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STANDING ORDERS 2021

Updated and Adopted May 2021 and reviewed annually

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1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the **chair of the** meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the **chair of the** meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings ●
Committee meetings ●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
 - b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
 - c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
-
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
 - e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
 - f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 minutes unless

- directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
 - h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
 - i A person shall raise their hand when requesting to speak.
 - j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
 - l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
 - o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**
 - p **The Chair of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
 - r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their**

casting vote whether or not they gave an original vote.

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- u **A councillor or a non-councillor with voting rights who has a**
 - **disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- w **If a meeting is or becomes inquorate no business shall be transacted**
- and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - iv. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - v. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**

- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- f g.i Following the conclusion of a twenty four month term of office, the Chair of the Council may not seek re-election to the position of Chair prior to the next election year.
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- g h.i Following the conclusion of a twenty four month term of office, the Vice Chair of the Council may not seek re-election to the position of Vice-Chair prior to the next election year.
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;

- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL AND COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of**

the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee , any 2 members of the committee may convene an extraordinary meeting of the committee.
- e

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or

typographical errors in the wording of the motion.

- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 6 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;

- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

Full Council meetings ●
 Committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them,

shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the **Chair of Council** of this fact, and the **Chair** shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chair or in his absence the Vice-Chair (if there is one) of the Council] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16. RESPONSIBLE FINANCIAL OFFICER

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

- c The Responsible Financial Officer shall supply to each councillor at each ordinary meeting:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the point in time
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors in advance of its anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement

exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair or, if he is not available, the vice-chair (if there is one) of absence occasioned by illness or other reason.
- c The chair of the Appraisal Committee or in his absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk and Responsible Finance Officer. The reviews and appraisal shall be reported in writing and are subject to approval by resolution of the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the chair or in his the Chair of the HR Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk and Responsible Finance Officer relates to the chair or vice-chair of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

- b. **1 requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a **The Council shall appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. **RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9.

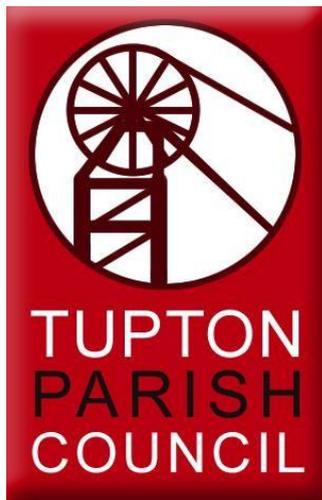
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

765/2021 Amendment to Standing Orders

It was Proposed by Councillor R Shipman, Seconded by Councillor P Windley and Resolved that the following amendment be included in Standing Orders

27. REMOTE ATTENDANCE AT MEETINGS

- a) All standing orders apply to the conduct of any persons attending meetings remotely as if they were attending the meeting in person; and, if resolved to do so under standing order 2b, the Host shall remove any identified person/s from the meeting.
- b) Any persons attending the meeting by remote means shall be aware of the obstructive impact of background noise on the transacting of business (for example, the playing of music, television, electronic games, ringing of doorbells and telephones, clearing of dishes etc) and shall ensure, where possible, that their environment is conducive to attendance at a meeting.
- c) Where background noise is identified over a remote connection, the Host shall, without discussion, mute any identified connection/s (or all connections, if the source cannot be immediately identified) and only unmute the remote connection/s when that person is invited to speak by the Chair.
- d) Any persons attending the meeting by remote means should indicate their wish to speak using the software function to ensure that their indication is visible to the Chair and/or Host.
- e) Where a resolution has been passed by Council to exclude members of the public owing to the confidential nature of business being transacted, the Host shall remove all remotely attending members of the public from the meeting. Members or officers attending the meeting by remote means shall also leave the meeting if they are unable to guarantee the confidentiality of their own environment (for example, where another member of the household, visitor or colleague may be able to overhear the business being transacted).



Financial Regulations

Reviewed 2021

TUPTON PARISH COUNCIL FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the Council at its Meeting held on 22nd November 2016.

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control, which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.9. The RFO;
 - acts under the policy direction of the council;

- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations¹.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except

¹ In England - Accounts and Audit (England) Regulations 2011/817; In Wales - Accounts and Audit (Wales) Regulations 2005/368

with the approval of the RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £2500; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils – a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC) or *Governance and Accountability for Local Councils in Wales - A Practitioners' Guide*, available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1.** All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.
- 2.2.** At each meeting a member other than the **Chair or a** bank signatory shall be asked to sign the summary of accounts produced by the RFO.
- 2.3.** The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4.** The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5.** The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6.** The internal auditor shall:
 - be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 2.7.** Internal or external auditors may not under any circumstances:
 - perform any operational duties for the council;
 - initiate or approve accounting transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.
- 3.2. The council shall consider annual budget proposals in relation to the council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £2500;
- the Clerk, in conjunction with Chair and Vice Chair of Council for any items below £2500.

Such authority is to be evidenced by a Minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chair/Vice Chair.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the

council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in December for the following financial year.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2500. The Clerk shall report such action to the chair/vice chair as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

687/21 Minutes of Finance Committee 7th October 2021

It was Proposed by Councillor C Ramshaw, Seconded by Councillor D Hancock and Resolved that the minutes of the Finance Committee held on 7th October 2021 be accepted and approved and that the following recommendations be resolved

- a) That paragraph 4.10 be added to the Council's Financial Regulations as follows:
In the event of an emergency arising, requiring enforcement and/or remediation action to protect the Council's assets, the Clerk, in consultation with the Chair and Vice Chair, may authorise any necessary expenditure to complete the enforcement/remediation and, if appropriate, re-secure the Council's property, provided that a full report be submitted to the next appropriate meeting of council. This authority is to be determined by:
 - The balance of the Council's earmarked "Emergency/Enforcement Reserve"
 - That all elected members are informed of the situation, and kept apprised of decisions taken, as soon as is practical
- b) That paragraph 5.5(d) be added to the Council's Financial Regulations as follows:
If a payment, not exceeding £1,000, is due to a non-VAT-registered supplier and the due date for payment is before the next scheduled meeting of council and the

expenditure has previously been approved by council, where the Clerk and RFO certify, that there is no dispute or other reason to delay payment, and this certification is authorized by an appointed member of the Council, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

- That paragraph 5.5(e) be added to the Council's Financial Regulations as follows:

If a reimbursement, not exceeding £100, is owed to an individual (except to an elected member, where authority can only be approved by full Council) and the expenditure has previously been approved by council or is authorised under 5.6 below, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, and this certification is authorized by an appointed member of the Council provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1.** The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2.** The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the **Chair of the Meeting**. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3.** All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4.** The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council [or Finance Committee] Meeting.
- 5.5.** The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
 - c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.6.** For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory

duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any Policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or the Clerk/RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated Committee.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by the Clerk and two members of council in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.

- 6.5.** To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6.** If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.
- 6.7.** If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.8.** Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the **Chair of Council** in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.9.** No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.10.** Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.11.** The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.12.** Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.13.** Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any

computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.14.** Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk/RFO and a member. A programme of regular checks of standing data with suppliers will be followed.

7. PAYMENT OF SALARIES

- 7.1.** All employee salaries shall be paid by Standing Order on the 6th day of each month

8. LOANS AND INVESTMENTS

- 8.1.** All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.
- 8.2.** Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3.** The council will arrange with the council's Banks and Investment providers for the sending of a copy of each statement of account to the **Chair of the** council at the same time as one is issued to the Clerk or RFO.
- 8.4.** All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 8.5.** The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6.** All investments of money under the control of the council shall be in the name of the council.
- 8.7.** All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8.** Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6

(Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each

transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (I) below.

- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the **Chair and Vice Chair of council**); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations².
 - c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may

change from time to time)³.

- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- f. If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Order 18d and refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- k. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

² The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts.

³ Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1.** Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2.** Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3.** Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

- 13.1.** The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2.** Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3.** Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4.** The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1.** The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2.** No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

16. CHARITIES

- 16.1. Where the council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

17. RISK MANAGEMENT

- 17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

Tupton Parish Council

Complaints Procedure

1. Tupton Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 20 September 2012 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of North East Derbyshire District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of North East Derbyshire District Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will acknowledge your complaint within five working days and provide you with a response in a timely manner as described below.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.

8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chair of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Contacts:

Clerk to the Council
Tupton Parish Council
117 Station Road
North Wingfield
Chesterfield

S42 5JQ

Telephone: 07587 107122

Email: clerk@tupton-pc.gov.uk

The Chair of Tupton Parish Council:

Information available on website : www.tupton-pc.gov.uk



TUPTON PARISH COUNCIL

DISCIPLINE AND GRIEVANCE PROCEDURE

Adopted December 2016 and to be reviewed annually at the AGM

DISCIPLINE PROCEDURE

Purpose of the procedure

The Council's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when the Council's rules are breached.

Principles

If you are subject to disciplinary action:

- the procedure is designed to establish the facts quickly and to deal fairly and consistently with disciplinary issues;
- no disciplinary action will be taken until the matter has been fully investigated;
- where possible, an investigator external to the Council will be brought in to gather evidence, reports, etc;
- at every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and be represented or accompanied by a person of your choice;
- if it is deemed appropriate, an independent third party or a mediator who may not be part of the Council may be called upon to help to resolve the dispute;
- you will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice;
- you have a right to appeal against any disciplinary action taken against you;
- the procedure may be implemented at any stage if your alleged misconduct warrants such action;
- if you request, you have the right to be accompanied at a hearing by a co-worker, SLCC member or trade union official;
- any disciplinary action will be appropriate to the breach in question and will take into account your track record.

1. Establish the facts

Where a potential disciplinary matter arises, your line manager or the Chair of the HR Committee as appropriate will establish the facts without unreasonable delay.

In misconduct cases, where practicable, different people should / will carry out the investigation and disciplinary hearing.

Where it is necessary to hold a meeting with you merely to establish the facts, this is not a disciplinary meeting. Although this is not a disciplinary meeting, if you request, you may be accompanied by a co-worker or trade union official.

Having established the facts, your line manager or Chair of the HR Committee as appropriate will decide whether to (i) drop the matter, or (ii) deal with it informally (with or without mediation), or (iii) arrange for it to be dealt with formally (with or without mediation) and in accordance with internal written procedures.

2. Informal discussions

Before taking formal disciplinary action, your line manager or the Chair of the **HR** Committee as appropriate will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

3. Mediation

If it is deemed appropriate, an independent third party or a mediator who may not be part of the Council may be called upon to help to resolve the dispute at any stage in the procedure.

4. Inform the employee of the problem

Having established the facts and where your line manager or Chair of the **HR** Committee as appropriate is satisfied there is a disciplinary issue to be addressed, you will be notified of this in writing.

There should be sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare to answer the case at a disciplinary meeting. Normally, copies of any written evidence which may include witness statements will be included with the notification. The notification should inform you of the date, time and venue for the hearing and of your rights to be accompanied.

5. Hearing to discuss and consider the allegation

A meeting of the HR Committee comprising four members will be called to discuss and consider the allegation. The Chairman of the meeting will explain the complaint and go through the evidence that has gathered.

Where witnesses are to be called, reasonable notice should be given.

You will be able to set out your case and answer any allegations that have been made, and you will have a reasonable opportunity to ask questions, raise points about any information provided by witnesses, present evidence, and call relevant witnesses.

If you are unable to attend the hearing due to ill health or child care commitments, the hearing will be rescheduled. If you are persistently unable or unwilling to attend the hearing without good cause, a decision will be made on the evidence available.

If you request, you have the right to be accompanied at the hearing by a co-worker or trade union official.

6. Decide on the appropriate action

After the hearing, the committee must decide if disciplinary or other action is justified, decide the nature of the action or sanction, and notify you in writing of the action or sanction and the reasons.

7. First warning

Where misconduct is confirmed or you are found to be performing unsatisfactorily you will be given a written warning. Such warning will be recorded, but disregarded after six months of satisfactory service. The warning will be kept on file for six months then destroyed and you will be advised of the fact.

You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. Where the first breach is sufficiently serious, for example, because it is having, or is likely to have, serious harmful effects on the Council, it may be justifiable to move directly to a final written warning.

8. Final written warning

If the breach is serious, or there is no improvement in standards, or if a further breach of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within three months, action as set out below will be taken.

9. Dismissal or actions short of dismissal

You may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal. Except in cases of gross misconduct you should receive notice or payment in lieu.

Gross misconduct

If, after investigation, it is confirmed that you have committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice: theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal pay rate. Any decision to dismiss will be taken only after full investigation.

10. Right of appeal

If you feel that the disciplinary decision is wrong or unjust, you can appeal against the decision. Your appeal must be made in writing to the **Chair of the HR Committee** that made the decision within five working days of receiving the decision and you must set out the grounds for appeal.

Your appeal should be heard without reasonable delay and will be heard by a Committee comprising three members who have not previously been involved in the case.

If you request, you have the right to be accompanied at the appeal hearing by a co-worker or trade union official.

You will be notified of the outcome of the appeal hearing as soon as possible.

Confidentiality

It is a requirement that all paperwork associated with the matter of a disciplinary hearing is kept under the Confidential Information classes of both the Data Protection Act 1998 and the Freedom Of Information Act 2000.

GRIEVANCE PROCEDURE

Purpose of the procedures

The Council's aim is to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

1. Informal discussion

If you have a grievance about your employment you should discuss it informally with your line manager or the Chair of the HR Committee as appropriate. We hope that the majority of concerns will be resolved at this stage.

2. Mediation

If it is deemed appropriate, an independent third party or a mediator who may not be part of the Council may be called upon to help to resolve the dispute at any stage in the procedure.

3. Inform the Council of your grievance in writing

If you feel that the matter has not been resolved through informal discussions, or mediation, you should inform the Council of your grievance in writing.

4.

5. A hearing to discuss and consider the allegation

You will be invited to a meeting of the H R Committee comprising four members called without unreasonable delay to discuss and consider the grievance.

You will have the opportunity to explain your grievance and how you think it should be resolved.

The meeting may be adjourned for any investigation that may be necessary.

If you are unable to attend the meeting due to ill health or child care commitments, the hearing will be rescheduled.

If you request, you have the right to be accompanied at hearing by a co-worker or trade union official.

6. Decide on appropriate action

Following the hearing, the Committee will decide on what action if any to take. You will be notified without unreasonable delay in writing of the decision and, where appropriate, what action the Ccommittee intends to take to resolve the grievance.

7. Right of appeal

If you feel that your grievance has not been satisfactorily resolved, you can appeal against the decision. Your appeal must be made in writing to the Chair of the

HR Committee that made the decision within five working days of receiving the decision and you must set out the grounds for appeal.

Your appeal should be heard without reasonable delay and will be heard by a a Committee of the Council comprising three members who have not previously been involved in the case.

If you request, you have the right to be accompanied at the appeal hearing by a co-worker or trade union official.

You will be notified of the outcome of the appeal hearing as soon as possible.

Confidentiality

It is a requirement that all paperwork associated with the matter of a grievance hearing is kept under the Confidential Information classes of both the Data Protection Act 1998 and the Freedom Of Information Act 2000.

Equal Opportunities Policy

Legal Position

It is unlawful to discriminate against an individual on the following grounds:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Under the Equality Act 2010 these are known as “protected characteristics”.

Purpose

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimization or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

Scope

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the council.

Our Commitment

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing Society as a whole. Breaches of our equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the council’s Grievance procedure. This policy is fully supported by all Members of the council and adopts the model contract as devised by the employee professional body in the local government sector (the Society of Local Council Clerks).

The policy will be monitored and reviewed annually. Other Personnel policies will be reviewed against the values stated in this main Equal Opportunities policy to ensure that the council strives to remain an Equal Opportunities employer.



Freedom of Information Policy

Adopted December 2016 and to be reviewed annually

TUPTON PARISH COUNCIL

Freedom of Information Act 2000

The Freedom of Information Act:

- Provides public access to recorded information held by public bodies - including local authorities such as Tupton Parish Council.
- Applies to documentary information and electronic data held by a public body.
- Obliges public bodies to disclose information/data unless an exemption detailed in the legislation is applicable.

General enquiries

If you have any queries regarding the Freedom of Information Act, please contact the parish clerk by telephone 07587 107122, by e-mail (clerk@tupton-pc.gov.uk).

Requests for information

Requests for information must be in writing and include the enquirer's name and address (a contact telephone number would be helpful though not essential).

Requests can either be in paper format addressed to Tupton Parish Council, 117 Station Road, North Wingfield, Chesterfield S42 5JQ or in electronic format via e-mail to clerk@tupton-pc.gov.uk

- When requesting information the enquirer does not have to mention the Freedom of Information Act nor the reason(s) why the information is sought.
- The enquirer does not necessarily have to be resident in the parish of Tupton.
- The enquirer can be an individual or an organisation.
- The parish clerk is responsible for responding to requests.

Tupton Parish Council has a duty to respond to all requests by informing the enquirer whether or not it holds the requested information and then supplying the information (except where an exemption applies).

Charges can be made in respect of disbursement costs (copying, printing, postage etc) to reflect the costs incurred in meeting a request.

Charges will not be made for staff time in sourcing information if the estimated cost is less than £450.00 or 18 hours at the hourly rate prescribed by the Information Commissioner.

Requests can be denied if the staffing cost necessary to retrieve/supply the information is greater than £450 or 18 hours at the hourly rate prescribed by the Information Commissioner (as per exemption 12).

Alternatively, a fee notice can be issued setting out the intended amount to be charged for the supply of the requested information.

Requests can be denied (wholly or in part) if an exemption applies. The Freedom of Information Act contains 32 exemptions but not all of them are applicable to Tupton Parish

Council. The exemptions that are most likely to apply to Tupton Parish Council are listed below (the list is not exhaustive).

- (i) If the request exceeds the cost limit (as already mentioned).
- (ii) If the requested information is accessible by other means.
- (iii) If the requested information is intended for future publication.
- (iv) If the requested information would prejudice the effective conduct of public affairs.

Requests for personal information in respect of the enquirer him/herself cannot be dealt with by the Freedom of Information Act. Such requests should be submitted in accordance with the Data Protection Act.

Tupton Parish Council is statutorily obliged to respond to requests within 20 working days. The day after the request is received is the first day of the 20 (working) days.

If a request is too vague and/or insufficiently clear, the enquirer will be contacted for clarification. However, the 20 days response timescale would commence the day after a sufficiently clear request has been received.

If Tupton Parish Council does not hold all the requested information, it will supply the information it does hold and provide guidance as to whom to contact to obtain the remainder of the information.

If the response is not satisfactory, the enquirer can request a review by contacting either (a) the chairman of Tupton Parish Council and/or (b) the Freedom of Information Section of North East Derbyshire District Council (respective contact details below).

- (a) Chairman of Tupton Parish Council
c/o 117 Station Road
North Wingfield
Chestertfield
S42 5JQ

(please mark correspondence as "private/confidential for the attention of the Chair)

Tel: 07587 107122

Alternatively, the chair can be contacted at his/her home address/telephone number/e-mail - the details of which are displayed at www.tupton-pc.gov.uk under the "Councillors" section.

- (b) Freedom of Information Section
North East Derbyshire District Council
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

Tel: 01246 231111

- If a review is requested it will be completed within 20 working days (or within 40 working days in exceptional cases).

If the review(s) is not satisfactory, the enquirer has a right of appeal to the

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

TUPTON PARISH COUNCIL

RULES FOR THE EFFECTIVE MANAGEMENT OF RECORDING AT LOCAL COUNCIL AND PARISH MEETINGS

The right to record, film and to broadcast meetings of the council, its committees, sub committees and any joint committees is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Tupton Parish Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of the council.

The Council understands that some members of the council or public attending its meetings may not wish to be visually recorded and the Chairman of the meeting will facilitate this by ensuring that any such request will be respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

The rules that the council will apply are:

1. The council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website (if it has one) or on notice boards in the parish and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of these rules will be provided to members of the public in attendance at a meeting of the council, whether they wish to film or not at the meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record but that these rules **must** be observed when this is planned or taking place.
3. Any person wishing to record a meeting in any format whatsoever must contact the Clerk prior to the start of the meeting. The Clerk’s details are set out in the public notice and agenda of the meeting; (or in his/her absence, the contact will be the Chairman of the council).
4. The council will define an area from which recording may be carried out and, if given advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record, e.g. provision of a table. However the council should point out that the physical layout of a room may restrict the council’s ability to make any provision.
5. The council insists that all visual recording will be undertaken from a static point to avoid disruption at the meeting, particularly given the size and design of the Council Chamber.
6. A person or persons recording the council meeting are reminded that the “Public Participation” period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period. (Best practice would be to seek a signed disclosure from all those present to indicate that they are in agreement to being filmed)

7. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
8. Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording, i.e. a medical professional, carer or legal guardian.
9. All those visually recording a meeting are requested to focus only on recording councillors, officers, those members of the public who have not requested anonymity or have been identified as under the age of 18 or a vulnerable adult.
10. The council may, at its own discretion, require members of the public who do not consent to being recorded to sit separately from those who are content to be recorded.
11. All recording must be overt (i.e. clearly visible to anyone at the meeting).
12. Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
13. A person or persons making a recording has no right to interrupt a council meeting by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
14. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
15. Persons who are recording must strive not to leave equipment unattended. If the person recording needs to leave the equipment unattended he/she should inform the Clerk or Chairman of the meeting.
16. The recording and reporting on meetings of the council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the council's values or in a way that ridicules or shows a lack of respect for those in the recording. The council would expect any recording in breach of these rules to be removed from public view. The council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
17. The Clerk should be contacted in advance of the meeting if the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements. The use of lighting for filming/flash photography will usually be

allowed if it is arranged via the Clerk prior to the meeting but the council will have regard to the impact of such lighting on the ability of others present to view the meeting, or for reasons of health, and may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting must not cause any other form of disruption.

18. The council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where the council proposes to record its own meeting/s it will be bound by this policy.
19. Where the council proposes to record its meeting/s, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The council will include such recordings within its Publication Scheme.
20. The council is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
21. The minutes of a council meeting remain the statutory and legally binding formal record of council decisions.

Date of policy adoption: October 2016 Reviewed 2021

Tupton Parish Council

Health and Safety At Work Policy Statement

1. The Council recognises that it has a legal duty of care towards protecting the Health and Safety of its employees and others who may be affected by the Council's activities.
2. In order to discharge its responsibilities Council will:
 - a. provide an organisational structure that defines clear responsibilities for Health and Safety.
 - b. ensure that the systems and procedures relating to this Policy Statement are rigorously applied.
 - c. provide adequate control of the Health and Safety risks arising from our work activities.
 - d. consult with employees on matters affecting their Health and Safety.
 - e. provide and maintain safe plant and equipment.
 - f. ensure the safe handling and use of hazardous substances.
 - g. provide information, instruction and supervision for employees.
 - h. provide adequate training and ensure that all employees are competent to do their tasks.
 - i. maintain safe and healthy working conditions.
 - j. satisfy itself that any organisation who is contracted to carry out work for the Council is able to demonstrate that it pays due regard to Health and Safety matters.
 - k. bring this Policy Statement to the attention of all employees and seek their co-operation in supporting management in its efforts to establish and maintain a safe and healthy working environment.
3. This Health and Safety Policy Statement and its associated organisational arrangements, systems and procedures, will be reviewed at least annually and revised as necessary to reflect changes to the business activities. Any changes to the Policy will be brought to the attention of all employees.
4. It is the responsibility of all employees to co-operate in the implementation of this Health and Safety Policy within their areas of influence. Employees have a legal duty to ensure that their own safety and the safety of others (for example, colleagues, visitors, contractors) under the Health and Safety at Work etc Act 1974. Employees must therefore:

- a. Comply with any safety instructions and directions issued by the Council.
 - b. Take reasonable care for your Health and Safety and the Health and Safety of other persons (e.g. other employees, contractors, customers, workmen, etc.) who may be affected by your acts or omissions at work, by observing safety rules which are applicable to you.
 - c. Co-operate with the Council to ensure that the aims of the Health and Safety policy are achieved and any duty or requirement on the Council by or under any of the relevant statutory provisions is complied with.
 - d. Report and co-operate in the investigation of all accidents or incidents that have led to or may lead to injury.
 - e. Use equipment or protective clothing provided in accordance with the training you have received.
 - f. Report any potential risk or hazard or malfunction of equipment to the Chairman of Council and the Clerk.
5. Any failure by the employee to comply with any aspect of the Council's Health and Safety procedures, rules or duties will be treated by the Council as serious or gross misconduct.
6. Employees have a responsibility to observe all safety rules and to co-operate with the Clerk charged with responsibility for the implementation of the Council's Health and Safety policy to achieve a healthy and safe workplace and to take reasonable care of yourself and others.

SMOKING

Purpose

1. This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to ensure compliance with laws that ban smoking in public places (including workplaces).

Policy

2. Smoking is prohibited throughout the entire workplace with no exceptions. This includes Council vehicles. This policy applies to all employees, consultants, customers and visitors.

Implementation

4. Overall responsibility for policy implementation and review rests with the Clerk. All staff are obliged to adhere to and to facilitate the implementation of the policy.

5. The person named above shall ensure that all existing employees, consultants and contractors are aware of the policy and of their role in the implementation and monitoring of the policy. They will also ensure that all new personnel are given a copy of the policy on recruitment or induction.

Non-compliance

6. Non-compliance with this policy and relevant law will be treated as a disciplinary offence.

FIRE

1. In general, employees should seek to ensure good standards of housekeeping at all times. A clean and tidy workplace is less likely to be a source of fire. Any act or omission which employees believe may constitute a fire risk should be immediately notified to the Clerk, who will take the appropriate action.
2. All potential fire hazards will be identified and the risks assessed and reduced to an acceptable level.
3. Firefighting equipment will be provided and emergency lighting and fire alarm points fitted as appropriate, following a fire risk assessment. The fire alarm will be tested at weekly intervals.
4. Fire marshalling areas will be identified and located in areas beyond any danger from fire. Employees will be made aware of where they have to report in case of fire. Fire alarms will be activated periodically, without prior notice to you.
5. Details of the Council's fire/emergency procedures and exit and assembly points, are displayed on notice boards around the Council's premises. Employees must familiarise yourself with the Council's emergency procedures to minimise the dangers caused by fire.
6. Employees must ensure that they are aware of the nearest fire exit, and its alternative, for emergency use.
7. Employees must ensure that they are aware of the nearest fire extinguisher to your work location, its type and know how to operate it.
8. Regular fire drills will be held to ensure the Council's fire procedures are effective and to ensure you are familiar with them. These drills are important and must be taken seriously.
9. Remember:
 - 9.1 On discovering a fire:
 - Operate the nearest fire alarm;
 - Alert other people within your immediate vicinity; and

- Do not attempt to tackle the fire unless you have been trained or you feel competent to do so.

9.2 On hearing the fire alarm

- Do not delay - evacuate the premises immediately;
- Do not stop to collect personal possessions;
- Remain calm and proceed in an orderly manner;
- Do not re-enter the premises or site until the Fire Brigade is satisfied that the premises and site are safe to re-enter.

9.3 Under no circumstances must employees put themselves or others at risk in a fire situation.

April 2021

TUPTON PARISH COUNCIL - MEDIA POLICY

1. Tupton Parish Council (“the Council”) is committed to the provision of accurate information about its governance, decisions and activities. Where this information is not available via the Council’s publication scheme, please contact the Council’s clerk.
2. The Council shall, where possible, co-operate with those whose work involves gathering material for publication in any form including use of the internet (“the media”).
3. This policy explains how the Council may work with the media to meet the above objectives in accordance with the legal requirements and restrictions that apply.

Legal requirements and restrictions

4. This policy is subject to the Council’s obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the Freedom of Information Act 2000, the Data Protection Act 1998, other legislation which may apply and the Council’s standing orders and financial regulations. The Council’s financial regulations and relevant standing orders referenced in this policy are available via the Council’s publication scheme.
5. The Council cannot disclose confidential information or information the disclosure of which is prohibited by law. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council’s standing orders, under contract or by common law. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the code of conduct adopted by the Council, a copy of which is available via the Council’s publication scheme.

Meetings

6. A meeting of the Council and its committees is open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the public interest due to the confidential nature of the business or other special reason(s) stated in the resolution. In accordance with the Council’s standing orders, persons may be required to leave a meeting of the Council and its committees, if their disorderly behaviour obstructs the business of the meeting.
7. Where a meeting of the Council and its committees include an opportunity for public participation, the media may speak and ask questions. Public participation is regulated by the Council’s standing orders.

8. The Council will take account of the Rules for the effective management of recordings at Local and Parish Meetings
9. Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.
10. The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or committee meeting and for telephoning their report at their own expense.
11. The Council's standing orders will confirm if attendance by the public, their participation, photographing, recording, filming or other reporting is permitted at a meeting of a sub-committee.

Other communications with the media

13. This policy does not seek to regulate councillors in their private capacity.
14. The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council's corporate position and views, they will make this clear.

Councillors have a duty to report accurately about the proceedings and decisions of the Council where they communicate with the media.

Councillors are subject to the Code of Conduct in the way they communicate matters in relation to the proceedings of the Council

15. The Council's Clerk, may contact the media if the Council wants to provide information, a statement or other material about the Council.
16. Subject to the obligations on councillors not to disclose information referred to in paragraph 5 above and not to misrepresent the Council's position, councillors are free to communicate their position and views.

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Tupton Parish Council, which is a data controller for your data.

Other data controllers the council works with:

- Derbyshire County Council
- North East Derbyshire District Council
- Tupton Village Hall Management Committee
- Other Community Groups and Charities
- Other not for profit organisations
- Contractors

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, and dependants;
- Where you pay for activities financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

How we use sensitive personal data

We may process sensitive personal data including, as appropriate:

- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.

These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest.

Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, or telephone
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;

- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation, which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of Council facilities, or the acceptance of a discretionary grant

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for

personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1) The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) The right to correct and update the personal data we hold on you

If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) The right to object to processing of your personal data or to restrict it to certain purposes only

You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) The right to data portability

You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) The right to lodge a complaint with the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on www.tupton-pc.gov.uk. This Notice was last updated in June 2019.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller is the Clerk to the Council and can be contacted by

email: clerk@tupton-pc.gov.uk



TUPTON PARISH COUNCIL

SICKNESS ABSENCE POLICY

Adopted 25 July 2017 and to be reviewed annually at the AGM

1. INTRODUCTION

Should you be unwell and unable to come to work, you must comply with the following Tupton Parish Council sickness policy:

2. PURPOSE AND SCOPE

The purpose of this policy is to ensure that the operational efficiency of Tupton Parish Council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during periods of ill-health.

3. PROCEDURE

Employees who are unable to attend work through sickness, accident or personal circumstances must notify their line manager of the reason for their absence by no later than 10am on the first morning. If your line manager is not in the office, you should make every effort to speak to someone who can be briefed on your workload and any urgent matters that may require attention. If possible, you should give an indication of how long you expect to be absent so that arrangements can be made for cover if required.

If the absence is for a period of less than 7 days, employees should complete a self-certification form (see Parish Clerk) on their return to work. For periods over 7 days a medical certificate is required.

It is the responsibility of each employee to keep their line manager advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g. GP visit) and contact details in case of work-related queries.

Employees who are absent from work due to reasons other than sickness/accident are required, wherever possible, to obtain prior permission from their line manager. The Parish Council will consider each case of absenteeism on its merits and written evidence may be required. Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the Parish Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with their line manager in advance of such a procedure. Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct.

The Parish Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.

You should expect a "return to work" meeting with your line manager on your first day in the office after any period of absence, this will be to ensure that you are fit to work and to update you on developments in the department and your workload.

4. SICKNESS PAY

Sick pay will be paid in accordance with your length of service as outlined below:

During first year of service: One month's full pay and (after four months' service) two

months half pay

During second year of service: Two months' full pay and two months' half pay

During third year of service: Four months' full pay and four months' half pay

During fourth year of service: Five months' full pay and five months' half pay

After five years' service: Six months' full pay and six months' half pa

SSP is paid where applicable at the current rate.

5. LONG TERM OR FREQUENT SHORT-TERM ABSENCE PROCEDURE

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. The discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

The procedure is non-contractual and does not form part of the terms and conditions of employment with Tupton Parish Council. The procedure may be amended from time to time.

5.1 PRINCIPLES

- a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Parish Council and the impact of the absence on others.
- b) The line manager will maintain periodic contact during the period of sickness absence.
- c) A full review, normally including medical reports, will be undertaken in each case.
- d) All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner ("sick note") and in some cases the employer may request certification for periods of absence of less than 7 days, in which case it will pay the appropriate fee to the medical practitioner issuing the certificate.
- e) The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.
- f) The employee will be advised if their employment may be at risk.
- g) Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.
- h) Where possible, appropriate assistance will be provided to help the employee to return to work.
- i) In cases of long-term ill health, the Parish Council will, where possible, hold employment open for up to one year.
- j) In all cases before taking a decision to terminate an employee's contract on grounds of ill health, managers will take into account:
 - any representations from employees, including additional medical information
 - the employee's length of service
 - the employee's most recent health situation and the likelihood of an improvement in attendance
 - whether it is possible to hold the job open for longer and the effect of past and future absences on the Parish Council
 - the availability of suitable alternative work or working hours
 - any other reasonable adjustments which could be reasonably expected to facilitate

the return

- the impact of the Disability Discrimination Act 1995 on the particular case, and whether this may have a bearing on the actions to be taken.
- k) The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- l) At all formal stages of the procedure, a colleague or trade union representative may accompany the employee.
- m) Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired.
- n) Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the Disciplinary Procedure.

5.2 INFORMAL MEETING

Absence levels will generally start to be of concern to managers at the following trigger points:

- 3 absences in a 12 week period
- 10 days intermittent absence over the past 12 months
- 3 weeks continuously off sick

Where this is the case, managers will normally discuss absence levels with the employee. The aim will be to encourage the employee to understand the manager's concerns and to agree ways, if possible, of improving the situation. If the employee has been off sick continuously, or if there appears to be an underlying health problem, the Parish Council will arrange for a GP's report (or a report from other medical specialist as appropriate).

The employee's written permission must be given before the medical practitioner is approached.

5.3 THE PROCEDURE

5.3.1 STAGE ONE – first formal meeting

A first formal meeting will be arranged where:

- In the case of long-term sickness absence, there is no clear date of return.
- In the case of frequent short-term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

The line manager will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. He or she will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may normally be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

There will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g. in the case of a broken limb), the manager should advise the employee that employment cannot be held open indefinitely. He or she should state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

5.3.2 STAGE TWO – second formal meeting

The employee will be informed in advance of the meeting in writing and advised that he/she may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate. An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting.

If at the second formal meeting, the employee's absence is still a cause for concern, the manager should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

5.3.3 STAGE THREE – third formal meeting

The employee will be informed of the meeting in writing and advised of his/her right to be accompanied by a colleague or trade union representative. The meeting will be held by the Chairman of the Parish Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state his/her point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

If absence levels have not reduced at this stage and if the hearing manager believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of capability. Before taking this step, the manager must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of his/her contract, the date on which the contract will terminate, and details of the right of appeal.

5.3.4 APPEAL

If the employee wishes to appeal against the decision to terminate employment, he/she should write to the Parish Clerk, giving reasons for the appeal. This appeal must be made within ten working days of the date of the letter confirming termination of employment. The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay. The employee will be given the opportunity to state his or her point of view at the meeting. The Parish Council's decision will be final. The termination date of employment will not delay in order for the appeal hearing to take place.

Staff Absence Policy

Policy statement

We are committed to improving the health, wellbeing and attendance of all employees. We value the contribution our employees make to our success. So, when any employee is unable to be at work for any reason, we miss that contribution. This absence policy explains:

- What we expect from line managers and employees when handling absence.
- How we will work to reduce levels of absence.

This policy has been written in line with ACAS guidelines, and we welcome contributions from employees in developing and implementing this policy.

Key principles

Tupton Parish Council's absence policy is based on the following principles:

1. As a responsible employer we undertake to provide payments to employees who are unable to attend work due to sickness. Sick pay will be paid in accordance with your length of service as outlined below:
 - During first year of service: One month's full pay and (after four months' service) two months half pay
 - During second year of service: Two months' full pay and two months' half pay
 - During third year of service: Four months' full pay and four months' half pay
 - During fourth year of service: Five months' full pay and five months half pay
 - After five years' service: Six months' full pay and six months' half pay
 - SSP is paid where applicable at the current rate.
2. Regular, punctual attendance is an important aspect of everyone's employment. We ask each employee to take responsibility for achieving and maintaining good attendance.
3. We will support employees who have genuine grounds for absence for whatever reason. This support includes:
 - a. 'special leave' for necessary absences not caused by sickness
 - b. a flexible approach to taking annual leave
 - c. access to counsellors where necessary
 - d. rehabilitation support in cases of long-term sickness absence.

4. We will consider any advice given by an employee's GP on the 'Statement of Fitness for Work'. If the GP advises that an employee 'may be fit for work' we will discuss with the employee how we can help them get back to work – for example, on flexible hours, or altered duties.
5. Where appropriate we will use an occupational health adviser, to help advise the employee and their line manager on the best way to improve the employee's health and wellbeing.
6. Tupton Parish Council's disciplinary procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory.
7. We respect the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with current data protection legislation and the Access to Medical records Act 1988.

Notification of absence

If an employee is going to be absent from work they should speak to their line manager or the Chair of the Parish Council within one hour of their normal start time. They should also:

- Give a clear indication of the nature of the illness and
- A likely return date.

The line manager will check with other employees if there is any information they need to cover their work during the period of absence. If the employee does not contact their line manager by the required time the line manager will attempt to contact the employee.

An employee may not always feel able to discuss their medical problems with their line manager. Line managers will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.

Evidence of incapacity

Employees can use Tupton Parish Council's self-certification arrangements for the first seven days absence. Thereafter a 'Statement of Fitness for Work' is required to cover every subsequent day.

If absence is likely to be long-term - more than four weeks continuously, there is a shared responsibility for Tupton Parish Council and the employee to maintain contact at agreed intervals.

‘May be fit for some work’

If the GP advises on the Statement of Fitness for Work that an employee ‘may be fit for work’ we will discuss with the employee ways of helping them get back to work. This might mean talking about a phased return to work or amended duties.

If it is not possible to provide the support an employee needs to return to work – for example, by making the necessary workplace adjustments – or an employee feels unable to return then the Statement will be used in the same way as if the GP advised that the employee was ‘not fit for work’.

Return to work discussions

Line managers will discuss absences with employees when they return to work to establish:

- The reason for absence
- What the line manager or Tupton Parish Council can do to help
- That the employee is fit to return to work.

If an employee’s GP has advised that they ‘may be fit for work’ the return to work discussion can also be used to agree in detail how their return to work might work best in practice.

A more formal review may be triggered by:

Absences that are disruptive to Tupton Parish Council’s operations e.g. frequent short-term absences or long-term absence.

This review will look at any further action required to improve the employee’s attendance and wellbeing.

Tupton Parish Council – Subject Access Request Policy

1. On receipt of a subject access request you must **forward** it immediately to the Parish Clerk
2. We must correctly **identify** whether a request has been made under the Data Protection legislation
3. A member of staff, and as appropriate, councillor, who receives a request to locate and supply personal data relating to a SAR must make a full exhaustive **search** of the records to which they have access.
4. All the personal data that has been requested must be **provided** unless an exemption can be applied.
5. We must **respond** within one calendar month after accepting the request as valid.
6. Subject Access Requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
7. Councillors and managers must ensure that the staff they manage are **aware** of and follow this guidance.
8. Where a requestor is not satisfied with a response to a SAR, the council must manage this as a **complaint**.

Approved by resolution at Parish Council Meeting – June 2018 and will be reviewed annually