already I've managed to get the road added to the provisional summer 2019 Surface Dressing programme as part of our Operation Resilience work. Nothing is guaranteed until funding allocations are set which obviously won't be for a while but it's at least on the provisional list. Normally pre-patching is done some months in advance.*

*If you want any update on this, or other Operation Resilience work, then please use our website to log your query clearly marking it FAO Operation Resilience . . ."*

Cllr Hertz advised that it is around late autumn that the following year's Surface Dressing programme starts to get firmed up at which time a follow-up call from HPC as to status would be appropriate.

**ACTION: Cllr Hertz**

### 11.d Snow Plan 2017-18

The Clerk informed the meeting that the previous year's version had been amended in accordance with information supplied by residents and a final version posted on the HPC website.

## **12. Governance**

### 12.a Impact of new General Data Protection Regulations wef May 2018

The Clerk had circulated a report in advance of the meeting. In summary, the report stated:-

- GDPR is designed to enable individuals to better control their personal data.
- GDPR was ratified mid 2016 and immediately became law. European Union Member states have a 2 year implementation period. Enforcement will commence by 25<sup>th</sup> May 2018 at the

latest. The Government has given a commitment that post-Brexit the requirements of the EU legislation will be embodied in UK Law.

- The 'document' summarises the key components of the GDPR – it should be noted that this is only a simplified summary and that the full text (all 204 pages) contains much more detail!
- Despite this morass of information, at the Basingstoke and Deane Association of Parish and Town Councils (BDAPTC) meeting 21<sup>st</sup> November, attended by the Clerk, it was clear there were a large number of, as yet, unknowns. There is still uncertainty with regards the expectations, requirements, funding implications, funding support, detailed application, scrutiny and enforcement!

In addition to the introductory report prepared by the Clerk, Cllr Hertz had undertaken further more detailed investigation of the technical implications of compliance and had circulated a paper in advance of the meeting. This is reproduced as Appendix D.

## **DECISIONS:-**

- a. the Council to review the twelve steps outlined by the Information Commissioner's Officer (Appendix A to the Clerk's report), and to assess relevance and actions to be taken by May 2018, and to report back to the next meeting in February,**
- b. The Council to improve its Awareness of what the GDPR means in practical terms and how it can demonstrate that it has acted 'reasonably' (if that is considered to be a 'defence'),**
- c. HALC have arranged a series of four training seminars between November and March (see Appendix B to the Clerk's report). The Clerk/DPO AND Cllr Hertz to attend one of the HALC training courses. The rationale for the latter attendee is that many of the key components of compliance with GDPR relate directly to the appropriateness of HPC's IT data storage/access and IT communications security, and,**
- d. The Clerk/DPO AND Cllr Hertz to investigate further the actions that could/should be taken to ensure compliance as far as is reasonably possible and financially justifiable in the current circumstances e.g. to investigate compliance by the HPC contractors such as HALC, and to investigate the requirements/potential suppliers and costs of obtaining a secure internet storage facility, and communication between Cllrs/Clerk using a secure network.**

### 12.b Compliance with Transparency Code for Smaller Authorities

The relevant extract of the DRAFT Minutes of the September 26<sup>th</sup> 2017 meeting of the Parish Council is reproduced below:-

#### **"Transparency Code**

*The Internal Audit Report 2016-17 commented, "We note the extensive work completed by the Council in order to meet the requirements of the Transparency Code and have reviewed the documents shared on the new website. We were unable to find two sets of minutes on the website (September and December 2016) although note that all accompanying papers were available."*

The Clerk informed the meeting [Sept 2017] the Hannington Parish Council website, that enables compliance with the Transparency Code for Smaller Authorities, went live on 1<sup>st</sup> April



2017. He is in the process of uploading historical documents/records. The two Minutes referred to by the internal auditors have now been posted.

**Outstanding Action** is for the Clerk to formally report to the Council on 'compliance' with the Transparency Code.

The Clerk had circulated a report in advance of the meeting detailing the levels of compliance that had been initiated and completed. The report was based on the Department for Communities and Local Government's Guidance Note. That Note detailed what was required for compliance and by when in each year. The report of the Clerk used the DCLG's own control statement to show and to evidence how Hannington Parish Council had complied with each and every aspect of the Code.

**COUNCIL AGREED** that the report and supporting statements demonstrated that full compliance had been delivered.

**DECISION:** the remaining grant funding of £323.40, that was distributed by NALC on behalf of the Government to implement the Transparency Code, be released.

**ACTION: Clerk** to initiate payment.

#### 12.c New Council Insurance provider

The Clerk had circulated in advance of the meeting the email stream that unanimously approved the appointment of Aviva Insurance Ltd as the Parish Council's insurance provider with effect from 9<sup>th</sup> December 2017, and authorized the Clerk to pay the insurance premium of £244.43.

#### 12.d Health and safety Issues (Standing Item)

The issue regarding flint stones on the village green was discussed under Agenda Item 6. No new issues were raised.

### **13. Finance and Audit**

#### 13.a Final Accounts 2016/17: Auditor's Reports

This item was reported in full at the September meeting, and did not need to be included in the December agenda. The Outcomes of the September meeting are reproduced below:-

Internal Audit: **COUNCIL NOTED** the two issues raised and the actions already taken by the Clerk to address them.

External Audit: **COUNCIL NOTED** the issue raised and the actions taken by the Clerk and Chairman to address them.

#### 13.b New External Audit Arrangements (For Information Only)

The Parish Council were informed of the decision of Smaller Authorities Audits Appointments Ltd. The notification was circulated in advance of the Council meeting and posted on the HPC website. The key aspects of the decision are reproduced below.

*"Under powers set out in Regulation 3 of the Local Audit (Smaller Authorities) Regulations 2015, Smaller Authorities Audit Appointments Ltd (SAAA) was appointed by the Secretary of State for Communities and Local Government as "a person specified to appoint local auditors" and as the Sector Led Body (SLB) for smaller authorities. Smaller authorities are those whose gross annual income or expenditure is less than £6.5 million.*

*Under the Regulations, SAAA is responsible for appointing external auditors to all applicable opted-in smaller authorities, for setting the terms of appointment for limited assurance reviews and for managing the contracts with the appointed audit firms....*

***Auditor appointments for smaller authorities for the five financial years from 2017/18 to 2021/22***

*On 30 November 2016 SAAA announced the conclusion of its procurement process and the award of limited assurance review contracts for five years to the successful external audit firms. Responsibilities under the new contracts will relate to accounts for the financial year beginning on 1 April 2017.*

*The auditors appointed for Hampshire are PKF Littlejohn LLP. [Clerk: this includes Hannington Parish Council]*

**Council NOTED the appointment of the external auditors for the 2017-18 Accounts.**

13.c Revised Budget/Projected outturn 2017/18

The Clerk had circulated a full report in advance of the meeting, and posted it on the HPC website. The supporting spreadsheet outlined payments made up to 6<sup>th</sup> December 2017, and planned spend for the final quarter. The report included a bank reconciliation statement showing cash held as at 4<sup>th</sup> December was £12,534.70. There were no unrepresented cheques as of that date. The report then showed the cash balance reducing to £10,485.86 after taking into account the four cheques 381 to 384 detailed below.

Projected Outturn 31<sup>st</sup> March 2018

After taking into account the previous decision of the Council to establish a 'Earmarked Reserves' for the Council's potential costs regarding the repair and maintenance of the unadopted roads (£1,700), cover for a Locum Clerk (@ £400), Legal Costs (@ £500) and IT replacement (@ £500), the Earmarked Reserve would increase in total from £1,000 as at 31<sup>st</sup> March 2017 to £3,100 as at 31<sup>st</sup> March 2018, and accordingly the General Reserve would reduce from the cash balance of £8,100 (as per the spreadsheet) to £5,000 (the previously set target amount).

**DECISION: the Council NOTED the projected year end cash position, the potential allocation of sums to the four Earmarked Reserves, and, the resulting projected year end cash balance as at 31<sup>st</sup> March 2018 of £5,000.**

Payments Made and Invoices for approval

Three further payments had been made since the September 2017 meeting for which budget provision had been made. These three cheques were certified by the Clerk and were authorized by two Councillors, in accordance with Standing Orders. They were:-

- i. Cheques numbered 378 dated 26<sup>th</sup> September for £36.00; being annual subscription to CPRE;
- ii. Cheque number 379 dated 2<sup>nd</sup> November for £35.00; being payment to the Information Commissioners Office for annual registration for data protection;
- iii. Cheque number 380 244.43 dated 18<sup>th</sup> November; being the annual insurance premium paid to BHIB Insurance Brokers on behalf of Aviva Insurance Ltd.

**DECISION: NOTED**

The Financial Statement also included in the column 'October to December' the following four payments for which Council approval was sought:-

- i. Cheque numbers 381/382 totalling £765.50 dated 12<sup>th</sup> December; being payment to Clerk and HMRC for the third quarter salary;
- ii. Cheque number 383 totalling £780.00 dated 12<sup>th</sup> December; being payment to Hannington Farms for annual maintenance of village green (note VAT incl at £130.00).
- iii. Cheque number 384 totalling £323.40 dated 12<sup>th</sup> December; being payment to C. C. Pottinger for compliance with loading the Hannington PC website as required under the Transparency Code for Smaller Authorities, wef 1<sup>st</sup> April 2015.

**DECISION: the Council APPROVED the four payments**

**ACTION: CLERK**

The report also identified a series of issues that would affect the spend to 31<sup>st</sup> March 2018 and hence the final cash balance. These issues and the decisions of the Council are reproduced below:-

- Noticeboards £240 incl VAT The Council **NOTED** that work to repair the noticeboards is outstanding, and **AGREED** a provision of £200 (excl VAT) is retained in the current year, with **authority delegated to the Clerk** to proceed with approving work up to that value.
- Wellhead £480 incl VAT The Council **NOTED** that work had been undertaken to repair and maintain the Wellhead, and **AGREED** to retain a provision of £400 (excl of VAT) in the current year.  
**ACTION: CLERK** to obtain invoice for the work and to raise the payment. [Clerk: actual cost £174.00 C. R. Rivers cheque number 385 20<sup>th</sup> January 2018]
- Repairs to Footpath £240 incl VAT The Council **NOTED** that work may still be required for repairs to footpaths that could be outside the remit of the Lengthsman Contract, and **AGREED** to retain a provision of £200 (excl VAT) in the current year.
- Balance of allowance for one-off/capital items. The Council **AGREED** to reduce the provision in the last quarter to £500.

#### 13.d BDBC proposal to charge PCs their proportion of Election Costs with effect from 2018/09

The Clerk had circulated a report in advance of the meeting explaining the thoughts behind BDBC introducing the above reallocation of costs incurred by them. The report also informed the Council of possible options for the BDBC parish councils including 'to agree to share the costs by way of establishing a centrally held fund'.

The Council **NOTED** the contents of the report and will advise the Clerk of their decision IF/WHEN BDBC decide to introduce the scheme.

#### 13.e. DRAFT Budget 2018/19 including requests for Precepts and Grants

The Clerk circulated a report in advance of the meeting. The report used the projected cash balance as at 31<sup>st</sup> March 2018, reported in the previous agenda item, as its starting point.

The Draft Budget 2018/19 and Three Year Medium Term Financial Strategy 2018/19 to 2020/2021 (see Appendix A to the Agenda Report) is constructed based on:-

- i. the Precept remaining at the same cash level as in 2017/18,
- ii. two of the BDBC Grants reducing as announced in their letter to Parishes dated 3 November 2016, to the point where they have reduced to zero by 2019/2020
- iii. routine 'fixed' operating costs remaining generally at the same level as in the current year,
- iv. no allowance for inflation, however the Council should be aware of the current 'pressures' on 'government services' salary pay scales that could affect the parish clerk from 2018/19,
- v. maintain the financial provision for maintaining the village green,
- vi. VAT payments and recovery based on the above.
- vii. the Council decision in Sept 2016 to apply an initial £1,000, and then to further contribute by £700 each year, towards the "Provision for repairs and maintenance to the Unadopted Roads" (see paragraph 6 above), and
- viii. the references in para graph 6 to the three further Earmarked Funds where Appendix A models the effect of increases from 31<sup>st</sup> March 2018 through to 31<sup>st</sup> March 2021 as follows:-
  - a: Locum Clerk to increase from £400 to £700,
  - b. Legal Costs to increase from £500 to £900, and

c. IT replacement to increase from £500 to £1,500 by 31<sup>st</sup> March 2019, and to remain at that level in the subsequent year.

The following financial model was presented. It showed, in summary, the effect of the above strategies on the Budget 2018/19 and for the following two years through to 31<sup>st</sup> March 2021

**Financial model of Three Year Medium Term Financial Strategy 2018/19 to 2020/21**

	2017/18	2018/19	2019/20	2020/21
Precept	6703	6703	6703	6703
<i>BDBC Grants</i>	<i>1031</i>	<i>630</i>	<i>229</i>	<i>229</i>
VAT refund	822	364	550	550
<b>Total Receipts</b>	<b>8556</b>	<b>7697</b>	<b>7482</b>	<b>7482</b>
<b>Routine running costs</b>				
Clerk's salary	3062	3062	3120	3180
Other 'fixed' operating costs	1095	1130	1160	1185
Village Green mowing	650	650	650	650
VAT on 'admin'/capital costs	364	550	550	550
<b>Total 'admin' costs</b>	<b>5171</b>	<b>5392</b>	<b>5480</b>	<b>5565</b>
One-off and/or capital costs				
Website construction (see funding above)	386	0	0	0
Allowance for Wellhead R&M	400	0	0	300
Allowance for other spend in year	700	700	700	700
	1486	700	700	1000
<b>TOTAL Payments in year</b>	<b>6980</b>	<b>6092</b>	<b>6180</b>	<b>6565</b>
Cash Balance b/fwd 1 April	6206	6611	7330	7403
<b>Surplus in year</b>	<b>1899</b>	<b>1605</b>	<b>1302</b>	<b>917</b>
Cash Balance c/fwd 31 March	8105	9710	11012	11929
Allocated to Earmarked Provisions Reserves	3100	4700	6000	6900
Balance held in General Fund at year end	5005	5010	5012	5029

BDBC Notification Letter 8<sup>th</sup> November 2017: Parish Funding Grants (£632 in 2018/19)

BDBC wrote to all parish councils informing them of their proposed grants for the coming years. The statement included the removal over three years of the 'Local Government Grant (£366 in 2018/19) and the 'Council Support Tax Grant', (£35 in 2018/19) leaving the Parish Funding Grant (£231 in 2018/19)) as the sole remaining grant with effect from 2019/20. This Parish Funding Grant is for the provision and maintenance of various activities in your area (e.g. grass cutting, closed churchyards and cricket square maintenance).

Excessive Precept Increases

No referendum principles have been applied to parish and town councils in previous years. However, the Government is continuing to monitor the position and has said that any revised proposals will be set out at the time of the provisional local government finance settlement which is due to be announced later this year (possibly in December). BDBC have currently applied an inflationary increase of 1% to their grants. The latest Consumer Prices Index is showing an annual year-on-year increase of 2.9%.

Key Dates and Process

**By 9 January 2018** - Parishes to be provided with the council tax base figures for 2018/19.

**31 January 2018** - deadline for parishes to return precept request forms to Borough Council.

**DECISIONS: The Parish Council**

1. **AGREED** the Draft Budget 2018/19 (as summarised in paragraphs 7- 10 and detailed in Appendix A of the Agenda report) and reproduced in tabular form above, and,
2. being mindful of the decision taken last year "*to agree in principle to apply a similar financial strategy over the medium term to 31<sup>st</sup> March 2020 ie to increase the precept year-on-year to compensate for loss of grant and for inflationary pressures*", **AGREED** to increase its Precept by 2% (an increase from £6,703 in 2017/18 to £6,837 in 2018/19), although the Consumer Prices Index showed an annual rate of inflation of 2.9%.

**ACTION: CLERK** to complete the necessary Precept and Grant Claim Forms for authorization by Chairman and two Councillors, and submit to BDBC by the deadline date.

#### 13.f Access to Public Sector/Service Grants

The Clerk had previously reported to Council that his investigation of BDBC funds had indicated there were no grants available to the Parish Council that were not already being accessed. Cllr Hertz informed the meeting that his investigation of the Hampshire County Council various funding regimes had similarly shown there were no grants available to the Parish Council that were not already being accessed.

**NOTED**

#### **14.Appointment of new Councillor**

Clare Kinnear informed the meeting that she had reconsidered her earlier decision to resign with effect from February 2018, and wished to continue through to the end of the current four year period.

This decision from Cllr Kinnear was received with enthusiasm.

**ACTION:** Clerk to liaise with BDBC to find out what process, if any, would need to be followed.

[Subsequently, the Clerk has been informed by email from BDBC that because the formal notification of Cllr Kinnear's decision to resign had been received by them and the process to fill the casual vacancy had been started in 18<sup>th</sup> November, the Parish Council would need to go through the formal process of appointing a co-opted Cllr... even if this resulted in Clare Kinnear being re-appointed.]

#### **15.Dates of Next Parish Council Meetings:**

**AGREED:** Tuesday 27<sup>th</sup> February 2018, Tuesday 8<sup>th</sup> May 2018, Tuesday 11<sup>th</sup> September 2018, Tuesday 11<sup>th</sup> December 2018.

#### **16. Proposed date for Annual Parish Meeting:**

The meeting **MUST** be held between 1<sup>st</sup> March 2018 and 1<sup>st</sup> June 2018. It has previously been agreed by the Parish Council that it would be beneficial if the APM was held before the first meeting of the Parish Council. Accordingly, Council **AGREED** to support the Annual parish Meeting be held on Tuesday 10<sup>th</sup> April 2018..

*A copy of these Minutes will be posted on the HPC website.*

### EXTRACT FROM DRAFT Minutes of the Parish Council meeting 12th December 2017

#### 10. Planning Applications

##### 10.a i. Rose Cottage: alleged breach of planning control 15/02902/FUL

On instructions from the Parish Council, the Clerk submitted in early November an 'alleged breach of planning control', using the Borough Council's online system. On 22nd November the BDBC Compliance and Enforcement Officer contacted the Clerk seeking further information. The Complaint was allocated the following reference number EC/17/00390/BOC3. The original complaint was followed with two further more detailed explanations of the nature of the complaint on 22nd November and 24th November. Whilst the complaint of the Council made specific reference to the ridge height of the new dwelling exceeding what was agreed, **the thrust of the complaint by the Council was that the ridge height of the new dwelling appeared to clearly EXCEED that of Rose Cottage.** This is despite the many statements and the drawings/plans that form part of the planning application etc which are explicitly to the contrary. The Council concluded there had been numerous, substantial and material examples of misleading/erroneous statements. In evidence of this conclusion, the meeting noted the following two 'statements', as examples:-

- a. An email from a BDBC Planning Officer to Cllr Jan Hertz dated 10th November states,  
*"Dear Mr Hertz, with regards to ridge heights, the street scene from the Green clearly shows the proposed new dwelling and Rose Cottage and that the proposed dwellings would be slightly lower. The proposed dwelling would have a ridge height of approximately 6.5/6.6m to the ridge."*
- b. Extracts from the 'Applications Officers Report – Committee Report'

Source: <http://pad.basingstoke.gov.uk/documents/4753/01/08/01/01080124.PDF>

#### Impact on the character of area / design

*" . . . The current proposal is for a single storey dwelling and seeks to overcome the reasons for refusal of the previous planning application ref: 15/01329/FUL. . . . the proposed dwelling would have a lower ridge and eaves height than the neighbouring dwelling at Rose Cottage which would help to overcome previous concerns raised in relation to hierarchy and relationship with Rose Cottage."*

*And,*

*" . . . loosely mimics the roof shape of the outshot and the side of Rose Cottage. The proposed ridge height, whilst slightly higher than the design originally submitted, would continue to be lower than the ridge of Rose Cottage".*

#### BDBC Enforcement Team's response 6th December

The Clerk has yet to receive a formal, written reply from the Enforcement Team. However, in response to his 'phone call last week, the Clerk was told an officer had visited the property and had measured the ridge height at 6.5m. As this height was in accordance with the approved planning application, he concluded there was no breach.

The Council considered this to be an incomplete answer to their complaint as there is no reference by the Enforcement Officer to the actual ridge height of Rose Cottage, and therefore it is still not possible to

compare the two ridge heights and to ascertain if the planning application and subsequent statements were materially incorrect, or not.

**ACTION: Clerk to write urgently to BDBC Planning Department seeking an answer to the question of the relative ridge heights of the two dwellings.**

The Parish Council will then decide what further action, if any, it proposes to take with regards the various inaccurate statements that have been made as part of the planning application process.

10. a.i. Rose Cottage Planning Application 17/03634/FUL: Erection of three bedroom dwelling with garage and store on land adjacent to Rose Cottage using existing access (Amended scheme to that already approved under 15/02902/FUL to allow the inclusion of two dormer windows and three conservation roof-lights)

The Parish Council had already submitted its Objection to the above planning application 22nd November. This decision was taken in advance of the Council meeting as the initial deadline for response to BDBC was earlier. The Objection is reproduced below:-

- 1. The proposed building is too large for the site and when taken with the existing buildings that comprise Rose Cottage are an over-development of a sensitive site adjacent to the village green.*
- 2. A two-storey development in this location will significantly alter the current rural street scene which surrounds the village green."*

However, since then the Council has been informed the planning application is NOT for a three bedroom dwelling, with a room in the loft space, but for a two bedroom dwelling. The framework and size of the dwelling is not altered by this 'correction' in the planning application. The 'corrected' application is therefore solely for "the inclusion of two dormer windows and three conservation roof-lights".

It was clear from statements made at the Parish Council meeting that many residents were either unaware of this 'correction' or were unsure of its implications. Accordingly, any Comments they had submitted to BDBC Planning Department would have focussed on the 'three bedroom' aspect (as had the Parish Council originally). and not addressed the substantive planning application that we have been informed is purely for the windows etc.

**DECISION: the Parish Council consider the stated 'Proposal' of the planning application is totally misleading, and sufficiently inaccurate so as to make it unacceptable.**

**ACTION: The Parish Council have instructed the Clerk to write to BDBC Planning Department accordingly, and to require the current planning application, as shown on the BDBC public planning website (and reproduced in the paragraph title above) is withdrawn, and a new, correctly worded planning application applied for and published. This action by BDBC Planning Department would provide the public with the opportunity to consider the real planning application in its proper context.**

The Council then considered the planning application as it now understands it should be interpreted i.e. as a proposal for the inclusion of two dormer windows and three conservation roof-lights.

The Council noted there was no representative of the applicant at the meeting, to answer any questions or to put forward the case on behalf of the applicant.

**DECISION: the Council unanimously voted to Object to the planning application.**

**ACTION: the Clerk to inform BDBC Planning Department, accordingly with the reasons for the Objection.**

**17/03634/FUL Erection of a three bed dwelling with garage and store using existing access. Addition of first floor involving 2 no. dormer windows to the front elevation and front and rear rooflights.**

**Hannington Parish Council has unanimously agreed to OBJECT to the above planning application.** This decision was taken by way of email correspondence due to the deadline for the responses being before the next parish council meeting to be held on 12<sup>th</sup> December 2017.

1. The reasons for the Parish Council's objection are the same as the first two objections that were raised in April 2015 when the Parish Council considered the applicant's first planning application for 'the erection of a three bedroom dwelling.' [Planning application 15/01329/FUL ].
2. Application 17/03634/FUL proposes the addition of a 1<sup>st</sup> floor, i.e. 3<sup>rd</sup> bedroom, box / study and bath room.

**Planning History:** The initial two storey planning application proposed dormer windows on the 1<sup>st</sup> Floor overlooking the Village Green which was refused,

*"Planning permission was refused for a detached two storey dwelling under the ref: 15/01329/FUL in June 2015. The dwelling was two storeys with the first floor being served by dormer windows in the roof and containing a maximum ridge height of approximately 7.3 metres. The proposal was considered unacceptable as it would cause harm to the character and visual amenities of the area the North Wessex AONB; the setting of the group of non-designated heritage assets and would fail to have special regard for the character and appearance of the Conservation Area."*

Source: <http://pad.basingstoke.gov.uk/documents/4753/01/08/01/01080124.PDF>

**This application reinstates those very features**, e.g. two storey build etc., that were refused originally in the planning application 15/01329/FUL.



### **Planning Application 17/03634/FUL**

**Proposal:** Erection of three bedroom dwelling with garage and store on land adjacent to Rose Cottage using existing access **(Amended scheme to that already approved under 15/02902/FUL to allow the inclusion of two dormer windows and three conservation roof-lights)**

An extract from the draft Minutes of the Parish Council meeting 12<sup>th</sup> December 2017 that addressed the above planning application was circulated to residents on 13<sup>th</sup> December. The extract has been posted on the HPC website (go to Council meeting 12<sup>th</sup> December and scroll down to EXTRACT.....

Since the Council meeting 12<sup>th</sup> December, the Parish Council has gained further information concerning the planning application. This information has come from two sources.

- i. meeting with Mike Townsend, Planning and Development Manager, BDBC. The meeting was requested by, Borough Cllr Donald Sherlock and was attended by the Hannington Parish Council Clerk, Chris Pottinger.
- and
- ii . access to the publicly available video of the Development Control Committee 13<sup>th</sup> January 2016, that considered and approved 15/02902/FUL for the erection of a detached two bedroom single storey dwelling.

Your Parish Council considered the information gained is material to the latest planning application "*to allow the inclusion of two dormer windows and three conservation roof lights*", and that it should be communicated to residents so they can take it into account in any comments they might wish to submit to BDBC Planning Department.

### **Deadline for Comments to BDBC**

The Parish Council has been informed the Development Control Committee agendas for December and January are full. The earliest this planning application can be considered by the Committee will be the February meeting. Therefore, submissions (either in support of or objecting to the application) can still be made and will be taken into account by officers and Borough Councillors in reaching their decisions.

### **The video**

The BDBC Development Control Committee meeting lasted well in excess of two hours. Cllr Hertz has produced a shortened version of the Committee video, concentrating solely on the discussions on the Rose Cottage planning application. This shortened version lasts 18 minutes and can be accessed [https://youtu.be/nS\\_c4vlnS5M](https://youtu.be/nS_c4vlnS5M).

The two elements on which further information has been obtained are 'maximum ridge heights' and 'inclusion of dormer windows'.

### **Maximum Ridge Heights**

The first question raised at the Development Control Committee, by Cllr Taylor, (13:50 minutes into the video) was the maximum ridge heights of the new build and of Rose Cottage.

In response to the question, on the video, Mr Matthews, the applicant's Agent, Interspace Design informs the Development Control Committee that the maximum ridge heights are about 6.2m from the ground for

the new build and about 6.9m from the ground for Rose Cottage. He then goes on to inform the Committee the difference in the ridge heights is about 700 mm.

At the meeting on Thursday 14<sup>th</sup> December with Mike Townsend, Planning and Development Manager, BDBC, Borough Cllr Donald Sherlock and the Hannington Parish Council Clerk, Chris Pottinger were told that the actual ridge heights are 6.5m for the new build, as per the architects drawings, and 6.6m for Rose Cottage (taken from the drawings in support of an earlier requested change to Rose Cottage).

There are therefore inconsistencies in statements relating to the comparative ridge heights:-

- \* the information given to the Parish Council by the applicant, in which the Council was informed the new build would be lower than Rose Cottage,
- \* the Street Scene drawing, which shows the ridge height of the new build to be lower than Rose Cottage (included on opening section of video)
- \* the statement made by the Agent, assuring the Development Control Committee that the new build will have a ridge height 700mm lower than Rose Cottage,
- \* the statement by the BDBC Planning and Development Manager, in which he says there is 100mm difference between the two buildings, and
- \* public perception of the ridgeline of the new build being noticeably higher than that of Rose Cottage. Mr Townsend suggested this could be for a number of reasons including, a difference in ground heights of the two buildings, an illusion caused by the design of the roof of the new build, the relative position of the two buildings to the road, and the relative position of the 'viewer'.

### **Inclusion of two dormer windows**

The second question raised at the Development Control Committee, by Cllr Tucker, (15:20 minutes into the video) is particularly relevant to the current planning application for the dormer windows. Her question was a follow up to Mr Opperman's suggestion in his oral presentation (05:40 minutes into the video) that *the increased roof height is to accommodate at a later date some form of second storey, loft extension or dormer windows... which he then suggested is a second attempt to achieve the original application that was refused*. Cllr Tucker's question was 'is it [putting in dormer windows] even feasible to the new design?'

In response to the question, on the video, Mr Matthews informs the Development Control Committee, **"No, it is not"**. Mr Matthews explains *it is not technically possible to include dormer windows because of the 'arch window heads' that have been requested by the Conservation Officer*. He then says, *'there is no proposal to put in dormer windows in that elevation to the green that the objector was worried about.'*

### **SUMMARY and CONCLUSION**

The information provided by Mr P. Matthews, the applicant's Agent, in direct response to the questions asked by two Borough Councillor's can be summarised as follows:-

- **maximum ridge height for new development is 6.2 metres from the ground and that of Rose Cottage is 6.9m from the ground, a difference of 0.7m**, and,
- **two dormer windows it would 'not be feasible to subsequently seek the inclusion of dormer windows'** because the roof is of a barn hip design with arch head windows.

The Planning and Development Manager, BDBC was asked if he would seek to remove the latest planning application and to replace it with wording that was less ambiguous i.e remove any reference to a three bed dwelling as it is NOT relevant to the current application. He did not think this was necessary as the planning application identified the **proposal was to allow the inclusion of two dormer windows and three conservation roof-lights**. He saw the Clerk's extract from the Minutes of Tuesday's Parish Council meeting (12<sup>th</sup> December 2017), and concluded they adequately clarified the point for residents. He

considered this clarification through the Minutes should be sufficient to clear up any residual confusion or misunderstanding residents.

He added that the planning application is now timetabled for the February 2018 Development Control Committee. Accordingly, should residents wish to submit further Objections/letters of support they could do so. Residents are being informed of this by way of the above report i.e the current planning application is solely "to allow the inclusion of two dormer windows and three conservation roof-lights".

Chris Pottinger,

Clerk, Hannington Parish Council

19<sup>th</sup> December 2017

Planning Permission for plot at Rose Cottage.  
Barbara Macmurchy <barbmacmail@gmail.com>  
Fri 22/12/2017, 14:36

Dear Hannington Residents.

I expect most of you are thoroughly fed up with all the messages coming round about this, but please read this one.

It sets out the facts.

1) The roof detail of the building was specifically requested by BDBC Planning Department in the interests of trying to make the building more in sympathy with Rose Cottage: it was NOT our original scheme but naturally we agreed to incorporate it.

2) The building currently under construction has been checked by both an Enforcement Officer and separately by a Planning Officer from Basingstoke and Deane Borough Council.

It complies with the drawings as asked for and Approved by BDBC Planners.

3) The amended Planning Application now being considered aims to put two small dormers and a small rooflight on the front roof and two small high level rooflights on the back. We think that these dormers make it more like the Rose Cottage roof.

4) Therefore:

If you think dormers would be an improvement please send a suitable message of **Support** to BDBC Planners.

If you prefer the roof to stay as it is please do exercise your right to **Object**

Please send any new submission or change of a previous submission to:

email to Jane Watson. [Jane.Watson@basingstoke.gov.uk](mailto:Jane.Watson@basingstoke.gov.uk)

Ref: Planning Application 17/03634/FUL: Rose Cottage  
Planning Development Support Supervisor  
Basingstoke and Deane Borough Council  
Civic **Offices**, London Road, **Basingstoke**, Hampshire RG21 4AH

Tel: 01256 845576

Merry Christmas.

Geoff Poynter Smith.

**BDAPTC outcome: HPC must comply with General Data Protection Regulations (GDPR)****Summary:**

1. The new General Data Protection Regulations come into UK Law on the 25<sup>th</sup> May 2018. It modernizes the data protection laws to take account of the Internet, digital marketing, social networks, and the whole plethora of data tracking capabilities currently on offer and coming due to technological advances since the Directive was introduced in 1995.

The UK's Information Commissioner's Office (ICO) has clearly stated that

" . . . The GDPR will apply in the UK from 25 May 2018. The government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR. . . "

2. The regulation demands a significant uplift in data protection from the existing UK Data Protection Act. For example:

*" . . . Data subjects [individual persons] acquire many new rights, including the right to be forgotten, the right to move their data to another provider, and the right of access to verify data correctness and the processing activities his or her data are subjected to.*

*The question as to "why" privacy and protection of personal data is necessary is addressed in Article 75 of GDPR. The view is that lack of privacy and protection increases "risks to the rights and freedoms of natural persons ... which could lead to physical, material or non-material damage." Specific examples listed include discrimination, identity theft, fraud, financial loss, and loss of confidentiality of personal data, among others.*

*Under GDPR, processors [ISPs, website and applications system owners] now have direct obligations to implement appropriate security measures, maintain records of processing activities, and meet data breach notification requirements i.e. notify the IOC within 72 hours and individuals.*

*Personal data is the first definition given in Article 4: "any information related to an identified or identifiable natural person" (called a data subject throughout the GDPR). Direct identifiers include name, ID number, and online identifiers (e.g., email address), and indirect identifiers include location data and various types of identity. . . "*

3. Specific legal obligation on the HPC,

*" . . . If you are a processor, the GDPR places specific legal obligations on you; for example, you are required to maintain records of personal data and processing activities. You will have **significantly more legal liability if you are responsible for a breach**. These obligations for processors are a new requirement under the GDPR. However, if you are a controller, you are not relieved of your obligations where a processor is involved – **the GDPR places further obligations on you to ensure your contracts with processors comply with the GDPR. . .**"*

4. There are major penalties for non-compliance with GDPR, for example
  - a. Not enacting data protection by design and by default, failing to keep adequate records of processing activities, not ensuring appropriate security of processing and failure of an audit of GDPR – administrative fine of up to 10m Euros or 2% of turnover.

- b. The higher fine of up to 20m Euros or 4% of turnover - for not following basic principles of collecting and processing data, failure to acquire adequate consent from a data subject [the person] and not providing data subjects with their rights.
- c. Note that persons [data subjects] themselves also have the right to seek damages through a civil court from an organisation that fails to protect their personal data.

#### **Due diligence activity to-date:**

5. **HPC website exposure to the new GDPR laws**, Hannington Parish Council have written to Hugo Fox on the 5<sup>th</sup> December, 2017 for confirmation of compliance with regard to the website and its current functionality. Key points are,

*" . . . Under GDPR, third-party processors, e.g. ISPs, have a new direct liability to the Information Commissioners Office (ICO) and can be fined directly.*

*You will appreciate that we have to ask the basic due diligence questions – and wish to have a formal confirmation and assurance from Hugo Fox that,*

1. *Hugo Fox and its ISP's are compliant with the GDPR i.e. compliance will be place by May 2018 specifically in relation to the Hannington Parish website and its functionality.*
2. *Deliberate collection and sharing of bulk data without permission does not take place. I am alluding to the individuals details held for 'Alerts' for instance.*
3. *That cyber security breaches will be reported to the Information Commissioners Office within 72 hours – and disclosed to the Hannington Parish Council in the event that the breach impacts upon us.*
4. *That an effective incident response provision to meet the new requirements is/will be in place at Hugo Fox and/or at its ISP's*
5. *That cyber security is measured and the current level of protection against a security breach is continuously improved. . . "*

6. **HCC Parish Clerk email migration project**, the HPC parish clerk 'official' email address [clerk.hannington@parish.hants.gov.uk](mailto:clerk.hannington@parish.hants.gov.uk) is currently hosted at HCC and is used to forward emails to the parish clerk's 'private' mail account. Notably, the clerk and all the HPC Cllrs are using their own private email accounts to conduct 'parish council business'.

- a. **On 1<sup>st</sup> December** the HPC raised a due diligence query to the Mail Replacement Project Manager at HCC Corporate Services regarding the 'Forwarding' of emails to personal email accounts and compliance with GDPR.

**On the 5<sup>th</sup> December**, the Project Manager wrote to internal HCC folks,

*" . . .following the email below which I know Ali has forwarded onto Sarah. As you are aware, we are Going Live with the @Mail replacement on Saturday 9th December but will like to raise the question about the GDPR compliance highlighted below as some of the current @Mail users have forward set up on their email. . . "*

*" . . .Can you kindly advise if the BRM [Business Relationship Manager] team can pick up confirming and communicating the new GDPR rules regarding forwarding parish council related email accounts to personal account post migration on the 9th of December. . . "*

**On the 7<sup>th</sup> December**, the HCC IT Relationship Manager published to the email migration users,

*" . . we are aware that some users have set up auto-forwarding on their accounts. Please be aware that any auto-forwarding will not be reinstated by HCC as part of the migration. Should you desire to continue auto-forwarding emails from your new account, you will be required to set this up yourself.*

*You may want to bear in mind security implications of auto-forwarding Parish Council business related emails to personal email accounts which may create additional data protection risks/considerations. One example is personal email may not have the same level of security protection like a business email system and you may want to give careful thought as to whether these risks are acceptable. . ."*

- b. **Conclusion:** The use of private email accounts to conduct 'parish council business' does not meet the basic criteria for Data Protection and certainly does not meet the compliance requirements of GDPR.
  - c. When asked if email accounts could be provided to our Cllrs, HCC IT stated that they are not in a position to provide additional email accounts.
7. Feedback from Bramley Parish Council, who presented their IT Strategy at the BDAPTC meeting, indicates that their approach is similar to other Parish Councils in that they will be obtaining and implementing a '.gov.uk' email environment to conduct parish council business. It significantly strengthens the Data Protection for 'Data Subjects' [people] and their private information as defined by the GDPR. More importantly, the administration requirements under the Freedom of Information Act (FOI) and enacting the new GDPR 'rights' of the individual become significantly more manageable.

#### **.Gov.uk domain name for both website and email:**

8. Investigation of acquiring a single .Gov.UK domain name to cover both the HPC website and email domain address from the Jisc is feasible. An approved Registrar would submit the application.
- a. In response to a HPC diligence enquiry, the Jisc have stated on the 6th December that the domain name [hannington-hants-pc.gov.uk](http://hannington-hants-pc.gov.uk) would meet with the UK government domain naming conventions.
  - b. The initial purchase of the domain name would cost £80 + VAT for two years, thereafter £40+VAT per year. Note that a nominal Registrar fee is not included.
  - c. Prior to the domain name application a domain hosting service will need to be identified in addition to the email ISP provider. Agreement would need to be firmed up with regard to the domain name change for the HPC Hugo Fox website and ISP.
  - d. Indicative costs for the services of an email package provider will need to be thoroughly investigated as these may use 'Cloud' services which may not comply with GDPR.