

## Sutton St. Nicholas Parish Council

### Minutes of the Ordinary Meeting of Sutton St. Nicholas Parish Council, held in Room 2, The Village Hall, Sutton St. Nicholas on Tuesday 2<sup>nd</sup> January 2018. (SPC/TF/118)

#### Councillors Present

Cllr Ron Gow (Chairman)  
Cllr Ann Burke (Vice Chairman)  
Cllr Stan Gyford  
Cllr Tina Hurley  
Cllr Ian Nicholas  
Cllr Anna Toon

#### In attendance

Mike Darley – Footpath Officer  
Tony Ford – Parish Clerk

Members of the Public –1

#### 1. Apologies for Absence

Apologies were received and accepted from Cllr Richard Andrews.

#### 2. Receive approve and sign the Minutes of the Ordinary Meeting of the Parish Council (no SPC/TF/117) held on Monday 4<sup>th</sup> December 2017.

The minutes were signed by the Chairman as a true record of the meeting

#### 3. Disclosable Pecuniary Interest Dispensations

There were no requests for dispensation.

#### 4. Declarations of Interest

Declarations of interest by members in respect of items on the agenda were as follows:-

Councillor	Y e s	N o	Agenda Item		Disclosure DPI or NPI
Cllr Ron Gow		√			
Cllr Ann Burke		√			
Cllr Stan Gyford		√			
Cllr Tina Hurley		√			
Cllr Ian Nicholas		√			
Cllr Anna Toon		√			

#### 5. Report from Clerk on actions from the last meeting

There were 20 actions requiring completion 7 were completed, and 13 were in progress (Appendix 1 refers). Noted

#### 6. Questions/Issues on any matter, from members of the public present.

##### 6.1 Ward Councillors Report

The Ward Councillor gave a brief report (Appendix 2 refers)

##### 6.2 Local Police Report

There was no police report.

##### 6.3 Questions from other members of the public

There were no questions from the public.

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### 7. **Western Power**

The Parish Council noted that a letter of invitation had been sent to Mr G Winton – Team Manager - Ludlow

### 8. **Planning Application 174423 Land at Willow Croft Sutton St Nicholas –Proposed cottage and garage block (revised scheme 170456).Having considered the matter the Parish Council resolved to support the application.**

**Action** Clerk to inform Herefordshire Council of the Parish Councils decision.

### 9. **Planning Application 174419 Upper Court, Sutton St. Nicholas HR1 3AY – Proposed Poly-tunnel**

**The Parish Council noted the update from the Clerk as follows:-**

- The Parish Council received a notice of the above dated 1<sup>st</sup> December 2017.
- Copied in on email sent to Herefordshire Council by Graham and Jenny Blackmore
- The Parish Council arranged an extraordinary meeting for Friday 22<sup>nd</sup> December 2017 to consider the matter.
- On 18<sup>th</sup> December 2017 decision notice – Agricultural and Forestry Buildings and Operations – prior approval is not required
- Extraordinary meeting cancelled.
- Email from Charlotte Atkins -*Thank you for copying me into to your correspondence. I would advise that the 'target date' which you refer to is actually the determination date. Critically, in the case of 'Prior Approval' applications such as this (unlike planning applications), if a decision is not made and sent to the applicant within this 28 day period the legislation grants approval by default. We therefore could not wait until the 26<sup>th</sup> December to make a decision. It would appear that the incorrect letter was sent to the Parish Council, as it should have advised that the Parish Council is not a statutory consultee and the application was not a planning application. I will address this with our Planning Registration Team and apologise for the confusion that resulted.*

*My report sets out a full appraisal of the legislative controls and assessment of the application for prior approval and I hope this helps to clarify the decision made. It can be viewed on the website, in the Officer Report section:*

*[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=174419&search=174419](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174419&search=174419)*

### 10. **Sutton Playing Field – Youth Facilities**

A group meeting is to be arranged later in January 2018 and Cllr Anna Toon would update the Parish Council at the February 2018 meeting,

### 11. **Defibrillator**

The Clerk informed the Parish Council that he had meet with Kidwells who would send a quote for the service. The Clerk would be asking John Murray to confirm that Kidwells can deal with British Telecom on his behalf.

**Action** – Clerk to ask John Murry to confirm that Kidwells can act on his behalf

**Action** – Clerk to progress matter with Kidwells

### 12. **Village Website**

The Parish Council was informed that the Clerk had attended the required training, and also considered the suggestion that institutions of the current pages for the non-Parish

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Council items be sent an extract of the information on the site and get confirmation that the details were still up to date.

There is also a need for pictures so that a slide show could be run on the home page (Noted)

### 13. Financial Report

13.1 Confirmation of Balances £23,915.80 (Appendix 2 refers)

13.2 Receipts - None

13.3 Invoices for payments

Ref	Payee	Amount £	VAT	
1	Mike Darley	182.00	n/a	31/12/17 (321) Bin clearance, Fallen Tree clearance on St2, 10,14,15 , Disposal of litter pick bags from Court Farm
2	R. A. Ford	372.12	n/a	02/01/18 Clerks Gross Salary
3	R. A. Ford	30.99	5.16	28/12/17 Ink cartridge (reimbursement)

### Resolved to authorise for payment and cheques signed

### 14. Village Gates

The Parish Council considered the 'ball park figures and were concerned at the high costs indicated, having considered the matter the Parish Council resolved to draft a design and send it to Balfour Beatty for comment on how to move the project forward.

**Action** Cllr Gyford would draft a design for consideration by the Parish Council.

### 15. Budget 2018/19

The Parish Council considered the three options for the 2018/19 budget and agreed to move forward with the £7,500.00 increase option. (Appendix 3.)

### 16. Budget Letter to Parishioners

The Parish Council considered the draft submitted by that Clerk, it was agreed that an Invitation from the Parish Council Chairman to Parishioners to attend a public meeting at 6.30pm on Monday 5<sup>th</sup> February 2018 would be published in the February 2018 edition of Sutton News supplemented by notices on the notice boards, on the village website and at strategic points across the village.

**Action** – Chairman and Cllr Stan Gyford to publish a invitation in Sutton News.

**Action** – Clerk to ensure that notices are put up across the village.

### 17. Speed Indicator Device (SID)

This item was deferred until the next meeting

**Action** Clerk to inform contractors

### 18. External Auditors Report 2016/17

The Parish Council was reminded of the relevant minutes relating to the Annual Return Extract from the June 2017 minutes

*The Clerk informed the Parish Council that the Internal Auditor had not ticked the box marked 'F' relating to Petty Cash as there was a Petty Cash balance as at 31<sup>st</sup> March 2017, however there were no petty cash transactions. The Clerk also informed the Parish Council that he would inform the external auditors. The Parish Council considered*

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*the Internal Auditors Report for 2016/17 and was pleased to note that all Control Objectives had been met.*

The External Auditors were informed of the circumstances

The Parish considered and noted the External Auditors Report.

### 19. Franklands Corner

The Parish Council considered correspondence from ADL. Having considered the matter and resolved to support the changes and requests that monitoring continue and an advisory speed limit be considered.

**Action** Clerk to inform ADL of the Parish Council decision.

### 20. Grit Bin (Pool House) Sutton to Marden Road

The Parish Council was informed that a request had been made to Balfour Beatty for a replace Grit Bin rather than the current blue drum, the request was turned down on the basis that any replacement bin would need to be funded by the Parish and this is something they can deliver through the new commissioning model. Cllr Stan Gyford contacted Cllr Guthrie and asked for her help. Following Cllr Guthrie discussions with Geoff Hughes (Director at Herefordshire Council), Clive Hall (Head of Highways and Community Services) has now confirmed the following

*'Given that in this circumstance the request is in effect to replace an existing bin with one that is more suitable, I have asked BBLP to arrange for its replacement. Please note that the policy is that if a new bin is requested at a new location, then we ask the PC to fund.'*

The Parish Council noted the update and thanked Cllr Kema Guthrie (Ward Councillor) for help.

### 21. Review of Activities

The Parish Council carried out a review of its activities to see if there were any significant projects or any long term projects (Over 12 months). Having considered the matter the Parish Council identified the Village Gate scheme which it was aiming to install over the long term by using reserves.( increased though the precept).

### 22. General Data Protection Regulation (GDPR)

The Parish Council received and noted an update from the Clerk (Appendix 4 refers)

### 23. Community Assets

The Parish Council carried out a Community Asset review and agreed that land to the South East of Sutton St. Nicholas (Appendix 5 refers) be classified as a Community Assets.

**Action** Clerk to register the Parish Councils interest with Herefordshire Council.

### 24. Footpath Officer

To receive an update from the footpath officer:-

- A lot of trees were down due to the snow- all cleared
- No 4 by 4 or motor bike activity
- Evidence of Poachers on Sutton Walls footpath.
- Tree down at the back of Woodville following recent high winds.

### 25. Correspondence (Not covered by a separate agenda item and for information only).

25.1 – Balfour Beatty- Weobley Sutton Walls 15/12/17(Noted)

25.2 – Balfour Beatty- Weobley Sutton Walls 8/12/17 (Noted)

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25.3 – Balfour Beatty- Weobley Sutton Walls 1/12/17 (Noted)

**26. Matters relayed to the Clerk for the Agenda of the next meeting**

No matters were relayed

**27. Confirmation of the date, time and venue of the next meeting, Parish Council  
Monday 5<sup>th</sup> February at 7.15pm in Room 2 at the Village Hall**

### Appendix 1

#### Status of Actions from last meeting 04/1217

Meeting Ref	Date of Meeting	Agenda Item	Reference	Action	Action Owner	Action Taken	Status
01/01	05/12/16	10	Village Hall Kitchen Heaters	Chairman to inform the committee of the Parish Councils decision.	Cllr Gow		Work In Progress
01/02	06/03/17	17	Footpath MR42	Footpath Officer to monitor			Work in progress
01/03	06/03/17	17	Footpath MR42	Clerk to liaise with Balfour Beatty			Work in progress
01/04	05/06/17	7.1	Ward Councillor Report	Cllr Guthrie to invite Balfour Beatty representative to the next or a future meeting	Cllr Guthrie		Work In Progress
01/05	05/06/17	13	Bus shelter at Village Hall	Clerk to make a request to Sutton Academy School	Clerk	Request made waiting for a reply. Follow up email sent	Work in Progress
01/06	03/07/17	12	Rural Areas Site Allocation	Cllr Gyford to liaise with Dr. Nicholson on future dealings with the Parish Council	Cllr Gyford		Work In progress
01/07	07/08/17	12	Village Hall-vehicular Access	The Village Hall Management Committee seek quotes for the resitting of a bay for the disabled.	Village Hall Committee		Work In Progress
01/08		12	St Ethelbert Close	Footpath officer to carry out the required cutting back as a matter of priority	Footpath Officer	Update Agenda item 24	Work In progress

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Meeting Ref	Date of Meeting	Agenda Item	Reference	Action	Action Owner	Action Taken	Status
01/09		15	Defibrillator	Clerk carry out the necessary work to get the defibrillator sited,		Agenda Item 11	Work In progress
01/10		18	Reform of The Data Protection Legislation	Clerk to liaise with HALC	Clerk	Training attended Agenda Item 22	Work In progress
01/11		24	Sutton Playing Field	Clerk to action Moderate risks and review the other risks	Clerk		Work in progress
01/12	2/10/17	16	Millway/Willow Rise Sign	Cllr Ian Nicholas to report back on progress	Cllr Ian Nicholas		Work In progress
01/13	06/11/17	13	Speeding Through the Village	Clerk to get indicative costs for Village gates, and the 30mph road marking	Clerk	Agenda Item 14	Completed
01/13	06/11/17	19	Risk Register	Clerk to get 3 quotes for tree works on St. Nicholas Churchyard and Millway/Willow Rise open space	Clerk		Work In progress
01/14	06/11/17	20	Speed Indicator Device (SID)	The Clerk to get quotations for resisting, data collection and recharging the battery	Clerk	Agenda Item 17	Completed
01/15	04/12/17	8	Western Power	The Clerk to invite a Western Power engineer to a Parish Council.	Clerk		Completed
01/16	04/12/17	11	Village Freighter/Skip	Clerk to inform Cllr Guthrie of the Parish Councils decision	Clerk		Completed
01/17	04/12/17	12	Defibrillator	Clerk to arrange meeting with Kidwells	Clerk	Agenda Item 11	Completed
01/18	04/12/17	13	Village Website	Clerk to attend the required Training	Clerk	Agenda item 12	Completed
01/19	04/12/17	13	Village Website	Cllr Ann Burke to review the Village Hall Information and	Cllr Burke		

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<b>Meeting Ref</b>	<b>Date of Meeting</b>	<b>Agenda Item</b>	<b>Reference</b>	<b>Action</b>	<b>Action Owner</b>	<b>Action Taken</b>	<b>Status</b>
				inform the Clerk of the changes required			
01/20	04/12/17	15	Budget 18/19	Clerk to produce a draft leaflet for the 2 <sup>nd</sup> January 2018 meeting	Clerk	Agenda Item 15	Completed

**Ward Councillor's Report**

**A Happy New Year to everyone.**

**Grit Bin – update**

I was contacted by Cllr. Stan Gyford about the need for a replacement Grit Bin on C1126 near Pool House. I sought Officer advice on this matter; Given that in this circumstance the request is in effect to replace an existing bin with one that is more suitable – Balfour Beatty have been asked to arrange for its replacement.

**Upper Court** – Decision Notice (listed on the Agenda) Tony Ford (Parish Clerk) to update the Parish Council.

**Re: Accidents on C1125**

I contacted the Safer Roads Partnership who have advised that they are concerned about the recent increase in the non-injury collisions along this road. They have contacted Balfour Beatty and hope to have a meeting with them to discuss the whole length of the C1125 in order to see what can be done to address the concerns and make the road safer.

Report by Kema Guthrie  
02/01/2018



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Appendix  
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	Actual 2015/16	Budget 2016/17	Actual 2016/17	Budget 2017/18	Actual 2017/18 October 2017	Estimated to 31st March 2018	Draft Budget 2018/19 £7,500
<b>INCOME</b>							
Precept	19,635.00	19,635.00	19,635.00	21,077.00	21,077.00	21,077.00	28,577.00
Other - Old	0.00	0.00	0.00	0.00	42.83	42.83	42.83
Lengthsmans Scheme	0.00	0.00	337.00	0.00	0.00	0.00	0.00
New Lengthman Scheme	380.00	1,584.00	555.00	670.00	527.50	895.50	0.00
Bursery	0.00	0.00	0.00	0.00	0.00	0.00	0.00
VAT recovered / estimate	718.97	3,100.00	3,478.74	1,350.00	0.00	1,350.00	360.17
Neighbourhood Plan Grant	0.00	0.00	0.00	0.00	0.00	0.00	0.00
P3 Scheme	1,403.00	1,078.00	999.00	990.00	317.00	1,107.00	790.00
Lottery Grant	9,650.00	0.00	0.00	0.00	0.00	0.00	0.00
Section 106 monies	4,934.76	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Income</b>	<b>36,721.73</b>	<b>25,397.00</b>	<b>25,004.74</b>	<b>24,087.00</b>	<b>21,964.33</b>	<b>24,472.33</b>	<b>29,770.00</b>

**Sutton St. Nicholas Parish Council**

**Expenditure**

Clerks Salary	4,404.09	4,310.00	4,418.26	4,645.00	2,976.96	4,645.00	4,670.00
Admin/Office Expenses	178.51	450.00	1,365.92	400.00	274.55	400.00	400.00
Training	150.00	150.00	30.00	120.00	30.00	130.00	130.00
Subsidy to Village Hall	0.00	500.00		500.00	0.00	4,000.00	0.00
Insurance	765.42	780.00	798.60	900.00	543.39	543.39	550.00
Membership Subs	906.33	455.00	510.93	501.00	0.00	511.00	530.00
Auditors	250.00	250.00	255.00	260.00	260.00	260.00	400.00
Services							
Repairs and Maintenance	5,671.75	510.00	510.00	1,205.00	870.00	1,205.00	2,514.00
Bin Collection	0.00	0.00	0.00	0.00	0.00	0.00	400.00
Lengthsman	711.98	1,584.00	990.50	870.00	1,065.00	1,065.00	<b>1,000.00</b>
Donations	200.00	200.00	50.00	200.00	25.00	25.00	200.00
Elections	41.00	0.00	0.00	0.00	0.00	0.00	0.00
Purchase of open spaces	0.00	1,000.00	1,247.00	0.00	0.00	0.00	0.00
Loan repayment	8,597.74	8,598.00	8,597.74	8,598.00	4,298.87	8,597.74	8,598.00
Lottery Grant							
Neighbourhood Plan	2,076.66	0.00	2,926.73	0.00	0.00	0.00	0.00
Parish Plan	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SIDs	150.00	620.00	750.00	1,000.00	150.00	1,000.00	500.00
Rent	5.00	6.00	5.00	1.00	0.00	1.00	1.00
New Website	0.00	300.00	0.00	200.00	0.00	500.00	100.00

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Neighbourhood Plan	10,080.60	1,500.00	1,729.40	0.00	49.50	0.00	0.00
Community Garden/Playing Field/Open Space	1,213.05	1,720.00	1,235.60	2,110.00	2,363.60	2,363.60	2,400.00
Good Neighbour Scheme		500.00	0.00	500.00	0.00	0.00	500.00
P3 Scheme	1,017.00	1,078.00	1,023.50	1,027.00	900.00	1,027.00	1,027.00
VAT	3,444.31	646.00	1,362.67	550.00	332.19	360.00	426.00
Consultancy-travellers Site Submission	0.00	240.00	1,059.00	0.00	0.00	0.00	0.00
Sutton Mag - cost of Parish Council Reports	0.00	0.00	0.00	500.00	0.00	500.00	500.00
Consultancy Rural Area Site Allocation			0.00	0.00	325.00	325.00	0.00
consultancy-Mast	0.00	0.00	500.00	0.00	870.88	870.88	0.00
Purchase of SID					1,383.00	1,383.00	0.00
<b>Increase in reserves</b>		0.00		0.00			4,924.00
<b>Total Expenditure</b>	<b>39,863.44</b>	<b>25,397.00</b>	<b>29,365.85</b>	<b>24,087.00</b>	<b>16,717.94</b>	<b>29,712.61</b>	<b>29,770.00</b>

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<b>Precept</b>	19,635.00	21,077.00	28,577.00
Band D equivalent properties	<b>380.49</b>	<b>392.18</b>	<b>392.18</b>
<b>Cost per Band D</b>	<b>51.60</b>	<b>53.74</b>	<b>72.87</b>
<b>Opening reserves</b>			21,360.00
Add income			24,472.33
			<b>45,832.33</b>
less payments estimated			-29,712.61
reserves as at 31/03/18			<b>16,119.72</b>
<b>Reserves</b>			
Election			1,400.00
Churchyard reserve			2,000.00
Village Hall			6,000.00
Good Neighbour Scheme			500.00
Village Gate reserve			1,000.00
Open space reserve			1,000.00
Specific reserves			<b>11,900.00</b>
General reserves			4,219.72
			<b>16,119.72</b>

Sutton St. Nicholas Parish Council

Appendix 4

Bank reconciliation as at 2<sup>nd</sup> January 2018

		£
Opening 01/04/17	Opening 01/04/17	21,039.77
Income		21,996.33
		<b>43,036.10</b>
Less Payments		19,120.30
<b>Balance</b>		<b>23,915.80</b>
Bank Statement	14/12/17	26,631.90
Less Outstanding Cheques		
1044	1,383.00	
1045	30.00	
1048	500.00	
1052	200.00	
1053	182.00	
1054	297.72	
1055	74.40	
1056	48.98	
		<b>2,716.10</b>
<b>Balance</b>		<b>23,915.80</b>

## Data Protection Update

### 1. Introduction

The General Data Protection Regulation (GDPR) will come into force on 25<sup>th</sup> May 2018. In July 2017 the RT Hon Mat Hancock MP- Minister of State for Digital said 'The Bill includes tougher rules on consent, rights to access, rights to move and rights to delete data. Enforcement will be enhanced, and the information Commissioner given the right powers to ensure consumers are appropriately safeguarded.

### 2. GDPR Principles

- To process data **lawfully, fairly and transparently**.
- To collect data for **specified, explicit and legitimate purpose**.
- To only keep data that is **adequate, relevant and necessary**.
- To ensure all data is **accurate** and kept up to date.
- To only retain data for as **long as necessary** for original use.
- To process data in **appropriate and secure manner**.

### 3. Rights of Data Subjects

- The right to be informed.
- The right of access
- The right to rectification.
- The right to erasure.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision making and profiling.

### 4. Data Protection Officer (DPO)

#### Responsibilities

- To inform and advise the organisation and its employees about their obligations to comply with the GDPR.
- To monitor compliance with the GDPR including managing internal data protection activities.
- To advise on Data Protection impact assessments.
- Train Staff.
- Conduct Internal Audits.
- First point of contact for the Regulator.

### 5. Data Controller

- A person or organisation who (either alone or jointly with others) determines the purpose for which and the manner, in which, any personal data is, or is to be, processed. E.g. Parish Council and/or councillors

### 6. Data Processor

Any organisation or person (other than an employee of the data controller) who processes personal data on behalf of the data controller.

### 7. Parish Council Must Haves

- Privacy Notice

- Data Register.
- Information Security Policy.
- Data Protection Policy.
- Legal and compliant T&Cs with third part processors.
- Updated employee contracts and Handbook.

## **8. Parish Council Next Steps**

- Educate Councillors on the GDPR.
- Audit and document current personal data held.
- Establish where such data came from and how it is used/shared.
- Identify lawful basis for processing and keeping personal data.
- Seek consent (If required) and ensure accuracy with data subject.
- Document the above in a data register.
- Make fully accessible Council Privacy Notice.

## **9. Reporting Requirements**

- To report sufficiently serious breaches of data security to ICO within 72 hours.
- Significant detrimental effect on individuals.
  - Result in discrimination.
  - Damage to reputation.
  - Financial loss.
  - Loss of confidentiality.
  - Significant economic or social disadvantage.
- Could result from.
  - Destruction, loss, alteration, unauthorised disclosure or access.

## **10. Remedies and Liabilities**

- Natural Persons have rights
- Judicial remedy – Joint and severally liability.
- Any person who has suffered material, or non-material damage shall have the right to receive compensation from the controller or processor.
- Controller involved in processing shall be liable for damage caused by processing.

## **11. Cost of Non-compliance**

- Administrative Fines
  - In each case will be effective, proportionate, and dissuasive.
  - Taking into account technical and organisational measures implemented.
  - Up to € 20.000.000 or, up to 4% of the total worldwide annual turnover of the preceding financial year.
- Reputational damage
- Compensation Claims for damages done (Material/non-material)

**Tony Ford**  
**Parish Clerk**

Land to the south east of Sutton St Nicholas

