

Borough Council of
**King's Lynn &
West Norfolk**



Cabinet

Agenda

Tuesday, 11th June, 2024
at 6.00 pm

in the

Council Chamber
Town Hall
Saturday Market Place
King's Lynn

Also available to view on Zoom and available for the public to view on [WestNorfolkBC on You Tube](#)



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

CABINET AGENDA

DATE: CABINET - TUESDAY, 11TH JUNE, 2024

**VENUE: COUNCIL CHAMBER, TOWN HALL, SATURDAY
MARKET PLACE, KING'S LYNN PE30 5DQ**

TIME: 6.00 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - no items will be considered in private.

1. MINUTES

To approve the Minutes of the Meetings held on 23 April, 9 May, 3 June 2024 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATIONS OF INTEREST (Page 6)

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. **CHAIR'S CORRESPONDENCE**

To receive any Chair's correspondence.

6. **MEMBERS PRESENT UNDER STANDING ORDER 34**

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

7. **CALLED IN MATTERS**

To report on any Cabinet Decisions called in.

8. **FORWARD DECISIONS** (Pages 7 - 11)

A copy of the Forward Decisions List is attached

9. **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda.

10. **DATA PROTECTION POLICY** (Pages 12 - 58)

11. **LOCAL PLAN UPDATE - PROCESS TO ADOPTION INCLUDING MAIN MODIFICATION CONSULTATION** (Pages 59 - 72)

12. **CABINET APPOINTMENTS TO SUB-COMMITTEES TASK GROUPS ETC 2024-25** (Pages 73 - 75)

13. **CABINET APPOINTMENTS TO OUTSIDE BODIES 2024-25** (Pages 76 - 80)

To: Members of the Cabinet

Councillors B Anota, A Beales (Chair), M de Whalley, J Moriarty, C Morley, S Ring (Vice-Chair), J Rust and S Squire

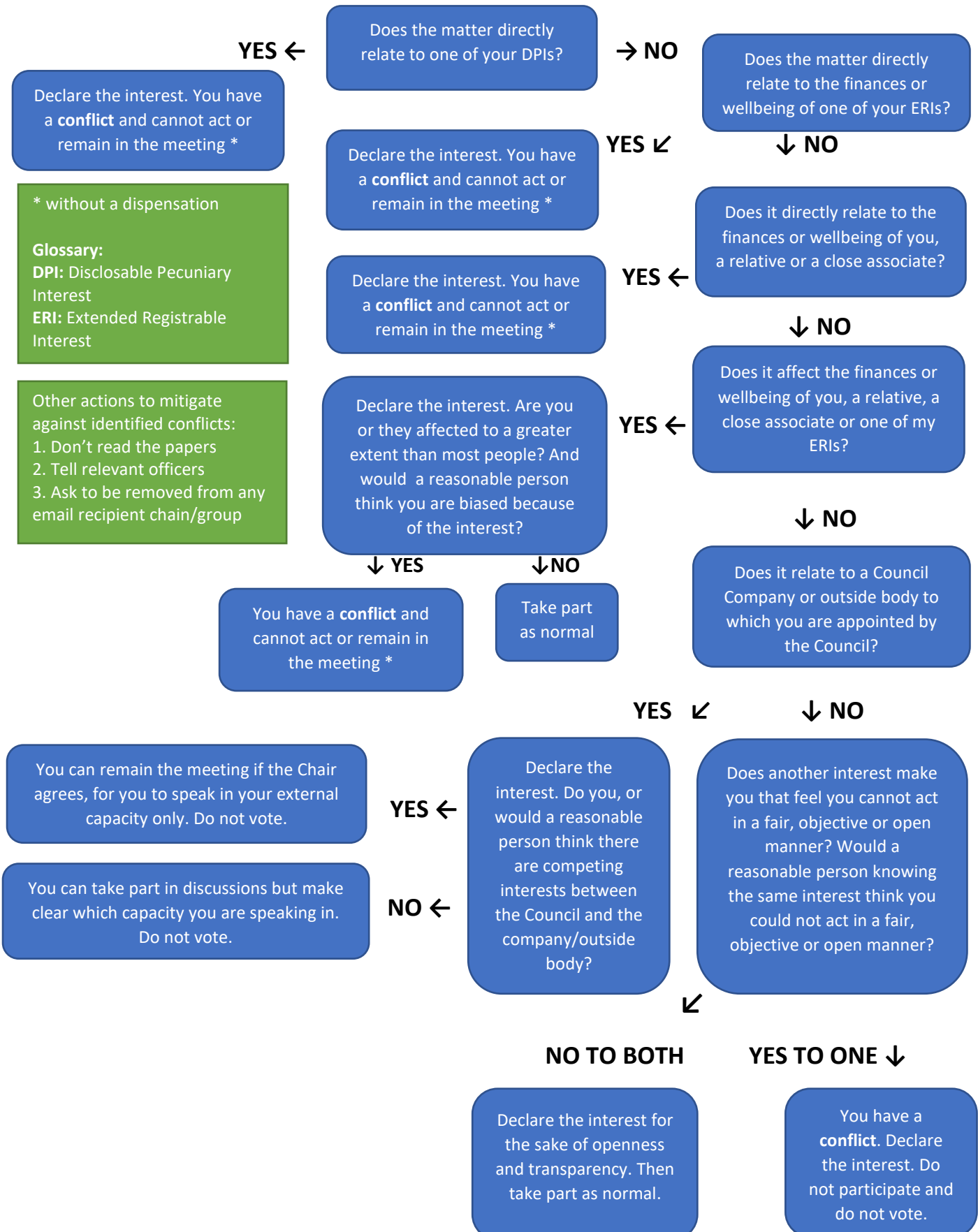
For Further information, please contact:

Sam Winter, Democratic Services Manager 01553 616327
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn PE30 1EX

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 June 2024						
	Data Protection Policy Review	Non	Council	Leader Monitoring Officer		Public
	Local Plan Update: Process to Adoption including Main Modification Consultation	Key	Council	Development and Regeneration Asst Dir – S Ashworth		Public
	Cabinet Appointments to Sub Committees and Task Groups	Non	Cabinet	Leader Chief Executive		Public
	Appointments to Outside Bodies	Non	Cabinet and Council	Leader		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
30 July 2024						
	Review of Alive West Norfolk	Key	Council	Tourism Events and Marketing H Howell - Corporate Governance Manager		Part Public and part Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Article 4 Direction	Non	Cabinet	Regeneration and Development Assistant Director – S Ashworth		Public

	Recommendations from the Biodiversity Task Group	Non	Cabinet	Development and Regeneration Asst Dir – S Ashworth		Public
	Empty Homes Strategy Review	Key	Council	People and Communities Asst Dir M Whitmore		Public
	Redundancy Payments Scheme	Non	Council	Leader Exec Dir – D Gates		Public
	The Guildhall RIBA Stage 3 Options	Key	Cabinet and Council	Tourism Events and Marketing Assistant Dir S Hall		Public
7	King's Lynn commercial leasing of land at the Willows	Key	Cabinet	Business		Part Public and part Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
17 September 2024						
	Homelessness and Rough Sleeping Strategy Update	Non	Council	Community Asst Director - D Hall		Public
	Long Term Plan for Towns	Key	Council	Business Asst Dir D Hall		Public
	Review of Appointments to Outside Bodies	Non	Cabinet	Chief Executive Leader		Public
	King's Lynn Town Football Club	Non	Cabinet	Property Asst Dir – M Henry		Private- Contains exempt Information under

						para 3 – information relating to the business affairs of any person (including the authority)
	Florence Fields – Tenure Mix	Non	Council	Deputy Leader Exec Director – O Judges		Part Public and part Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
05 November 2024						
	West Norfolk Economic Strategy	Non	Council	Business Asst Dir D Hall		Public
	Disabled Facilities Grant Framework	Key	Cabinet	People and Communities D Whitmore		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
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5 December 2024						
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
14 January 2025						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
4 February 2025 (non budget items)						
	Local Plan	Key	Council	Asst Dir – S Ashworth		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 February 2025 (Budget items)						
	Budget 2025-28	Key	Council	Finance Asst Dir – M Drewery		Public

Items to be scheduled

	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	People & Communities Asst Dir B Box		Public
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	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Southend Road Hunstanton	Key	Cabinet	Regeneration & Development Asst Dir – D Ousby		Public
	Overnight Campervan parking in Hunstanton	Non	Cabinet	Leader Asst Director – M Chisholm		Public
	Pay Award 2024	Key	Cabinet	Leader		Public

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES /NO	
	Discretionary /	Need to be recommendations to Council		YES/ NO	
	Operational	Is it a Key Decision		YES /NO	
Lead Member: Leader of the Council		Other Cabinet Members consulted: Cabinet			
		Other Members consulted: Corporate Performance Panel			
Lead Officer: Laura Botten E-mail: <i>laura.botten@west-norfolk.gov.uk</i> Direct Dial: Teams		Other Officers consulted: Management Team			
Financial Implications YES /NO	Policy/ Personnel Implications YES/ NO	Statutory Implications YES/ NO	Equal Impact Assessment YES/ NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/ NO	Environmental Considerations YES /NO

Date of meeting: 11th June 2024

REVISED DATA PROTECTION POLICY

Summary

The existing BCKLWN Data Protection policy is overdue for review. An internal Audit review conducted in August 2023 identified that the existing policy had not been reviewed since 2018.

A light touch review was conducted by the Deputy SIRO in 2022 but the revised policy did not go through the formal Tier 1 policy approval process.

The Information Governance Officer has since reviewed and enhanced the policy. Most of the changes are non-material and are listed in this report at 2.2.

If approved by Cabinet, the policy will be placed on the intranet and an all-staff email will inform officers and members of the updates and how to access the policy.

Recommendation

Cabinet is asked to note and endorse the reviewed Data Protection policy as set out at Appendix 2.

Reason for Decision

To ensure that the Council's Data Protection policy is up-to-date and formally approved.

1 Background

- 1.1 An Internal Audit report dated August 2023 noted that the Council's Data Protection Policy was overdue for review. The existing policy was prepared in May 2018 by Eastlaw.
- 1.2 A light touch review was conducted by the Deputy SIRO in November 2022 with changes made to the policy to align it with North Norfolk's policy, but the revised policy was never put through the formal Cabinet/Council Tier 1 policy approval process.
- 1.3 The Information Governance Officer has since reviewed and refreshed the policy in the context of prevailing legislation, good practice and considering service audit recommendations. Should Cabinet/Council agree the revised Tier 1 policy, a publicity campaign of awareness will be developed to support policy implementation and compliance.

2 Options Considered

- 2.1 Options are:
 - A. Refresh the policy to bring it in line with Data Protection legislation, ICO guidance and best practice.
 - B. Do not make any changes. This could increase the risk of non-compliance with Data Protection legislation and regulations and would demonstrate a failure to ensure appropriate arrangements are in place for the responsible and ethical handling of personal data.
- 2.2 The existing and revised policy are attached to this report as appendices. Changes to the existing policy can be summarised as:
 - Section 3 added on importance of data protection and information governance – to highlight accountability and ownership by service areas of data they process.
 - The existing section on Information Assets and retention/publication scheme has been split out and expanded.
 - Section 13 and Appendix E has been added on Data Protection Impact Assessments.
 - Section 9 added on FOI/EIR processes.
 - Section 11 added on Data Breaches and the process followed in event of suspected breach.
 - Wording added to Section 8.4 under Data Sharing to explain that the policy applies to all personal data held by the Council, including that contained in Non-Corporate Communication Channels.

- Links to supporting policies, guidance and e-forms embedded throughout to make it more user-friendly and useful as an aid for officers and members.

3 Policy Implications

- 3.1 The Data Protection Policy is aligned with the Council's corporate priorities and key principles in relation to:
- EFFICIENT AND EFFECTIVE DELIVERY OF SERVICES
 - TRANSPARENCY

4 Financial Implications

- 4.1 None.

5 Personnel Implications

- 5.1 None.

6 Environmental Considerations

- 6.1 None.

7 Statutory Considerations

- 7.1 Data Protection law (specifically UK GDPR and DPA 2018) requires organisations to have a Data Protection Policy in place where proportionate.
- 7.2 Under the DPA 2018, individuals have a statutory access right to personal data held about them.
- 7.3 Under the FOIA 2000, there is a statutory right of access to information held by public authorities. It does this in two ways: public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

8 Equality Impact Assessment (EIA)

- 8.1 Pre-Screening EIA has been completed and identified neutral impact on all groups (see below).

9 Risk Management Implications



Stage 1 - Pre-Screening Equality Impact Assessment

- 9.1 Failure to have an up to date and reviewed Data Protection Policy could be a reputational risk for the Council if a significant high- risk data incident occurred.

10 Declarations of Interest / Dispensations Granted

- 10.1 None.

11 Background Papers

- 11.1 Provided as appendices to this report are:

- Appendix 1 - Existing Data Protection Policy (2018)
- Appendix 2 - Revised Data Protection Policy (2023)

Name of policy/service/function	Approval of Revised Data Protection Policy				
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	/	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	<p>The main aim of the Data Protection Policy is to support compliance with relevant legislation governing collection, processing, and storage of personal data. The policy promotes responsible and ethical handling of personal data to protect individuals' rights and maintain organisational trust and integrity.</p> <p><u>Relevant legislation</u></p> <ul style="list-style-type: none"> • Data Protection Act 2018 • UK General Data Protection Regulation • The Freedom of Information Act 2000 (FOI Act) 				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	<p>SLT and CPP</p> <p>ICO guidance</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			/	
	Disability			/	
	Sex			/	
	Gender Re-assignment			/	
	Marriage/civil partnership			/	
	Pregnancy & maternity			/	
	Race			/	
	Religion or belief			/	
	Sexual orientation			/	
Other (eg low income, caring			/		

Question	Answer	Comments				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the	No responsibilities)	<table border="1"> <tr> <td data-bbox="1166 215 1238 271"></td> <td data-bbox="1238 215 1310 271"></td> <td data-bbox="1310 215 1382 271"></td> <td data-bbox="1382 215 1457 271"></td> </tr> </table>				

Council, for example because it is seen as favouring a particular community or denying opportunities to another?		
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member: N/A.....
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:N/A.....</p>		
Assessment completed by:	Laura Botten	
Name		
Job title	Information Governance Officer	
Date completed	9 May 2024	

Complete EIA Pre-screening Form to be shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)



DATA PROTECTION POLICY

For Borough Council of Kings Lynn and West Norfolk

Revised May 2018

Contents

- 1. Introduction**
- 2. Purpose**
- 3. Aims**
- 4. Key features of the data protection legislations**
- 5. Roles and Responsibilities**
- 6. Rights of a data subject**
- 7. Sharing information**
- 8. Confidentiality and security**
- 9. Information assets records**
- 10. Information, enquiries and complaints**

Appendix A – Data Protection Principles

Appendix B – Legal bases for processing data

Appendix C – Glossary

Appendix D – List of relevant legislation

1. Introduction

- 1.1 Borough Council of Kings Lynn and West Norfolk (“The Council”) supports the aims and provisions of the General Data Protection Regulation 2016 (“GDPR”) and the Data Protection Act 2018 and seeks to ensure compliance with the requirements of this legislation (“the legislation”).
- 1.2 The Council is the data controller. Electoral Services at Borough Council of Kings Lynn and West Norfolk is also a data controller. This policy applies to both these data controllers. Elected Members act in their role within the Council and where they do, this policy applies to them. Sometimes elected Members are data controllers in their own right as well. In that situation, they will control how they implement the processing of data under the legislation.
- 1.3 This policy applies to all Council employees, Members, volunteers, contractors and those instructed by the Council to provide a service or those with whom the Council has entered into a joint working arrangement. This policy provides information and guidance to support Council work and activities when dealing with personal information.

2. Purpose

- 2.1 The purpose of this policy is to ensure that the provisions of the DPA and the GDPR are complied with and to protect the personal data of individuals.
- 2.2 This policy will assist the Council to comp with the requirements of the DPA and the GDPR. It will also seek to increase awareness of the rights of an individual under data protection legislation.
- 2.3 The 6 data protection principles set out in the GDPR are principles which protect the personal data of individuals. As such, these principles are of paramount importance and must be followed (**Appendix A**). Information about legal bases for processing personal data is at **Appendix B** and a glossary of key terms can be found at **Appendix C**.

3. Data Protection Policy: aims

- 3.1 This policy aims to assist staff and other relevant persons in meeting their data protection obligations under the GDPR and related data protection legislation.
- 3.2 The Data Protection Act 2018 (“the DPA”), and the GDPR set out a framework of rights and duties which safeguard personal data. Personal data is information relating to a living individual who can be identified from the data. The legislation balances the legitimate needs of organisations to collect and process data against the rights of individuals to respect for their rights to control their personal data and their privacy.
- 3.3 In addition to the DPA and the GDPR, several pieces of legislation deal with the rights and responsibilities of individuals and organisations in relation to personal data. A list of relevant legislation, though not exhaustive, can be found at **Appendix D**.
- 3.4 The Council recognises the importance of personal data to its business and the importance of respecting the information and privacy rights of individuals. This Policy sets out the principles which it will apply to the processing of personal data so that the Council not only safeguards one of its most valuable assets but also processes personal data in accordance with the law.
- 3.5 **It is the responsibility of all of the council’s employees, Members and any person holding or processing personal data on behalf of the Council to assist with the implementation of this Policy.** In order to help employees comply, the Data Protection Officer arranges the provision of training of staff and produces guidance documents. Employees should familiarise themselves with this Policy and guidance, attend training and apply the provisions in relation to any processing of personal data. Failure to do so could amount to misconduct, which can be a disciplinary matter and could ultimately lead to the dismissal of staff. Serious breaches could also result in personal criminal liability. This policy continues to apply to individuals even after their relationship with the Council ends.

3.6 In addition, a failure to comply with this Policy could expose the Council to enforcement action by the Information Commissioner or to complaints or claims for compensation from affected individuals. There may also be negative publicity as a result of any breach that is made public.

4. Key features of the data protection legislation:

4.1 The DPA and the GDPR set out data protection principles. This legislation governs the processing of personal information both by way of manual records and computerised information. Individuals have rights within the legislation which includes a certain control over how their information is handled.

Here are some of the key features of the legislation:

- a) All personal data must be handled in accordance with the 6 Data Protection Principles [Appendix A]
- b) Individuals (“data subjects”) have rights surrounding how their information is handled. This includes the right to be informed about whether and what personal information is being processed; the right to request access to that information (“a subject access request”); the right to request that inaccurate or incomplete data be rectified; the right to erasure or restriction of the processing of their information, including profiling, in certain circumstances. In addition, individuals can object to automated decision making and also have rights to object to profiling and a rights relating to data portability.
- c) Processing of data (including special category data) must be done under a lawful basis. The conditions for processing personal data can be found at **Appendix B**.
- d) The principle of accountability of data controllers is of utmost importance. Suitable and sufficient systems, procedures, documents and training must be in place to demonstrate compliance with the data protection legislation.
- e) Data protection impact assessments are carried out where appropriate as part of the design and planning of new projects.
- f) Data controllers must have written contracts in place with all data processors who are only appointed where they can provide sufficient guarantees that the requirement of the legislation will be met, and data subjects sufficiently protected.
- g) Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner’s Office within 72 hours of the Council becoming

- aware of the breach. Where the breach is likely to result in a high risk to the individual, those individuals are to be notified directly
- h) The Information Commissioner is responsible for regulation and can take action against organisations which do not comply with the requirements. In serious cases, she can issue fines and prosecute those who commit offences under the legislation.

5. Roles and Responsibilities

- 5.1 All staff and relevant persons have a role in implementing this policy. There are some members of staff with key roles.

5.2 Data Protection Officer

The Data Protection Officer (“DPO”) has a degree of autonomy within the Council, and is responsible for advising the Council, including its senior leaders, of its obligations under the legislation. The DPO is designated on the basis of professional qualities and expert knowledge of data protection law and practice. The DPO monitors compliance, raises awareness and ensures training for staff to enable them to lawfully comply with processing operations. The DPO is the contact point with the Information Commissioner’s Office for information law related issues and in the event of data breach. The Council must provide the DPO with the necessary resources and access to personal data and processing operations to enable them to perform their role and to maintain their expert knowledge of data protection law and practice. The DPO works within the legal department of the Council and is assisted by that team in dealing with requests and queries from individuals relating to their information rights as well as queries from members of staff and relevant persons. In the event of a breach or suspected breach of personal data, the DPO and the legal department should be informed at the earliest opportunity.

5.3 Senior Information Risk Officer

The Senior Information Risk Officer (SIRO) is a senior officer of the Council and has responsibility for the Council’s Information Risk Policy, for ensuring the effectiveness of the Council’s information risk management and managing information risks and incidents. The Information Asset Owners report to the SIRO.

5.4 Information Asset Owners

Heads of Service are “Information Asset Owners” (“IAO”). They are responsible for ensuring operational compliance with this policy within

their own departments. IAOs keep and maintain a register of information collected by their service area. This information is held in a document called an 'Article 30 record', and includes details of personal data collected and held, why it is collected and who it may be shared with. The IAOs will report to the SIRO.

5.5 Information Asset Assistants

The day to day maintenance of this register will be by Information Asset Assistants ("IAA"). Each service will have at least one IAA. The IAA is also the contact point within the department where a relevant subject access request has been made.

6. Individual rights (the rights of a data subject)

6.1 Data subjects can make a request to know if the Council holds their personal data and for a copy of such. These are referred to as "subject access requests". The Council will require proof of identity of the requestor. Any such request must be made in writing but the Council will make reasonable adjustments in appropriate cases.

6.2 In addition to a right to access personal information, data subjects have the following rights:

- A right to rectification (if the data held is inaccurate)
- A right to erasure in certain circumstances ("the right to be forgotten")
- A right to restrict processing of their personal data in certain circumstances
- A right to data portability (a packaged transfer of data from one data controller to another)
- A right to object to profiling; direct marketing and/or automated decision-making

6.3 The Council is committed to dealing with request for information promptly and within one calendar month. However, where the request is complex, this response period may be extended by up to two extra calendar months.

6.4 The Council will respond to the request. If refusing a request it will give reasons and details of how the requestor can complain.

7. Sharing information

- 7.1 Whilst the legislation generally requires the Council to keep personal information of others secure and not to disclose it to a third party, there are some exemptions which allow for such. In appropriate cases, and where permitted by law, the Council may share information where it is in the public interest to do so, for example, for the prevention or detection of crime.
- 7.2 Personal data must not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 7.3 This policy applies to all personal data held by the Council however it is collected, recorded and used and whether it is on paper records, in computer records including the information gathered on CCTV systems at whatever location used by or on behalf of the Council.

8. Confidentiality and Security

- 8.1 The Council recognises that everyone has a responsibility within the organisation to promote good data protection management.
- 8.2 Employees and relevant persons must not access, copy, alter, interfere with or disclose personal data held by the Council unless permitted to do so under the data protection legislation.
- 8.3 Individuals that process personal data must comply with the Council's security measures to safeguard personal data as outlined in the Council's ICT Policy.
- 8.4 Any employee, Member or other person who becomes aware of a weakness in the council's data protection procedures or who becomes aware of any breach of the policy should report the concern to their line manager at the earliest opportunity and to the data protection officer or the SIRO without delay. A breach procedure has been produced for IAO's and further copies are available from the legal department.
- 8.5 Where there has been a data breach, the Council has a duty to find out what data has been lost or stolen, to mitigate the loss and to take steps to notify persons affected where appropriate. There is also a

general duty to contact the Information Commissioner's Office within 72 hours. Further information is available from the data protection officer, the Council's breach procedure document and via the ICO website.

9. Register of Information Assets, retention and privacy

- 9.1 The Council holds and maintains a register of information assets. The Information Asset Owner for each department is responsible for compiling and maintaining the record of information assets for his or her department, aided by one or more Information Asset Assistants. Each data controller must pay an annual fee to the Information Commissioner's Office (ICO).
- 9.2 The Council has a retention policy which informs of the period for which documents and personal information is retained.
- 9.3 The Council informs individuals of its privacy policy via its website, and will provide copies in such other reasonable format on request.

10. Further Information, Enquiries and Complaints

Borough Council of Kings Lynn and West Norfolk

The Council's Data Protection Officer, is the first point of contact on any of the issues mentioned in this policy document. The Data Protection Officer will be responsible for dealing with all individual and external enquiries. All service areas will have a nominated Data Protection Contact Officer also known as the Information Asset Assistant (IAA) to create a network to assist the Council's Data Protection Officer when responding to subject access requests.

The contact details are as follow:

Data Protection Officer
Borough Council of Kings Lynn and West Norfolk
Kings Court
Chapel Street
Kings Lynn
Norfolk NR30 1EX

Telephone: 01553 616270

Email: Dataprotection@west-norfolk.gov.uk

Where a person wishes to raise an issue or complaint about how their personal information is, or has been, processed, they should, in the first instance be directed to the data protection officer.

Information Commissioners Office

A person has a right to complain or raise an issue with the Information Commissioner's Office ("ICO").

The ICO is the UK's independent public body set up to promote access to official information and protect personal information by promoting good practice, ruling on eligible complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken

The ICO contact details are as follow:

www.ico.org.uk

Helpline: 01625 545 745.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

APPENDIX A

The Data Processing Principles

Personal data must be:

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specific/ explicit / legitimate purposes and not further processed in an incompatible manner
3. Adequate, relevant and limited to what is necessary
4. Accurate (reasonable steps must be taken to rectify/erase inaccurate data without delay)
5. Kept in a form which permits identification for no longer than is necessary
6. Kept secure

APPENDIX B

Processing personal data

A. Conditions for processing personal data

The basis for processing personal data must be lawful. At least one basis from the list below must apply whenever the Council processes personal data:

- a) **Consent** – the individual has given clear consent for the council to process their personal data for a specific purpose (Note: Consent can be withdrawn at any time)
- b) **Contract** – the processing is necessary for a contract the Council has with the individual, or because they have asked the Council to take specific steps before entering into a contract.
- c) **Legal obligation**- the processing is necessary for the Council to comply with the law
- d) **Protect life** – necessary to protect someone’s life
- e) **Public task** – the processing is necessary for the Council to perform a task in the public interest or for the Councils official functions, and the task or function has a clear basis in law
- f) **Legitimate interests** – (but cannot be used for processing carried out by public authorities in the performance of their tasks)

B. Processing special category personal data

The glossary sets out the categories of special data which need to be processed with extra care. The special categories of personal data are subject to stricter conditions of processing. There are conditions for processing special categories of personal data, set out in Article 9 of GDPR and are summarised:

- a. The data subject has given explicit consent, or
- b. It is necessary for employment, social security or social protection law*
- c. It is necessary to protect life or where an individual is physically or legally incapable of giving consent
- d. It is carried out in the course of legitimate activities by certain not for profit organisations where it relates to specific persons
- e. Where the personal data is manifestly made public by the individual
- f. It is necessary for the establishment or defence of legal claims
- g. It is necessary for reasons of substantial public interest*
- h. It is necessary for purposes of preventative or occupational medicine and reasons relating to the provision of healthcare*
- i. It is necessary in the interest of public health*
- j. It is necessary for archiving purposes in the public interest or for scientific or historical research.*

*Additional conditions will need to be met before processing.

APPENDIX C

GLOSSARY

Consent – Permission by the data subject to process their personal data. The consent must be freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement, or by a clear affirmative action, signifies agreement to the processing of their personal data. Consent can be withdrawn at any time.

Data Controller – The person who (either jointly or in common with other persons) determines the purposes for and the means in which any personal data are, or are to be processed.

Note: The Data Controller is usually a company or organisation and is not an individual within that company or organisation.

Data Subject – Any living individual who is the subject of personal data.

Personal Data – Any information relating to an identified or identifiable person. This includes information which can directly or indirectly identify the individual and can include name, identification number, location data, online identifier, or factors specific to the physical, physiological, genetic, mental economic, cultural or social identity of that natural person.

Processing – Any treatment of personal data: it includes collecting, recording, organising, structuring storing, altering, retrieving, using, disclosing, sharing, making available as well as restricting, erasing, and destroying.

Processor - A natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller.

“Special category” personal data

The following special categories of personal data must be treated with extra care. These are:

- Racial/ ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade Union membership
- Genetic/ Biometric data processed to identify and individual
- Health data
- Sex life or sexual orientation

- Criminal convictions and offences data

APPENDIX D

Relevant Legislation

Common Law Duty of Confidence

The Human Rights Act 1998

Computer Misuse Act 1990

The Freedom of Information Act 2000 (FOI Act)

The Regulation of Investigatory Powers Act 2000 (RIPA)

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699)

The Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426)

The Environmental Information Regulations 2004 (SI 2004/3391)

The Criminal Justice and Immigration Act 2008

This list is not exhaustive



Data Protection Policy

Revised November 2023

Owner	Laura Botten, IGO		
Responsible Person <i>(non-substantive updating)</i>	Alexa Baker, DPO		
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1. Introduction

- 1.1 The Borough Council of Kings Lynn & West Norfolk (“The Council”) supports the aims and provisions of the UK General Data Protection Regulation (“UK GDPR”) and the Data Protection Act 2018 and seeks to ensure compliance with the requirements of this legislation (“the legislation”).
- 1.2 The Borough Council is the data controller. Electoral Services at the Borough Council of Kings Lynn & West Norfolk is also a data controller. This Data Protection Policy applies to both these data controllers. Elected Members act in their role within the Council and where they do, this policy applies to them. Sometimes elected Members are data controllers in their own right as well. In that situation, they will control how they implement the processing of data under the legislation.
- 1.3 This Policy sets out how we handle the personal data of our service users, suppliers, employees, workers and other third parties. It provides information and guidance to support the council’s compliance with data legislation.
- 1.4 This Policy applies to all personal data we process regardless of the media on which that data is stored or whether it relates to past or present employees, workers, customers, clients or supplier contacts, shareholders, website users or any other data subject and provides information and guidance to support Council work and activities when dealing with personal information. Related Policies and Privacy Guidelines are available to help you interpret and act in accordance with this Data Protection Policy.

2. Purpose

- 2.1 The purpose of this policy is to ensure that the provisions of the DPA and the UK GDPR are complied with and to protect the personal data of individuals.
- 2.2 This policy will assist the Council to comply with the requirements of the DPA and the UK GDPR. It will also seek to increase awareness of the rights of an individual under data protection legislation. Other relevant legislation can be found at **Appendix D**.

- 2.3 The data protection principles set out in the UK GDPR are principles which protect the personal data of individuals. As such, these principles are of paramount importance and must be followed (**Appendix A**). Information about legal basis for processing personal data is at **Appendix B** and a glossary of key terms can be found at **Appendix C**.

3. Why is Data Protection and Information Management important?

- 3.1 Information management is the process of collecting, storing, managing, and maintaining information assets in all their forms. Information governance is concerned with protecting the assets of the organisation from potential loss, loss of integrity, destruction or theft. They are inextricably linked; one does not exist without the other.
- 3.2 IT systems, filing cabinets and indexes may all contain important business information assets. Their confidentiality, integrity, availability and suitability are essential in maintaining the Council's effectiveness, efficiency and legal compliance. Information governance provides an enabling mechanism for sharing information whilst ensuring the protection of the data/information.
- 3.3 An Information Asset is "a body of information, defined and managed as a single unit so it can be understood, shared, protected and exploited effectively. Information assets have recognisable and manageable value, risk, content and lifecycles." Information is commonly defined as an asset. Information may exist in many media such as electronic or hard copy. It can be stored on computers, transmitted across networks, printed out, written down on paper or spoken in conversation. The Council owns a variety of information assets which are maintained by different services. It is the responsibility of services to ensure the security, availability, and usefulness of their information.

4. Aims

- 4.1 This policy aims to assist staff and other relevant persons in meeting their data protection obligations under the UK GDPR and related data protection legislation.
- 4.2 The Data Protection Act 2018 ("the DPA"), and the UK GDPR set out a framework of rights and duties which safeguard personal data.

Personal data is information relating to a living individual who can be identified from the data. The legislation balances the legitimate needs of organisations to collect and process data against the rights of individuals to respect for their rights to control their personal data and their privacy.

- 4.3 In addition to the DPA and the UK GDPR, several pieces of legislation deal with the rights and responsibilities of individuals and organisations in relation to personal data. A list of relevant legislation, though not exhaustive, can be found at **Appendix D**.
- 4.4 The Council recognises the importance of personal data to its business and the importance of respecting the information and privacy rights of individuals. This Policy sets out the principles which it will apply to the processing of personal data so that the Council not only safeguards one of its most valuable assets but also processes personal data in accordance with the law.
- 4.5 **It is the responsibility of all of the Council's employees, Members and any person holding or processing personal data on behalf of the Borough Council to assist with the implementation of this Policy.** In order to help employees comply, the Data Protection Officer arranges the provision of training of staff and produce guidance documents. An e-learning module, Data Protection, is available on the Learning Hub for mandatory completion. Employees should familiarise themselves with this Policy and guidance, complete training and apply the provisions in relation to any processing of personal data. Failure to do so could amount to misconduct, which can be a disciplinary matter and could ultimately lead to the dismissal of staff. Serious breaches could also result in personal criminal liability. This policy continues to apply to individuals even after their relationship with the Council ends.
- 4.6 In addition, a failure to comply with this Policy could expose the Council to enforcement action by the Information Commissioner or to complaints or claims for compensation from affected individuals. There may also be negative publicity and reputational damage as a result of any breach that is made public.

5. Key Features of the Data Protection Legislation

- 5.1 The DPA and the UK GDPR set out data protection principles. This legislation governs the processing of personal information both by way of manual records and computerised information. Individuals have

rights within the legislation, which includes a certain control over how their information is handled.

Here are some of the key features of the legislation:

- a) All personal data must be handled in accordance with the Data Protection Principles (Appendix A).
- b) Individuals (“data subjects”) have rights surrounding how their information is handled. This includes the right to be informed about how and what of their personal information is being processed; the right to request access to that information (“a subject access request”); the right to request that inaccurate or incomplete data be rectified; the right to erasure or restriction of the processing of their information, including profiling, in certain circumstances. In addition, individuals can object to automated decision making and also have rights to object to profiling and rights relating to data portability.
- c) Processing of data (including special category data and criminal offence data) must be done under a lawful basis in a fair and transparent manner. The conditions for processing personal data can be found at **Appendix B** along with further guidance on the processing of special category data and criminal offence data.
- d) The principle of accountability of data controllers is of utmost importance. Suitable and sufficient systems, procedures, documents and training must be in place to demonstrate compliance with the data protection legislation.
- e) Data protection impact assessments (DPIAs) are carried out where appropriate as part of the design and planning of new projects. Guidance relating to completion of DPIAs can be found at **Appendix E**.
- f) Data controllers must have written contracts in place with all external bodies that process Council data. Data processors should only be appointed where they can provide sufficient guarantees that the requirement of the legislation will be met, and data subjects will be sufficiently protected.
- g) Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner’s Office within 72 hours of the Borough Council becoming aware of the breach. Where the breach is likely to result in a high risk to the individual, those individuals are to be notified directly.

- h) The Information Commissioner is responsible for regulation and can take action against organisations who do not comply with the requirements. In serious cases, the Information Commissioner can issue fines and prosecute those who commit offences under the legislation.

6. Roles and Responsibilities

- 6.1 All staff and relevant persons have a role in implementing this policy. There are some members of staff with key roles.

6.2 Data Protection Officer

The Data Protection Officer (“DPO”) has a degree of autonomy within the Council, and is responsible for advising the Council, including its senior leaders, of its obligations under the legislation. The DPO is designated on the basis of professional qualities and expert knowledge of data protection law and practice. The DPO monitors compliance, raise awareness, and ensures training for staff to enable them to lawfully comply with processing operations. The DPO is the contact point with the Information Commissioner’s Office for information law related issues and in the event of data breach. The Council must provide the DPO with the necessary resources and access to personal data and processing operations to enable them to perform their role and to maintain their expert knowledge of data protection law and practice. The DPO works within the legal department of the Council and is assisted by officers in dealing with requests and queries from individuals relating to their information rights as well as queries from members of staff and relevant persons. In the event of a breach or suspected breach of personal data, the DPO (and IAO) should be informed at the earliest opportunity by completing a data breach incident report form - <https://forms.west-norfolk.gov.uk/DATABREACHINCIDENTREPORTFORM/launch>

Please contact the DPO with any questions about the operation of this Policy or the UK GDPR or if you have any concerns that this Policy is not being or has not been followed.

6.3 Senior Information Risk Officer

The Senior Information Risk Officer (SIRO) is a senior officer of the Council and has responsibility for ensuring the effectiveness of the Council’s information risk management and managing information risks and incidents.

6.4 Information Asset Owners

Assistant Directors are “Information Asset Owners” (“IAO”). They are responsible for ensuring operational compliance with this policy within their own departments. IAOs keep and maintain a register of information collected by their service area. This information is held in a document called an ‘Article 30 record’, and includes details of personal data collected and held, why it is collected and who it may be shared with. The IAOs will report to the SIRO.

6.5 Information Asset Assistants

The day-to-day maintenance of this register will be by Information Asset Assistants (“IAA”). Each service will have at least one IAA. The IAA is also the contact point within the department where access to information requests is directed to and co-ordinated by.

6.6 Information Governance Officer

The IGO supports the Data Protection Officer in ensuring the council is compliant with the General Data Protection Regulation (GDPR) and all Information Governance legislation and regulatory frameworks. They also process, record, and facilitate responses to all Freedom of Information and Data Protection requests, liaising with Directorates to ensure compliance with all aspects of the legislation, and liaising with the Information Commissioners Office as required.

7. The rights of a data subject and Subject Access Requests (SARs)

- 7.1 Data subjects can make a request to know if the Council holds their personal data and for a copy of such. These are referred to as “subject access requests” (SARs). The Council will require proof of identity of the requestor. Any such request must be made in writing, but the Council will make reasonable adjustments in appropriate cases. There is a wider obligation to make information available via the Freedom of Information Act and Environmental Information Regulations. This is covered by the Council’s FOI/EIR procedures (see section 9).
- 7.2 In addition to a right to access personal information, data subjects have the following rights:
 - a) A right to rectification (if the data held is inaccurate)
 - b) A right to erasure in certain circumstances (“the right to be forgotten”)
 - c) A right to restrict processing of their personal data in certain circumstances

- d) A right to data portability (a packaged transfer of data from one data controller to another)
 - e) A right to object to profiling; direct marketing and/or automated decision-making
- 7.3 The Council is committed to dealing with requests for information promptly and within one calendar month. However, where the request is complex, this response period may be extended by up to two extra calendar months.
- 7.4 The Council will respond to the request. If a request is refused, it will give a reason for the refusal and provide details of how the requestor can complain.

8. Sharing information

- 8.1 Whilst the legislation requires the Council to keep personal information of others secure and not to disclose it to a third party, there are some exemptions, which allow for such. In appropriate cases, and where permitted by law, the Council may share information where it is in the public interest to do so, for example, for the prevention or detection of crime. The Information Commissioner's website provides useful guidance notes, which may assist the Council in considering how it shares and discloses information.
- 8.2 Where personal data is stored and processed about employees of the Borough Council, the sharing of such data must also be in accordance with the data protection principles. Information rights legislation has introduced greater expectations of transparency in the affairs of public authorities, for example, disclosure may be acceptable if the data relates to the performance of public duties or the expenditure of public funds by senior employees. Senior employees should expect their posts to carry a greater level of accountability, since they are likely to be responsible for major policy decisions and expenditure of public funds. However, the Council will have regard to the Information Commissioner's guidance and its own privacy notices when considering whether personal data can be shared.
- 8.3 Personal data must not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 8.4 This policy applies to all personal data held by the Council, regardless of how it is collected, recorded, and used and whether it is on paper records or electronic records, including the information gathered on

CCTV (closed circuit television systems) and held within non-corporate communications channels (NCCCs), at whatever location used by or on behalf of the Council.

9. Freedom of Information Requests (FOI)/ Environmental Inquiry Regulations (EIR)

- 9.1. Since January 2005 the Freedom of Information Act (2000) (FOIA) and the Environmental Information regulations (2004) (EIR) have given the public rights of access to information held by public authorities.
- 9.2 We will meet its legal obligations to respond to all request for information and will supply that information, subject to the limited exemptions / exceptions as specified by law.
- 9.3 Requests can be made by anyone regardless of their age, nationality, location, profession, motives, or history. Requests will be dealt with in an applicant blind manner, i.e. each will be treated equally regardless of who is making the request. The exception to this is where an individual requests information about themselves.
- 9.4 Requests can be for any information that is held by the council, regardless of how the information was produced or obtained. It includes information about or obtained from other organisations including contracts, partnership information and agreements.
- 9.5 A request under FOI must be:
 - Written (Letter, email, or fax acceptable)
 - Legible
 - Provide a name
 - Provide an address for response (email acceptable)
 - Describe the information sought sufficiently for the Council to identify it.
- 9.6 EIR does not require the request to be made in writing; however, such requests must be recorded and logged. For FOI and EIR, the requestor does not have to mention any legislation in their request and they are not required to know our process, procedures, and jargon to describe the information requested.
- 9.7 All requests will be logged and responded to in accordance with our procedures and supporting guidance for handling requests. Guidance notes are available here - [Officer Guidance FOI EIR V0.01 July 2023.docx](#).
- 9.8 We will monitor the requests made to identify information regularly sought by the public. The Council will pro-actively publish information requested.

- 9.9 We will not create new information to respond to a request. However, we will provide related information and provide advice to assist the requestor obtain the information sought.
- 9.10 Requests should be made/forwarded to freedom.information@west-norfolk.gov.uk. Heads of Service, Assistant Directors and Directors are responsible for ensuring that their service areas comply.

10. Confidentiality and security

- 10.1 The Council recognises that everyone has a responsibility within the organisation to promote good data protection management.
- 10.2 Employees and relevant persons must not access, copy, alter, interfere with, or disclose personal data held by the Council unless permitted to do so under the data protection legislation.
- 10.3 Individuals that process personal data must comply with the Council's security measures to safeguard personal data as outlined in the Council's ICT Security Policy - [Corporate E-Mail Policy \(west-norfolk.gov.uk\)](#)
- 10.4 Any employee, Member or other person who becomes aware of a weakness in the Council's data protection procedures or who becomes aware of any breach of the policy should report the concern to their line manager at the earliest opportunity and to the DPO/IGO or the SIRO without delay. A breach procedure has been produced for IAO's and there is a data breach incident e-form on the intranet - <https://forms.west-norfolk.gov.uk/DATABREACHINCIDENTREPORTFORM/launch>
- 10.5 Where there has been a data breach, the Council has a duty to find out what data has been disclosed, lost, or stolen; to mitigate the loss and to take steps to notify persons affected where appropriate. There is also a general duty to contact the Information Commissioner's Office within 72 hours. Further information is available from the DPO and the IGO, the Council's breach procedure document and via the [ICO website](#).

11. Register of Information Assets

- 11.1 The UK GDPR requires us to keep full and accurate records of all our data processing activities. The Council holds and maintains a register of information assets. The Information Asset Owner is responsible for compiling and maintaining the record of information assets for their department, aided by one or more Information Asset Assistants. These records are also referred to as Article 30 Registers and there is a process in place to ensure these are reviewed and updated accordingly. Each data controller must pay an annual fee to the Information Commissioner's Office (ICO).

12. Retention and Publication Scheme

- 12.1 The Council has a [data retention and disposal policy](#) which informs of the period for which documents and personal information is retained.
- 12.2 The Council informs individuals of its privacy policy via its website and will provide copies in such other reasonable format on request.
- 12.3 The Council has adopted the Information Commissioner's model publication scheme. Wherever possible information on the publication scheme will be published on the internet. Other information included on the scheme will be provided by services within 5 days. These requests will not be logged as FOIA / EIR requests. A guide to the publication scheme will be maintained and published by the Corporate Governance team.

13. Data Protection Impact Assessment (DPIA)

- 13.1 Article 25 of the GDPR makes privacy mandatory to consider and undertake in certain circumstances. Putting privacy at the heart of a project is an approach to projects that promotes privacy and data protection compliance from the start. Unfortunately, these issues are often bolted on as an after-thought or ignored altogether. A DPIA will make sure that all risks and issues are considered and mitigated.
- 13.2 On Insite, there is [guidance](#) and the [relevant documents](#) to help determine whether a DPIA is needed. Taking a privacy by design approach is an essential tool in minimising privacy risks and building trust. Designing projects, processes, products or systems with privacy in mind at the outset can lead to benefits which include:
 - Potential problems are identified at an early stage, when addressing them will often be simpler and less costly.
 - Increased awareness of privacy and data protection across an organisation.
 - Organisations are more likely to meet their legal obligations and less likely to breach the Data Protection Act.
 - Actions are less likely to be privacy intrusive and have a negative impact on individuals.

14. Data Breaches

14.1 GDPR Article 4 (12) states that a breach of security is an occurrence when there is an **accidental** or **unlawful** destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. [What to do if there is a breach of personal Data – April 2023](#) provides guidance on what should be reported and how.

14.2 A breach can occur in many ways, but may be described as:

- Loss or theft of information / data held in paper or electronic form
- Loss of equipment on which data is stored
- Inappropriate access controls or failure of these controls allowing unauthorised access, use or changes to information / data.
- Equipment failure.
- Human error e.g. overwriting data.
- Unforeseen circumstances such as flood / fire/ explosion.
- Hacking attack.
- “Blagging” – obtaining information by deception.
- Accidental or deliberate disclosure of information to a third party.

14.3 However a breach occurs, steps must be taken to minimise the impact of the loss and measures taken to prevent re-occurrence. We must consider all possible adverse effects on individuals which can result material or non-material damage. The definitions of this are:

- loss of control over personal data
- limitations of their rights
- discrimination
- identity theft or fraud
- financial loss
- unauthorised reversal of Pseudonymisation
- damage to reputation
- loss of confidentiality

14.4 If there is a risk of such effects taking place then we will need to report to the ICO or face corrective measures. If there is a high risk, then we must also inform the subject.

14.5 The following steps must be taken on discovery of a security breach or weakness:

1. Report the breach to appropriate line management and the Corporate Governance Team via the web form immediately. The IGO/DPO will need to know:

- The nature of the breach (what has happened)

- What information has been affected (sensitivity and volume of the information)
- What immediate action has already been taken in response to the breach

2. Reporting member of staff to ensure that any breach is contained as far as possible and where possible that any personal data is recovered.

3. The Corporate Governance Team will gather any further details required at this stage to decide on whether to begin notifying the ICO of the breach. If a breach is serious enough to be reported to the ICO, this must be done by the Corporate Governance team within 72 hours of the breach occurring.

4. The Corporate Governance Team will provide advice on whether it is appropriate to notify stakeholders (including the affected individuals, Communications Team, the SIRO) and agree actions with the service to attempt to prevent similar incidents occurring in the future. Recommendations made in response to breaches will be reported annually.

14.6 Article 33 of GDPR states that there is a requirement to notify breaches to the ICO where it is likely to result in a **risk** to people's rights and freedoms.

14.7 Article 34 of GDPR states that there is a requirement to communicate a breach to data subjects where it is likely to result in a **high risk** to people's rights and freedoms. The impact of the breach will be assessed by Corporate Governance team.

15. Further Information, Enquiries and Complaints

15.1 The Council's DPO is the first point of contact on any of the issues mentioned in this Policy. The DPO will be responsible for dealing with all individual and external enquiries. All service areas will have a nominated data protection contact officer, also known as the Information Asset Assistant (IAA) to create a network to assist the Council's DPO when responding to subject access requests and other information rights requests.

Data Protection Officer
 Borough Council of King's Lynn & West Norfolk
 Kings Court
 Chapel Street
 King's Lynn
 Norfolk PE30 1EX

- 15.2 Where a person wishes to raise an issue or complaint about how their personal information is, or has been, processed, they should in the first instance be directed to the DPO.

Information Commissioners Office

The ICO is the UK's independent public body set up to promote access to official information and protect personal information by promoting good practice, ruling on eligible complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken.

The ICO contact details are as follow:

www.ico.org.uk

Helpline: 01625 545 745.

The Personal Data Protection Principles

We adhere to the principles relating to processing of personal data set out in the UK GDPR which personal data to be:

- a) Personal data shall be processed lawfully, fairly & transparently ('lawfulness, fairness and transparency')
- b) Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation')
- c) Personal data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- d) Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay ('accuracy')
- e) Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')
- f) Personal data shall be processed in a manner that ensures appropriate security of the personal data, including against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

Processing personal data

A. Conditions for processing personal data

The basis for processing personal data must be lawful. At least one basis from the list below must apply whenever the Council processes personal data:

- a) **Consent** – the individual has given clear consent for the Council to process their personal data for a specific purpose (Note: consent can be withdrawn at any time).
- b) **Contract** – the processing is necessary for a contract the Council has with the individual, or because they have asked the Council to take specific steps before entering a contract.
- c) **Legal obligation** – the processing is necessary for the Council to comply with the law.
- d) **Vital interests** – to protect the vital interests of the data subject.
- e) **Public task** – the processing is necessary for the Council to perform a task in the public interest or for the Councils official functions, and the task or function has a clear basis in law.
- f) **Legitimate interests** – but cannot be used for processing carried out by public authorities in the performance of their tasks.

B. Processing special category personal data

The UK GDPR gives extra protection to special category data. Special category data is:

- a) Personal data revealing racial or ethnic origin;
- b) Personal data revealing political opinions;
- c) Personal data revealing religious or philosophical beliefs;
- d) Personal data revealing trade union membership;
- e) Genetic data;
- f) Biometric data;
- g) Data concerning health;

- h) Data concerning a person's sex life; and
- i) Data concerning a person's sexual orientation.

If you are processing special category data, you need to identify both a lawful basis for processing (above) and a special category condition for processing in compliance with Article 9 of the UK GDPR. You should document both your lawful basis for processing and your special category condition so that you can demonstrate compliance and accountability. It is also advised that a Data Protection Impact Assessment is completed and documented.

There are conditions for processing special categories of personal data, set out in Article 9 of UK GDPR and are summarised:

- a) The data subject has given explicit consent, or
- b) It is necessary for employment, social security, or social protection law*
- c) It is necessary to protect life or where an individual is physically or legally incapable of giving consent
- d) It is carried out during legitimate activities by certain not for profit organisations where it relates to specific persons
- e) Where the personal data is manifestly made public by the individual
- f) It is necessary for the establishment or defence of legal claims
- g) It is necessary for reasons of substantial public interest*
- h) It is necessary for purposes of preventative or occupational medicine and reasons relating to the provision of healthcare*
- i) It is necessary in the interest of public health*
- j) It is necessary for archiving purposes in the public interest or for scientific or historical research. *

*Additional conditions will need to be met before processing.

C. Processing Criminal Offence Data

The UK GDPR gives extra protection to personal data relating to criminal convictions and offences or related security measures, referred to as criminal offence data. This covers a wide range of information about:

- a) Criminal activity;

- b) Allegations;
- c) Investigations; and
- d) Proceedings.

It may also include:

- a) Unproven allegations;
- b) Information relating to the absence of convictions; and
- c) Personal data of victims and witnesses of crime.

It also covers related security measures:

- a) Personal data about penalties;
- b) Conditions or restrictions placed on an individual as part of the criminal justice process; or
- c) Civil measures which may lead to a criminal penalty if not adhered to.

If you are processing data about criminal convictions, criminal offences, or related security measures, you need both a lawful basis for processing (above), and either 'official authority' or a separate condition for processing this data in compliance with Article 10. You should document both your lawful basis for processing and your criminal offence data condition so that you can demonstrate compliance and accountability. It is also advised that a Data Protection Impact Assessment is completed and documented.

As a public authority, it is our responsibility to identify the specific law that gives the official authority requirement to process criminal offence data.

If official authority is not relevant for the purposes of processing criminal offence data then a separate condition must be met as set out in Schedule 1 of the DPA 2018.

The 28 conditions, which are available for processing of criminal offence data, are set out in paragraphs 1 to 37 Schedule 1 of the DPA 2018:

1. Employment, social security, and social protection
2. Health or social care purposes
3. Public health
4. Research
6. Statutory and government purposes

7. Administration of justice and parliamentary purposes

10. Preventing or detecting unlawful acts
11. Protecting the public against dishonesty
12. Regulatory requirements relating to unlawful acts and dishonesty
13. Journalism in connection with unlawful acts and dishonesty
14. Preventing fraud
15. Suspicion of terrorist financing or money laundering
17. Counselling
18. Safeguarding of children and individuals at risk
23. Elected representatives responding to requests
24. Disclosure to elected representatives
25. Informing elected representatives about prisoners
26. Publication of legal judgments
27. Anti-doping in sport
28. Standards of behaviour in sport
29. Consent
30. Vital interests
31. Not-for-profit bodies
32. Manifestly made public by the data subject
33. Legal claims
34. Judicial acts
35. Administration of accounts used in commission of indecency offences involving children

37. Insurance

Appropriate Policy Document

In many cases, for both Special Category Data and Criminal Offence Data there is a requirement to have an appropriate policy document in place to meet a UK Schedule 1 condition for processing in the DPA 2018.

APPENDIX C

Glossary

Consent – Permission by the data subject to process their personal data. The consent must be freely given, specific, informed, and unambiguous indication of the data subject's wishes by which he or she, by a statement, or by a clear affirmative action, signifies agreement to the processing of their personal data. Consent can be withdrawn at any time.

Data Controller – The person who (either jointly or in common with other persons) determines the purposes for and the means in which any personal data is or are to be processed.

Note: The Data Controller is usually a company or organisation and is not an individual within that company or organisation.

Data Subject – Any living individual who is the subject of personal data.

Personal Data – Any information relating to an identified or identifiable person. This includes information which can directly or indirectly identify the individual and can include name, identification number, location data, online identifier, or factors specific to the physical, physiological, genetic, mental economic, cultural, or social identity of that natural person.

Processing – Any treatment of personal data: it includes collecting, recording, organising, structuring storing, altering, retrieving, using, disclosing, sharing, making available as well as restricting, erasing, and destroying.

Processor - A natural or legal person, public authority, agency, or other body which processes personal data on behalf of the data controller.

“Special category” personal data

The following special categories of personal data must be treated with extra care. These are:

Racial/ ethnic origin
Political opinions
Religious or philosophical beliefs

Trade Union membership

Genetic/ Biometric data processed to identify and individual

Health data

Sex life or sexual orientation

Criminal convictions and offences data must also be treated with extra care.

Relevant Legislation, Policies and Privacy Notices

Common Law Duty of Confidence

The Human Rights Act 1998

Computer Misuse Act 1990

The Freedom of Information Act 2000 (FOI Act)

The Regulation of Investigatory Powers Act 2000 (RIPA)

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699)

The Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426)

The Environmental Information Regulations 2004 (SI 2004/3391)

The Criminal Justice and Immigration Act 2008

Data Protection Act 2018

UK General Data Protection Regulation

Information Risk Policy

Data Quality Policy

This list is not exhaustive

Data Protection Impact Assessments

Introduction

Under the new GDPR legislation, there is an obligation for organisations, in their role as data controllers, to conduct a data protection impact assessment (“**DPIA**”) before undertaking any processing that presents a specific privacy risk by virtue of its nature, scope or purpose.

Article 35 of GDPR introduces the formal requirement for a DPIA and it can best be described as a type of risk assessment which is carried out prior to a new processing activity, to highlight the viability of carrying out such a process and identifying any risks that may be associated with the processing.

When is a DPIA required?

Article 35 sets out the circumstances where a DPIA is required and states:

*“Where a type of processing in particular using new technologies, and taking into account the nature, scope, context and purposes of the processing, is **likely to result in a high risk** to the rights and freedoms of natural persons, the controller shall, prior to the processing, carry out an **assessment of the impact** of the envisaged processing operations on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risks.”*

Although GDPR does not specifically state what must be covered by a DPIA, Article 35(7) sets out the following minimum requirements that should be considered:

- A systematic description of the proposed processing operations
- The purposes of the processing
- The legitimate interest pursued by the controller
- An assessment of the necessity and proportionality of the processing operations in relation to the purposes.
- An assessment of the risks to the rights and freedoms of data subjects
- The measures envisaged to address the risks, including appropriate:
 - Safeguards;
 - Security measures; and
 - Mechanisms to ensure the protection of personal data and to demonstrate compliance considering the rights and legitimate interests of data subjects and other persons concerned.

When is a DPIA not required?

The GDPR doesn't specifically state when a DPIA is not required, but there is significant guidance which can be relied upon when deciding whether a DPIA is required or not. From this guidance several circumstances have been identified where a DPIA is not required. These are:

- Where processing is low risk (i.e. not likely to result in a high risk to the rights and freedoms of natural persons).
- Where a DPIA has already been carried out and the nature, scope, context, and purposes of the processing are very similar to the proposed processing.
- Where a processing operation has a legal basis in EU or Member State law and has stated that an initial DPIA does not have to be carried out, where the law regulates the specific processing operation and where a DPIA, according to the standards of the GDPR, has already been carried out as part of the establishment of that legal basis.
- Where the processing is included on the optional list (established by the ICO) of processing operations for which no DPIA is required

A useful resource to DPIAs can be found at the ICOs website (link provided below):

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

This briefing note is accompanied with a template DPIA which has guidance and screening questions to help you ascertain whether a DPIA is necessary or not. These screening questions are based on ICO guidance.

Action Plan

These are a few points that you should consider when looking at DPIAs and whether you feel it is necessary to carry out an assessment:

- Be aware of the data you / your department processes and regularly assess whether this is due to change. If your department has been tasked with a new exercise, go through the screening questions on the template DPIA to determine whether you need to carry out the assessment.
- Look for any potential risk factors associated with the data you process and determine whether an assessment is needed.

Document Information and Version Control

Document name	Data Protection Policy
Document description	Data Protection Policy
Document status	Current
Lead officer	Alexa Baker, DPO
Sponsor	Lorraine Gore, SIRO
Produced by (service name)	Legal
Relevant to the services listed or all BCKL&WN	All BCKL&WN
Approved by	Cabinet / Full Council
Approved date	tbc
Type of document	Policy / Procedure
Equality Impact Assessment details	Not required
Review interval	Every 2 years or changes to legislation
Next review date	November 2025
Implementation and distribution	Policy will be published on InSite and publicised via internal Staff Update.
Retention	Information relating to FOI and DP requests/responses will be retained in line with the council's retention schedule.

•

Version	Originator	Description / reason for change	Date
0.01	Cara Jordan	Introduction of GDPR	May 2018
0.02	Lee Osler	Review period / following UK GDPR	Nov 2022
0.03	Laura Botten	Review period	Nov 2023

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/ NO	
	Discretionary/	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr James Moriarty E-mail: <i>cllr.James.Moriarty@West-Norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr Terry Parish			
		Other Members consulted: Local Plan Task Group			
Lead Officer: Alex Fradley E-mail: <i>alex.fradley@west-norfolk.gov.uk</i>		Other Officers consulted: Planning Policy Team, Development Management Team, Strategic Housing Team.			
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES	Environmental Considerations YES

Date of meeting: 11 June 2024

LOCAL PLAN UPDATE: PROCESS TO ADOPTION, INCLUDING MAIN MODIFICATION CONSULTATION

Summary

The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State for the Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound.

The Local Plan Examination process involved a first round of hearings which took place in December 2022 and January 2023. These were then adjourned, with reconvened hearings taking place in March and April 2024. As part of this an accelerated timescale through to adoption was agreed and has been published. This will result in the Local Plan being adopted before the conclusion of this financial year (March 2025). The process going forward includes consulting on Main Modifications required to ensure that the Local Plan is legally compliant and sound.

These Main Modifications will be subject to a six-week public consultation. Representations received will inform the Inspectors Local Plan Report. It is anticipated that this will recommend that the Local Plan can be adopted subject to the inclusion of a series of Main Modifications. Following this a report will be prepared and taken to Cabinet and Full Council recommending that the Local Plan be formally adopted (February / March 2025).

Recommendation

Cabinet Resolves the following:

1. Cabinet notes and endorses the agreed accelerated timescale for the Local Plan through to adoption, as agreed with the Inspectors at the recent Examination hearings, and as set out in the updated Local Development Scheme (LDS), April 2024.
2. Cabinet notes and endorses the requirement to consult on the Main Modifications, which is legally required to ensure that the Local Plan can be made sound.

Reason for Decision

To ensure that the Local Plan process, including the upcoming Main Modification consultation is noted and endorsed.

1 Background

- 1.1 The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State for the Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound as follows: *'The Council requests, under the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the appointed Inspector recommends any modifications of the Plan that he or she may consider would be needed to make the Plan legally compliant and sound. I would be pleased if this letter could be treated as the formal request to the Secretary of State that is required under that legislation.'* (Please see Appendix 1 for the Local Plan submission covering letter).
- 1.2 The Local Plan is being examined to assess whether it has been prepared in accordance with legal and procedural requirements, and whether it is sound (as per the National Planning Policy Framework [paragraph 35](#)). Plans are 'sound' if they are:
 - a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

- 1.3 The Local Plan examination process involved reconvened hearing sessions in March and April 2024. The March sessions examined the spatial strategy and policies related to this, the economy (retail policy at the Hardwick retail area, the south-eastern part of King's Lynn urban area), the West Winch Housing Growth Area, and Wisbech Fringe. The April sessions examined further aspects of the spatial strategy, site allocations and policies across rural West Norfolk (Key Rural Service Centres and Rural Villages), housing land supply and associated policies (deliverability and developability of sites), environment policies, community and culture policies, and the monitoring framework.
- 1.4 There are further hearing sessions scheduled for September 2024 to examine the Gypsy and Traveller and Travelling Showpeople site allocations and policies.
- 1.5 As part of the March and April sessions an accelerated timescale for the Local Plan through to adoption was agreed and has been published. This schedule is available to view at Appendix 2, and forms part of the published Local Development Scheme, available to view via the following link: https://www.west-norfolk.gov.uk/info/20214/emerging_local_plan_review/500/local_development_scheme
- 1.6 This accelerated timescale will enable the Local Plan to be adopted before the conclusion of the current financial year (March 2025). The process going forward includes consulting on the modifications required to ensure that the Local Plan is legally compliant and sound. These are known as Main Modifications, the consultation taking place following the Local Plan hearings and forming the final stage(s) in the examination process.
- 1.7 The accelerated approach was proposed by the Inspectors to ensure the Local Plan is adopted as soon as practically possible. The Plan period has been proposed to be amended to start from 2021/22 through to 2039/40 (19 years). This is primarily to ensure that there is 15 years remaining of the plan period from the anticipated adoption date, in line with the National Planning Policy Framework and associated Planning Practice Guidance. Going over the into the following financial year (2025/26) would likely result in the Local Plan period being extended by a further year (to 2041) and the need for the Local Plan to identify a further years' worth of housing supply to meet local housing need.
- 1.8 The process is accelerated by separating the majority of the Local Plan content from the Gypsy and Traveller and Travelling Showpeople element. This means two Main Modifications consultations. This enables the Inspectors to issue their report to the Borough Council as soon as possible, meaning a quicker time for overall adoption can be achieved.
- 1.9 The Borough Council asked formally as part of submitting the Local Plan for examination, under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended, that the Inspectors recommend

Main Modifications. These are changes that materially affect Plan policies; necessary to make a submitted Local Plan sound and legally compliant.

- 1.10 The Inspectors will require the Borough Council to consult on all proposed Main Modifications. Depending on the scope of the modifications, further Sustainability Appraisal and Habitats Regulations Assessment may also be required.
- 1.11 The Main Modifications will be subject to a six-week public consultation. This will allow anyone and everyone the opportunity to comment on the Main Modifications. It is important to note that the consultation relates solely to proposed Main Modifications in the consultation schedule and does not allow interested parties to comment on other aspects of the Local Plan.
- 1.12 At the same time the Borough Council will also consult on Additional Modifications of its own to deal with more minor matters which are not legal or soundness matters, and a schedule of proposed changes to the Policies Map. The Policies Map is not subject to the examination but should accurately represent spatial elements of policies, this includes for example site allocations and development boundaries.
- 1.13 The Inspectors' Report on the Local Plan (anticipated early 2025) will only be issued once the Main Modifications consultation has taken place and the Inspectors have had the opportunity to consider the representations on these. It is anticipated that the Inspectors' Report will recommend that the Local Plan be adopted subject to the inclusion of a series of Main Modifications which are necessary to allow this. The examination concludes once the Borough Council is in receipt of the Inspectors' Report.
- 1.14 Following on from this a report will be prepared for Cabinet and Full Council recommending that the Local Plan be adopted.

2 Options Considered

- 2.1 Realistically the only option is to proceed with the Local Plan process as detailed in Appendix 2, because this is a legal process as set out in the The Town and Country Planning (Local Planning) (England) Regulations 2012.

3 Policy Implications

- 3.1 It is important that the Borough Council has an adopted Local Plan in place which provides a planning policy framework that is consistent with the National Planning Policy Framework and is up-to-date. Planning law requires that applications for planning permission be determined in accordance with the development plan (Local Plan and/ or Neighbourhood Plans), unless material considerations indicate otherwise. The National

Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

3.2 The examination will ensure that the Local Plan is consistent with the National Planning Policy Framework, has been positively prepared, justified and effective. Once adopted the Local Plan will be a key document within the Local Development Plan (alongside any made neighbourhood plans and Norfolk County Council's Minerals and Waste Plan). The Local Plan will supersede the entirety of the Borough Council's Local Plan, which currently comprises the Core Strategy (CS 2011) and the Site Allocations and Development Management Policies (SADMP 2016).

3.3 It is important to note that once the Local Plan is adopted, under the current National Planning Policy Framework (paragraph 76), the Borough Council will be protected against challenges to its 5-year housing land supply for 5 years. This is because the adopted Local Plan will have identified at least a 5-year supply of specific, deliverable sites at the time that its examination concludes. The aim of this is to encourage adoption of local plans and provide protection whilst the next local plan is being prepared (they should be reviewed every 5 years).

4 Financial Implications

4.1 None specifically.

5 Personnel Implications

5.1 None specifically.

6 Environmental Considerations

6.1 The Local Plan is a statement of the Borough Council's planning policies relating to environmental matters (also economic and social) and is subject to a strategic environmental assessment and sustainability appraisal process.

7 Statutory Considerations

7.1 Statutory considerations include:

- The Town and Country Planning (Local Planning) (England) Regulations 2012.
- Planning and Compulsory Purchase Act 2004.

7.2 Other relevant considerations include:

- National Planning Policy Framework.
- Planning Practice Guidance (including for 'Plan Making' and the 'Procedure Guide for Local Plan Examinations').

8 Equality Impact Assessment (EIA)

8.2 Please see the completed pre-screening report template included at the end of this report.

9 Risk Management Implications

9.2 There are two particular issues that result in risks. Firstly, the Government has significantly increased the potential penalties for Local Planning authorities not delivering housing growth to the required scale. The 5-year housing land supply position assesses if there are enough planning permissions to meet the housing need over the next 5-year period, and the Housing Delivery Test assesses if enough homes have been built out over the past 3 years. The ultimate penalty for failure to be able to demonstrate a positive 5-year housing and supply position or failure of the Housing Delivery Test is the presumption in favour of sustainable development. This could mean that relevant Local Plan policies may carry less weight / could be rendered out of date in the planning decision making process. A new, up to date Local Plan will protect against this.

9.3 Secondly, the Borough Council must keep its Local Plan up to date. A statutory obligation for the Borough Council to prepare and maintain an up-to-date Plan is set out in the 2023 Levelling-Up and Regeneration Act. There are potential interventions if an authority is looking to rely on older policies and allocations; ultimately there could be a risk of Government intervention.

10 Declarations of Interest / Dispensations Granted

10.2 None.

11 Background Papers

11.2 Appendix 1 provides the Local Plan submission covering letter.

11.3 Appendix 2 provides the accelerated Local Plan timetable. The Local Plan website provides all the details of the examination and the associated documents. This can be via the following link: https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/951/local_plan_review_2016-2036_examination

Appendix 1: Local Plan Submission Covering Letter

Your ref:
Our ref: MB/LPR
Please ask for: Michael Burton
Direct dial: (01553) 616573
E-mail: planningpolicy@west-norfolk.gov.uk

Borough Council of
**King's Lynn &
West Norfolk**



Geoff Hall
Executive Director

Stuart Ashworth
Assistant Director Environment and
Planning

By email: plans.admin@planninginspectorate.gov.uk

Planning and Compulsory Purchase Act 2004 – Section 20 Notice of Submission of King's Lynn and West Norfolk Local Plan Review (2016-2036) to the Secretary of State for Levelling Up, Housing and Communities

29 March 2022

FAO Matthew Giles and Lee McClean (Planning Inspectorate)

Dear Matthew and Lee

I write with reference to the Planning and Compulsory Purchase Act 2004, as amended. In accordance with Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Borough Council of King's Lynn and West Norfolk (BCKLWN) is submitting the King's Lynn and West Norfolk Local Plan Review (2016-2036) to the Secretary of State for Levelling Up, Housing and Communities.

The Council requests, under the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the appointed Inspector recommends any modifications of the Plan that he or she may consider would be needed to make the Plan legally compliant and sound. I would be pleased if this letter could be treated as the formal request to the Secretary of State that is required under that legislation.

The submission documents include the Plan and other documents as required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). All the submitted documents, including the Local Plan Review, accompanying this letter, are being transferred to you by WeTransfer.

In summary there were 111 duly made responses to the Regulation 19 consultation raising approximately 440 separate representations. There were

also 3 further responses raising approximately 30 further representations that arrived following the close of the consultation, but these were accepted by the Borough Council, recorded and submitted alongside the other representations.

Copies of the full representations made at the Proposed Submission stage are available to view at the Council's consultation portal at: <https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/>. These are submitted, as follows:

- **Full representations – available to view through the Council's consultation portal**
- **Excel spreadsheet of summary representations in Plan order (attached)**
- **Excel spreadsheet of summary representations in respondent order (attached)**

The consultation portal also contains copies of all supporting documents as published at the proposed submission stage. The core documents are as follows:

A1	Pre-Submission Draft King's Lynn and West Norfolk Local Plan Review (2016-2036)	https://west-norfolk-consult.objective.co.uk/kse/event/36371 [including draft policies map]
A2	Schedule of Additional Modifications to the Local Plan Review	Document presented to Local Plan Task Group, 16 March 2022: https://democracy.west-norfolk.gov.uk/ieListDocuments.aspx?CId=409&MId=5138&Ver=4
A3	Sustainability Appraisal (SA) Incorporating Strategic Environmental Assessment (SEA) for the Local Plan Review	https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents
A4	Habitats Regulations Assessment (May 2021)	https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents
A5	Equalities Impact Assessment Screening (Cabinet report, 15 June 2021)	https://democracy.west-norfolk.gov.uk/mgChooseDocPack.aspx?ID=4856
A6	Duty to Cooperate Statement (May 2021)	https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents
A7	Regulation 22 Statement of Consultation (March 2022)	Including details of plan preparation process and the potential main issues for the examination [Pdf document submitted via WeTransfer]
A8	Representations on the Pre-Submission Draft Local Plan Review – Consultation Portal	https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/
A9	Statement of Community Involvement (June 2017)	https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/550/state_of_community_involvement_sci
A10	Local Development Scheme (updated June 2021)	https://www.west-norfolk.gov.uk/info/20214/emerging_local_plan_review/500/local_development_scheme
A11	Planning Advisory Service Local Plan Route Mapper Toolkits 1-4	Pdf documents submitted via WeTransfer

A12	Statements of Common Ground (March 2022)	Pdf documents attached: <ul style="list-style-type: none"> • Environment Agency • Historic England • Homes England • Natural England • Norfolk County Council – Highway Authority/ Lead Local Flood Authority (LLFA)
A13	Draft West Lynn: Flood Risk Sequential Test (March 2022)	Pdf document submitted via WeTransfer

Copies of core documents A1-A7 (above) will, in due course, be made available to view at the Borough Council’s King’s Court offices (upon appointment) and local libraries (as follows) during normal opening hours (see Norfolk¹ and Cambridgeshire County Council² websites for further details):

- Dersingham
- Downham Market
- Gaywood
- Hunstanton
- King’s Lynn
- Wisbech

Other Core Documents and the supporting evidence base are available to view through the Borough Council’s Local Plan Review web pages (https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/902/local_plan_review_2016_to_2036). The full suite of submission documents will be sent via WeTransfer.

Please confirm receipt of the Local Plan Review submission documents, or please do not hesitate to contact me if you have any queries.

Yours sincerely

Michael Burton
Principal Planner (Planning Policy)

Attachments:

[Local Plan Review and full suite of submission documents submitted via WeTransfer]

¹ <https://www.norfolk.gov.uk/libraries-local-history-and-archives/libraries/your-local-library/locations-and-opening-times>

² <https://www.cambridgeshire.gov.uk/residents/libraries-leisure-culture/libraries/visit-a-library>

Appendix 2: Proposed Local Plan Timetable

LDS Addendum / Update

Month	Main Local Plan	Gypsy and Traveller Work
April 2024	w/c 22/04/2024 – Preparation of Main Modifications (part 1) following Hearings.	25/04/2024 – Full Council to approve Gypsy and Traveller site allocations and policies for consultation.
May 2024	Prep for Main Modifications consultation	10/05/2024 – Consultation start date (Gypsy and Traveller site allocations and policies)
June 2024	Prep for Main Modifications consultation	w/c 21/06/2024 – Close of Gypsy and Traveller site allocations and policies consultation
	w/c 24/06/2024 – Start consultation on Main Modifications	28/06/2024 – Submission of Gypsy and Traveller site allocations and policy responses, with summary table of responses, to the Inspectors
July 2024	Main Modifications consultation period	
August 2024	w/c 02/08/2024 – End of consultation period on Main Modifications	w/c 05/08/2024 – Receipt of Gypsy and Traveller MIQ's
September 2024	w/c 9/09/2024 – Submission of Main Modification responses (part 1) to Inspectors with summary table of responses	03/09/2024 – 04/09/2024 – Gypsy and Traveller examination hearings
		Agree Main Modifications with Inspectors following Hearings.
October 2024		w/c 07/10/2024 – Start consultation (Main Modifications part 2)



Stage 1 - Pre-Screening Equality Impact Assessment

<p>November 2024</p>		<p>w/c 18/11/2024– Close of Main Modifications part 2 consultation</p> <p>w/c 25/11/2024- Submission of Main Modification responses (part 2) to Inspectors with summary table of responses</p>
<p>December 2024</p>	<p>Early January – Receipt of Inspectors' final report</p> <p>04/02/2025 - Cabinet report to consider Inspectors' Report and recommend adoption of the Local Plan</p> <p>27/2/2025 – Full Council adopt Local Plan</p> <p>w/c 03/03/2025 – Begin process of preparing publication version adopted Local Plan – Including incorporation of Main Modifications and Policies Map amendments etc..</p> <p>10/04/2025 – Expiry of 6-weeks legal challenge period</p>	
<p>January 2025</p>		
<p>February 2025</p>		
<p>March 2025</p>		
<p>April 2025</p>		

Name of policy/service/function	Local Plan				
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	X	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	<p>The Local Plan provides a sustainable planning policy framework for dealing with new development in the Borough. This includes site specific allocations and policies for residential and employment use, and economic, environmental, and social policies.</p> <p>Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.</p> <p>This Cabinet Report sets out the Local Plan process from now through to adoption including the main modification consultations.</p>				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	n/a				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Sex			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (eg low income, caring			X		

		responsibilities)				
Question	Answer	Comments				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	Policies relate to sustainable land use and meeting the needs of all of the community as per the National Planning Policy Framework.				
3. Could this policy/service be perceived as impacting on communities differently?	No	<p>The main modifications are the Inspectors and required to make the plan sound. They will be consulted upon and anyone and everyone will have the opportunity to make a representation should they so wish. Representations will be considered by the Inspectors and inform their Local Plan Report.</p> <p>The Local Plan (as submitted) was previously subject to Equalities Impact Assessment screening (Report to Cabinet, 15 June 2021 – p60: (Public Pack)Agenda Document for Cabinet, 15/06/2021 15:00 (west-norfolk.gov.uk)).</p>				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	The Local Plan must meet the test of soundness as set out in the National Planning Policy Framework. It is the role the Government appointed Inspectors who are examining the Local Plan to carry this out.				
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	<p>Actions: No actions required.</p> <hr/> <p>Actions agreed by EWG member: Claire Dorgan</p>				
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>N/A</p> <p>Decision agreed by EWG member:Claire Dorgan.....</p>						
Assessment completed by:	Alex Fradley					

Name	
Job title	Planning Policy Manager
Date completed	29/04/2024

Complete EIA Pre-screening Form to be shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)

REPORT TO CABINET

Open		Would any decisions proposed :				
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES				
		(b) Need to be recommendations to Council		NO		
		(c) Is it a Key Decision		NO		
Lead Member: Cllr Alistair Beales E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted:				
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Members consulted:				
Financial Implications NO		Policy/Personnel Implications NO	Statutory Implications YES	EIA required NO	Risk Management Implications NO	Environmental Considerations No

Date of meeting: 11 June 2024

2024/25 APPOINTMENT OF MEMBERS TO SERVE ON CABINET COMMITTEES

<p>Summary</p> <p>The report invites the Cabinet to agree to arrange for the appointment of members to serve on the CIL Spending Panel, Members Major Projects Board, Local Plan Task Group; Biodiversity Task Group, Shareholder Committee and The King's Lynn Area Committee, and also to agree the membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2024/25.</p> <p>Task Group numbers have been agreed as: 5 – 2 Ind, 2 Con and 1 Lab 7 – 3 Ind, 3 Con and 1 Lab 9 – 3 Ind, 3 Con, 2 Lab and 1 Prog</p> <p>Recommendations</p> <p>1) That officers be instructed to seek membership from Group Leaders for the Cabinet Committees and Task Groups for 2024/25.</p> <p>2) That the Membership of the Joint Safety and Welfare Committee and Joint Employee Committee for 2024/25 be appointed at the meeting.</p> <p>3) That in accordance with Standing Order 29.4, if any of the Task Groups are not appointed having regard to Political Balance that the Leaders of each Political Group be asked to agree that this rule be disapplied.</p> <p>Reason for Decision</p> <p>To allow the business of the Council to continue into 2024/25.</p>

1 CIL Spending Panel

Established in 2020, the membership should be as follows:
5 Members - 2 Con, 2 Ind and 1 Lab – Chaired by Development and Regeneration Portfolio Holder.

2 Members Major Projects Board

The membership of the Members Major Projects Board is 7 members – 4 Cabinet members, specified in the Board’s Terms of Reference as the Leader, Deputy Leader, Portfolio Holder for Development and Regeneration and Portfolio Holder for Finance and 3 representatives from other groups (2 Con, 1 Lab). The Board elects its own Chair and Vice-Chair.

3 Local Plan Task Group

The membership of the Local Plan Task Group (9 Members - 3 Ind, 3 Con, 2 Lab, 1 Prog). To be Chaired by the Development and Regeneration portfolio holder.

4 Bio Diversity Task Group

The 5 Member Bio Diversity Task Group (5 Members - 2 Independent Partnership, 2 Conservative and 1 Labour). The Task Group is Chaired by the Climate Change and Biodiversity Cabinet Member.

5 Shareholder Committee – Committee of Cabinet

Cabinet is invited to appoint 3 Cabinet members not serving on any Council Company. The Committee elects its own Chair and Vice-Chair.

6 King’s Lynn Area Committee

The Area Committee as set up on 5 March 2024 and comprises the 14 councillors representing the unparished area of King’s Lynn. The Committee elects its own Chair and Vice-Chair.

7 Joint Safety and Welfare Committee

Cabinet is invited to agree its representation of 3 Members for 2023/24.

8 Joint Employee Committee

Cabinet is invited to agree its representation of 5 Members for 2023/24.

9 POLICY IMPLICATIONS

None

10 **FINANCIAL IMPLICATIONS**

None

11 **STATUTORY CONSIDERATION**

It is a statutory requirement to have a Joint Safety Committee.

12 **RISK MANAGEMENT**

None

13 **ACCESS TO INFORMATION**

Previous reports and Minutes

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet’s powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Leader of the Council		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial:01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equalities Impact Assessment req'd NO	Risk Management Implications NO

Date of meeting: 11 June 2024

APPOINTMENTS TO OUTSIDE BODIES AND PARTNERSHIPS

<p>Summary</p> <p>The report seeks approval for nominations for Executive appointments to serve on outside bodies and partnerships for 2024/2025.</p> <p>Recommendation</p> <p>1) That the Cabinet appoints representatives to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in the Appendix attached.</p> <p>2) That the reporting arrangements be noted, as shown in section 3 of the report and to note that a review of Outside Bodies will be carried out and brought back to Cabinet for consideration in due course.</p> <p>3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 27 June 2024.</p> <p>Reason for decision</p> <p>To ensure continued involvement in the community by the Council.</p>
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1.0 BACKGROUND

1.1 The Council is invited to nominate representatives to serve on a number of outside bodies and partnerships with which the Council has a range of types of relationships.

2.0 INSURANCE COVER FOR BOROUGH COUNCILLORS

2.1 The Council’s insurance will indemnify any employee or member arising from their service on the board or participation in the capacity of governor, officer, trustee, director, committee member or other official of any not-for profit entity other than the insured.

Provided always that:

- a) The service or participation by the employee or member is specifically requested by or under the specific direction of the insured.
- b) The insured is legally entitled to approve the service or participation and to indemnify the employee or member in respect of it.
- c) Any payment will only be made by the insurer for an amount in excess of any indemnification or insurance coverage provided by the not-for-profit entity or afforded from any other source and to which the employee or member is entitled.

2.2 When a member is appointed to serve on an outside body, they should also ensure that as well as completing the Register of Financial and Other Interest form, they should complete the annual "Related Party Transactions form", with the details of those bodies on which they serve.

3.0 FEEDBACK FROM MEMBERS ON OUTSIDE BODIES

3.1 Arrangements for reporting back by Members serving on Outside Bodies are approved every year at Council as follows:

3.2 Each of the relevant scrutiny panels should be able to request reports from Councillors serving on outside bodies which fall within their remit. By programming the reports over the Panel's annual timetable of meetings, it would be possible for members both to assess the usefulness of making appointments to bodies and be informed of any relevant matters.

3.3 Cabinet Members serving on outside bodies will report via their Cabinet Members' reports to Council.

3.4 All are welcome to use the Members' Bulletin to report on the work of any such organisation.

4.0 REVIEW OF OUTSIDE BODIES

4.1 A review of all Outside Bodies, including Cabinet and General Appointments, will be conducted over the summer to ensure that representation on Outside Bodies links in with the Corporate Priorities of the Council and that Councillors are aware of their role on the bodies and the Council's position. Reporting arrangements will also be reviewed to ensure that Councillors are feeding back key issues to the Council and Senior Officers as required.

5.0 APPOINTMENT OF REPRESENTATIVES

5.1 **Executive Roles** – The attached Appendix lists those bodies to which Cabinet is invited to appoint representatives to. Appointments that fall within this category are corporate in nature and fall within the portfolio responsibilities of members of the Cabinet. Alternatively, a Cabinet Member may nominate a substitute Councillor indicating a willingness to serve on a particular body. For information, the Appendix lists any additional representatives which will be appointed subsequently in the Scrutiny, Parish and General categories. These do not require any

action from Cabinet and will be appointed by Council on 27th June 2024.

5.2 **Scrutiny and Regulatory Roles** - Nominations for representatives to serve on Scrutiny bodies are being sought from the appropriate scrutiny panels at their meetings and then approved by Full Council in June.

5.3 **Parish Level Representation, Parished and Unparished Areas** - Local representatives may be appointed onto specific local bodies within or related to their ward. On occasions, a body may not specifically require the Council's representative to be a Borough Councillor, in which case a community representative may be nominated by Council. Appointments will be made at Council on 27th June 2024.

5.4 **General Appointments** - Appointments which are of general interest to the Borough as a whole will be made at Council on 27th June 2024.

6.0 FINANCIAL IMPLICATIONS

6.1 Mileage and subsistence allowances for Councillors attending meetings.

6.2 All appointments can be made within the existing budget.

7.0 ACCESS TO INFORMATION

Current lists of Member representation
ACSeS report on liabilities of Outside Bodies.

LIST OF OUTSIDE BODIES REQUIRING CABINET APPROVAL

Outside Body	Number of Cabinet Representatives to be appointed	2023/2024 representative
Active Norfolk	1	Rust
Alive Management Board of Directors	3	Bhondi and Jones
Alive West Norfolk Board	5	Bhondi, Jones, L Gore, D Gates and 1 x vacancy
Borough Council/College of West Anglia Board	1	Parish. For info E&C are also invited to nominate a representative to this Board – current rep is Cllr Osborne.
CNC Building Control Joint Committee	1	Moriarty
College of West Anglia Board	1	Osborne
Community Action Norfolk	1	Rust
Community Alcohol Partnership	1	Rust
Downham Market Leisure Centre Joint Management Committee	1	Bullen For info Council are also invited to appoint 2 x representatives. Current reps are Osborne and Devulapalli
FCH and Borough Council Strategic Forum	3 Terms of reference state reps should be Leader, Portfolio Holder and Chief Exec	Parish, Rust and L Gore
Health and Wellbeing Board	2	Rust and Anota (substitute)
Hunstanton Advisory Group	3 Terms of reference state reps should be Ward Members and Portfolio Holder	Beal and Dickinson
King's Lynn and West Norfolk Area Museums Committee	1	De Whalley For info E&C and Council are invited to appoint 4 reps which currently are Councillors Bland, Bubb, non-Councillor Bill Davison and Councillor Kemp
King's Lynn Business Improvement District Board	1	Beales
King's Lynn Festival Board	1	Ring and Ware
King's Lynn Health and Wellbeing Board	1	Rust
King's Lynn Town Deal Board	3	Beales, Moriarty and Heneghan

Local Government Association	1	Moriarty
Norfolk Arts Forum Executive	1	Ring
Norfolk Climate Change Partnership	1	de Whalley
Norfolk Coast Partnership Management Group	1 + sub	Squire and de Whalley (sub)
Norfolk Joint Museums and Archaeology Committee	1	Ring
Norfolk Parking Partnership Joint Committee	1 + sub	Anota and Ring (sub)
Norfolk Police and Crime Panel	2	Ware and Heneghan (Sub) (both members must be from the same Political Group)
Norfolk Rail Policy Group	1	Everett
Norfolk RAMS Strategy Board	1	New
Norfolk Records Committee	1	Ring
Norfolk Waste Partnership	1 + sub	Squire and Moriarty (sub)
North Lynn Discovery Centre Board	2	Beales and Jones
PATROL (Parking and Traffic Regulation Outside London)	1	Anota
The Wash and North Norfolk Coast Marine Partnership	1	Squire
West Norfolk Chamber of Commerce Council	1	Beales
West Norfolk Housing Company		Bhondi, Ratcliffe, Ware,
West Norfolk Property		Bhondi and Ware
West Norfolk Shared Prosperity Fund Partnership Board	2	Parish and Beales
West Norfolk Tourism Executive Forum	2	Ring and Beales