

MINUTES of the **Policy Committee** Meeting held on Thursday 7 June 2018 at 6.30 p.m. in the Shire House Suite, Shire House, Bodmin.

PRESENT: Chairman, Councillor J Gammon, presiding; together with Councillors E M Ahearn, J P Cooper, J R Gibbs, D A Henderson, S H Kinsman and L F Sanders.

IN ATTENDANCE: Mr S Facer (Town Clerk) and Miss L Hancock (Executive Assistant)

CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES:

Apologies were received from Councillors J A Bassett and L L Frost.

POL/2018/013

Declarations of Interest

There were no Declarations of Interest made.

POL/2018/014

Election of Vice-Chairman

Councillor E M Ahearn was unanimously elected as Vice Chairman.

POL/2018/015

PUBLIC REPRESENTATION SESSION

There were no members of the public present.

POL/2018/016

Minutes of the Policy Committee Meeting held on 22 February 2018

Matters Arising:

These minutes had been before Council and were acknowledged as a true record.

POL/2018/017

Gifts & Hospitality

The Town Clerk reported that in her capacity and role as Mayor, Councillor S H Kinsman had received the following gifts and hospitality:

- 2 May 2018 – Rotary Club of Bodmin – During her attendance as a guest at a Rotary meeting, dinner was provided, the estimated value of the hospitality was £15.00.

The above information was noted.

POL/2018/018

General Data Protection Regulation:

a) Parliamentary Briefing – Data Protection Bill (copy enclosed) - The Town Clerk advised that this has now largely been superseded given the Data Protection Act 2018 having received Royal Assent on 23 May 2018. As Members will probably be aware there was an amendment to exempt all parish and town councils and parish meetings in England from the requirement to appoint a Data Protection Officer (DPO) which has been enshrined in that legislation, with the view that appointing a DPO to support

the Council's approach to Data Protection will be discretionary and may be regarded as good practice.

This information was noted by Committee.

b) NALC Legal Briefing Note L02-18 – Reporting Personal Data Breaches (copy enclosed) – The Town Clerk advised that this is a useful document as it sets out the new obligations for Data Controllers where a breach of personal data has occurred. He added that all staff and Councillors will need to be mindful of the ease in which a personal data breach can occur with the most common likely to be sending personal data to an incorrect recipient.

In light of this document and in order to further comply with this element of the Data Protection Act, the Town Clerk recommended that a procedure note, drawing from this briefing, is prepared and added to the Council's Policy to set out the way in which the Council will manage data breaches. Following discussion, it was **AGREED** to **RECOMMEND** that a procedure note be brought to the next Policy Committee meeting for consideration which would then be annexed to the policy document once approved.

c) Update on BTC compliance – The Executive Assistant reported that having recently attended two GDPR Courses led by ACAS and the Cornwall Association of Local Clerks, both she and one of the Accounts Technicians have begun to work through the requirements of the new GDPR which came into force on 25 May 2018. The Information Officer will also be working on aspects relating to GDPR for the Shire Hall.

The Executive Assistant advised that a wide range of issues have been identified which need to be addressed and modified accordingly and at the current time the following items are considered to be the most urgent to reduce the level of risk to the Council and work towards compliance:

- To create Privacy Notices and Consent forms in order to obtain permission for the processing of personal data;
- To review and update all forms used by the Council which request personal data from customers or staff – payroll, parking permits, bookings, cemeteries;
- To review and update the Council's Data Protection Policy;
- To review and update the Council's Document Retention Policy and expand the Annex to include all items of documentation, their retention timescales and method of disposal;
- To create and implement a database of any data breaches and produce an associated procedure note;
- To set up a new email account dpo@bodmin.gov.uk to enable any person wishing to submit a Subject Access Request (or any other enquiries relating to data retention) and ensure it is referred to on all forms and available on the website;
- To arrange appropriate GDPR training for all Members, Staff and

Museum representatives to raise awareness of the forthcoming changes under the new legislation;

- To prepare data flows of all data held, in order to efficiently track documentation in case of Subject Access Requests;
- To carry out a full audit of all recruitment paperwork to ensure that document retention periods are adhered to and any expired documentation is securely disposed of;
- To carry out a full audit of all documentation relating to Car Park permits and penalties to ensure compliance;
- To prepare new spreadsheets to log all details of incoming and outgoing correspondence in order to be able to utilise data flows in the event of Subject Access Requests.

The Executive Assistant added that although some of these tasks are not particularly difficult in their nature, it is anticipated that it will be extremely time consuming as new systems and databases will need to be created and implemented as well as the physical sifting of large quantities of documentation which has been stored in the Shire House over a number of years.

The guidance from the Information Commissioner's Office suggests that for most organisations this process will be a lengthy one and will need to be continued as an ongoing project into the future.

POL/2018/019

Document Retention Policy – to review amendments in line with GDPR

Following discussion, it was **AGREED to RECOMMEND** the adoption of this updated policy with the amendments as set out.

POL/2018/020

Data Protection Policy – to review amendments in line with GDPR

Following discussion, it was **AGREED to RECOMMEND** the adoption of this updated policy with the amendments as set out.

POL/2018/021

Final draft policies for review and approval:

- a) **Alcohol & Drugs Policy** – The Town Clerk advised that there had previously been some discussion regarding Members being permitted to consume alcoholic during civic events (sometimes outside of core business hours (evenings and weekends)) and where it might otherwise be hospitable for Members to have an alcoholic drink, if they so wished, in support of a community event i.e. Wassail. By including Members within this policy they would be in contravention of a Council Policy.

The Town Clerk added that inclusion of Members within the Council's Alcohol & Drugs policy was not appropriate as issues relating to the conduct of Members is addressed separately by way of referral to the Monitoring Officer under the Code of Conduct system. The Town Clerk advised that this Alcohol and Drugs policy was only applicable to Officers of the Council or Contractors engaged by the authority.

It was **AGREED** to **RECOMMEND** that Members not be included within this Policy.

- b) **Anti-Bullying & Harassment Policy** – The Town Clerk advised that this policy was deferred from Full Council on 22 March 2018 and due to time constraints there had not been an opportunity to discuss it in detail.

It was understood that Councillor P T Cooper may have wished to raise a query concerning this document and as such it was agreed that the Executive Assistant contact him to clarify any issues so that they could be raised prior to adoption of the Policy by Council.

- c) **Safeguarding Policy**
d) **Training & Development Policy**

Following discussion, it was **AGREED** to **RECOMMEND** the adoption of Policies a) to d) with the amendments as set out, subject to no further comments from Councillor P T Cooper, as referred to above (point (b)).

POL/2018/022

Confidential Reporting (Whistleblowing) Policy

Following discussion, it was **AGREED** to **RECOMMEND** the adoption of this policy with the amendments as set out.

POL/2018/023

Working Party Terms of Reference

The Chairman thanked the Mayor for all her work on this document. Some discussion then ensued and the following amendments were discussed and agreed:

- Section 1 – to remove “*Full Council or by a Committee*” and replace with “*the relevant Committee*”;
- Section 2 – To amend the heading from “*Leader*” to “*Chair*” and to change the first sentence to read “*A Chair of the Working Party will be appointed by the Working Group at its first meeting.*”
- Section 3 (Para 1) - to remove “*Council or Committees or Officers with delegated powers*” and replace with “*Parent Committee*”.
- Section 3 (Para 2) – to remove “*Full Council or a Committee or Officer with delegated powers*” and replace with “*the Parent Committee*”.
- Section 4 – to remove “*Full Council or by a Committee that has delegated authority*” and replace with “*the relevant Committee and/or Full Council*”.

Following discussion, it was **AGREED** to **RECOMMEND** the adoption of the Terms of Reference with the amendments as set out.

POL/2018/024

Consultation: Powers for dealing with unauthorised development and encampments – to consider a corporate response by Friday 15 June 2018

The Town Clerk advised that Bodmin Town Council has experienced

unauthorised encampments on its land in the past and sites have included Hillside Park, the Beacon LNR (main field) and Priory Car Park which were actioned under Section 61 of the Criminal Justice and Public Order Act 1994.

The Town Clerk added that BTC has a Travellers Policy & Procedure with an operational procedure for unauthorised encampments where it relates to either a council car park or council property other than a car park covered by an off-street parking order. He reported that the last time the procedure was tested it was found to be effective.

Following discussion it was **AGREED** to **RECOMMEND** that the Travellers Policy and Procedure be reviewed at the next Policy Committee Meeting on 6 September 2018.

POL/2018/025

NALC 2018 Standing Orders L04-18

The Town Clerk reported that an extensive review of the Council's Standing Orders, utilising the NALC Model Standing Orders were considered by the Chairman and Vice-Chairman of FSPM and the Chairman of Policy through 2015 with a final report to Policy Committee in February 2016.

The Council's Standing Orders were revised and updated in line with the requirements of the Openness of Local Government Bodies Regulations 2014 relating to recording and filming of meetings, amendment to reflect the Local Government (Electronic Communications) (England) Order 2015 permitting e-mail service of the summons to meetings.

There was also an amendment to reflect the proposed changes to the Council's Financial Regulations following the abolition of s150(5) of the Local Government Act 1972 (two Members signing every cheque) and the introduction of the Public Contracts Regulations 2015 and the associated Contracts Finder website, along with some minor tidying-up to hopefully improve clarity and to reflect some changes to roles and responsibilities.

The view was that the Council's Standing Orders were fit for purpose but required some updating to reflect the changes as outlined. This was the preferred option rather than adopting the NALC model.

The Town Clerk advised that he was aware of some suggested amendments to Standing Orders and Members may well therefore wish to see some work carried out to review Standing Orders by the Chairman and Vice-Chairman of this Committee (which could include the Chairman of FSPM if there are any financial changes suggested) along with himself, to ensure that a track changed copy can be brought back to a future meeting for consideration.

Following discussion it was **AGREED to RECOMMEND** that an email would be circulated to all Members to request that any amendments/comments are forwarded to the Chairman within 14 days of the email.

POL/2018/026

NALC Discussion Paper – Shaping our Future: A Big Conversation – To consider a corporate response by 1 July 2018

The Town Clerk commented that both NALC and CALC provide excellent support, especially to some of the isolated Parish Councils.

Following discussion it was **AGREED to RECOMMEND** that this discussion document be noted.

POL/2018/027

To consider Bodmin Town Council's use of single-use plastics

Councillor L F Sanders advised that she had recently attended a 'Plastic Free' event in Wadebridge and was very keen to explore how Bodmin Town Council could work towards a commitment to becoming a plastic free town. She commented that she was aware that some Councils within Cornwall have already made a commitment to becoming plastic free, including Penzance and she considered it would help boost the corporate image of BTC.

Councillor Sanders referred to the 'Plastic Free Coastlines' and 'Plastic Free Bodmin' groups on Facebook which may be of interest to other Members.

Some discussion then ensued regarding the possibility of purchasing some double bins for general waste and recyclables to be utilised within BTC sites. It was also confirmed that each department within BTC would prepare a list of any single use plastics currently used.

Following discussion it was **AGREED to RECOMMEND** that BTC prepares a statement to say it supports a reduction in single use plastics and the principle of working towards a plastic free town.

It was also **AGREED** that a Plastic Free Policy would be considered at the next Policy Meeting on 6 September 2018.

POL/2018/028

Any other urgent and relevant item, for information, that the Chairman considers appropriate

There being no further items for consideration, the meeting was declared closed at 7.57 p.m.