

# EUXTON PARISH COUNCIL



Meeting arrangements: Full Council Meeting

Thursday, 19 January 2012, 7.15 pm start

**Annexe, Euxton PC Community Centre, Wigan Road, Euxton**

## A G E N D A

1. Apologies

2. Declarations of Interest

Members are reminded of their responsibility to declare any personal or prejudicial interest in respect of any matters contained or brought up at any point in this meeting, in accordance with the provisions of the current Local Government Code of Conduct.

3. Minutes of Council Meetings

Consider the accuracy of the Minutes and approve their signing as a correct record (pgs 3-6).

4. Statutory Business

Planning - consider the applications received, see list below:

11/00874/FUL	41 Wigan Road	Proposed residential development of 4 No. detached houses on plots 5, 6, 7 & 12 (amendment to planning approval 10/00573/FUL)
11/00974/REMAJ	Land South Of Buckshaw Avenue BV	Section 73 application to vary condition 1 (approved plans) of reserved matters approval 06/00786/REMAJ involving altering the location of the junctions
11/01080/FULMAJ	Land SW of Bishopton Crescent at junction of Buckshaw Avenue BV	Proposed warehouse, office and trade counter building and associated infrastructure
11/01082/FUL	39 Church Walk	Erection of a front porch, single storey rear extension and first floor side extension
11/00994/FUL	Woodcock Barn Runshaw Lane	Amendments to previously approved scheme (Ref: 08/01226/FUL). Alteration of roof pitch over extension and roof over garage
Within date		
11/00922/FUL	Land 85 Metres North West of Billinge House Euxton Lane	Creation of new access by the removal of hedgerow and engineering works to form hard standing and access
11/00969/TPO	Buckshaw Hall Central Avenue	Pruning of 6 trees covered by TPO 4 (Buckshaw) 2006

5. Public Participation

Matters brought to the Parish Council by residents. Residents will have twenty minutes which will be set aside to deliver statements, each shall have three minutes each.

6. Financial Items

- 6.1 Receive and approve requests for payment made to the Council.
- 6.2 Receive and approve the financial monitoring statements.
- 6.3 Set Budget for 2012/2013 to request Precept (see report pg 7-9)

7. Committee/Working Group Items

- 7.1 LDF Working Group - Verbal update from the Working Group, also attached is a proposal from the group, seeking a budget (see report pg 10)
- 7.2 Skatepark Working Group - Update from the Working Group is attached with a proposal to change the group to a Committee (see report pgs 10-11)
- 7.3 All Purposes Committee - Verbal update from meeting held 19 January.
- 7.4 Leisure Committee - a meeting is required, set date.

8. Councillor Registration with the ICO

A report and guidance has been supplied by the ICO as to the need for Councillors to register with the ICO under the data protection guidelines. Council to consider the recommendation on page 12 (report pgs 12-18)

9. Special Events in 2012

Olympic Flame is passing through Chorley, Euxton and Croston on the 1 June 2012 and in the first weekend of June the Queen celebrates her Diamond Jubilee weekend (report pg 19)

10. Consultations

Lancashire County Council - consultation on a 40mph zone on Dawbers Lane. Full report was circulated to all Councillors on 9 January 2012 for perusal (report pg 20)

11. Yarrow Valley Park

Proposed suggested project by a resident/Councillor for an area of Euxton, adjacent to the Yarrow Valley Park (report pgs 21-23)

12. Reports from Representatives on Outside Bodies

Receive meeting reports from representatives on outside bodies:

- PACT Meetings (reps: Cllrs Dilworth, Leydon)
- Quarry Liaison Committee (reps: Cllrs Leyden, Thornhill) March 2012
- Yarrow Valley Advisory Group (rep: Cllr B Robins)
- Borough/Parish Liaison Meeting (reps: Cllrs M Gray, A Platt) 18 January 2012
- Civic Society (rep: Cllrs Wellerd, Matson)
- Three Tier Forum (rep: Cllr Jones) March 2012

13. Matters for information

Notify the Chair prior to the meeting start of any item to be brought up under this section. Only items of information, referral to another authority, or matters offered for consideration at a future meeting can be raised. No legal decisions can be taken.

**Notes:**

This agenda is accompanied by reports, as page referenced by the agenda items.

**End**

*D. Platt*  
CLERK

Published: 12/01/12

### EUXTON PARISH COUNCIL

**MINUTES** of the Council Meeting held 17 November 2011 at 7.15 pm at Euxton PC Community Centre, Wigan Road, Euxton.

**Present** Cllrs J Matson (Chairman), J Bamber, A Dilworth, M Gray, T Gray, C Jones, E Jones, P Harrison, B Leyden, A Platt, K Reed, B Robins, P Thomas, V Thornhill, K Wallbank, S Wellerd.

11 residents, PCSO Chadwick

1. **Apologies** Cllrs J Prayle, E Sutton.

2. **Declarations of Interest**

Cllrs Thomas and Harrison declared a personal interest in item 6.4 as they are members of Buckshaw Village Youth Association.

Cllr Platt declared a prejudicial interest in item 6.1 as he is related to a cheque recipient, and will leave the room for this item.

3. **Minutes of Council Meetings**

**Resolved:** Minutes of the Council Meeting on 20 October 2011 were agreed, to be an accurate record and were signed by the Chairman.

4. **Statutory Business**

Casual Vacancy - the Clerk updated that the election called for the Euxton North vacancy was unopposed and Chris Jones was elected unopposed.

#### Planning

11/00907/FUL	23 Balshaw Lane	Single storey rear extensions, erection of front porch and provision of access ramps to front and rear
11/00925/FUL	Five Acres Dawbers Lane	Erection of storage and distribution building (B8) with ancillary staff room to house plants, packing boxes, pallets, fertiliser, potting machine, van, forklift truck and tools be used in connection with horticultural enterprise.

Proposed and seconded to object to the building of the storage and distribution building at Five Acres. The proposal was defeated.

11/00934/FULMAJ	Parcel F3 Central Avenue BV	Erection of 53 dwellings including associated roads and footpaths at Parcel F, Buckshaw Village
11/00811/FUL	Harrock View Dawbers Lane	Erection of a detached single storey outbuilding following the demolition of the existing outbuilding

5. **Public Participation - Residents and Police Matters**

**Resolved:** Council resolved to suspend standing orders.

Four members of the public spoke regarding agenda item 6.3 and 8, the passing of the Olympic Flame through Euxton, clarification on the LDF Working Group Councillor membership and the data protection registration for Councillors.

PCSO Ray Chadwick updated on the crimes in the village and the actions the Police have taken.

**Resolved:** Council resolved to restore standing orders.

## Agenda Item 3

The Clerk responded to questions put by the public.

Items regarding agenda item 8 would be taken within this item but, it was confirmed that the Clerk sets the agenda for the Council, in consultation with the Chairman. Items regarding agenda item 6.3 would be dealt at that agenda point.

News of the Olympic Flame passing through the village is new, it has been included in the December Euxton WEB and Councillors will consider its next steps.

Council decided on the LDF Working Group membership at its 20 October meeting, the Councillor in question was not named as a member, he attended the first meeting to observe.

The data protection issue will be discussed under item 8.

### 6. Financial Items

#### 6.1 Receive and approve requests for payment made to the Council.

**Resolved:** Council agreed the following payments be approved, the invoices and receipts were inspected by a nominated Councillor.

£	50.00	Royal British Legion	Poppy wreath and donation
£	980.00	DWG NW Ltd	Spring flower planting in beds
£	20.00	Chorley Civic Society	Subscription
£	490.35	Petty Cash	Reimbursement of petty cash
£	1049.97	Employee 1	Salary Nov 11
£	717.65	Employee 2	Salary Nov 11
£	722.96	Employee 3	Salary Nov 11
£	734.91	Employee 4	Salary Nov 11
£	529.26	HM Revenue & Customs	Tax & NI Nov 11
£	22.40	Employee 2	Mileage
£	52.01	Employee 3	Mileage
£	21.70	Employee 4	Mileage
£	1049.97	Employee 1	Salary Dec 11
£	717.65	Employee 2	Salary Dec 11
£	613.44	Employee 3	Salary Dec 11
£	613.44	Employee 4	Salary Dec 11
£	374.12	HM Revenue & Customs	Tax & NI Dec 11

#### 6.2 Receive and approve the financial monitoring statements.

**Resolved:** Council received, scrutinised and approved the statements and updates.

#### 6.3 Implementing a Parish Councillors Allowance Scheme.

The Clerk advised that guidance given to date is not completely definitive regarding whether individual Councillors need to register with the ICO but, it was pointed out that every Borough Councillor is registered, a recent article in the SLCC magazine re-affirmed that individual Councillors needed to notify if they processed data.

**Resolved:** Clerk is to obtain further information regarding individual Councillor notification with the ICO and present a definitive requirement.

#### 6.4 Consider a grant request from Buckshaw Youth Association

**Resolved:** Council will fund the Christmas Tree up to the value of £200.

### 7. Committee Items

#### 7.1 LDF Working Group

Council noted the update regarding the moved deadline and that the Council's response had been submitted.

Members of the LDF Working Group verbally reported on its actions and meetings and answered Councillors questions. The group recommends a meeting be organised with the six Borough Councillors who cover Euxton to discuss the LDF preferred options with residents and the LDF Working Group.

Cllr Platt and the Clerk left the meeting for this point.

**Resolved:** Council agreed that the LDF Working Group could arrange a meeting of the six Borough Councillors. The Chair of the Group would arrange a meeting to sort out the details of the invitation and meeting.

### 8. Communications Documents

Council discussed the report presented by the Communications Working Group and considered some items of this policy in detail. The Clerk confirmed that it is the duty of a Clerk to set the agenda and the document makes it clear this will be in consultation with the Chair. The new policy also introduces guidance on issuing reports to the press, which were not covered in the Publicity Policy.

**Resolved:** Council agreed the implementation of the Communication Policy which supersedes the Publicity Policy.

### 9. Consultations

9.1 Lancashire County Council - consultation on three 20mph zones for Euxton: North East, North West and South areas.

**Resolved:** Council were supportive of the three schemes.

9.2 Lancashire County Council - consultation on proposed no waiting restrictions for School Lane.

**Resolved:** Council supported the scheme but would like to request that the scheme is revisited if it proves to cause more or worse problems further along the road.

9.3 Lancashire County Council - consultation on proposed a proposed Puffin Crossing just outside Euxton's Parish Boundary on Southport Road.

**Resolved:** Council were supportive of this crossing.

### 10. Reports from Representatives on Outside Bodies

PACT - Cllr Leyden reported that Buckshaw Pact reported that it was quiet and had few incidents.

Yarrow Valley Advisory Group - Cllr Robins reported that there had been a number of events in the year and the restoration of the Weir had received a special award and it had been reported that Salmon had been seen in the river again. There is to be a 10 year plan made for the Valley Park and Cllr Robins would like to submit an article for the next Euxton Web on the park and its attractions. A Councillor requested if he could present some of his ideas for the Yarrow Valley park to a future meeting.

### **Agenda Item 3**

Chorley Civic Society - Cllr Wellerd informed that the letters inviting nominations to the Civic Awards next September are to go out soon.

Three Tier Forum - Cllr Jones informed the first Chorley meeting is in early December but there will only be one place for a Parish Council representative who is yet to be chosen.

#### **11. Matters for information**

A Councillor claimed the Council did not have an Audit trail for the Skatepark or Bowling Projects. The Chair informed the Council did and if he wanted to see these he could ask the Clerk at the end of the meeting who will show them to him.

A Councillor asked if a review of the Pear Tree Greens project could be carried out to see if it might inform the Skatepark project. The Chair informed that the Skatepark project was much further along the line that the Pear Tree project got and the Skatepark Working Group handles the process and suggested his concern be referred to this group.

A Councillor highlighted a problem hedge on Euxton Lane. Clerk will report to County for enforcement again, but this has been an ongoing problem.

A Councillor highlighted a problem hedge at the top of Euxton Lane at the Westway roundabout. Clerk will report to Chorley Council again, but this has been reported and chased, but no action has happened yet.

A Councillor requested that the passing of the Olympic Torch through Euxton be put on a future agenda.

There being no further general business the Chairman declared the meeting closed.

### 6. Finance

#### 6.3 Set Budget for 2012/2013 to request Precept

**IT IS SUGGESTED because Agenda Items 7, 8 and 9 contain possible decisions which may feed into the budget setting, that this item is taken following Agenda Item 9.**

#### Precept points 2012/2013

Please find attached a DRAFT budget, in the right hand column referenced I suggested figures have been put in, as a starting point for Council to consider.

The second sheet is an explanation of why these figures have been put in to column I, to inform you of issues which you can't see on a spreadsheet.

- This year the Council has a number of suggested new budgets 03-2, 03-3, 05-1 and 05-2 described in the explanation sheet.
- Budgets 05-1 and 05-2 may need further discussions but, if Council believes it may want to celebrate these two events budgets will need to be set.
- Budget 07-1 Land Bank will need to be discussed, whether to keep the savings fund, add to the savings fund or utilise the monies elsewhere, as below.
- The explanations for budgets 03-1, 06-5 and 06-6 suggests ways in which the budget for 07-1 could be utilised - but these are only suggestions as the Land Bank has been in place since 2000 and no decision has been taken on what to do with this money.

The Land Bank budget heading has been in place since the year 2000 has been called the Land Bank/Fund, in 2006 the words of Pear Tree were added to its title because of the opportunity of land there, but the budget retained the Land Fund title and purpose. The fund was not specifically for the one project but available for 'recreation land'. The Land Fund can be retained, its purpose changed or widened or monies re-allocated. Council decisions required on this.

## EUXTON PARISH COUNCIL - BUDGET REPORT 2012/2013 PROPOSAL

01	<b>Employees</b>		
01	Employees	This budget is set by the Personnel Committee, which decided to not increase the budget for the 2011/12 budget - but has not met for the coming year	
02	<b>Housekeeping</b>		
02-1	Employee Mileage	Increased slightly and now incorporates the SPID mileage	?
02-2	General Office - stationery, copy, post, IT, tel	Increased slightly	?
02-3	Publicity - newsletter and Annual Report	Advertising revenue not guaranteed so kept the budget same in case of decrease in ads	=
02-4	Insurance	The premium will be £1660, the additional budget up to £2000 is to cover changes or claims. There is an excess of £250 on the policy and, all new items such as additional equipment, trailer etc need to be added on to the policy when delivered, which may carry a cost within the year. Fidelity 3 month additional cover may be required April/May 12 at £26.50 (as per ExAuditor recommendation)	=
02-5	Subscriptions (SLCC, CPRE, LPFA etc)	This year subs were SLCC £119, Data Protection £35, LPFA £17, SLCC had increased	?
02-6	Audit	Increased, in case further audits requested, as per this year.	?
03	<b>Emergency</b>		
03-1	<del>Sundries/Emergency</del>	Deleted budget. Superseded by 03-1 below.	
03-1	Training/Conference Fees	This is an amount set by the Council's Training Policy	=
03-2	Elections and Parish Polls Fund*	Identified in Risk Assessment - figure based on estimated average 4 poss vacancies, two elections and one poll (£6Kx2, £247x2, £1569)	N
03-3	General Reserve*	Identified in auditor report (C18/8/11 approved) - based on approx one quarter years costs. This has been taken from the 07-1 Land Bank budget below but does not have to be - it can be precepted seperately but is suggested to be a fund it could come from to negate raising the council tax for residents.	N
04	<b>Grants/S137</b>		
04-1	Grants	Same	=
04-2	Christmas Celebrations	Increased slightly in case you pay for BV tree again next year	?
	<del>Memorial Charity</del>	Deleted budget.	
05	<b>Special Events/Projects</b>		
05-1	Olympic Torch	Suggested budget - needs a decision if you wish to do anything for the event	N
05-2	Queens Diamond Jubilee	Suggested budget - needs a decision if you wish to do anything for the event	N
06	<b>Amenity/Utility</b>		
06-1	Lease of Land	Covers the leases on playing fields and parcels of land (they are not always invoiced but, we need to budget for if they all come in).	=
06-2	Utilities	Electricity and water at the pavilion - prices fluctuate	=
06-3	Gardens/Planting/Competitions	This year we were very fortunate that all the flower beds were sponsored - this may/may not continue but, as there are no plans for new beds it can be reduced.	?
06-4	Street Sweeping	Maintenance/spares/servicing/fuel for the running of the sweeper.	=
06-5	Bowling	Project fund. Full cost to build is approx £109K, bid put in to CBC for £79K but unlikely to get full amount, £5K is an addition but if £30K+ could be allocated from 07-1 budget it may be possible to complete this project in 2012 as a grant for approx £25/30K is more realistic to expect from CBC bid. If no funds are transferred from 07-1 it is suggested a precept of £10K for this budget.	
06-6	Skatepark	Project fund. Grants: Veolia £50K, CBC £30K and LEF £30K = £110K grant monies being brought into Euxton. Full fund req was £180K so if £25K could be allocated from 07-1 fund, whilst still progressing grant apps, it can begin in Spring 2012. If no funds from 07-1 transferred, it is suggested a precept of £25K for this budget.	
06-7	Millennium Green - grass cuts, maint		=
06-8	All Purposes Committee	Same. Re-design and re-print of walking map ongoing with last years budgets.	=
06-9	Amenity/Open Space RRM	Struggled with budget this year as it had been cut down, needs to be raised. Strong possibility that a few items of equipment may need either major repair this year or a replacement option found.	?
06-10	<del>Deployment of the SPID</del>	Incorporated into 02-1 and repairs etc into 06-9	
07	<b>Earmarked Reserve/Carry Forward Money</b>		
07-1	Land Fund	Land fund since	
07-2	Street Sweeping Machine Fund	Project fund.	=
07-3	Skatepark 'Sport England Grant'	This is (seperated from 06-6) grant money to be spent on specific purpose and carried forward.	
	<del>Buckshaw Village Christmas Fund</del>	Deleted	

## EUXTON PARISH COUNCIL - BUDGET PROPOSALS FOR 2012 / 2013

			A	B	C	D	E	F	G	H	I	
Budget Codes	Description	Respon Comt'ee	Precept 2011/12	Carried Fwd	Total Budget	Spend to Date	Income	Proj'd spend to March	Balance	c/f	Budget 2012/ 2013	
01	<b>Employees</b>											
01	Employees	PC	44500		44500	31999		12500	1	0	45000	
02	<b>Housekeeping</b>											
02-1	Employee Mileage	PC	1350		1350	1003		375	-28		1500 ?	
02-2	General Office - stationery, copy, post, IT, tel	PC	1200		1200	870		330	0		1300 ?	
02-3	Publicity - newsletter and Annual Report/Gala day	AP	3500		3500	3235	1366	1350	281		3500 =	
02-4	Insurance	PC	2000		2000	1662			338		2000 =	
02-5	Subscriptions	PC	150		150	72		119	-41		175 ?	
02-6	Audit	PC	850		850	830			20		900 ?	
03	<del>Emergency- Sundries/Emergency and carry fwd</del>	PC	504	7,208	7712	2062		3450	2200		0	
03	<b>Council</b>											
03-1	Training/Conference Fees	PC	250		250	230	176	90	106		250 =	
03-2	Elections and Parish Polls Fund*	PC				2062		247	-2309		14000 N	
Spend figures on this line have been extrapolated from budget 03 above to show how much was spent on election but not repeated in totals												
03-3	General Reserve*	PC								30000	N	
04	<b>Grants/S137</b>											
04-1	Grants	AP	2000		2000	50		1950	0		2000 =	
04-2	Christmas Celebrations	AP	650		650	18		631	1		750 ?	
<del>04-3</del>	<del>War memorial project group</del>		<del>1000</del>		<del>1000</del>	<del>1000</del>			<del>0</del>			
05	<b>Special Events/Projects</b>											
05-1	Olympic Torch	APC									1000 N	
05-2	Queens Diamond Jubilee	APC									2500 N	
06	<b>Amenity/Utility</b>											
06-1	Lease of Land	PC	100		100	0		100	0		100 =	
06-2	Utilities	PC	850		850	456		350	44		850 =	
06-3	Gardens/Planting/Competitions	APC	3000		3000	2707	1436	295	1434		2500 ?	
06-4	Street Sweeping	APC	2500		2500	324		175	2001		2500 =	
06-5	Bowling	BWG	10024	29976	40000	0			40000	40000		
06-6	Skatepark	SWG	15756	29244	45000	420			44580	44580		
06-7	Millennium Green - grass cuts, maint	LC	2000		2000	543		250	1207	500	2000 =	
06-8	All Purposes Committee	APC	1000		1000	785		215	0		1000 =	
06-9	Amenity/Open Space RRM	LC	12500	5000	17500	17317	990	1173	0		23000 ?	
<del>06-10</del>	<del>Deployment of the SPID</del>	<del>AP</del>	<del>440</del>		<del>440</del>	<del>0</del>			<del>440</del>			
07	<b>Earmarked Reserve Funds/Carry Forward Money</b>											
07-1	Land Fund	LC	14341	85984	100325	6641			93684	63684		
07-2	Street Sweeping Machine Fund	APC	2500	12500	15000	0			15000	15000	2500	
07-3	Skatepark 'Sport England Grant' (seperated from 06-6)					3052	3750		698	698	N	
	<del>Buckshaw Village Christmas Fund</del>			64	64	0		64	0			
	<del>War memorial funds</del>			790	790	980	200	0	0			
							108600					
			<u>122935</u>	<u>170756</u>	<u>293691</u>	<u>76256</u>	<u>116517</u>	<u>23664</u>	<u>197564</u>	<u>194462</u>	<u>109325</u>	

\* New fund added following Auditor advice and/or Risk assessment

Calculations	Explanations				
Bank	220681	This is the balance of money in the bank			
Less spend to March	23664	This is column F above - projected spend to end of year			
Less earmarked/carry forwards	<u>194462</u>	This is column H above, Carried Forward/Earmarked funds			
Cash in hand	2555	Money which can be used to reduce the precept request			
Budget	109325	This is the budget from column I above			
Projected income 2012/2013	3500	Money due in from invoices raised, VAT refund etc			
Less the Cash in hand	<u>2555</u>	This is the calculation from above, bank less spend etc			
	103270	This is the proposed precept to fulfil the proposed budget column I above			
Previous years comparisons					
Band D equivalent Calculations	Tax Base	Precept figure	Resident pays	% +/- paid by residents on previous year	
2009 / 2010	3327.8	112340	£33.76		
2010 / 2011	3409.8	113200	£33.20	down 1.7% for residents	
2011 / 2012	3527.2	107990	£30.62	down 7.8% for residents	
2012 / 2013	3656.9	103270	£28.24	7.76% down for residents	

### 7.1 LDF Working Group - Verbal update from the Working Group

It was suggested at the working group held in December, that a budget be allocated for this group of residents to send out communications. It was suggested a budget of up to £500.

Council to consider allocating a budget to the work of this group. How much that budget should be. Who should administer that budget as this is a working group. If there are any provisos or conditions of spending the budget, if allocated.

### 7.2 Skatepark Working Group - Update from the Working Group

#### Update

The grant application in with Sport England for a further £25K, on top of the grants already offered of £110K, was not successful in the first round but the project has been invited to submit some pieces of information for the second round applications.

For the project to continue, it really needs to utilise the summer months for the build, otherwise it would have to wait until next year. The grants have finite timescales and to be able to build in the summer months of 2012 and for the grants the group needs to progress to a tender stage early this year.

The Skatepark Working Group **recommends** to Council to change the Working Group into a Committee to allow the administration of the skatepark project to be done by the Committee - now that it has progressed and needs actions taking.

Meeting proposed for Thursday, 26 January 2012, 7.30 pm.

Below are the terms of reference document for the Skatepark Committee for Council to approve.

**EUXTON PARISH COUNCIL****SKATEPARK COMMITTEE****Responsibilities**

This is a standing committee of the Council which is tasked with:

- To progress the skatepark project to provide a permanent skatepark in Euxton for BMX, Inline Skaters and Skateboarders on the chosen site, to completion.
- Provide a plan for its continuance maintenance following its completion, to hand on to the Leisure Committee at the end of the project.

**Objectives**

- Provide a skatepark in Euxton for BMX, Inline Skaters and Skateboarders
- Raise funds for the project through events, fund-raising, grant applications
- Progress the project through necessary procedures set by the Council's own Financial Regulations
- Report to Council its progress

**Delegation and Finance**

The Committee has delegated responsibility, granted by Council, to achieve its responsibilities and objectives.

Therefore the Committee is empowered by Council, to deal directly with all relevant bodies at Borough, County and Regional levels, and with applicable granting or funding bodies, all appertaining to the Committee's responsibilities. The budget for the Skatepark Project is named 'Skatepark'.

The Committee is to prepare a budget proposal, for any major/new/additional projects which, in the Committee's opinion, should be referred to Full Council for consideration and approval by Full Council/or at the Precept meeting - as per the Council's Standing Orders.

**Meeting Procedure**

The Committee will abide by the Council's agreed Standing Orders in relation to:

- The Chairman of the Committee will instigate the meetings in liaison with the Clerk over matters which need to be considered
- Members of the Committee will receive an agenda and papers for each meeting
- All other Councillors will receive the Committee agenda, papers would be available on request

**Quorum and Membership**

- The Committee is to consist the recommended numbers set by Full Council
- A quorum for meetings shall be three
- Membership of the Committee is confirmed at the Annual Meeting of the Council
- If a resignation from a Committee will affect its ability to function (ie, membership drops below its minimum) the matter will go to a Full Council meeting for an additional member to be appointed to that Committee

### **Data Protection Act**

Council required more evidence and information regarding the recommendation that;

If Councillors wished to have an email address published for residents to contact them on directly (whether personal or @euxtoncouncil directed to a personal email) then they should notify the ICO as they would be processing data on a computer and are required to have a personal licence under the Act.

Attached is information from the Information Commissioner (ICO) definitively clarifying the issue.

The purpose of the Clerk highlighting the Act to Councillors was to ensure their protection against being put into a situation which may mean they break the rules of the Data Protection Act and ensure they are properly licensed if they wished to use emails/computers as their preferred means of communicating with residents as a Councillor.

Due to the clear definitions given in the ICOs clarification the Clerk suggests Council consider agreeing the following recommendation.

#### **Recommendation:**

Council agrees that; if any Councillor expresses their wish to use emails/computers as one of their preferred means of communicating with residents as a Councillor, this is acceptable and will be actioned by the Clerk if a Data Protection Notification by that Councillor has been completed.

Clarification from the Information Commissioner

Below is two pieces of information, directly from an Information Commissioner (ICO) employee who is the 'Non-Notification Team Manager' in the Enforcement Department who was asked very specific questions and put some scenarios to respond to.

The clarification clears up the point that the Data Protection Act specifically relates to data used on a Computer which was a source of much misunderstanding with some Councillors and public.

This is a copy of a letter the 'Non-Notification Team Manager' in the Enforcement Department of the ICO is sending out in response to queries over notifications of Councillors.

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----- Original Message -----

**From:**  
**To:** ['euxtoncouncil@btinternet.com'](mailto:euxtoncouncil@btinternet.com)  
**Sent:** Thursday, November 24, 2011 3:33 PM  
**Subject:** Letter to Councils Information Governance Managers.doc

The Information Governance Manager  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Date:

Dear Sir/Madam,

The Information Commissioner, Christopher Graham, is looking to make more Councillors aware of their responsibilities and legal requirements when handling personal data. In particular, that they fulfil their legal obligation to register with the Information Commissioner's Office (ICO) as a data controller if they process personal **data on computer** for the purpose of their constituency casework.

Desk research suggests that thousands of UK councillors remain un-registered and part of this campaign involves contacting every Council's Information Governance Manager/Data Protection Officer to ask if they can help get the message across to their Councillors before we start contacting each un-registered Councillor individually.

As you are no doubt aware, when Councillors have access to, and process, personal information when acting as a representative of the Council (for example when sitting on a licensing committee to hear an application for a taxi licence or when accessing tenancy files to consider whether the local authority should proceed with an eviction) then it is part of the Council's statutory function and it is the Council that is the data controller in this instance as it is they that determine what personal information is used and how it is processed.

However, when a Councillor processes personal data in relation to his/her constituency casework

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when representing members of their ward (dealing with complaints and issues raised by the public, diary surgery appointments, write letters as they see fit on behalf of their constituents) then it is the Councillor who is the data controller as it is they who determine what personal information is used and how it is processed. The Council does not tell them how they should deal with the issues raised nor do they determine the manner in which that data is to be used or processed.

There is a clear distinction between when the councillor is a data controller in his/her own right in their advocacy work when dealing with constituency casework (as it is they that decide how personal data is processed and handled) and when they are carrying out their duties as a representative of the council (rather than a representative of the constituent).

We are aware that some Councils are very pro-active in ensuring that their Councillors are registered as a data controller with the ICO; however we feel it is prudent just to issue this as a reminder to every Council in the UK.

There is an exemption from registration if all personal information is processed or held manually and no information is processed electronically.

The annual fee for registration is £35 and registration can be made by either visiting the ICO website at [www.ico.gov.uk](http://www.ico.gov.uk) and completing and returning the online application forms, along with the statutory £35 annual fee, or by contacting our Notification helpline on 01625 545740 to request that the application forms be posted out.

Failure to register when required to do so is a criminal offence and, 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 register and this includes details of the fines and any prosecution costs paid.

I hope that you are able to assist us by sharing this information with your Councillors who may not be aware that they could have a legal obligation to register.

Thank you for your assistance in this matter.

Yours faithfully,

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Non-Notification Team Manager  
Enforcement Department  
Information Commissioner's Office

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Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Tel: 0303 123 1113 Fax: 01625 524 510 Web: [www.ico.gov.uk](http://www.ico.gov.uk)

This is a copy of a follow up communication with the 'Non-Notification Team Manager' in the Enforcement Department of the ICO when specific questions and scenarios were posed, tailored to assist understanding of how it affects Euxton's Councillors - the responses are below each question in a different typeface.

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Dear \*\*\*\*

Further to our very informative conversation, as discussed I have sent below some very basic, more tailored scenarios to our particular queries in Euxton for your professional response.

### **Scenario 1**

Councillors are each given an email address/published on the website etc for example [Jobbloggs@euxtoncouncil.org.uk](mailto:Jobbloggs@euxtoncouncil.org.uk)

The emails are directed to each individual councillors home/personal email address. They do not go through the Council or/and are not copied to the Council/Data Controller.

A resident writes an email to Cllr Joe Bloggs' email address and says that he has an issue with something on his street and what is Cllr Bloggs going to do about it.

Cllr Bloggs responds via email to the resident to say thanks for the enquiry and he has taken a look at the problem and will report it to County Highways.

1. Has Cllr Bloggs processed data?

**Answer: Yes, Cllr Bloggs has processed personal data electronically which would mean he is a data controller in his own right for the purpose of Constituency Casework. Cllr Bloggs has replied to the constituent via email (electronic processing) for the purpose of constituency casework.**

2. Why is Cllr Bloggs' response NOT covered by the Data Controller Licence?

**Answer: The definition of a data controller is "a person who decides how and why any personal information is to be processed electronically".**

**Answer: If the constituent had sent an email or letter to Euxton Council complaining about the issue on the street and asked for the matter to be raised and discussed at the next Council meeting then in that scenario it would be the Council that is the data controller as the request was sent to the Council in general rather than a specific councillor and it would be the Council who would issue a response to the constituent (The Council could ask Cllr Bloggs to reply on behalf of the Council with the outcome of the meeting but the response would be as a representative of the Parish Council rather than a representative of the constituent).**

**In this case however, the complaint has been sent to Cllr Bloggs directly and Cllr Bloggs**

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has determined how (on computer via email) and why (for the purpose of his Constituency Casework) personal data is to be processed.

Cllr Bloggs response is not covered by the Council's registration in this instance. The matter is being dealt with in a personal capacity by Cllr Bloggs in his role as a Councillor. The Council is not determining how Cllr Bloggs should respond to the constituent nor do they tell him what his response should be. Cllr Bloggs in this case is acting in his capacity as a parish councillor and processing personal data for the purpose of his constituency casework.

I would also like to throw in another example if I may as to why a Councillor is a data controller in their own right and is treated as a separate entity from the Council for the purpose of their constituency casework and it is to do with the 7<sup>th</sup> of the 8 data protection principles (Security).

Please remember this is only an example and in no way am I suggesting that this sort of thing happens in Euxton.

The residents of a particular street in Euxton are getting fed up with the constant vandalism of bus shelters which is leaving glass strewn around the pavement and they are concerned that young children and the elderly could quite easily slip or fall and leave themselves with a nasty cut or injury.

A number of the residents on the street have a good idea who is responsible for the vandalism and they decide that they will each contact Cllr Bloggs (as the parish councillor) with their concerns.

The residents email Cllr Bloggs ([JoeBloggs@euxtoncouncil.org.uk](mailto:JoeBloggs@euxtoncouncil.org.uk)) each explaining their concerns about the vandalised bus shelters and each naming John Smith as the person they believe is responsible for the vandalism. They ask Cllr Bloggs if he can take up the problem on their behalf but ask that their complaint be treated in the strictest of confidence as they fear reprisals from John Smith if he ever finds out that they have named him as the culprit.

Cllr Boggs now has a number of emails on his laptop at home from constituents about the same problem and he prints them all out and puts them in his briefcase to look at more closely the following morning. During the evening, Cllr Bloggs home is broken into and amongst the things to be stolen are his laptop and his briefcase.

Whoever has stolen the laptop and the briefcase would now have access to the complaints made by the residents and once this comes to light the residents are not only frightened that they could now face the serious prospect of reprisals if their details fell into the wrong hands but they are also rightly annoyed and furious at Councillor Bloggs for not making sure that their personal information was handled securely and by leaving it in a briefcase or on an unencrypted laptop this was clearly a breach of the Data Protection Act and they want to complain to the Information Commissioner about the way that their personal data has been handled and as a result of the harm and distress that this has caused them they

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want the ICO to conduct an investigation and to take further action. (A similar scenario would be if Councillor Bloggs left his laptop/briefcase on a train or bus for example).

The ICO clearly think that there has been a breach of the Act but if it was to be that Councillor Bloggs did not need a registration because all of his processing was covered by the Council's registration then it would be the Council was to blame for Councillor Bloggs' breach of the Act. They would surely argue, and quite rightly, that they cannot be held responsible for the fact that Councillor Bloggs left personal documents in a briefcase or laptop not securely locked away (or left on a train or bus for that matter) and why are they made the subject of the ICO investigation?

Clearly, it is Councillor Bloggs who is the data controller and is responsible for what has happened. The ICO investigation would centre around Councillor Bloggs in this instance and not the Council.

### **Scenario 2**

A resident writes in to the Council but requests the letter goes to Cllr Joe Bloggs, as he lives in that street and he knows him.

The Clerk photocopies the letter to Cllr Bloggs who looks at the problem in the street and speaks to the resident.

1. This data processing is covered by the Data Controller Licence because it came in to the Council which it then copied out to the Cllr. Is this correct?

**Answer: Yes. The letter has been sent into the Council, it has been passed to Councillor Bloggs who speaks verbally with the resident. Cllr Bloggs has not processed any personal data, the letter has been sent to the Council in general and in this scenario, Cllr Bloggs is not the data controller.**

But, if the letter happens to have the residents email address on it, and Cllr Bloggs decides that as it was raining he would not go and knock on the residents door, but drop him an email, from the photocopy which the Council had supplied to him.

2. This is not covered by the Data Controller Licence as Cllr Bloggs has chosen by himself to process the residents data (ie, taken from the letter the email address) and responded to the resident by Computer thus processing data. Is this correct?

**Answer: Yes.**

**In this instance Cllr Bloggs becomes a data controller as he has "determined how and why personal data is to be electronically processed". Cllr Bloggs has been passed the letter to deal with in his capacity as a parish councillor (constituency casework). If Cllr Bloggs telephones the constituent or knocks on their door to discuss the matter face to face or decided to write to them using the old fashioned pen and paper method then as no personal data has been processed electronically registration is not required even though technically**

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**he is still the data controller. However, as soon as Cllr Bloggs decides to respond to the constituent via email or letter written on the computer then he is processing personal data electronically and needs to have his own separate registration.**

But now saying if this same resident had chosen to email the Council, saying he wanted the query passing on to Cllr Bloggs. The Council then forwarded the email on to Cllr Bloggs' home email address and Cllr Bloggs responds to the resident either by knocking on his door or responding on the email to the resident.

3. This is covered by the Data Controller licence as the Council has chosen how the data of the resident is processed, ie email copied to Cllr Bloggs. Is this correct?

**Answer: It depends on what you mean by “or responding on the email to the resident”.**

**If the resident emails the Council and the Council forward the email on to Councillor Bloggs home email address then at that point it is the Council that is still the data controller as you say as they have determined how to provide Councillor Bloggs with the residents complaint. Again, if Councillor Bloggs chose to act upon that email from the Council by going round to see the resident or by telephoning them then that is fine but if Cllr Bloggs decides to contact the resident by electronic means (email, letter written on the word processor, fax etc) then at that point Cllr Bloggs is acting as a councillor on behalf of the resident and is electronically processing personal information for the purpose of constituency casework and would be required to be registered.**

**Just to be clear, if the Council pass on residents complaints to their Councillors via email and the Councillor chooses to deal with all of the constituency casework that comes in to them by either telephoning the resident, writing to the resident via pen and paper or just by going round and knocking on the door then there is no requirement for the Councillor to be registered. At that point the data controller is still the Council as they have determined that they will pass on the complaint to the Councillor via email. It is only when the Councillor chooses to respond to the constituency casework matter electronically that he then becomes a data controller.**

One final clarification, as we have some confusion with some members.

The Data Protection Notification mostly covers the issue of notification if “**as a data controller if they process personal data on computer**” with particular emphasis on the fact that it means information processed on a computer, as your example letter states, first paragraph?

**Answer: Absolutely. As mentioned above, registration is only necessary if personal data is being processed electronically for the purpose of constituency casework. If a councillor does not use a computer to deal with constituency casework matters and deals with everything manually then there is no need to register.**

### 9. Special Events in 2012

Olympic Flame is passing through Chorley, Euxton and Croston on the 1 June 2012 and in the first weekend of June the Queen celebrates her Diamond Jubilee weekend

#### Olympic Flame

The flame will pass through Euxton on Friday the 1 June. Chorley Council is co-ordinating the necessary requirements for the Olympic Committee which includes decoration of the route.

The exact route (ie; Euxton Lane/Runshaw Lane or Westway/Balshaw Lane or other) will not be published officially until 2 weeks prior to the event date.

We cannot confirm what Euxton will look like until Chorley Council has full details of what they are required to do for the route and this will not be for a number of weeks yet.

#### Diamond Jubilee

Council would need to decide if or what it wanted to do to celebrate this event.

In the year 2000 it purchased a pen for each 'primary school' child for the Millennium

In 2002 the Council had constructed a stone wall seat for the Queens Golden jubilee celebrations, took out Golden wedding couples, involved the schools in a drawing competition for plaques for the Jubilee wall.

There are examples of items which you could buy to give to school children for example a mug, ruler with all the Kings/Queens listed on it with the Council's message, normal giveaways such as keyrings and pens. Also, it could construct a flower bed or wall etc. Example photos will be brought.

**10. Consultations**

Lancashire County Council - consultation on a 20mph zone for Euxton North East, North West and South areas. Full report was circulated to all Councillors on 7 October for perusal. Alternatively it is available from LCC or at: <http://www.lancashire.gov.uk/20mph>

Euxton Parish Council is asked its opinion on the proposal to reduce the speed limit in the area described below to 40mph.

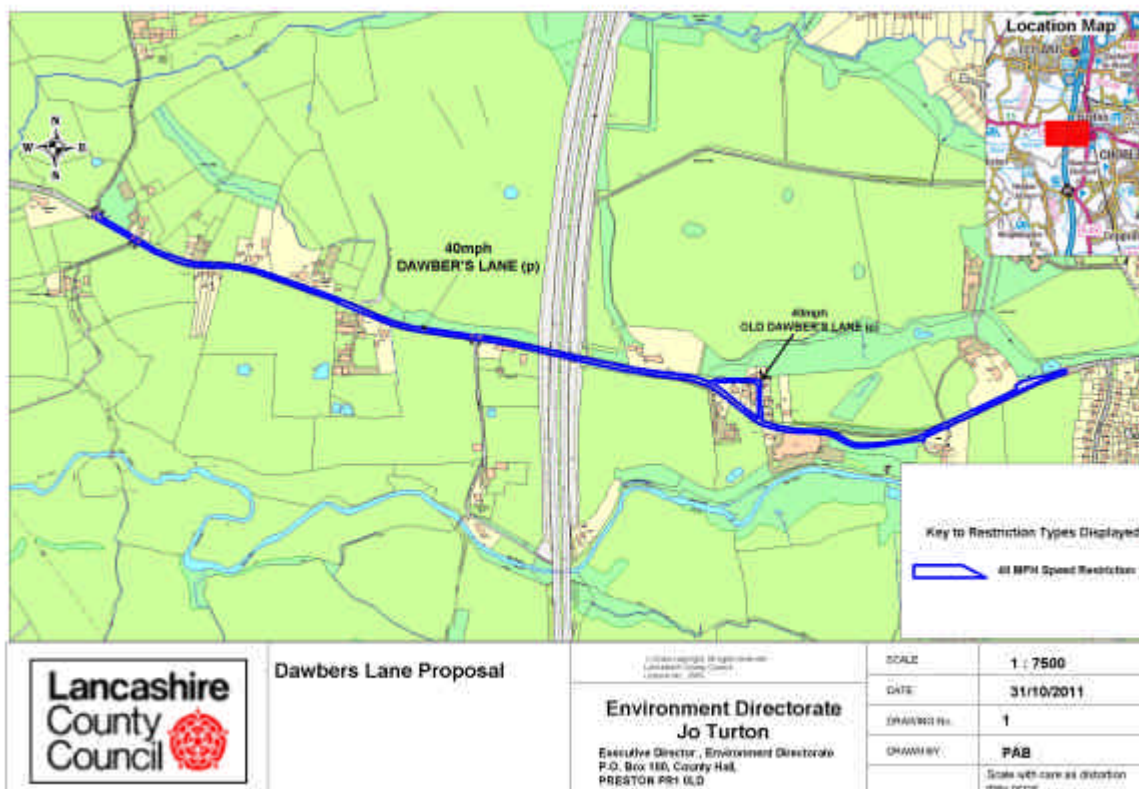
This area was consulted on back in April 2011, the proposal then was a 50mph but due to the responses they have received to that consultation, and in light of new circumstances since the road review was done, such as the quarry entrance and proposed retirement village, it is suggested now to be 40mph.

**Dawbers Lane**

**40mph Speed Limit**

No person shall drive any motor vehicle at a speed exceeding 40mph along the following lengths of road:

- a) **Dawbers Lane**, from a point 195 metres west of the centre line of A49 Wigan Road to a point 9 metres north-west of the centre line of Culbeck Lane for a total distance of approximately 1901 metres;
- b) **Old Dawbers Lane**, for its entire length.



**IMPROVED ACCESS TO THE YARROW VALLEY/YARROW VALLEY PARK EXTENSION****1 The Problem**

The River Yarrow, with its lovely valley and its contrasting sections through the flat countryside to the west, can be walked on footpaths or quiet lanes for virtually all of its length from source to its junction with the River Douglas. The major exception to this general rule is in Euxton. Although Euxton has a large population lying close to the River, access to it is very poor. There is a permissive footpath (shown as broken red line on the attached map) in the Yarrow Valley Park on a long loop off the footpath between Euxton and Common Bank. Access to the river downstream of Pincock is easy, although more remote from the urban area. However, the interesting and attractive length between these two, the length that is closest to most of the Euxton housing, has no access.

As a consequence the people of Chorley cannot walk the length of their river and valley and the people of Euxton cannot even get to a significant part of theirs. So for example there is no walk available around the parish perimeter and the A581, Balshaw Lane offers the only available crossing of the railway in the south of the village. The part of the valley closed to the public contains old trees and woodland, neglected ponds, fields and scrubland and a fine stretch of the old mill race that once served the Pincock factories. It supports a wide range of wildlife, has great conservation interest and, because it lies on the junction of two main wildlife corridors (river and railway), has even more potential. There is a spectacular brick viaduct crossing of the valley by the old west coast main line (slow lines), but how many Euxton residents even know that it exists? It can scarcely be seen from any public road or path and there is no footpath access to it.

The existing Yarrow Valley Park is a fine facility but how much better it would be if it ran right through the Borough? Chorley Borough Council ought to have the ambition of achieving this, in the longer term if not in these difficult economic times, giving its citizens access to its beauty, history and its nature for the full length of the river.

Euxton, ought to have access to its river for pleasure, for exercise, for conservation and for generally building on the assets of the village instead of having them hidden away in a constantly expanding sprawl of modern housing.

The "missing link" between Common Bank (A, on map) and Pincock (D) is critical to solving this problem and it is perhaps surprising that the Borough does not already have plans in place, even if they cannot be fully funded at the present time.

**2 The Solution**

A complete path alongside the river through Euxton is not feasible as it would require a new tunnel under the main railway line (fast lines). Such a tunnel would be prohibitively expensive and would not, in any case, be an attractive option for a pedestrian. A more attractive, if somewhat less direct alternative, is quite feasible at low cost, if suitable rights can be negotiated.

There is no reasonably convenient footpath or quiet lane along the valley between Common Bank and the A49 at Pincock. The permissive loop path does give access to an otherwise unobtainable piece of river but does not allow progress along the valley. From Common Bank (A) a quiet lane leads west to German Lane. This lane, although roughly following the valley, offers few views into it except at the corner where it turns under the railway (B).

There are two options for major improvement. The first is to take a new footpath (B to C, shown as blue dotted line on map) off German Lane where it passes beneath the railway

between the fast and slow lines and follows an existing vehicle maintenance track. This would require additional fencing to prevent walkers from straying on to the tracks. The track already has a crossing of the river (C) where pedestrians could then pass under the high viaduct carrying the slow line without hazard. Some low cost construction, such as stiles, fencing and steps would be required to raise the walker from the valley floor into the field above. Then paths looking down into the valley would give access to the A49 and Pincock (D), and through (E) to Dunrobin Drive and the rest of Euxton. In addition to the purchase of any land and rights the construction cost of this option would be less than £50k.

The second option would be desirable without the first, but would work best in tandem with it, and would also improve usage of the loop path (broken red line on map). This option would involve construction of a simple footbridge across the Yarrow (F) to link with German Lane (B) at a cost of about £100k or less.

No landowners have been approached at this stage. If and when they are other options for the footways might become feasible but offering the same general benefits as those shown. Network Rail may, as a matter of course, show reluctance but, provided suitable fencing is in place they can have little real objection. Increased usage of the area under the viaduct might prevent the rough sleeping and lighting of fires that sometimes occurs here. The field between points (E) and (D) is discussed below.

### **3 Declaration of Interest – The Field alongside Dunrobin Drive (between D and E)**

I have long considered that the field alongside Dunrobin Drive would be a valuable extension to the Yarrow Valley Park. However, I should explain that my reason for putting forward this proposal at this time derives partly from my response to proposals by Chorley Borough Council (under the LDF process) for the northern half of this field to be developed for housing. I and my neighbours are opposed to this proposal. There are good reasons for opposing housing, which I am not raising here, but I have also sought to identify a more appropriate use for this land. This scheme for extending the Yarrow Valley Park and its footpath system grew out of this.

The southern part of the field is greenbelt and will not be taken for housing. Further, even if the northern half was developed, the footpaths (C to D and C to E) could be provided through or around the housing and offer access to and from the river and the valley. The principles of my proposal, in terms of access to and through the Yarrow Valley, could be provided whether or not the housing went ahead. Indeed the removal of half of the field for housing would leave a piece of land that is of no practical value for agriculture and for which an alternative use would have to be found, the most obvious ones being leisure/recreation/conservation. So the proposal outlined above is, in principle, independent of the objection to housing in the field.

However, retention of the whole field, without housing, as part of the Yarrow Valley Park would offer an enhancement of any such proposal. As part of the Park it could be retained for agriculture (the farmer just takes a grass crop from the field) as at present. The Valley Park already contains substantial areas of agricultural land on and above the valley sides, for example in Euxton on the east side of the railway.

Alternatively, with active, but low intensity park management, and with or without retaining agriculture, the field could be used to build on the proposal outlined above.

The crossing of the river by the railway offers a junction of two of the Borough's main wildlife corridors. Even if the trout can't decide to head south on the railway corridor many things can - the spreading Himalayan Balsam from the river corridor onto the railway arms of

the junction being an obvious if unwanted example.

How much better will this junction work if it does so without being hemmed in by urban development, as it already is on the north eastern side? How much better would it work if the field offered an alternative habitat that adds to the ‘facilities’ for wildlife at the junction – for example providing somewhere for the deer to graze at night (as they sometimes do), or for the rabbits that live on the field margins and provide food for the buzzards that often sit on the electricity lines in the middle of the field. The field also contains two ponds, shown on the map but, because they have been long neglected, they are now full of decayed leaves and contain little water. With some work, which I believe local residents could be readily persuaded to undertake, these ponds could again become an asset to the field’s appearance and conservation value.

The field is already used for dog walking and casual recreation and, for large parts of Euxton it could be the most convenient pedestrian entrance to the Valley Park requiring the minimum of walking along the road network. Its role could be enhanced with some light management, tree planting, information boards, seats, additional paths etc.

**4 Conclusion**

The two low cost proposals outlined above could greatly improve access to the River Yarrow and its valley in an interesting area where access it is not at present available. This would benefit the people of Chorley, and particularly the people of Euxton who are poorly served by the river that passes through the edge of their village.

Although not critical to the proposals, retention of the field alongside Dunrobin Drive, without housing development, would considerably enhance them

**Report by Resident/  
Parish Councillor Vyn Thornhill**

