

## PARISH CONFERENCE

THURSDAY, 14 JUNE 2018

PRESENT: Councillor Christine Bateson and Mandy Brar (Joint Chairman's)

Also in attendance: Councillor Simon Dudley and Councillor Derek Wilson, David Burfitt (Hurley), Harry Clasper (Datchet), Des Warren (Shottesbrooke), Amanda Robson Brown (Bisham), Eileen Bune (Cookham), Martin Coker (Cookham), Chris Graham (Bray), Jane Clemance (Wraysbury), Stephen Hedges (Cox Green), Ian Harvey (Cox Green), Jo Stickland (Datchet), Katy Jones (Datchet), Susan Cook (Bray), Anne-Catherine Buxton (Sunningdale), Ruth Davies (Sunningdale), Jane Dawson (Old Windsor), Peter Deason (Sunninghill & Ascot), Barbara Story (Sunninghill & Ascot) and Linda O'Flynn (Datchet).

Officers: Mary Severin, Harjit Hunjan, Shilpa Manek, Kevin McDaniel, Russell O'Keefe, Ashley Smith and Louise Freeth

### WELCOME AND INTRODUCTIONS

Councillor Bateson welcomed all to the Conference and invited Councillor Simon Dudley to say a few words to the Parishes. Councillor Dudley thanked all for attending and for being Parish Councillor's, and pointed out that with the support of the parish councils, who made sure that the Borough were close to their residents and who understood what the residents needed and wanted. Councillor Dudley thanked the parishes for all that they did for the community.

The Conference were informed of the new way forward for the Parish Conference. There would be three conferences each year and Councillor Bateson and Mandy Brar, Chairman of DALC would jointly chair each Conference. The Conference were advised that the agenda setting meetings would take place at least six weeks before the Conference in order for all reports to be circulated prior to the Conference.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Sandra Baker, Ken Elvin, Bob Austen, Alison Alexander, Andy Jeffs and David Scott.

### MINUTES FROM LAST CONFERENCE

The minutes of the last Parish Conference were Unanimously Agreed as a true and accurate record.

### MONITORING OFFICER - INTRODUCTION (5 MINS)

Mary Severin, Monitoring Officer, introduced herself and her role as the Monitoring Officer to the Conference. Mary Severin informed the Conference that she had started off in Local Government as a specialist Planning lawyer but now dealt with Code of conduct issues here within RBWM. Mary Severin explained that as the monitoring officer, she dealt with code of conduct complaints for Borough Members and Parish Members. Some parish councils had accepted the local authority's code of conduct but some had their own. As the monitoring officer, Mary Severin explained that she had little power with sanctions and that naming and shaming was the highest sanction. If code of conduct complaints were received from a parish council regularly, mediation would be sought to solve disputes between Parish Members,

rather than to repeatedly use the Code of Conduct complaints process. [take out last sentence]

Mary Severin highlighted that she could be contacted if anyone needed any advice on Code of Conduct and Declarations of Interest.

A question was asked about the Localism Act and predetermination, Mary Severin explained that the committee would have to come with an open mind and make a decision after listening to the applicant and the objector. There was a [take out 'slight'] difference between parish council decisions on planning matters and decisions made at RBWM planning Panels.

The parish council would have the same powers as the monitoring officer for sanctions for Parish Members who breach the Code of Conduct.

### GDPR (15 MINS)

Jennifer Shaw, Lead GDPR Officer, informed the Conference that from 25 May 2018, the Data Protection Act 1998 (DPA) was superseded by the General Data Protection Regulations (GDPR). GDPR required our privacy notices to show transparency on how personal data was used.

Jennifer Shaw informed the Conference that the local authority would not be charging parish councils to assist them with becoming compliant with GDPR. Parish Councils could also use the assistance of the Data Protection Officer (DPO), Martin Tubbs, who could be contacted at [dpa@rbwm.gov.uk](mailto:dpa@rbwm.gov.uk).

Jennifer Shaw advised the Conference that the RBWM website already have sixty plus privacy notices that could be viewed.

The parish councils asked if they were required to have a DPO and were advised by Jennifer Shaw that they could name Martin Tubbs if they needed a reference for a DPO. This did not excuse parish councils to follow the Data Protection Act.

Jennifer Shaw informed the Conference that any serious breaches of data protection had to be reported immediately to [dpa@rbwm.gov.uk](mailto:dpa@rbwm.gov.uk). The data protection officer must make the decision within 72 hours as to whether to report the breach to the Information Commissioners Office. The consequences of a data protection breach can be very serious and may result in reputational damage and financial penalty.

Jennifer Shaw was asked how the borough deal with planning applications and GDPR. Jennifer Shaw explained that Planning Law had its own law which was different to GDPR. When an application was completed, it would be in the public domain. This has to be reflected in the planning application privacy notice.

Jennifer Shaw was asked what the procedure was when a councillor left and was informed that everyone had to be responsible and comply with data protection. It was a criminal offence if you did not comply with data protection.

Jennifer Shaw informed the Conference that further information can be found on the Information Commissioners Office website, <https://ico.org.uk/>

### UPDATE ON BOROUGH LOCAL PLAN (15 MINS)

Councillor David Coppinger updated the Conference on the Borough Local Plan. Councillor Coppinger informed the Conference about the Parish Forum, this was a Forum set up to share information about what we were doing in planning and to get input from parish councils.

The three current points of discussion were the Terms of Reference, Waste and Minerals and CIL/SANG. This was open for all parish councils to get involved in.

Councillor Coppinger informed the Conference that specific training was going to be taking place for borough councillors and parish council planners would be invited.

Jenifer Jackson gave a progress update on the Borough Local Plan. This was submitted at the end of January 2018, all correspondence was on our website from the inspector and the council. The initial hearing dates were set by the inspector for the 26, 27 and 28 June, these could take place in the Council Chamber at the Town Hall in Maidenhead and there would be live streaming to another room. A further date that was booked was in July. The timetable was already set and on the website and the representative statements were also on the website. A further detailed timetable would be provided by the inspector for future hearing sessions. All speakers would have been invited by the Programme Officer to speak and only those would be allowed to speak. The second stage would be in early October.

Councillor Coppinger informed the Conference about a hearing that was taking place in Guildford. The inspector's aim was to approve the plan, possibly with some changes. They would only be examining the things that they did not understand. The hearing was very focussed.

### UPDATE ON CIL (10 MINS)

Jenifer Jackson informed the Panel that as agreed in the Cabinet paper, the neighbourhood portion of CIL would be passed over in April and October. All parish councils with CIL money due to them should have received a letter setting out the amount to be paid and asking for account details. The S106 monies that were collected information was on the website on the transparency pages, CIL information would contain application numbers and other details and a privacy notice would be required. The Head of Planning was asked to circulate this information to all parish councils or to make it available, Mrs Jackson undertook that she would check the GDPR implications and circulate if appropriate.

**ACTION:** Jenifer Jackson to check GDPR implications and sent to parish councils if appropriate.

Jenifer Jackson informed the Conference that we were not in a position to have a financial schedule of CIL information because of resources. There was a role currently being advertised. In the future, the aim was to be more set up like Wokingham Borough Council but the position would be considered in October 2018.

Jenifer Jackson reported that a paper was due to be presented at Cabinet on the Governance on CIL at the end of June, this would be published on the website during the following week. Jenifer Jackson confirmed that Hillary Oliver was still involved with the management of CIL in planning.

Jenifer Jackson informed the conference that the Regulation 123 list was what CIL would be spent on, not specific projects. This was not the same as the S106 list.

The parish councils raised the following points:

- The timing of the April and October payments should be synchronised with the budget, at the end of January. This was noted.
- Were parish councils informed if they were getting no funds? Jenifer Jackson advised that all parish councils would receive statements in future pending the approval of the Cabinet paper on 28 June.
- CIL was to be spent on essential infrastructure development.

- No full breakdown would be sent out to parish councils as one parish had requested. Going forward, we could not commit to projects without knowing what funds were coming in.
- The travellers plan was still in draft form and would be shared with Forum once finalised.

## PLANNING (30 MINS)

Ashley Smith to provide an update on the following items:

- Feedback given by Parish Councils on planning applications.

The Planning team receive 3000 - 4000 applications each year. Consultations are sent to Parish Councils as well as a wide range of other consultees. The purpose of all consultation is to bring to the attention of the Local Planning Authority any material planning considerations that consultees think that the Local Authority should consider when reaching a decision. Many responses are received for each application, which are all read, published on the website and a summary of planning issues raised is included in the Officer Report. The Borough generally gives 28 days for parties to respond to consultation, this significantly exceeds the statutory minimum. All matters raised by consultees are considered and where the Borough does consider it can refuse permission, the reason it has come to a different conclusion is detailed in the officer report. If further explanation is required the Development Management Area Team Managers will be happy to discuss.

Ashley Smith informed the Conference that knowledge sharing events were being set up for September for Borough Councillors as well as Parish planning Chairs and Clerks. Ashley Smith informed the Conference that the planning team were happy to discuss any application, he would arrange for a structure to be circulated which would show which managers and officers were the main contacts for each parish area. Generally Development Management area team leaders were the best place to start with any queries from parishes about plan applications in their areas, Enforcement and Conservation queries should be directed to the Enforcement and Conservation team manager.

**ACTION: Send planning structure to all parish councils with guidance on where best to direct queries.**

- Presentation to be given on the structure of the Borough-Wide Development Management Panel and how the decision is made to send an application to that Panel. Planning to set out what type of applications go to which panels.

The Borough-wide development management panel consisted of fifteen member where Councillor Burbage was the Chairman and Councillor Alexander was the Vice Chairman. The Borough Development Management Panel predominantly deals with major refusals of Planning Applications that haven't been listed for area panels as well as some larger strategic applications which may affect the whole Borough. Other applications were either delegated or went to area panels. As a general rule Jenifer Jackson was lead officer for the Maidenhead Panel and the Borough-Wide panel and Ashley Smith dealt with the Windsor Urban and Windsor Rural Panels. Areas Panels mainly dealt with major applications of 10 units or more or any applications that had been called in or met other criteria set out in the Borough's constitution. It was

confirmed that parish councils could not call in planning applications, this could only be done by Borough Councillors.

- Enforcement activity and the lack of communication between Parish Councils and the Borough on enforcement issues.

The enforcement process was a long process and where voluntary compliance was not achieved enforcement matters were always likely to take some time to resolve. When a request for an enforcement investigation was received by the LPA, it would be logged and then given a priority, high, medium or low and then dealt with in priority. Ashley Smith explained that The Council has a significant number of high and medium priority cases that can take up a substantial proportion of an enforcement officers time, and as a result lower priority cases may take longer to get to as resources are not unlimited and so the priority system is required.

Ashley Smith explained that the purpose of enforcement is not specifically to punish people who carry out unauthorised works, but rather to resolve breaches of planning regulation. The Council was required to act reasonably and proportionately and provide transgressors with opportunities to rectify or regularise breaches of planning control. This may mean that retrospective applications are received or invited. Even in cases where notices are served a right to appeal exists and this is often exercised and as a result causes further delays.

The team acknowledged that it could do better by sending a holding response informing complainants of how long low priority cases may be delayed for. All cases were recorded on the planning access module, parishes should register as an enforcement complainant for any enforcement matters they particularly wished to have updates about. This would inform parishes of the named enforcement officer responsible for cases and parishes could receive or request updates.

- Transport Plans – Consultations with Parishes on whether a transport plan was required for a development. Parishes would like to be consulted.

As with most Local Authorities the Borough do not consult on travel plans and conditions. These are received and need to be determined in short timeframes and are a technical matter considered by the Highway Authority. There is due to be a change in planning legislation later in the year which may restrict the number of pre-commencement conditions that can be imposed on permissions.

### PARISH CHARTER (10 MINS)

Stephen Hedges, Cox Green Parish Council, informed the conference that the sub group had met the day before and had reviewed the current draft of the Parish Charter. The sub group were going to be meeting again in July to finalise and then it would be circulated to the Conference for comments. A final meeting of the sub group would meet in September and an update would be provided at the October Conference.

Councillor Bateson read out a note from Alison Alexander which would be circulated to all parish councils.

**ACTION: Distribute note from Alison Alexander.**

Information on the Access Advisory Forum was requested at the Conference, what it was and what it did.

**ACTION: Clerk to circulate Terms of Reference for the Access Advisory Forum to all parish council.**

ITEMS FOR FUTURE MEETINGS

The Chairman advised the Conference to speak to or email Sandra Baker or Shilpa Manek to raise any Agenda Items.

DATE OF NEXT CONFERENCE

The Panel noted the dates of the future meetings:

Tuesday 30 October 2018 – 7pm – Chamber, Guildhall, Windsor

Monday 11 February 2019 – 7pm – Council Chamber, Town Hall, Maidenhead

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....