

**Simonstone Parish Council**  
**A Parish Council Meeting**  
**is to be held on Friday 24<sup>th</sup> June 2011**  
**in the Old School, School Lane, Simonstone**  
**at 7.00pm Agenda**

**Part 1 (items of business to be discussed in public)**

**11/ 83 Minutes of the meeting held on 26<sup>th</sup> May 2011 for approval.**

**11/ 84 Declaration of interests.**

**11/ 85 Public Participation. (open forum on any village matter to last no more than 15 mins. 3mins per speaker)**

**Decision items**

- 11/ 86** Matter brought forward from meeting held on 26<sup>th</sup> May
- a. Christmas arrangements for 2011 – Clerk to report
  - b. Parish Council Website Coun Duckworth to report
  - c. Street Name Clerk to report
  - d. CPRE – National Grid. Clerk to report
  - e. Speed indicator signs SpID. - Clerk to report.
  - f. Highways matters
    - i Tree Planting, An Application for a licence to plant trees on the Highway has been received and forwarded for completion.
    - ii Speed Humps. Clerk to report
    - iii School Lane Parking.
    - iv Speeding on Whins Lane
    - v Parking Outside Valley Terrace

**11/ 87** To consider changing the day of Parish Council meetings – Councillor Aizlewood.

**11/ 88** To consider reducing the number of Parish Council meetings per year (Legal obligation to hold 4 meeting ).

**11/ 89 RVBC**

- a. Parish Liaison Committee 9<sup>th</sup> June, 29<sup>th</sup> Clerk to report
  - i QE11 – Challenge to create a legacy to protect outdoor spaces for communities
  - ii Recruitment of Parish Council Members to serve on the RV.Council’s Standards Committee.
- b. Agenda for the Standards Committee meeting on 18<sup>th</sup> June has been received.
- c. Agenda Planning a Development Committee 26<sup>th</sup> June

**11/ 90 Planning Applications.**

Application number <b>3/2011/0345</b>	<b>Officer:</b> : Rachel Horton 01200 414571	<b>Grid Reference</b> 377907 434268
Address	Sunnyside Dean Top Whalley Road Simonstone Lancashire	
Proposal	Two-storey extension to side (East) elevation with balcony at first floor level. New porch to rear elevation with balcony at first floor level. Applications for full consent	

Application number 3/2011/0222 25/03/2011	<b>Officer</b> John Macholc :	<b>Grid Reference</b> 377290 433370
Address3	Fort Vale Engineering Ltd Calder Vale Park Simonstone Lane Simonstone Burnley Lancashire BB12 7ND	
Proposal	Proposed extension to rear of Building 'S' to provide new despatch and storage area	

	ancillary to industrial use of building. Erection of stand alone ancillary facilities building. Applications for full consent
RVBC	Recommended for approval at the Planning meeting on 26/5/11

Application number 20/04/2011	<b>3/2011/0257</b>	<b>Officer:</b> Rachel Horton 01200 414571	<b>Grid Reference</b>
Address	2 Valley Terrace Simonstone Lane Simonstone Lancashire.		
Proposal	Removal of existing extension and elevated rockery. Proposed single storey extension with two Velux rooflights. Applications for full consent.		
Parish Council comments	No objection but residents are concerned about the access to the site during in the demolition and building of the extension due to restricted access to the site through a neighbours garden areas.		

**11/ 91** LALC –

- a. Legal Briefing notes – Councillor Notification under the Data Protection Act 1998.
- b. Notes of concern from the External Auditors.
  - i It is no longer a legal requirement to review the internal audit arrangements, but it is good practice to do so at the time of the annual review of internal control.
  - ii Safe arrangements should be considered when allowing the public to inspect account documents. ( I suggest that the documents be made available in future at the Parish Council Meetings in April and May) “during part or all of the statutory 20 day period”.
  - iii Annual returns must be approved by a full meeting of the council and not be by a Subcommittee.

**11/ 92** National Grid – Clerk to report

**11/ 93** Community Futures.

**11/ 94** \*Finance

- a. To approve bank signatories.
- b. Payment of accounts

i	Read Parish Council	Play area contribution	£200.00
ii	I R Hirst	Salary	£477.26
iii	PSS	Expenses	£96.22
iv	HMRC	PAYE	£119.32

**11/ 95** Matters reported by members for consideration at future meetings

**11/ 96** Matters for reporting to the appropriate authorities.

**11/ 97** The next Parish Council meeting will be held at 7pm on Friday the 5<sup>th</sup> August 2011 in the Old School, Simonstone Lane, Simonstone.

**INFORMATION ITEMS** (no decisions incurring finance may be taken on these items)

Hyndburn BC – Submission Documents Site Allocations and Development Management Policies have been received

I Roger Hirst  
Clerk to the Parish Council

## Terms and conditions template for website usage

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The term 'Simonstone Parish Council' or 'us' or 'we' refers to the owner of the website. The term 'you' refers to the user or viewer of our website.

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**Acceptable Website use policy - Simonstone Parish Council**

This is the policy for the use of the website administrators of Simonstone Parish Council whereby they must ensure that they:

- comply with current legislation
- use the website in an acceptable way
- do not create unnecessary risk to the Parish Council by their misuse of the website.

**Unacceptable behaviour**

In particular the following is deemed unacceptable use or behaviour by website administrators:

- Linking website sites that contain obscene, hateful, pornographic or otherwise illegal material
- using the website to perpetrate any form of fraud, or software, film or music piracy
- using the website to send offensive or harassing material to other users
- downloading commercial software or any copyrighted materials belonging to third parties, unless this download is covered or permitted under a commercial agreement or other such licence
- hacking into unauthorised areas
- publishing defamatory and/or knowingly false material about Simonstone Parish Council, the councillors and/or our visitors to the site.
- revealing confidential information about Simonstone Parish Council in a personal online posting, upload or transmission - including financial information and information relating to our customers, business plans, policies, staff and/or internal discussions
- undertaking deliberate activities that waste staff effort or networked resources
- introducing any form of malicious software into the corporate network

**Company-owned information held on third-party websites**

If you produce, collect and/or process business-related information in the course of your work, the information remains the property of Simonstone Parish Council. This includes such information stored on third-party websites such as webmail service providers and social networking sites, such as Facebook and LinkedIn.

**Monitoring**

Simonstone Parish Council accepts that the use of the website is a valuable asset. Therefore, Simonstone Parish Council maintains the right to monitor the use of the website. The specific content of any transactions will not be monitored unless there is a suspicion of improper use.

**Sanctions**

Where it is believed that a Councillor has failed to comply with this policy, they will have access from the administration section of the website removed immediately.

**Agreement**

All Councillors or Clerks who have been granted the right to use the Simonstone Parish Council website access are required to sign this agreement confirming their understanding and acceptance of this policy.

Name (PRINT) ..... Signature: ..... Date:.

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## **COUNCILLORS' NOTIFICATION UNDER THE DATA PROTECTION ACT 1998**

### **Introduction to data protection responsibilities**

The Data Protection Act 1998 ("the 1998 Act") regulates the holding and processing of personal data/ information that relates to living individuals. Persons and organisations (including local, i.e. parish/ community councils) who process personal data covered by the 1998 Act are required to notify the Information Commissioner's Office ("ICO") and a description of the processing activities is placed on a public register of notifications. These persons and organisations must also comply with eight data protection principles which form a framework for the proper handling of personal data. Further guidance in respect of the 1998 Act can be found in Legal Topic Note 38.

"Personal data" is defined as data which relates to a living individual who can be identified from the data or from the data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

"Processing" data includes retaining, recording or holding information or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data.

A "data controller" determines the purposes and manner in which the personal data are processed. This may be done alone or jointly or in common with other persons.

### **Councillors' data protection responsibilities**

The ICO is seeking to make councillors more aware of their legal responsibilities when holding and handling personal data. The ICO is particularly seeking to ensure that individual councillors notify the ICO if they are data controllers who process personal data on computers for purposes other than council business (e.g. for ward casework). The ICO believes that many councillors across the local government sector remain unregistered.

Information handled by councillors may be held on their own computers, in their own homes or offices or it may be held on council premises or computer systems.

### **Does a councillor need to personally notify?**

Councillors have different roles both as individual members of a council and when they act on behalf of their council.

Councillors are likely to have three different roles *as individual members of a council*:

1. Representing residents of their ward, for example, when dealing with interests and complaints specific to the ward;
2. Discussing council business with other councillors: this may include discussing issues which affect the council and agreeing voting strategies with other members of the same political group. This is a key part of the councillor's role as an elected representative and not something done on behalf of the local authority;
3. Campaigning on behalf of a political party, particularly at election time.

Councillors are also likely to have different roles *when acting on behalf of the council*:

1. Making decisions (including as members of a committee);
2. Representing the council on external bodies.

When considering whether they need to notify, councillors need to decide in which role or roles they are processing personal data. **Page 1 of 2**

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**1. Councillors processing personal data as representatives of the residents in their ward**

Councillors who process personal data as representatives of the residents in their ward are likely to have to notify in their own right if they process personal data on a computer. They are likely to be processing personal data as representatives of the residents in their ward when looking into complaints or responding to issues raised with them by local residents. This would include using a computer to write to a resident in relation to issues raised by that resident.

**2. Councillors processing personal data when acting as members on behalf of the council**

When a councillor has access to and processes personal data in the same manner as a council employee/ member of staff, it is the council rather than the elected member that determines what the information is used for and how it is processed. Examples of councillors not being required to notify in their own right in these circumstances include councillors who are members of a council's personnel committee and are considering job application forms and associated recruitment documents or councillors who are members of a council's planning committee and consider the details of a planning application of which they have been notified by the local planning authority.

**3. Councillors processing personal data as representatives of political parties**

When individuals campaign on behalf of political parties to be the elected members for a particular ward, they can rely on a party's notification if the party determines how and why the personal data is processed for the purpose of their individual campaigns. Individual members who are not part of any political party but campaign to be an independent elected member for a particular ward will need to have their own notification.

N.B. councillors will be exempt from notification if personal data takes the form of paper records.

**Notification formalities:** The statutory notification fee is £35 per annum except those data controllers with a turnover of £25.9 million or more and 250 or more members of staff or public authorities with 250 or more members of staff, who are required to pay £500 per annum.

Councillors who are unsure as to whether they need to notify in their own right can call the ICO's notification helpline on 01625 545 740 for assistance. They can also complete the ICO's online self assessment, which will show whether they are required to notify: <http://www.ico.gov.uk/notify/self/question1.html>

Notification (including payment of the £35 notification fee) can be made by visiting the ICO website ([www.ico.gov.uk](http://www.ico.gov.uk)) and printing out, completing and returning the notification forms to the ICO. Data controllers can also call the notification helpline on the number in the above paragraph to request a notification form. The ICO will enter the relevant information onto the public register of data controllers once an individual or organisation has notified. The register can be found on the ICO website.

**Penalties for failing to notify:** Failure to register when required to do so is a criminal offence. If convicted, defendants can face a fine of up to £5,000 in the Magistrates Court or face an unlimited fine in the Crown Court. The ICO publicises successful prosecutions for failure to notify and this includes details of the fines and any prosecution costs paid. Register entries have to be renewed annually and data controllers who do not renew their registration when they are required to do so will also be committing a criminal offence.

The ICO news release on councillors' data protection obligations dated 25 January 2011 can be accessed at the link below.

[http://www.ico.gov.Uk/~media/documents/pressreleases/2011/councillors dp compliance news release 201101 25.ashx](http://www.ico.gov.Uk/~media/documents/pressreleases/2011/councillors_dp_compliance_news_release_201101_25.ashx)

This briefing was issued by Jane Moore, Solicitor

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