

Clowne Parish Council

Policies & Procedures

Council Term of Office 2019 -2023



Version	Authorisation
1.0	Approved at Council Meeting held on 13 th May 2019
2.0	For review at Council Meeting (2020 - date to be determined)

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CLOWNE PARISH COUNCIL

DECLARATION OF ACCEPTANCE OF OFFICE AS MEMBER OF THE COUNCIL 2019 - 2023

DECLARATION OF ACCEPTANCE OF OFFICE

I, (specify full name) , having been elected to the office of Member of Clowne Parish Council hereby declare that I take that office upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability. I will abide by the Council's Code of Conduct, Standing Orders and Financial Regulations at all times whilst I am an elected representative of the Council.

Signed

This declaration was made and signed before the Clerk, as Proper Officer to Clowne Parish Council, on this day (specify day and date).

Signed

Steven Singleton
Clerk to the Council

CLOWNE PARISH COUNCIL

DECLARATION OF ACCEPTANCE OF OFFICE AS CHAIR OF THE COUNCIL FOR (specify year)

DECLARATION OF ACCEPTANCE OF OFFICE

I, (specify full name), having been elected as Chair of Clowne Parish Council hereby declare that I take that role upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed

This declaration was made and signed before the Clerk, as Proper Officer to Clowne Parish Council, on this day (specify day and date).

Signed

Steven Singleton
Proper Officer of the Council

CLOWNE PARISH COUNCIL

DECLARATION OF ACCEPTANCE OF OFFICE AS VICE CHAIR OF THE COUNCIL FOR (specify year)

DECLARATION OF ACCEPTANCE OF OFFICE

I, (specify full name), having been elected as Vice-Chair of Clowne Parish Council hereby declare that I take that role upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed

This declaration was made and signed before the Clerk, as Proper Officer to Clowne Parish Council, on this day (specify day and date).

Signed

Steven Singleton
Proper Officer of the Council

Clowne Parish Council

Council Term of Office 2019 - 2023

Code of Conduct for Councillors & Disclosable Interests



Introduction

Members of Clowne Parish Council (hereafter referred to as the 'Council') are the elected representatives (hereafter referred to as 'Councillors') of the people within the Parish of Clowne, Derbyshire and they take decisions on their behalf.

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee. For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council or Councillor includes a co-opted member of the Council.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

The purpose of this code of conduct is to set out the standards of conduct expected of Councillors when carrying out their duties and to demonstrate to the public the standards of conduct they can expect from their elected representatives.

This code applies to Councillors whenever they are carrying out their official duties as an elected representative of the Council. Although, in line with the Localism Act 2011, this code only applies to Councillors when they are carrying out their official duties nevertheless the Council expects its Councillors to uphold high standards of conduct at all times in order to uphold the reputation of the Council and the office to which they have been elected.

All holders of public office must uphold the seven principles of public life (also known as the 'Nolan Principles'); these principles underpin and inform the Council's code of conduct.

The seven principles are:

- ✓ **Selflessness** – Holders of public office should act solely in terms of the public interest.
- ✓ **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- ✓ **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- ✓ **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- ✓ **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- ✓ **Honesty** – Holders of public office should be truthful.
- ✓ **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.0 The Code of Conduct

1.1 Behaviour

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- They shall behave in such a way that a reasonable person would regard as respectful.
- They shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- They shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or their office as a member of the Council, into disrepute.
- They shall use the resources of the Council in accordance with its requirements.
- They shall not use their position as a Councillor for personal financial gain.
- They shall not place themselves under any financial obligation to any person or organisation who might attempt to influence them.
- They shall not use their position as a Councillor improperly to confer an advantage or disadvantage on yourself or any other person.
- They shall not disclose information which is confidential or where disclosure is prohibited by law.

1.2 Promotion and Maintenance of Standards

A member shall familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the Council which relate to members' conduct support the Council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declarations of members' interests.

1.3 Registration of interests

Within 28 days of this Code being adopted by the Council or the election or appointment to office (where that is later) of a Councillor they must register with the Monitoring Officer at Bolsover District Council (as Principal Authority) the interests which fall within the categories set out in the Disclosable Pecuniary Interests and Other Registerable Interests which are attached at Appendix A herein.

Throughout your term of office you must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, you must notify the Monitoring Officer.

A Councillor need only register the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

If a Council function can be discharged by the member acting alone, and they are aware that they have a Disclosable Interest then they shall not deal with that matter except to enable the matter to be dealt with by someone else.

1.3.1 Disclosable Pecuniary Interests

Where a matter arises at a Council meeting which relates to an interest in Appendix A section 1, Councillors must declare the interest at the meeting, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation by the Council.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

1.3.2 Other registerable interests

Where a matter arises at a meeting which relates to an interest in Appendix A section 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation by the Council.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

1.3.3 Non-registerable interests

Where a matter arises at a meeting which relates to your financial interest (and is not a Disclosable Pecuniary Interest) or a financial interest of a relative or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Where a matter arises at a meeting which affects your own financial interest or a financial interest of a friend, relative, close associate or body covered by Appendix A you must disclose the interest.

Where the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must not vote on the matter unless granted a dispensation.

You may speak on the matter only if members of the public are also allowed to speak at the meeting.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

1.4 Related documents

The following documents also provide guidance on the standards of conduct expected of Councillors and can assist in the interpretation of this code of conduct.

- Council Standing Orders.
- Council Financial Regulations.
- The Rules of Procedure that set out the arrangements for dealing with an alleged breach of this code.
- The Council's Social Media Guidance sets out appropriate behaviour when undertaking Council business through social media.

- The Council's guidance relating to gifts and hospitality helps Councillors to decide whether to accept a gift or hospitality and when to declare it in the register.

1.5 Register of Pecuniary and Non-Pecuniary Interests

Appendix A Section 1

Interests described as follows:

Subject Description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property

Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate Tenancies

Any tenancy where (to the Councillor's knowledge):

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities

Any beneficial interest in securities* of a body where:

- (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and
- (b) either:
 - (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**'director' includes a member of the committee of management of an industrial and provident society.*

**'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

Appendix A – Section 2

(i) Any body of which the Councillor is in a position of general control or management and to which they are appointed or nominated by the Council;

(ii) Anybody:

- (a) exercising functions of a public nature;
- (b) directed to charitable purposes; or
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Councillor is a member or in a position of general control or management;
- (iii) Any gifts or hospitality worth more than an estimated value of £30 which the Councillor has received by virtue of his or her office.

APPENDIX A

Entry Number: -

Clowne Parish Council Members' and Co-opted Members' Disclosable Pecuniary and Other Interests

Councillor's Full Name: _____

Address: _____

Council: Clowne Parish Council (hereafter referred to as the "Council")

Note: Throughout this document the "authority or authority's area" refers to the whole of the area covered by the Council rather than the ward the Member represents.

Declaration:

I, [please state full name]....., give notice that I have set out my interests below at Section 1 & Section 2 herein the appropriate areas, and have put '**NONE**' where I have no such interest in any area.

I understand and acknowledge the following:

1. I must complete, sign and return this notice within 28 days of the Council's Code of Conduct being adopted or within 28 days of my election or appointment to office.
I also understand that I must register my disclosable pecuniary interests and Local Choice disclosable non-pecuniary interests by providing written notification to the Monitoring Officer at Bolsover District Council of the details required as set out in this form.
2. If my circumstances change I must, within 28 days of becoming aware of any changes to the interests specified herein, provide written notification to the Monitoring Officer of that change.
I understand that I should do this by making the necessary amendments to this form as soon as possible.
3. This form contains disclosable pecuniary interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
4. Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.

5. The Localism Act 2011 created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form).

I understand it is a criminal offence to:

- i. to fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
 - ii. to take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
 - iii. to fail to declare at a meeting and/or to take part in the debate or vote, if I am aware, I have a DPI which is not yet registered or notified to the Monitoring Officer;
 - iv. if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
 - v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
 - vi. to take any steps or further action on a matter in which I have a DPI other than referring it elsewhere; in each case without reasonable excuse, and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence; and may be investigated by the police and referred to the Director of Public Prosecutions. I understand that **upon conviction a Member or co-optee may be fined up to a maximum of £5,000.**
6. If I feel I have an interest which, if disclosed on a public register, could lead to me or a person connected to me being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer and need not declare it on this form.
7. I must, within 28 days of receiving any gift or hospitality in my capacity as a Member, with an estimated value of at least £30, provide written notification of that interest, including details of the person(s) from whom it was received. I understand that I should do this by completing the 'Registration of gifts and hospitality' form and return it to:

The Monitoring Officer
Bolsover District Council
The Arc, High Street
Clowne
S43 4JY

Section 1

1. Disclosable Pecuniary Interests

Please answer **all parts** of this form.

You must enter information in every box.

If you do not have an interest in a particular question, please put "None".

All your interests must be properly recorded in the appropriate areas.

Please provide details of:

Disclosable Pecuniary Interests	You	Your spouse or civil partner, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner
<p>a) <u>Employment, office, trade, profession or vocation</u></p> <p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p>		
<p>b) <u>Sponsorship</u></p> <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>		

<p>c) <u>Contracts</u></p> <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <ul style="list-style-type: none"> i. under which goods or services are to be provided or works are to be executed; and ii. which has not been fully discharged. 		
<p>d) <u>Land</u></p> <p>Any beneficial interest in land which is within the area of the relevant authority.</p>		
<p>e) <u>Licences</u></p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>		
<p>f) <u>Corporate tenancies</u></p> <p>Any tenancy where (to your knowledge):</p> <ul style="list-style-type: none"> i. the landlord is the relevant authority; and ii. the tenant is a body in which the relevant person has a beneficial interest. 		
<p>g) <u>Securities</u></p> <p>Any beneficial interest in securities of a body where—</p> <ul style="list-style-type: none"> i. that body (to your knowledge) has a place of business or land in the area of the relevant authority; and 		

<p>ii. either—</p> <p>a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>b. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>		
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Section 2

Other Interests under the Code of Conduct

Please answer all parts of this form. You must enter information in every box. If you do not have an interest in a question, please put "None".

All your interests must be properly recorded in the appropriate areas.

Please provide details of:

a) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority

b) Any Body of which you are a member or in a position of general control or management.
(1.) exercising functions of a public nature:

(2.) directed to charitable purposes; or

(3.) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

I recognise that I have a legal duty to complete this form and that I must not:

1. Omit any information ought to be given in this notice;
2. Provide information that is materially false or misleading;
3. Fail to update this information as my circumstances change.

Full Name	
Member's Signature	
Council	Clowne Parish Council
Date Signed	
Monitoring Officer's Signature	
Date Received	

Clowne Parish Council

Council Term of Office 2019 - 2023

Council Standing Orders



Clowne Parish Council

Standing Orders

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1. INTRODUCTION

Standing orders are the written rules of a local Council. Standing orders are essential to regulate the proceedings of a meeting. A Council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements.

The standing orders of a Council are not the same as the policies of a Council but standing orders may refer to them. Local Councils operate within a wide statutory framework and as such it is not possible for the standing orders to contain or reference all the statutory or legal requirements which apply to local Councils.

The statutory requirements to which a Council is subject apply whether they are incorporated in a Council's standing orders. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local Council and are defined separately. The financial regulations, as opposed to the standing orders of a Council, include most of the requirements relevant to the Council's Responsible Financial Officer.

For convenience, the word "councillor" is used in these standing orders and, unless the context suggests otherwise, includes a non-councillor appointed by Council with or without voting rights.

2. RULES OF DEBATE AT MEETINGS

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.

- ✓ A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- ✓ A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- ✓ 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.
- ✓ An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- ✓ 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.
- ✓ 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.
- ✓ A councillor may move an amendment to his/her 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.
- ✓ 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. Subject to provisions herein only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- ✓ 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.

- ✓ A councillor may not move more than one amendment to an original or substantive motion.
- ✓ The mover of an amendment has no right of reply at the end of debate on it.
- ✓ 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.
- ✓ Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - to speak on an amendment moved by another councillor;
 - to move or speak on another amendment if the motion has been amended since he/her last spoke;
 - to make a point of order;
 - to give a personal explanation; or to exercise a right of reply.
- ✓ 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting he/her is concerned by.
- ✓ A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- ✓ When a motion is under debate, no other motion shall be moved except:
 - to amend the motion;
 - to proceed to the next business;
 - to adjourn the debate;
 - to put the motion to a vote;
 - to ask a person to be no longer heard or to leave the meeting;
 - to refer a motion to a committee or sub-committee for consideration;
 - to exclude the public and press;
 - to adjourn the meeting; or
 - to suspend standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- ✓ Before an original or substantive motion is put to the vote, the Chair 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.
- ✓ The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (3) minutes without the consent of the Chair of the meeting.

3. DISORDERLY CONDUCT AT MEETINGS

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.

If the 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.

If such a resolution is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include suspending or closing the meeting and/or seeking intervention by the Police.

4. MEETINGS GENERALLY

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.

A minimum of three clear days for notice of a Council meeting shall be given however this 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.

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 a meeting shall be by a resolution which shall give reasons for the public's exclusion.

Members of the public may, at the discretion of the Chair, make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

The period designated for public participation at a meeting in accordance with standing orders shall not exceed (20) minutes unless directed by the Chair of the meeting.

Unless agreed by the Chair a member of the public shall not speak for more than (3) minutes.

A question shall not require a response at the meeting nor start a debate on the question. However, the chair of the meeting may direct that a written or oral response be given.

A person shall raise their hand when requesting to speak.

A person who speaks at a meeting shall direct his comments to the chair of the meeting.

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.

Subject to standing orders herein 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.

A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

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.

Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his absence be done by, to or before the Vice-Chair.

The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair 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.

Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors voting.

The Chair 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 a casting vote whether they gave an original vote.

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 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.

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;
- iv. the grant of dispensations (if any) to councillors;
- v. whether a councillor 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.

A councillor 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.

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.

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.

A meeting shall not exceed a period of (3) hours unless standing orders are suspended to allow such.

5. COMMITTEES AND SUB-COMMITTEES

Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;

- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders herein, appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders herein, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Clerk (7) days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

Clowne Parish Council Approved Standing Committees:

Allotments Committee	
Purpose	The committee is responsible for the day to day management of Hickinwood Lane Allotments, ensuring that the allotments operate in accordance with all relevant acts and statutes, as amended from time to time.
Membership	Councillors A. Bailey, D. Dixon, S Gregory, G. Hughes, N. Yewman,
Voting Rights	Yes – simple majority with Chair having casting vote
Quorum	3
Frequency of Meetings	As Required
Terms of Reference	
A1	To keep under review the terms of the tenancy agreements in place for all allocated allotments plots including the termination of tenancy agreements for serious or persistent breaches of the terms of the agreement.
A2	To keep under review the level of annual rent charged to tenants.
A3	To keep under review the Allotments waiting list and allocate tenancies as from time to time may become available;
A4	To undertake a programme of maintenance and improvements as required to ensure that the Allotments remains fit for purpose.
A5	To review the annual membership of The National Allotments Society.

Clowne & Barlborough Joint Burial Committee	
Purpose	The committee is responsible for the day to day management of Clowne & Barlborough Cemetery, in particular ensuring that the cemetery operates in accordance with section 214 of the Local Government Act 1972, The Local Authorities' Cemeteries Order 1977 and any associated legislation as amended from time to time.
Membership	All elected Members of Clowne and Barlborough Parish Councils
Voting Rights	9 elected Members – 6 from Clowne Parish Council 3 from Barlborough Parish Council
Quorum	4
Frequency of Meetings	Quarterly unless an Extraordinary Meeting is convened in accordance with Council Standing Orders
Terms of Reference	
P1	That Clowne Parish Council assumes Principal body status in terms of statutory compliance with employment, public works contracts, health and safety, public finance accounting and reporting legislation.
P2	To determine the annual budgetary requirements for Clowne and Barlborough Parish Councils and refer to their respective annual precept meetings for consideration and approval.
P3	That Clowne Parish Council will contribute two thirds of the total annual precept requirement and Barlborough Parish Council will contribute one third.
P4	To annually rotate the chair and vice chair of the Committee between Clowne and Barlborough Parish Councils.
P5	To determine the public opening and closing times of the cemetery.
P6	To determine arrangements for the opening and locking of the cemetery.
P7	To determine arrangements for the maintenance of the grounds, memorials, headstones, graves, urns, caskets, buildings, roadways and footpaths, car parking, signage, park furniture, fixtures, fittings and boundary fencing as required.
P8	To agree and keep under review the fees and charges for Inurnment and Interment.
P9	To ensure that systems of work, internal controls and operating procedures used in the management and operation of the cemetery comply with statutory requirements, are safe and remain fit for purpose.
P10	To maintain proper records, receipts and registers in connection with all Inurnments and Interments and associated payment of fees and charges levied and ensure that a system of distinctive identifying numbers for all graves and urns is in place.
P11	To determine arrangements for the digging, opening and closing of graves.
P12	To ensure that sufficient land is acquired and consecrated for future Inurnment and Interment needs.

Complaints Committee	
Purpose	The committee is responsible for reviewing the way in which the Council deals with complaints and for reviewing complaints that have not been able to be resolved at stage 1 by the Clerk to the Council.
Membership	3 elected Members of Clowne Parish Council
Voting Rights	None
Quorum	2
Frequency of Meetings	As Required
Terms of Reference	
P1	To keep under review the Council's Complaints Procedure and make recommendations to Council on any changes that are considered necessary to ensure compliance with legislation, procedural effectiveness and other statutory obligations.
P2	To consider stage 2 level complaints that have not been satisfactorily resolved by the Clerk as a stage 1 complaint and undertake or recommend to Council appropriate action to resolve the matter as required.
P3	To ensure that confidentiality of both the complainant and the subject of any complaint is respected.
P4	To undertake all necessary investigations required to be able to properly respond to stage 2 complaints.
P5	To refer any unresolved stage 2 complaints to the Council for formal consideration (classed as stage 3 complaints).

Events Committee	
Purpose	The committee is responsible for the planning and co-ordination of a programme of community events, festivals and school holiday activities in accordance with the Council agreed events budget.
Membership	Councillors M. Dixon, N. Hoy, D. Salt, N Yewman (1 Vacancy)
Voting Rights	Yes – simple majority with Chair having casting vote
Quorum	3
Frequency of Meetings	As Required
Terms of Reference	
E1	To agree the Council's annual programme of events and festivals and School holiday activities for young people and assist in its organisation, planning and delivery as required.
E2	To recommend to Council an annual budget to deliver the programme of events and festivals and School holiday activities; including cost of entry/activity for customers where relevant.
E3	To develop a suitable Marketing and Publicity Plan to raise awareness of the annual programme of events and festivals and School holiday activities;
E4	To organise and co-ordinate the Council's Christmas Illuminations in and around the town centre;
E5	To arrange the purchase of hanging baskets and similar floral arrangements, tubs and planters;

Finance Committee	
Purpose	The committee is responsible for working with the Responsible Finance Officer (RFO) in the management of the Council's financial resources and to consider and recommend strategy and action on policy and operational matters concerned with Council's finances, property and resources.
Membership	Councillors B. Bosworth, D. Dixon, N. Hoy, R. Walker (1 vacancy)
Voting Rights	Yes – simple majority with Chair having casting vote
Quorum	3
Frequency of Meetings	As Required
Terms of Reference	
F1	To determine the annual budgetary requirements for the Council and recommend an Annual Budget Plan, including the level of Precept required for consideration and approval by Council.
F2	To keep under review and amend, as required, the Council's Financial Regulations and the associated system of internal controls.
F3	To consider internal and external audit reports as required and approve recommended changes/ actions to the financial controls of the Council.
F4	To keep under review the level of Council investments, contingencies and reserves.
F5	To keep under review the Council's insurance policies and risk management arrangements.
F6	To consider and approve all Creditor payments due during the current budget year as required.
F6	To act as authorised signatories on all Council bank accounts as required.
F7	To keep under review the Council's Approved Annual Budget Plan and agree mid-year changes as from time to time may become necessary.
F8	To act as tender evaluation panel for all contracts to be awarded above £25,000;
F9	To ensure that the Council's Financial Management System (FMS) remains fit for purpose.
F10	To ensure that the Council's Asset Register is properly maintained and that all assets are properly disposed of at the end of their useful life or when considered surplus to requirements.
F11	To consider the draft Annual Governance and Accountability Return (AGAR) prior to approval by the Council.
F12	To consider and approve all applications/requests for Section 137 and Barlborough Wind Farm Community Fund grant funding.
F13	To act as Trustees to all Charity Accounts held by the Council.
F14	To keep under review the Council's fees and charges for its activities and services.

Human Resources Committee	
Purpose	The committee is responsible for
Membership	Councillors A. Bailey, S Gregory, N. Hoy, R. Walker (1 vacancy)
Voting Rights	Yes – simple majority with Chair having casting vote
Quorum	3
Frequency of Meetings	As Required
Terms of Reference	
HR1	To ensure that staffing levels are adequate for the Council to safely fulfil its legal, financial and operational duties and responsibilities.
HR2	To consider levels of staff remuneration and annual pay awards.
HR3	To deal with employee grievances and disciplinary matters in accordance with the Council's approved policies and procedures.
HR4	To oversee the recruitment and selection of vacant or new posts as required.
HR5	To oversee the Council's Workplace Pensions Schemes and ensure that the Council complies with its legal duties and responsibilities as an employer.
HR6	To ensure that the Council complies with all of its duties and responsibilities relating to Her Majesties Revenue and Customs' National Insurance, PAYE, Statutory Sick Pay and Maternity Pay.
HR7	To ensure the provision of appropriate staff training and development to ensure that all employees can discharge their duties and responsibilities efficiently and effectively and, where relevant, in accordance with all acts of law.
HR8	To keep under review all employee Contracts of Employment to ensure that they remain fit for purpose.
HR9	To keep under review the Council's payroll arrangements.
HR10	To ensure that equality of opportunity and diversity at work issues are promoted, implemented and monitored by the Council.
HR11	To ensure that all employees have adequate levels of personal protective equipment in the execution of their duties as required.
HR12	To ensure that employees have a safe working environment and that risk reduction measures are introduced where considered necessary.

6. ORDINARY COUNCIL MEETINGS

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.

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.

If no other time is fixed, the annual meeting of the Council shall take place at (6) pm.

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.

The first business conducted at the Annual Meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.

The Chair of the Council, unless they have resigned or have become disqualified, shall continue in office and preside at the annual meeting of the Council until their successor is elected.

The Vice-Chair of the Council, unless they have resigned or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the annual meeting of the Council.

In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they 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.

In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:

- 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 later.
- In a year which is not an election year, delivery by the Chair and Vice Chair of the Council of their acceptance of office forms unless the Council resolves for this to be done at a later date;
- Confirmation of the accuracy of the minutes of the last Annual Meeting of the Council;
- Receipt and approval of the minutes of the last meeting of Council;
- Review and Approval of Councillor Code of Conduct including completion of Declarations of Pecuniary and Non-Pecuniary Interests;
- Review and Approval of Draft Standing Orders;
- Review and Approval of Draft Financial Regulations;
- Review and Approval of General Data Protection Regulations (GDPR) Privacy Notice
- Review of the Council's complaints procedure;
- Appointment of members to existing committees as required;
- Appointment of any new committees in accordance with standing order (5);
- Review of representation on or work with external bodies and arrangements for reporting back;
- Confirmation of arrangements for insurance cover in respect of all insurable risks;
- Review of the Council's policy for dealing with the press/media;

- Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

The Chair of the Council may convene an extraordinary meeting of the Council at any time.

If the Chair of the Council does not call an extraordinary meeting of the Council within (7) 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.

The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within (3) days of having been requested to do so by (4) members of the committee [or the sub-committee], any (4) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

8. PREVIOUS RESOLUTIONS

A resolution shall not be reversed within six months of it being made except either by a special motion, which requires written notice by at least (4) councillors to be given to the Proper Officer in accordance with standing order (10), or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

When a motion moved pursuant to standing order (8) has been disposed of, no similar motion may be moved for a further **six** months.

9. VOTING ON APPOINTMENTS

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.

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

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.

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 (14) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

The Proper Officer may, before including a motion on the agenda received in accordance with standing order (8 or 10), correct obvious grammatical or typographical errors in the wording of the motion.

If the Proper Officer considers the wording of a motion received in accordance with standing order (8 or 10) 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 (14) clear days before the meeting.

If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair 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.

The decision of the Proper Officer as to whether to include the motion on the agenda shall be final.

Motions received shall be recorded and numbered in the order that they are received.

Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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.

12. MANAGEMENT OF INFORMATION

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.

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) will be used.

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.

Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

13. DRAFT MINUTES

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.

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 (11).

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.

If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they 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 (specify meeting) held on [date] in respect of (specify which minute number(s)) 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.”

The Council shall publish its approved minutes on a website which is publicly accessible and free of charge.

Subject to the publication of draft minutes in accordance with standing order (13) and standing order (21) 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.

14. CODE OF CONDUCT AND DISPENSATIONS

All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.

Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest.

Unless 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. They may return to the meeting after the Council has considered the matter in which an interest had been declared.

Dispensation requests shall be in writing and submitted to the Proper Officer

Councillors shall as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

A dispensation request shall confirm:

- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- an explanation as to why the dispensation is sought.

Subject to standing order (14), 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

A dispensation may be granted in accordance with standing order (14) if having regard to all relevant circumstances any of the following apply:

- without the dispensation the number of persons prohibited from participating in the business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
- granting the dispensation is in the interests of persons living in the Council's area; or
- it is otherwise appropriate to grant a dispensation.

15. CODE OF CONDUCT COMPLAINTS

Upon notification to the Monitoring Officer 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 (12), report this to the Council.

Where the notification in standing order (14) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair 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).

The Council may provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement; seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

Upon notification by the Monitoring Officer 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 them.

Such action excludes disqualification or suspension from office.

16. PROPER OFFICER

The Proper Officer shall be either (i) the Clerk or (ii) Deputy Clerk or (iii) another staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

The Proper Officer shall at least three clear days before a meeting of the council (see standing order (4)) 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, a 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).

Subject to standing order (10), all motions will be presented in the order received include on the agenda unless a councillor has given written notice at least (14) days before the meeting confirming their withdrawal of it;

The Proper Officer shall:

- convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;
- facilitate inspection of the minute book by local electors;
- receive and retain copies of byelaws made by other local authorities;
- hold acceptance of office forms from councillors;
- hold a copy of every councillor's register of interests;

- 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;
- act as the Council's Data Protection Officer where appointed;
- receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 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);
- arrange for legal deeds to be executed;
- arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- refer a planning application received by the Council to the Chair or in his absence the Vice-Chair 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 manage access to information about the Council via the publication scheme; and
- retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

17. RESPONSIBLE FINANCIAL OFFICER

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

18. ACCOUNTS AND ACCOUNTING STATEMENTS

"Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year an accounting statement to summarise:

- the Council's receipts and payments (or income and expenditure) for each quarter;
- the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- 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
- to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return (AGAR), as required by proper practices, for consideration and approval.

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 (AGAR) shall be presented to all councillors at least (7) days prior to 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.

19. FINANCIAL CONTROLS AND PROCUREMENT

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:

- the keeping of accounting records and systems of internal controls;
- the assessment and management of financial risks faced by the Council;
- 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;
- the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
- whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

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 (19) 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 unless it proposes to use an existing list of approved suppliers (framework agreement)".

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:

- a specification for the goods, materials, services or the execution of works shall be drawn up;
- 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
- the date of the Council's written response to the tender and the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- 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;
- tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

A public contract regulated by the Public Contracts Regulations 2015 will be required to publish public procurement notices that meet the published thresholds on the UK e-notification Service, Find a Tender (FTS).

20. HANDLING STAFF MATTERS

A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order (12).

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 and that person shall report such absence at its next meeting.

The Chair or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk.

The reviews and appraisal shall be reported at the next available Council Meeting.

Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair or in their absence, the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.

Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk 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.

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.

In accordance with standing order (12), persons with line management responsibilities shall have access to staff records referred to in standing order (20).

21. RESPONSIBILITIES TO PROVIDE INFORMATION

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.

If gross annual income or expenditure (whichever is the higher) exceeds £200,000 the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

The Council may appoint a Data Protection Officer and shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.

The Council shall have a written policy in place for responding to and managing a personal data breach.

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.

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.

The Council shall maintain a written record of its processing activities.

23. RELATIONS WITH THE PRESS/MEDIA

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.

24. EXECUTION AND SEALING OF LEGAL DEEDS

A legal deed shall not be executed on behalf of the Council unless authorised by a resolution or undertaken under the delegated powers given to the Clerk by the Council.

The Clerk to the Council as Proper Officer shall act as the Council's authorised signatory in the execution of legal deeds entered into on behalf of the Council or the Deputy Clerk in their absence. If additional signatures are required, then this will be undertaken by the Chair of the Council or Vice Chair in their absence.

25. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS

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.

Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillors representing the area of the Council.

26. RESTRICTIONS ON COUNCILLOR ACTIVITIES

Unless duly authorised by Council no councillor shall:

- inspect any land and/or premises which the Council has a right or duty to inspect; or
- issue orders, instructions or directions.
- If a Councillor wishes to speak to the Clerk at the office they are required to book an appointment with the Clerk in the first instance, they must inform the Clerk prior to the appointment being booked, of the reason why the appointment/meeting is required. The Clerk cannot be forced by any individual Councillor(s) to book an appointment or hold a meeting if the Clerk does not feel it necessary, or if the Clerk thinks that the matter should be raised with the Council at the next available meeting.
- The Clerk is not answerable to an individual Councillor. The Clerk is only answerable to the Council as a Corporate Body during a Council Meeting.
- Individual Councillors shall not ask the Clerk/RFO to furnish them with copies of any information pertaining to the Council which may be held by the Clerk, unless approval by a Council Meeting is obtained.

27. STANDING ORDERS GENERALLY

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.

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 (4) councillors to be given to the Proper Officer in accordance with standing order (10).

The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor as soon as possible after its approval by Council.

The decision of the Chair of a meeting as to the application of Standing Orders at a Council meeting shall be final.

Clowne Parish Council

Council Term of Office 2019 - 2023

Council Financial Regulations



Clowne Parish Council

Financial Regulations

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1. GENERAL

1.1. These financial regulations govern the conduct of financial management by Clowne Parish Council (hereafter referred to as 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 duly elected Councillors (hereafter referred to as “members”) and council employees. Financial regulations must be observed in conjunction with the council’s standing orders and any individual financial regulations imposed by an act of law or statute that is relevant to the proper execution of the council’s duties and responsibilities.

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 References to the ‘Clerk’ shall mean the Clerk and Proper Officer to the Council whose duties also include those as Responsible Finance Officer (RFO).

1.6 References to the ‘Deputy Clerk’ shall mean the Deputy Clerk and Proper Officer to the Council whose duties also include those as Deputy Responsible Finance Officer (DRFO).

1.6 References to the ‘Chair’ shall mean the duly elected Chair of Clowne Parish Council as appointed at the Annual Meeting of the Council or in their absence the Vice Chair of Clowne Parish Council as appointed at the Annual Meeting of the Council.

1.7 References to ‘employees’ shall mean all staff whether in a paid or unpaid voluntary capacity who undertake work for or on behalf of the council.

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 the 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 Clerk holds a statutory office to be appointed by the council and;

- ✓ 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.

1.9. The accounting records determined by the Clerk shall be sufficient to show and explain the council's transactions and to enable the Clerk 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 current Public Accounting and Audit Regulations.

1.10 The accounting records determined by the Clerk shall 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.

1.11. The accounting control systems determined by the Clerk 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 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.

1.12. 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 council only.

1.13. 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 £5,000; 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.

1.14. 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) as appropriate.

1.15 In these financial regulations, references to financial year shall mean the accounting period 1st April to 31st March.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1. All accounting procedures and financial records of the council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.

2.2. The Clerk 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.

2.3. 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 employee or member shall make available any and all such documents and records as necessary for the purpose of audit and shall, as directed by the council, supply the Clerk, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.4. 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.

2.5. 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.

2.6. Internal 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 in the execution of their duties.

2.7. 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.

2.8. The Clerk 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.

2.9. The Clerk shall, without undue delay, bring to the attention of all members any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. The Clerk must each year, by no later than the end of January, 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 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 Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.3. 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 £5,000;
- ✓ a duly delegated committee of the council or the Clerk for any items below £5000.

Such authority is to be evidenced by a Minute or a Creditor Payment Schedule duly signed by the Clerk and Deputy Clerk. 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 (hereafter referred to as a 'virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a next financial year unless authorised by the Council for a defined and specific purpose.

4.4. The salary budgets are to be reviewed at least annually in January for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chair.

4.5. In cases of significant risk to the Council, the Clerk may authorise unbudgeted expenditure on behalf of the council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes emergency repairs, replacement or other work that will ensure the continued safe delivery of services, ensure business continuity or where delay may result in a fine, breach of the law, late payment charges, fines or other penalties. The Clerk shall report such action to the 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 if required to help finance the project

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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 Clerk shall provide to the council on a quarterly basis a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements shall show explanations of material variances. For this purpose, "material" shall be expenditure in excess of £250 or 10% (whichever is the greater) of the relevant cost centre approved in the budget.

4.9. Changes in the level of financial reserves kept shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

5.1. The council's banking arrangements, including the bank mandate, shall be determined by the Clerk and approved by the council; banking arrangements may not be delegated to a committee and shall be reviewed at least annually for safety and efficiency.

5.2. The Clerk shall prepare a schedule of Creditor payments requiring authorisation, forming part of the Agenda for each meeting of the council and, together with the relevant invoices which should be available for inspection if required, present the schedule for approval by council.

The Clerk shall review the schedule for compliance and authorise payment via a resolution of the council. The schedule to be approved at the monthly council meeting shall be signed by the two members as authorised signatories; the Clerk and the deputy Clerk.

A unique payment reference number relating to the approved Creditor payments shall be disclosed within the minutes of the meeting at which the payment schedule was authorised together the total value of payments approved. 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 confidentiality issues relating to personal information.

5.3. All invoices for payment shall be examined, verified and certified by the Clerk 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 as part of its budget.

5.4. The Clerk shall examine all invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Clerk shall take all steps to pay all invoices submitted, and which are in order, at the next available council Meeting.

5.5. The Clerk shall have delegated authority to authorise the payment of items only in the following circumstances:

- ✓ 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 Deputy Clerk 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 ;
- ✓ 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
- ✓ 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 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 occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and/ or made.

5.8. All requests for grant funding and funding support shall be considered and determined by the council as required.

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 by the council.

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 the Clerk.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

6.1. The council will make secure 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, if so delegated, the Clerk shall give instruction that a payment shall be made.

6.3. All payments shall be effected by electronic bank transfer, cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.

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 two members of council and countersigned by the Clerk in accordance with a resolution instructing that payment.

A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment 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. Cheques or orders for payment will normally be presented for signature at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.

6.7. 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 the Clerk and Deputy Clerk and any payments are reported to council as made.

6.9. In addition to cheques, payments may be made by Internet Banking, BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories and any payments are reported to council as made.

6.10. 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 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.

6.11. No employee or councillor shall disclose any PIN, password or user ID/name, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the RFO.

6.12. 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.

6.13. 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.

6.14. Where internet banking arrangements are made with any bank, the Clerk and Deputy Clerk shall be appointed as the Service Administrators. 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 using the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.15. 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.

6.16. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy or email notification by the supplier and supported by hard copy authority for change signed by the Clerk and the Deputy Clerk. A programme of regular checks of standing data with suppliers will be maintained.

6.17. Any Debit Card issued for use will be specifically restricted to the Clerk and Deputy Clerk.

6.18. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.

6.19. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and Deputy Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.20. The Clerk may provide petty cash to employees for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Clerk with a claim for reimbursement.

- a) The Clerk shall maintain a petty cash float of £75 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. PAYMENT OF SALARIES

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by the council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments or terms and conditions of employment without the prior consent of the council. All such changes once approved made shall be put in writing to the employee affected with a copy kept on their personal employee file.

7.4. Each and every payment made to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record.

This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total value of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the Clerk, Deputy Clerk and other senior employees.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing interim staff, the council must consider a full business case.

8. LOANS AND INVESTMENTS

8.1. All borrowings shall only 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 council.

8.2. Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State shall be subject to approval by the council. In each case a report in writing shall be provided to council by the Clerk in respect of business case for entering into such an arrangement.

8.3. The Clerk will arrange with the council's Banks and Investment providers for the sending of a regular copy of each statement of account held by the council.

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 by the Clerk.

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 Clerk.

9.2. Particulars of all charges to be made for work done, services undertaken, or goods supplied shall be agreed annually by the council, notified to the Clerk and the Clerk 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 as required 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 Clerk. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the Clerk 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 Clerk shall promptly complete any VAT Return that is required. Any repayment claims 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 Clerk 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 the appropriate 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, email 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 Clerk.

10.3. All members and employees are responsible for obtaining value for money at all times. An employee authorised to issue 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 Clerk 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 Clerk 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, telephone and internet 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 £1000 (in excess of this sum the Clerk shall act after consultation with the Chair); 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 Regulations.
- 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).
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e. Such an 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. Alternatively, the use of an electronic procurement portal is also permitted for such purposes.
- f. 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 the council.
- g. Any invitation to tender issued under this regulation shall be subject to the relevant Standing Order and shall refer to the terms of the Bribery Act 2010.
- h. When the council 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 shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £2,000 the Clerk or RFO shall 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.

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 Clerk 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 Clerk 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. Employees shall be responsible for the care and custody of stores and equipment allocated to them for the delivery and execution of services for which they have responsibility.

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 Clerk shall be responsible for periodic checks of stocks and stores.

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 Clerk 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 business case.

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the council. In each case a Report in writing shall be provided to the 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.

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the council. In each case a Report in writing shall be provided to council with a business case.

14.6. The Clerk 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 annually.

15. INSURANCE

15.1. The Clerk shall ensure that adequate levels of insurance cover is in place and effect all insurances and negotiate all claims with the council's approved insurer.

15.2. The Clerk shall ensure that all new and emerging risks, properties or vehicles which require to be insured and that any alterations affecting existing insurances are discussed with the council's insurer and appropriate changes made to the policy as required.

15.3. The Clerk shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The Clerk shall be notified of any loss liability or damage or of any event likely to lead to a claim by employees or members as required and shall report these to the council at the next available meeting.

15.5. 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.

16. CHARITIES

16.1. Where the council is sole managing trustee of a charitable body the Clerk 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.

16.2 The Clerk 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 ensure that risk is adequately managed in respect of all activities of the council and appropriate action taken to ensure the Council's exposure to risk is minimised.

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 the 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 the council.

Clowne Parish Council

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Privacy Notice



Privacy Notice

Clowne Parish Council - Privacy Notice

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, CCTV footage, email address, or property address).

The processing of personal data is governed by the Data Protection Act 2018, the General Data Protection Regulations (known as the GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice has been issued by Clowne Parish Council (hereafter referred to as “the Council”) which is the “data controller” for any data held by the Council in the supply and delivery of its statutory and discretionary functions, duties and services.

Other data controllers the Council works with are:

Other Local Authorities such as Bolsover District Council and Derbyshire County Council Derbyshire Constabulary

- HM Government departments and agencies e.g. HMRC
- Business partners involved in the supply of Goods and Services to the Council
- Community Groups, Charities and other not for profit entities
- Banks and other financial institutions

Occasionally the Council may need to share your personal data it holds with other data controllers so that they can carry efficiently and effectively carry out their duties and responsibilities.

If the Council and the other data controllers listed above are processing your data jointly for the same purposes, then the Council may be a “joint data controller” which means we are all collectively responsible to you for your data. However, where each of the data controllers is processing your data for their own independent purposes then each data controller will be separately responsible to you.

If you have any questions, wish to exercise any of your rights or raise a complaint then you should do so directly to the relevant data controller.

A description of what personal data the Council processes and its purpose is set out in this Privacy Notice.

The Council will process some or all the following personal data as required to perform its statutory and discretionary functions, duties and services:

- Names, titles and aliases.
- Contact details such as telephone numbers, property addresses and email addresses.

- Where they are relevant to the services provided by the Council, or where you provide them to us, the Council may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants.
- Footage/ images captured from CCTV and photographs.
- Where you pay for activities and services provided by the Council, financial information such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers and claim numbers may be captured.
- The personal data we process may occasionally 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

The Council may, as appropriate, process sensitive personal data including:

- Information about an employees' health or condition in order to monitor an individual's fitness for work.
- Racial, ethnic origin, religious or similar information in order to monitor compliance with equal opportunities legislation.
- Information needed in order to comply with the Council's 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. As such the Council needs 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 the individual's explicit written consent.
- Where the Council needs to carry out its legal obligations.
- Where it is needed in the public interest.

Less commonly, the Council 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, the Council may approach you for your written consent to allow it to process certain sensitive personal data. If so, the Council will provide you with full details of the personal data that it would like to use and the reason it is needed, 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 it holds about you must be:

- Used lawfully, fairly and in a transparent way.

- Collected only for valid purposes that have clearly been explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes the Council has told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes the Council has 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.

The Council will use your personal data for some or all the following purposes:

- To enable the Council to meet and deliver all legal and statutory obligations, duties and powers including any delegated functions.
- To prevent and detect fraud and corruption in the use of public funds and where necessary for law enforcement functions and to confirm your identity as part of any security verification procedures.
- To deliver public services including information that enables the Council to understand your needs and how best to communicate with you.
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp) as appropriate.
- To help the Council build up a picture of how it is performing.
- To enable the Council 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 properly maintain the Council's Financial accounting systems and records.
- To seek your views, opinions or comments.
- To notify you of changes to Council facilities, services, events and staff, councillors and another role holder.
- To send communications which you have requested and that may be of interest to you (these may include information about events, campaigns, appeals, other new projects or initiatives).
- To process relevant financial transactions including grants and payments for goods and services supplied to and by the Council.
- To allow the statistical analysis of data so the Council can plan the provision of services.
- The use of Council CCTV systems for the prevention and prosecution of crime and in the interests of community safety.

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. The Council will always consider your interests and rights. This Privacy Notice sets out your rights and the Council's obligations to you.

The Council may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter a contract. An example of this would be processing your data in connection with the use of Council facilities or the acceptance of an allotment garden tenancy. Sometimes the use of your personal data requires your consent. The Council 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 because they process and protect your personal data.

It is likely that the Council will need to share your data with some or all 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.
- On occasions with other local authorities or not for profit bodies with which the Council is carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

The Council will keep some records permanently if it is legally required to do so and may keep some other records for an extended period.

The Council will ensure it keeps its information and records in accordance with the "Retention Guidelines for Local Authorities" issued by the "The Records Management Society of Great Britain".

The Council may have legal obligations to retain some data in connection with its 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).

In such circumstances the Council will retain relevant personal data for this purpose if it believes it is necessary to be able to defend or pursue a claim.

In general, the Council will endeavour to keep data for only if it is needed and will delete it when it is no longer required.

Your rights and your personal data

You have a number of rights with respect to your personal data.

When exercising any of the rights listed below, in order to process your request, the Council may need to verify your identity for security purposes. In such cases the Council will require 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 the Council to request the personal data it holds on you as well as why the Council has that personal data, who has access to it and where we obtained the personal data from. Once the Council has received your request it 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 the Council holds about you:

- If the data the Council holds about you is out of date, incomplete or incorrect, you can inform the Data Controller and your data will be updated.

3) The right to have your personal data erased:

- If you feel that the Council should no longer be using your personal data or that the Council is unlawfully using your personal data, you can request that we erase the personal data we hold.
- When the Council receives your request, it will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because it is needed 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 the Council stops processing your personal data or ask it to restrict processing. Upon receiving the request, the Council will contact you and let you know if it is able to comply or if it has a legal obligation to continue to process your data.

5) The right to data portability:

- You have the right to request that the Council transfers some of your data to another controller.
- The Council 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 via post.

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

Transfer of Data Abroad

In the unlikely event that personal data is transferred to countries or territories outside the European Economic Area ("EEA") the Council will ensure that such information is only placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union.

Our website is also accessible from overseas so on occasions some personal data (for example in a parish newsletter) may be accessed from overseas.

Further processing

If the Council wishes to use your personal data for a new purpose, not covered by this Privacy Notice, then it 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, the Council will seek your prior consent to the new processing.

Changes to this notice

The Council will keep this Privacy Notice under regular review and will place any updates on <http://This Notice was last updated in April 2019>.

Contact Details

Please contact the Council if you have any questions about this Privacy Notice or the personal data the authority holds about you or to exercise all relevant rights, queries or complaints.

The Data Controller for Clowne Parish Council is Steven Singleton.

Telephone; 01246 811586

Email: singleton.s@clownepc.co.uk

Clowne Parish Council

Council Term of Office 2019 - 2023

Freedom of Information Publication Scheme



Publication Scheme

Contents

1. What is a Publication Scheme?
2. Categories of Information Published
3. How to Request Information
4. Paying for Information
5. Feedback and Complaints
6. Monitoring & Review

Appendix 1 - Guide to Information available from Clowne Parish Council under its Publication Scheme

1. What is a Publication Scheme?

Section 19 of the Freedom of information Act (FOIA) requires all public bodies to adopt and maintain a publication scheme.

A publication scheme is a document which describes the information a public body publishes or intends to publish. In this context, 'publish' means to make information routinely available. These descriptions are called 'classes of information'.

The scheme is not a list of the actual publications, because this will change as new material is published or existing material revised. It is, however, the public body's commitment to make available the information described.

A publication scheme must clearly set out:

- the classes, or categories, of information which a public body publishes or intends to publish.
- the way the information will be published; and
- whether the information is available free of charge or whether it will incur a fee payment.

The scheme covers information already published and information which is to be published in the future.

All information in the Parish Council's Publication Scheme is either available on our website to download or available in paper form on request.

Some information may not be made public as follows:

- if the Parish Council does not hold the information.
- if the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute.
- if the information is readily and publicly available from an external website.
- if the information is archived, out of date or otherwise inaccessible.
- it would be impractical or resource-intensive to prepare the material for routine release.

This publication scheme conforms to the model scheme approved by the Information Commissioner's Office (ICO).

2. Categories of Information Published

There are 7 classes of information as follows:

- Class 1 - Who we are and what we do
- Class 2 – What we spend and how we spend it
- Class 3 – What our priorities are and how we are doing
- Class 4 – How we make decisions
- Class 5 – Our policies and procedures
- Class 6 – Lists and Registers
- Class 7 – The services we offer

3. How to Request Information

If you require a paper version of any of the documents within the scheme, please contact the Parish Council by telephone, email or letter using the contact details set out below:

Email: singleton.s@clownepc.co.uk

Telephone: 01246 811586

Contact Address: Clowne Parish Council
Office 4
Station Business Centre
2 Station Road
Clowne
Chesterfield
Derbyshire S43 4RW

To help us process your request quickly, please clearly mark any correspondence **"PUBLICATION SCHEME REQUEST"** (in CAPITALS please).

If the information you are looking for isn't available via the scheme, you can still contact the Parish Council in writing to ask if we have it.

4. Paying for Information

If your request means that we have to do a lot of photocopying or printing to undertake, pay a large postage charge, or it is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request.

Where there is a charge this will be indicated.

If the costs of printing/ providing and posting the information requested is less than £1.50 then this will be provided to you free of charge.

5. Feedback and Complaints

Clowne Parish Council welcomes any comments or suggestions you may have about the scheme.

If you require further assistance or wish to make a complaint, then this should be addressed in the first instance the Clerk to the Council using the address at section 3.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office; this is the organisation that ensures compliance with the FOIA and that deals with formal complaints.

They can be contacted at:

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

Tel: 0303 123 1113

e Mail: <https://ico.org.uk/make-a-complaint/>

Website: <http://www.ico.gov.uk/>

6. Monitoring & Review

This policy will be reviewed every 12 months to ensure its continuing compliance to the FOIA and ICO guidance.

Appendix 1

Guide to Information available from Clowne Parish Council under its Publication Scheme

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only	Format	£
Contact details for Council Members	Paper or Electronic Copy on Request Council Website	Free
Council Staffing Structure	Paper or Electronic Copy on Request	Free
Council Staff Job Descriptions	Paper or Electronic Copy on Request	Free
Declarations of Acceptance as a Member of the Council 2019 to 2023	Paper or Electronic Copy on Request Council Website	Free
Declaration of Acceptance for Chair of the Council	Paper or Electronic Copy on Request Council Website	Free
Declaration of Acceptance for Vice Chair of the Council	Paper or Electronic Copy on Request Council Website	Free

Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	Format	£
Annual Budget Plan	Council Website – Current year only Paper or Electronic Copy on Request other years	Free
Council Tax Annual Precept Letter	Paper or Electronic Copy on Request	Free
Community Grants Awarded by the Council	Paper or Electronic Copy on Request	Free
Members' allowances and expenses	Paper or Electronic Copy on Request	Free
Council Creditor Payment Schedules	Council Website – current year only Paper or Electronic Copy on Request other years	Free

Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum	Format	£
Parish Plan 2019 to 2023	Paper or Electronic Copy on Request	Free
Annual Governance & Accountability Return	Council Website – most recent audit year only Paper or Electronic Copy on Request other years	Free

Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous three years as a minimum	Format	£
Timetable of meetings (Council and any Committees or Working Groups)	Paper or Electronic Copy on Request	Free
Agendas of meetings (Council and any Committees or Working Groups)	Paper or Electronic Copy on Request	Free
Minutes of meetings (Council and any Committees or Working Groups)	Council Website	Free
Written reports presented to Council Meetings or Working Groups) – note that this will exclude information that is properly regarded as Confidential to the meeting.	Paper or Electronic Copy on Request	Yes

Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities)	Format	£
Council Standing Orders	Hard Copy on Request Paper or Electronic Copy on Request	Yes
Council Financial Regulations		
Council Privacy Notice	Council Website Paper or Electronic Copy on Request	Free
Council Complaints Policy		
Council Freedom of Information Publication Scheme		
Council Risk Management Strategy		
Council Health & Safety Policy		
Council Policy of Insurance		
Staff Recruitment (including current vacancies)	Paper or Electronic Copy on Request	Yes

Class 6 – Lists and Registers		£
Currently maintained lists and registers only		
Register of Burials at Clowne & Barlborough Cemetery	Paper or Electronic Copy on Request	Yes
Council Asset Register	Paper or Electronic Copy on Request	Yes
Register of Members' Code of Conduct & Declarations of Disclosable Interests	Paper or Electronic Copy on Request	Yes
Allotment Tenants Register	Paper or Electronic Copy on Request	Yes

Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	Format	£
Hickinwood Lane Allotments	Council Website	Free
Clowne & Barlborough Cemetery	Council Website	Free
Clowne Community Centre	Council Website	Free
Villa Park & Sportsground	Council Website	Free
Public Seating & Litter Bins	Paper or Electronic Copy on Request	Free
Parish Funded Bus Shelters	Paper or Electronic Copy on Request	Free
Community Events & Festivals	Paper or Electronic Copy on Request	Free
Town Centre CCTV Scheme	Paper or Electronic Copy on Request	Free
Community Grants Scheme	Council Website	Free
Clowne in Bloom & Town Centre Floral Displays	Paper or Electronic Copy on Request	Free
Custodial Management of Village Cross & War Memorial	Paper or Electronic Copy on Request	Free
Winter Maintenance & Grit Bin Scheme	Paper or Electronic Copy on Request	Free
Town Centre Christmas Illuminations	Paper or Electronic Copy on Request	Free
Additional Information This will provide the Parish Council with the opportunity to publish information that is not itemised in the lists above	Format	£
N/A	N/A	N/A

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/printing @ 5p per sheet (black & white)	Actual cost *
Disbursement cost	Photocopying/printing @ 20p per sheet (colour)	Actual cost *
Disbursement cost	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation on fees and charges levied

* This represents the actual cost incurred by Clowne Parish Council

Clowne Parish Council

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Whistleblowing Policy



Contents

1. Scope
2. Purpose
3. Introduction
4. Definitions
5. Grievances
6. Protection of Whistle-blowers
7. Procedure
8. Malicious Whistleblowing
9. Frequently Asked Questions
10. Resources
11. Glossary

1. Scope

1.1 All employees and Councillors and other workers undertaking activity on behalf or under the instruction of the Council (hereafter referred to as 'staff', 'you' or 'your') of Clowne Parish Council (hereafter referred to as the 'Council', 'us' or 'we').

2. Purpose

2.1 To prevent malpractice by the Council, its employees, Councillors, agents and partners by advising them how to raise concerns with the Council or, if necessary, with its auditors and other statutory regulatory bodies and advising them of the protection offered by the Public Interest Disclosure Act 1998 (hereafter referred to as 'PIDA').

3. Introduction

3.1 All organisations face the risk of things going wrong or of unknowingly harbouring malpractice. The Council has a duty to identify and take measures to remedy all malpractice particularly with regard to issues of fraud and corruption.

3.2 By encouraging a culture of openness within the Council we believe that we can prevent malpractice before it happens.

3.3 The Council wants to encourage staff to raise issues which concern them at work. The Council recognises, however, that staff may be worried that by reporting such issues as they will be opening themselves up to victimisation, detriment or risking their job security.

3.4 Such fears are understandable; this policy is therefore designed to provide information about the protections offered by PIDA as well as the process by which staff may raise concerns.

3.5 By knowing about malpractice at an early stage the Council stands a good chance of taking the necessary steps to safeguard the interests of all staff, protect the authority and stop fraud and corruption before it happens.

3.6 In short, do not hesitate to 'speak up' or 'blow the whistle' on malpractice.

4. Definitions

4.1 'Fraud': for the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss.

The term 'fraud' encompasses:

- i) Fraud by false representation;
- ii) Fraud by failing to disclose information; and
- iii) Fraud by abuse of position.

Descriptions of the above can be found within the Fraud Act 2006.

4.2 'Corruption' for the purpose of this policy refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the Council or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others.

4.3 'Malpractice' for the purpose of this policy refers to actions which may be:

- i) illegal, improper, or unethical;
- ii) in breach of a professional code;
- iii) possible maladministration, fraud or misuse of public funds; or
- iv) acts which are otherwise inconsistent with the Staff or Councillor Code of Conduct.

5. Grievances

5.1 It should be noted that this policy is not the Council's normal grievance procedure. If staff have a complaint about their own personal circumstances, then they should use the Council's Grievance Procedure. If staff have concerns about malpractice within the Council, then they should use the procedure outlined in this policy.

6. Protection of Whistle-blowers

6.1 The Council is committed to ensuring the highest standards of integrity, honesty and accountability and if a concern is raised in good faith then the Council gives its assurance that staff will not suffer any form of retribution, victimisation or detriment as a result of their actions. In addition, the PIDA may provide staff with legal protection in relation to their disclosures if staff raise concerns in accordance with that Act.

6.2 Concerns will be treated seriously, and actions taken in accordance with this policy. If staff, ask us to treat the matter in confidence the Council will do its utmost to respect their request. However, it is not always possible to guarantee confidentiality. If the Council is in a position where we cannot maintain confidentiality and must make disclosures, we will discuss the matter with you first. We will give you feedback on any investigation and be sensitive to any concerns you may have as a result of any steps taken under this procedure.

6.3 In some circumstances the Council may decide that it ought to reveal your identity in order to assist in the investigation into the matter. You will be advised beforehand if this is the case.

6.4 Remember, if you do not tell the Council who you are it will be much more difficult for us to investigate the matter fully, to ask follow-up questions, to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, however this procedure may not be appropriate for concerns that are raised anonymously.

It will also be more difficult for staff to demonstrate their protections under PIDA where there is no evidence that it is you who has made the disclosure.

6.5 Whistle-blowers receive protection under the PIDA in specific circumstances. Further information about the protection afforded under PIDA can be found using the resources listed at the end of this policy.

7. Procedure

7.1 Tell your line manager

If staff are concerned about any form of malpractice, they should normally first raise the issue with their line manager. There is no special procedure for doing this - simply tell them about the problem or put it in writing if you prefer.

At whatever level staff raise the issue, they should declare whether they have a personal interest in the issue at the outset. If your concern falls more properly within the grievance procedure your manager will tell you.

7.2 If you feel unable to tell your line manager

If you feel you cannot tell your line manager, for whatever reason, you should raise the issue with the Clerk.

If you feel that you cannot disclose to the Clerk because you believe that the individual may be implicated in the malpractice, you should raise the matter in confidence with the Chair of the Council.

The Council is entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour.

Staff should also approach their line manager or the Clerk to draw attention to cases where there is evidence of irregular or improper behaviour elsewhere in the organisation, but where you have not been personally involved, or if you are required to act in a way which, for you, raises a fundamental issue of conscience.

7.3 If you still have concerns

If you have reported a matter as described in the above paragraph and believe that the response does not represent a reasonable response to the issues you have raised, you may report the matter directly to the Monitoring officer at Bolsover District Council.

7.4 Responding to whistleblowing

After you have raised your concern the Council will decide how to respond in a responsible and appropriate manner. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised.

If you have raised a concern the Council will, as far as possible, keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out. However, the Council will not be able to inform you of any matters which would infringe our duty of confidentiality to others.

7.5 Raising your concern externally (exceptional cases)

In all but the most exceptional of circumstances concerns about malpractice should be raised internally.

The purpose of this policy is to give staff the opportunity and protection they need to raise concerns internally without reporting the concern to external bodies. It is, therefore, expected that raising concerns internally will be the most appropriate action to be taken in almost all cases and so you must try to do so.

If, however, you feel you cannot raise your concerns internally the PIDA may afford you protection in relation to your disclosure but only if you are acting in good faith and if you honestly and reasonably believe that your allegations are true. In such circumstances you may consider raising the matter with the police or the appropriate regulator e.g. Health and Safety Executive, Environmental Health Department, Auditor etc.

If you do take this route to whistle blow an issue you may be required to demonstrate why you thought the normal internal procedure was not appropriate.

You are strongly recommended to take advice before following this course of action though, as the PIDA only affords protection to whistle blowers in certain circumstances.

7.6 Wider whistleblowing disclosures

If staff have good reason for not using the internal or regulatory disclosure procedures described above, they might consider making wider disclosure by reporting the matter to the media or making a posting on the internet.

Please note, if you have not followed internal procedures, whistle blowing disclosures to the media or by other public disclosure will generally be an unreasonable course of action.

Reporting your concerns for public circulation, even if done in good faith, before raising them in accordance with these procedures may result in disciplinary proceedings, which could lead to dismissal.

Staff are recommended to take legal advice before following this course of action though, as the PIDA only affords protection to whistle blowers in certain circumstances. No protection is given if the disclosure is made for personal gain.

7.7 Limits to protection

It is important to note that a disclosure will not be protected under PIDA where you are committing an offence by making that disclosure, for example by breaching the Official Secrets Act or Section 132 of the Data Protection Act 2018.

7.8 Sources of advice

It is recommended that you obtain advice about whistleblowing and PIDA at an early stage if you intend to report malpractice. This is important so that you know the extent of the protection which will be provided to you under PIDA.

If you are a member of a trade union, you may wish to seek advice about raising an issue from a trade union representative. You may also wish to seek advice from Public Concern at Work which is an independent charity set up to provide advice and guidance about whistleblowing issues. Contact details for Public Concern at Work are given in Section 9.

7.9 If you receive a disclosure

On rare occasions, you may receive a whistleblowing disclosure despite not holding any of the positions referred to in paragraph 7.2. For example, a disclosure could be received through the post; in this instance you should forward the disclosure to the Clerk as soon as possible.

8. Malicious whistleblowing

8.1 If you are found to have made allegations maliciously and/or not in good faith, a disciplinary process may be instigated against you. This may result in your dismissal from the Council.

8.2 It is important to note that if you have raised a concern in good faith, you will not be subject to disciplinary action even if the investigation finds your allegations to be unproven.

9. Frequently asked questions

9.1 I told my line manager a number of weeks ago that I believe that a colleague is misusing Council resources. Nothing seems to have happened since.

What should I do?

Speak with your line manager to ask how the investigation is progressing. If you feel that no or insufficient progress has been made you must inform the Clerk.

9.2 I have serious concerns that malpractice is prevalent within the Council and that my line manager knows about the situation but have chosen to ignore it.

What should I do?

You must contact the Clerk personally and inform him/her of your concerns. If you feel the Clerk is involved in, or supportive of, the malpractice you should raise the matter with the Chair of the Council as detailed in the procedure above.

9.3 I believe that a colleague is stealing from the Council.

How do I deal with this?

This issue should be dealt with by using this whistleblowing procedure. You must, therefore, inform your line manager or the Clerk immediately.

9.4 I believe that malpractice is happening within the Council and I am thinking of going to the press about it. What are the implications of this?

You should try to exhaust all internal mechanisms for whistleblowing or refer to the Monitoring Officer at Bolsover District Council or the relevant regulatory body. You should be aware that going directly to the press may limit your protection under the Public Interest Disclosure Act (PIDA) and you may be liable for dismissal. It is advised that you seek advice from your trade union, if you are a member, or contact Public Concern at Work before taking this course of action.

9.5 What does PIDA do?

PIDA protects workers who make a protected disclosure of information, concerning certain types of matters relating to their employment, from being dismissed or penalised by their employers as a result of the disclosure.

9.6 Who may claim the protection of PIDA?

Members of staff are workers within the definition contained in PIDA and may make a qualifying disclosure of information if they reasonably believe that the disclosure would tend to show that the ICO is involved in a relevant failure as outlined in section 9.7 below.

9.7 What disclosures are protected?

Not all disclosures of information are protected by PIDA. Protection only arises in relation to protected disclosures.

Protected disclosures are:

- qualifying disclosures (defined below) made to an appropriate party (see section 9.8. below); and
- made in accordance with the differing conditions for disclosure applying to each different type of recipient of the information.

A qualifying disclosure is:

“any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following.

- (a) That a criminal offence has been committed, is being committed or is likely to be committed.
- (b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.
- (c) That a miscarriage of justice has occurred, is occurring or is likely to occur.
- (d) That the health or safety of any individual has been, is being or is likely to be endangered.
- (e) That the environment has been, is being or is likely to be damaged; or
- (f) That information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.”

PIDA refers to those matters covered by (a) to (f) above as relevant failures.

A disclosure will not be a qualifying disclosure if the person making it commits an offence by making it (e.g. if the disclosure would breach official secrets legislation or if it would breach Section 132 of the Data Protection Act 2018). You would therefore not receive protection under PIDA if you made a disclosure in these circumstances.

9.8 To whom may a disclosure be made?

A protected disclosure may be made to one of five types of recipients, these are:

- the worker’s employer.
- a legal adviser.
- a Minister of the Crown (in certain circumstances).
- a regulatory body (referred to as a prescribed person – including the Information Commissioner); and
- a third party (for example, the media).

The circumstances in which disclosures may be made vary depending upon the intended recipient of the information.

The most likely recipient of information from staff concerning misconduct will be the Council as the employer of the worker in question. To be protected by PIDA, a worker wishing to make a disclosure must make sure that s/he reasonably believes that the disclosure tends to show a relevant failure and s/he must make the disclosure in good faith.

You may need independent legal advice to direct you in understanding this legislation.

10. Resources

10.1 For more information on whistleblowing and related legislation visit: <http://www.pcaw.co.uk>

If you need independent advice about a whistleblowing issue you can telephone Public Concern at Work on 020 7404 6609.

11. Glossary

11.1 'Malpractice' – in the context of this policy this may refer to any of the following:

- Failure to comply with a legal obligation
- Unprofessional acts
- Misuse or inappropriate use of Council funds or resources
- A criminal offence
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above

Clowne Parish Council

Council Term of Office 2019 - 2023

Health & Safety Policy



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CLOWNE PARISH COUNCIL

1. HEALTH AND SAFETY POLICY STATEMENT

Clowne Parish Council (hereafter referred to throughout this policy as either the 'Council', 'we', 'us' or 'our') aims to provide and maintain a safe and healthy workplace by ensuring that buildings, land and equipment, tools and materials are safe and that a safe system of work is provided for all of our employees and Councillors (hereafter referred to as 'staff').

The Council will also provide suitable and sufficient information, instructions training and supervision as is necessary to ensure the health and safety of our staff and this shall include suitable and sufficient welfare, sanitary and working facilities as required.

All staff have a duty to ensure that they work in a safe manner and that their acts or omissions do not cause harm to themselves or others in the vicinity. Staff will be encouraged to bring to the attention of their line manager any concerns regarding any health and safety issues.

The Council recognises its duty of care towards others that are not in our employment. These people include visitors, customers, volunteers working with the Council and contractors who have reason to come into contact with our business activities and premises. These persons will be given suitable and sufficient information and instructions to ensure their health and safety. The actions of visitors, customers and contractors will be controlled in such a way so as not to cause harm to our staff or themselves.

To ensure that the Policy is implemented and maintained so that Clowne Parish Council keeps within the requirements of the Health and Safety at Work etc. Act 1974 the persons named below will ensure that sufficient resources, both financial and physical are available so that the Policy and its arrangements can be implemented effectively.

We believe that this Health and Safety Policy complies with the requirements of the Health and Safety at Work etc. Act 1974 and will be subject to a regular review annually or when there are any significant changes.

Overall responsibility for health and safety rests with the Elected Members of Clowne Parish Council:

Name: Councillor Ross Walker

Name: Steven Singleton

Position: Chair on behalf of Clowne Parish Council

Position: Clerk to the Council

Signed:

Signed:

Dated:2020

Dated:2020

2. LEGAL DUTIES AND RESPONSIBILITIES OF EMPLOYERS

It is the Council's duty and responsibility as employers under the Health and Safety at Work etc. Act 1974 section 2.1 and 2.2 and this policy to:

- Ensure so far as is reasonably practicable the health, safety and welfare at work of all staff and others who may work for or on behalf of the Council.
- Provide and maintain plant machinery and safe systems of work that are, so far as reasonably practicable, safe and without risk to a person's health or safety.
- Make arrangements for ensuring, so far as is reasonably practicable, the safety and absence of risks in connection with the use, handling, storage and transportation of articles and substances.
- Provide information, instruction, training and supervision as is necessary to ensure so far as is reasonably practicable the health and safety at work of our staff.
- Maintain so far as is reasonably practicable any place of work in our control in a safe manner and maintain safe access and egress from it.
- Provide and maintain so far as is reasonably practicable a safe working environment with adequate facilities and arrangements for the welfare of our staff and others who enter our workplace.
- Make arrangements for the protection of our staff working on other sites such as the Sports Pavilion, Cemetery, Allotments and the Community Centre etc.

We also recognise that a breach of health and safety legislation by the Council constitutes a criminal offence. An Enforcing Authority may take criminal proceeding against the Council or its management. This can result in penalties, i.e. fines and / or imprisonment.

3. LEGAL DUTIES OF EMPLOYEES

In addition to the previously described general responsibilities, the Health and Safety at Work etc. Act 1974 places legal duties on all staff.

These are:

Section 7 'Health and Safety at Work etc. Act 1974'

- to take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions at work.
- to co-operate with the management to enable the employer to carry out legal duties or any requirements as may be imposed.

Section 8 'Health and Safety at Work etc. Act 1974'

- No person shall intentionally or recklessly interfere with or misuse any item provided in the interest of health, safety and welfare.

Staff should bear in mind that a breach of health and safety legislation by an individual constitutes a criminal offence and action may be taken by an Enforcing Authority against an individual. Such action can result in penalties, i.e. fines and / or imprisonment

4. HEALTH AND SAFETY RESPONSIBILITY

The overall operational responsibility for health and safety within the Council rests with:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

The above-named person will ensure that sufficient resources, both financial and physical are available so that the Policy and its arrangements can be implemented effectively.

To ensure that the Policy is implemented and maintained so that the Council keeps within the requirements of the Health and Safety at Work etc. Act 1974 the above-named person may delegate duties to other employees as required and specialist external contractors/ agents who will provide support to meet the responsibilities.

These individuals may also delegate duties to other employees to enable the requirements of the Policy to be carried out with due diligence.

Delegation of the individual duties and responsibilities to employees does not in any way detract or remove the ultimate responsibility and duty of care placed on the above person by the Health and Safety at Work etc. Act 1974.

4.1 INDIVIDUAL RESPONSIBILITIES

The duties of those staff with individual responsibilities are set out within this Policy.

The person responsible for ensuring this Policy is put into practice is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

Other duties will include:

- Identifying hazards present within any business activities.
- Ensuring risk assessments are undertaken and any actions are followed through to completion
- Ensuring that hazardous substances are assessed, and any actions are followed through to completion.
- Liaising with the Enforcing Authorities as and when required.
- Identifying any training needs.
- The development and implementation of safe systems of work.
- The maintenance of the workplace and buildings.
- Fire and emergency management.
- Ensuring waste is managed.
- Ensuring accidents are reported and investigated.
- Ensuring that any ill-health situations that are caused by work activities are reported and investigated.

4.2 COMPETENT ASSISTANCE

The Management of Health and Safety at Work Regulations 1999, regulation 7, requires that every employer must appoint one or more competent persons to assist them with the implementation and provision of health and safety measures.

The competent assistance and advice for the Council is provided by:

Croner Health & Safety Services (hereafter referred to as 'Croner')

Croner House
Wheatfield Way
Hinckley
Leicestershire
LE10 1YG
08004 702 860

The organisation of Health and Safety Consultants indicated above has been contracted to ensure that the Council is provided with the necessary information, advice and assistance to comply with current Health and Safety Legislation.

Croner will carry out audits of the Council's Health and Safety Management Documentation in order to measure our health and safety performance. These will be completed within the contractual arrangements at no more than twelve monthly intervals.

5. ARRANGEMENTS FOR HEALTH AND SAFETY AT WORK

5.1 THE HEALTH AND SAFETY INFORMATION FOR EMPLOYEES (AMENDMENT) REGULATIONS 2009

These regulations require information relating to health, safety and welfare to be provided to the Council's employees by means of posters or leaflets in the 'approved form' and published for the purposes of the regulations by the Health and Safety Executive (HSE).

The regulations require the identification of Employees' Safety Representatives and any other Health and Safety contracts to be written in the appropriate spaces on the poster and leaflets as appropriate.

The poster 'Health and Safety Law' – 'What You Should Know' will be displayed in a prominent position in the Community Centre where it can be read by all employees and include information on the poster which clearly states who has overall responsibility for health and safety within the Council and the name of any safety representatives that have been identified

5.2 NOTICES

All notices whether on Council premises or elsewhere issued in accordance with the Health and Safety at Work etc. Act 1974 and its associated legislation must be complied with.

All staff, contractors, visitors, customers and volunteers alike must take the necessary action to ensure that they are familiar with, as far as is reasonably practicable, any warning signs and the meanings and interpretations of the signs, both advisory and warning, and comply fully with them.

Any suggestions on how the Council may improve its health and safety should be communicated to your line manager or the Clerk to the Council for assessment and feasibility.

All staff and others who may be affected by the contents of this Policy are advised that a master copy of the 'Health and Safety Policy' statement for the Council is retained in the Parish office, with a copy at the Community Centre and a copy located on the Council website. The policy contains detailed information relating to the business activities of the Council and a copy is available for all stakeholders to read.

The Council considers themselves responsible employers and we will ensure that all staff read the policy and any areas that are not understood are explained to them.

5.3 THE HEALTH AND SAFETY (CONSULTATION WITH EMPLOYEES) REGULATIONS 1996

Where there are staff who are not represented by safety representatives under The Safety Representatives and Safety Committees Regulations 1977 amended 1997 the Council must consult those staff in good time on matters concerning their health and safety at work.

This will be carried out by meetings, toolbox talks, email, use of the notice board and an open-door policy for the following:

- The introduction of any measures in the workplace, which may substantially affect the health and safety of staff.
- The employer's arrangement for appointing or nominating a staff representative and their responsibilities and any resources that may be required to allow them to carry out the duty.
- Any information that the employer is required to provide under relevant statutory provisions.
- The planning and organisation of any staff training requirements with regard to health and safety.
- Any new technologies that are brought into the workplace and the training and consequences with regard to health and safety that may arise from the use of that new technology.

To allow the Council to carry out this duty of consultation with staff will be the responsibility of:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

The elected or nominated person/s to act as the staff representative is:

KERRY CARLESS
THE DEPUTY CLERK TO THE COUNCIL

Health and Safety meetings or toolbox talks will take place at least twice a year.

Regular health and safety information will be posted on the notice board in the main entrance/ foyer at the Community Centre.

6. IDENTIFYING AND MANAGING HEALTH AND SAFETY RISKS

6.1 RISK ASSESSMENTS

The Management of Health and Safety at Work Regulations 1999, Regulation 3, requires that the Council must carry out a suitable and sufficient assessment of the health and safety risks to its employees whilst they are at work.

The Council will also consider those that are not in its employment who may come into contact with its business activities or premises.

Before embarking on this task, the Council will need to have an understanding of the following:

- A Hazard is something with potential to cause harm.
- The Risk is a measure of the likelihood that harm will be caused.

The Council will ensure that it carries out suitable and sufficient risk assessments of all the tasks and equipment connected with its business activities that are likely to present a significant risk of injury or ill health to its staff or others within those activities.

The person responsible for ensuring that the risk assessments are undertaken is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

The risk assessments will be made available to all staff as required. After reading and understanding the content of the risk assessment, the staff member must sign the Council's confirmation sheet to confirm that they have read and understood the assessment and its findings.

The responsibility for the implementation of risk assessments and any controls that are required rests with the Clerk to the Council and shall be supported by any other staff member as is required.

The Clerk, Deputy Clerk and Community Centre Manager will also monitor the effectiveness of any actions resulting from the findings of the risk assessments. Any deficiencies that are identified will be reported to the person responsible for carrying out the risk assessments.

All risk assessments will be reviewed annually as a minimum or if there is any significant change that affects the validity of the risk assessment, whichever comes sooner?

6.2 CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH

The Control of Substances Hazardous to Health Regulations 2002 (as amended) require the Council to carry out an assessment and record the risks involved with using, storing and handling hazardous substances.

Hazardous substances will not be used handled or stored until a suitable and sufficient risk assessment has been carried out. The findings and content of the risk assessment will be communicated to all employees likely to come into contact with the substance.

Material safety data sheets (MSDS) will be obtained for all hazardous substances purchased and this information will be retained. Data sheets are usually available from suppliers and manufacturers who have a legal obligation to provide them.

The Council also recognises that as a result of its business activities that hazardous substances may be used or generated as a result of our business practices. These substances will also be assessed and controlled.

The person responsible for ensuring that CoSHH assessments are carried out is:

JOANNE PLUMMER
COMMUNITY MANAGER

After reading and understanding the content of the CoSHH assessments each members of staff will sign the confirmation sheet to confirm that they have read and understood the assessment and its findings.

Responsibility for implementation of CoSHH assessments and any controls that are required rests with the nominated person identified above and supported by any other members of staff as is required.

The Deputy Clerk will monitor the effectiveness of the CoSHH assessment, and any deficiencies will be reported to the person responsible for carrying out the CoSHH assessments.

All CoSHH assessments will be reviewed annually or if there are any significant changes that affect the validity of the risk assessment, whichever comes sooner.

6.3 MANUAL HANDLING

The Manual Handling Operations Regulations 1992 (as amended) require that all manual handling tasks must be avoided where reasonably practicable, where this is not reasonably practicable then an assessment of the risks to staff must be carried out. The manual handling assessments will be made available to all staff as required.

After reading and understanding the manual handling assessment, the member of staff will sign the confirmation sheet to confirm that they have read and understood the content of the assessment.

The person responsible for ensuring that the manual handling assessments are carried out is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

Responsibility for implementation of manual handling assessments and any controls that are required rests with the nominated person above, supported by any other members of staff as required.

The Community Centre Manager will monitor the effectiveness of the manual handling assessments and any deficiencies will be reported to the person responsible for carrying out the manual handling assessments.

However, management cannot carry out an assessment for all minor tasks therefore it is the responsibility of each member of staff to mentally assess the risk of harm to themselves and others before carrying out manual handling.

Before carrying out any manual-handling task members of staff must consider

The Task - What you are going to do

The Individual – The persons own capabilities

The Load - The weight, size and shape of the load

The Environment – The environment to which the task is being undertaken

If in doubt get help!

All manual handling assessments will be reviewed annually or if there are any significant changes that affect the validity of the risk assessment, whichever comes sooner.

6.4 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment (PPE) must be provided for staff where a risk assessment indicates there is a requirement. The equipment provided will be suitable for the task affording the necessary protection.

An assessment of personal protective equipment will be carried out and where a need is identified, the equipment will be provided at no cost to the user.

Where PPE is supplied then staff must use the equipment provided; this is a legal requirement under the Health and Safety at Work etc. Act 1974 section 7.

The person responsible for the assessment and provision of PPE is:

DAVID BROWNRIDGE

COMMUNITY ENVIRONMENT SUPERVISOR

Any questions or complaints (e.g. discomfort) about the PPE provided should be directed to:

DAVID BROWNRIDGE

COMMUNITY ENVIRONMENT SUPERVISOR

The requirement for PPE will be reviewed regularly; PPE will always be used as a last resort when controlling risks.

6.5 WORK EQUIPMENT

The Provision and Use of Work Equipment Regulations 1998 requires that all equipment and machinery used for work must be suitable for the task and fit for purpose.

When choosing work equipment a number of factors must be considered:

- The task that the equipment or machinery is to be used for.
- The environment where it is going to be used.
- Who is going to use it?
- All equipment purchased or hired by the Council must comply with the minimum safety standards as are required by The Supply of Machinery (Safety) Regulations 2008. The Council will also ensure its equipment follows British and ISO standards and it is CE marked when purchased within the European Union.

The person responsible for the supply, procurement, and repair of work equipment and machinery is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

Items of work equipment that require statutory inspection by competent persons will be inspected at the required intervals as stated below.

All portable electrical equipment will be inspected at regular intervals dependent on its type and usage.

The competent person responsible for inspection of electrical equipment is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

Records of these inspections are kept in:

THE COMMUNITY ENVIRONMENT SUPERVISOR'S OFFICE AT THE COMMUNITY CENTRE, RECREATION CLOSE, CLOWNE S43 4PL

All defects of any work equipment must be reported to:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

Records of repair and maintenance are retained and inspections of other work equipment that may deteriorate with use (e.g. ladders and stepladders) require such inspections.

Records of repair and maintenance are kept in:

THE COMMUNITY ENVIRONMENT SUPERVISOR'S OFFICE AT THE COMMUNITY CENTRE, RECREATION CLOSE, CLOWNE S43 4PL

6.5.1 Machinery Guarding

Under the Provision and Use of Work Equipment (PUWER) 1998 dangerous Parts of Machinery or Equipment (Regulation 11), requires that all dangerous parts of machinery or equipment must be guarded or covered. The Council will ensure that where practicable and technically possible, appropriate guards or covers will be fitted to dangerous parts of machinery or equipment.

Staff are also reminded that they have a duty under the Health and Safety at Work etc. Act 1974 and The Management of Health and safety at Work Regulations 1999 to work in a safe manner and to use all equipment provided for their safety. Failure to do this may lead to disciplinary action by the Council.

6.5.2 Stop Buttons and Guards

The Provision and Use of Work Equipment (PUWER) 1998 Regulation 16, requires that emergency stop buttons will be fitted to all machinery and equipment where appropriate. The need will be determined by the specific risk assessment carried out on each machine or equipment.

In order to ensure that all guards, covers and emergency stops are maintained and in efficient working order, they will be tested and inspected at regular intervals (e.g. daily checks).

The Community Environment Supervisors will ensure that all machinery or equipment guards or covers and stop buttons are tested regularly and the test recorded.

Records of maintenance and repair of any work machinery or equipment will be kept available for inspection.

Any electrical work equipment that is used outside will be connected to the electrical circuit via a Residual Current Device that will break the circuit in the event of an accident.

Any maintenance carried out on equipment that may be hazardous to the maintainer or people in his vicinity will be carried out under strict isolation procedures. This may necessitate the need to raise a permit to work.

The permit to work system will be controlled by the Community Environment Supervisors.

6.6 DISPLAY SCREEN EQUIPMENT (DSE)

The Health and Safety (Display Screen Equipment) Regulations 1992 require that an assessment of all display screen equipment (DSE) and the workstation be carried out to identify any risks present.

Prior to carrying out the assessment a checklist will be completed so as to identify the presence of any significant risk. The Council recognises that DSE users require training and will provide it as necessary.

The person responsible for the assessment of display screen equipment is:

KERRY CARLESS
THE DEPUTY CLERK TO THE COUNCIL

The assessments will be reviewed annually or when any significant change occurs.

6.6.1 Eyesight Tests and Corrective Glasses

The Council accepts its responsibility under these regulations. Should a member of staff have difficulty with their eyesight whilst using the display screen for their work, then the Council will pay for an eyesight test. This will determine if the member of staff requires corrective glasses to reduce the health risks involved in the use of computer screens.

If corrective eyewear is required then the Council will provide basic eyewear, which must be used whilst the employee is using the computer.

The Council will not pay for any other type of eyewear, such as bifocal or varifocal if a member of staff requires these then they must pay the cost difference.

6.7 THE WORKPLACE

The Workplace Health Safety and Welfare Regulations 1992 are designed to provide all staff with a safe place to work and adequate welfare facilities.

The Approved Code of Practice suggests the minimum temperature in a workplace should normally be at least 16 degrees Celsius.

If the work involves rigorous physical effort, the temperature should be at least 13 degrees Celsius.

These temperatures are not absolute legal requirements; but the Council has a duty to determine what reasonable comfort will be in the circumstances.

The Council will also ensure that the premises as well as any fixtures, fittings and plant within it do not present a health and safety risk to any visitors and contractors that may come into contact with its business activities and premises.

Workplace inspections that identify defects and omissions early will be carried out at regular intervals when defects and omissions are identified then a time scale and person responsible for repair or implementation will be set.

Inspections of the buildings and outside environment will be carried out every:

WEEKLY

All defects and omissions must be reported promptly so that they can be dealt with. The person responsible for dealing with workplace defects is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

The Institution of Engineering and Technology Regulations and the Health & Safety Executive recommend that a competent electrician should inspect fixed electrical installations at least every five years and a certificate of inspection obtained and retained.

The person responsible for ensuring that electrical installations are inspected by a competent electrician is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

Any electrical defects must be reported to:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

In order to maintain a safe and health workplace, good housekeeping is extremely important. All staff have a part to play in the delivery of this requirement. They will ensure that their workplace and work equipment is kept in a clean and tidy condition, items and equipment must not be left on the floor to present a trip, slip or fall hazard and any cables are tucked away or routed away from traffic routes.

6.8 THE HEALTH ACT 2006

Chapter 28 of the Health Act is to make provision for the prohibition of smoking in certain premises, places and vehicles and therefore “Smoking” is not allowed in any of our workplaces or entrances where smoke can enter the building.

This also applies where cigarette smoke can enter the building through a window. It is the Council’s policy to ensure that this legislation is fully applied and includes our vehicles and therefore “Smoking” is not allowed. In the event of a person smoking in the workplace areas, disciplinary action will be taken.

Good Housekeeping is Everybody’s Responsibility

Under the Gas Safety (installation and use) Regulations 1998 the Council has a duty to ensure that any installations within the premises are installed and maintained by a competent person.

The annual checks will include the effectiveness of any flue, the supply of air for combustion, the operational pressure and the safe function of appliances.

The person responsible for ensuring a Gas Safe Registered Engineer inspects the gas installations is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

6.9 CONTROL OF CONTRACTORS

All workplaces use contractors from time to time for example electricians, window cleaners, painters, and decorators, plumbers and other trades persons. These will be controlled so that they work in a safe manner and do not cause any employee and other visitors to be at risk.

The Council also understands that the controls must also protect the contractor from any risk them from any hazards that may arise as a result of our business activities.

Prior to any contractor carrying out any work at our business premises or elsewhere on our behalf, the contractor must produce or complete the following:

- A copy of their current Employer and Public liability insurance.
- Copies of any accreditations applicable to the job they may have.
- A method statement for the task they are to carry out.
- Copies of any risk assessments relevant to the job.
- Any other information that may affect the health and safety of anybody involved.

The person responsible for the control of contractors is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

6.10 LONE WORKING

The Council has a duty to ensure the safety of lone workers as far as reasonably practicable. As far as the Health and Safety at Work, etc. Act 1974 is concerned, the responsibility of the employer to ensure the safety of lone workers does not differ much from that of the responsibility to ensure the safety of staff working in a group or under close supervision.

Staff must co-operate with management to enable them to comply with their health and safety duties in respect of lone working. Section 7 of HASWA requires staff to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.

The Council will manage the risks associated with lone working by the following means:

- Risk assessments will be carried out for all lone working activities. This will enable the Council to establish the degree of risk and to put in place the control measures required to reduce the risk to an acceptable level. Risk assessment will take into consideration the person, the equipment/ materials being used and the environment where lone working is carried out. The assessment will also consider the emergency arrangements including rescue and first aid.
- The Council will ensure that the required communication equipment and procedures are implemented to enable staff to be communicated with at suitable intervals (the degree of risk determines what constitutes a suitable interval). The means of communication will be determined via the risk assessment process, but the telephone is an obvious means, with mobile telephones or two-way radios for workers who may be working at remote out-stations.

- Only trained, competent and authorised persons will be permitted to work alone. Training, information and instruction will be provided following the satisfactory completion of a suitable and sufficient risk assessment.

Whether or not a person will be permitted to work alone in or out of normal hours, will depend on the degree of risk posed by the work, the working environment and on the individual.

The person responsible for ensuring that the risk assessment for lone working is carried out:

JOANNE PLUMMER
COMMUNITY MANAGER

The person responsible for developing procedures for the lone working activity is:

STEVEN SINGLETON
CLERK TO THE COUNCIL

6.11 FIRST AID

The Health and Safety (First Aid) Regulations 1981 (as amended) requires us to provide adequate first aid equipment and a sufficient number of trained staff to administer first aid when required.

The Council will carry out a first aid risk assessment; this will enable us to establish the number of trained first aid staff we require as well as the amount of first aid equipment needed.

Factors considered will be:

- The number of people involved.
- The level of risk that our business activity presents (low, medium or high risk).
- The proximity of our business to professional medical help (e.g. rural or town centre that may affect the speed at which the paramedics will arrive).
- Any other issues that may affect the assessment.

The qualified first aid people or appointed persons are:

Daniel Arthur
Barbara Arthur
David Brownridge
Richard Beech
Kerry Carless
Julie Galligan
Dilys Gardener
Stefan Eaton-Ives
Joanne Plummer
Philip Whitehead

The first aid boxes are located at:

1. PARISH OFFICE, STATION BUSINESS CENTRE, STATION ROAD
2. COMMUNITY CENTRE, RECREATION CLOSE
3. GROUNDSMANS SHED, VILLA PARK SPORTSGROUND
4. SPORTS PAVILION, VILLA PARK SPORTSGROUND
5. COUNCIL VAN

All accidents are to be reported and entered in the accident book, which is located in:

ACCIDENT BOOKS LOCATED IN THE MAIN OFFICE AT THE COMMUNITY CENTRE & PARISH OFFICE

All accidents or near misses will be investigated and remedial actions identified this will prevent reoccurrence of the same or similar incidents. The level of investigation will depend upon the seriousness of the accident.

The person responsible for investigation of accidents or near misses is:

STEVEN SINGLETON
CLERK TO THE COUNCIL

6.12 REPORTING OF INJURIES DISEASES AND DANGEROUS OCCURENCES (RIDDOR) REGULATIONS 2013

Under these regulations specific work-related accidents, diseases, and dangerous occurrences must be reported to the Enforcing Authorities. The method of reporting is through the Incident Contact Centre (ICC).

Although there is a comprehensive list of reportable situations within the regulations the main incidents that must be reported are:

- Fatalities – these must be report as soon as possible by the quickest method possible, usually by telephone.
- Major injuries such as broken bones and back injuries etc.
- Injuries that causes the employee to be away from his/her normal work activity for more than seven days incapacitation (not counting the day on which the accident happened) incapacitation means that the worker is absent or is unable to do work that they would reasonable be expected to do as part of their normal work.
- Any incident that leads to a member of the public being taken to hospital by any means
- Diseases
- Dangerous Occurrences

The Council only has to report injuries that lead to a member of staff being incapacitated for more than seven consecutive days as the result of an occupational accident or injury (not counting the day of the accident but including weekends and rest days). The report must be made within 15 days of the accident.

The person responsible for reporting incidents is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

The Council must still keep a record of the accident if the member of staff has been incapacitated for more than three consecutive days. The Council must keep an accident book under the Social Security (Claims and Payments) Regulations 1979, that record can be treated as a record for the purposes of RIDDOR.

The record must include information such as:

- The name and occupation of the injured person or those involved in the incident.
- The status of the injured person (employee or visitor/contractor).
- The location of the incident.
- A brief description of the incident or disease.
- The date, time and method of reporting.

Incidents and diseases can be reported by the following methods:

Online

Go to www.hse.gov.uk/riddor and complete the appropriate online report form.

The form will then be submitted directly to the RIDDOR database. The person completing the online form will receive a copy for their records.

Telephone

All incidents can be reported online but a telephone service remains for reporting fatal and major injuries only. Call the Incident Contact Centre on 0845 300 9923 (opening hours Monday to Friday 8.30 am to 5 pm).

6.13 FIRE SAFETY

Under the Regulatory Reform (Fire Safety) Order 2005 and the Management of Health and Safety at Work Regulations 1999 employers are required to undertake a specific risk assessment of the risks posed by fire within their businesses undertaking.

A specific fire risk assessment for the Community Centre, Council Office and Sports Pavilion will be undertaken and the findings implemented.

The fire risk assessment will be reviewed every three years, or if there is any significant change in the circumstances.

The fire evacuation for the Community Centre will be practiced at least twice annually but not in the same six months.

The alarm system for the Community Centre will be tested weekly.

The person responsible for carrying out the evacuation practice and tests then recording the results is:

JOANNE PLUMMER
COMMUNITY MANAGER

The fire marshals are:

Daniel Arthur
Barbara Arthur
David Brownridge
Richard Beech
Julie Galligan
Dilys Gardener
Stefan Eaton-Ives
Joanne Plummer
Philip Whitehead

The assembly point is situated at:

CAR PARK AT THE FRONT OF THE CENTRE

All fire extinguishers are inspected by a competent person annually and must be replaced when discharged.

The competent person for fire extinguisher inspection is:

Chubb Fires & Security Ltd
Unit J, Sheffield Business Park,
Europa Link,
Tinsley,
Sheffield S9 1XU
Telephone 0844 8791770

The emergency lighting will be tested monthly and any defects found reported and repaired.

Chubb Fires & Security Ltd
Unit J, Sheffield Business Park,
Europa Link,
Tinsley,
Sheffield S9 1XU
Telephone 0844 8791770

The competent person responsible for emergency lighting is:

Chubb Fires & Security Ltd
Unit J, Sheffield Business Park,
Europa Link,
Tinsley,
Sheffield S9 1XU
Telephone 0844 8791770

6.13.1 Flammable Liquids

All flammable liquids will be stored safely, Flammable liquids will be kept in a flameproof locker and employees will return them to the locker after use.

Emergency exits and evacuation routes will be kept clear at all times and checked at regular intervals during the shift.

The person responsible is:

THE SENIOR MEMBER OF STAFF ON DUTY

The Evacuation Plan will also include a procedure for the removal of visitors and contractors.

A roll call will be carried out to ensure that all people are present.

The roll calls coordinator is:

THE SENIOR MEMBER OF STAFF ON DUTY

The **Fire Procedure** is as follows:

If you discover a fire:

- Raise the alarm by the recognised method.
- Only tackle the fire if trained to do so, with the equipment provided, ensuring your exit is clear at all times and without taking personal risks.
- Call the Fire Brigade Immediately by telephone.
- Give the operator the contact telephone number.

When speaking to the Fire Brigade provide the following information:

- We have a fire at (specify building e.g. Clowne Community Centre) and give the operator the full address – **Recreation Close, Clowne S43 4PL**
- Do not replace the receiver until the Fire Brigade has repeated the address.
- Call the Fire Brigade immediately to every fire or on suspicion of a fire.

Upon hearing the recognised alarm:

- Evacuate the building by the nearest available emergency exit.
- Move towards the fire assembly point and report for roll call.
- The fire roll call coordinator will inform the fire service of any missing persons.
- Do not stop to collect personal belongings.
- Do not re-enter the building until the Senior Fire Officer informs you it is safe to do so.

6.14 WASTE MANAGEMENT

The Environmental Protection Act 1990 places a “Duty of Care” on producers of waste to ensure that it is disposed of correctly.

The duty has 5 aspects:

- To prevent the keeping, treatment or disposal of waste without a licence.
- To prevent the escape of waste
- To transfer waste only to an authorised person.
- To ensure that there is clear labelling and information of the waste
- To retain documentary evidence.

To enable the premises to carry out this duty a written system and procedures for the identification, segregation, and disposal of waste is in place.

The person responsible for the development and implementation of this system of waste management is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

There are two categories of waste produced by the Council; domestic waste and special/controlled waste.

Domestic waste will be collected and disposed of by the following properly licensed and authorised waste disposal agencies:

BOLSOVER DISTRICT COUNCIL

Special/Controlled waste will be collected and disposed of by:

DERBYSHIRE COUNTY COUNCIL, BOLSOVER DISTRICT COUNCIL & PUBLIC HYGIENE SERVICES LTD AS APPROPRIATE

Records of waste transfer will be kept in the Parish Office and a receipt must be obtained from the disposal agency on collection of the waste.

The waste management system will be audited and reviewed annually to ensure that the system works and is being adhered to.

The system will be audited by:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

6.15 NOISE EXPOSURE

The Control of Noise at Work Regulations 2005 requires the Council to monitor noise levels within the workplace. This is to ensure that all staff and any contractors or visitors are not exposed to noise levels likely to cause short or long-term hearing damage.

The current noise exposure levels are set as follows:

The Lower Exposure Action Values are:

- A daily or weekly exposure level of 80dB(A)
- A peak sound pressure level of 135dB(C)

The Upper Exposure Action Values are:

- A daily or weekly exposure level of 85dB(A)
- A peak sound pressure level of 137dB(C)

The Exposure Limit Values are:

- A daily or weekly exposure level of 87dB(A)
- A peak sound pressure level of 140dB(C)

The Exposure Limit Value will take into account the effectiveness of any hearing protection that is provided and worn.

To ensure that noise levels are maintained to the lowest levels possible the Council will ensure that a suitable and sufficient risk assessment is carried out. It is the policy of the Council to use equipment with low noise emission levels or to provide covers, enclosures or sound damping equipment to reduce the amount of noise in our business premises and activities where possible.

Personal protective equipment such as earplugs and ear defenders will be provided if required. This personal protective equipment will be suitably assessed and meet the relevant British and European standards.

The actions implemented will follow the hierarchy below:

- At the Lower Exposure Action Level hearing protection will be provided and staff and visitors will be advised to wear the hearing protection.
- At or above the Upper Exposure Action Level hearing protection will be provided for all staff and visitors. In areas where the noise levels are above 85 dB(A) it will be mandatory for staff and visitors to wear the hearing protection.
Staff found to be in breach of this rule will be subject to disciplinary action.
- Visitors refusing to wear the hearing protection will not be allowed in the area. Signs will be placed to warn staff and visitors that they are entering a hearing protection zone.

Health Surveillance programmes will be put in place where necessary. Staff that are regularly exposed to noise levels above the Upper Exposure Action Level will be expected to attend audiometric testing.

The person responsible for carrying out and reviewing the noise risk assessments is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

6.16 VIBRATION EXPOSURE

The Control of Vibration at Work Regulations 2005 requires the Council to take measures to protect staff from the effects of exposure to vibration in the workplace. The vibration can be as a result of the use of work equipment in use or the process itself. There are two particular subject areas that require consideration; these are vibration exposure to the hand and arms or vibration exposure to the whole body.

To ensure that the Council complies with these regulations we will ensure that:

- We consider vibration exposure when we are carrying out specific risk assessments for the use of particular pieces of work equipment. This is particularly important when staff are using handheld tools or are carrying out plant driving activities.
- When we consider that the levels of vibration exposure are fairly high and there is a possibility that the levels of vibration are likely to cause long-term health problems. Then we will call on the services of a competent body to carry out a survey. The results of the survey will enable us to determine whether we are within the Exposure Action Value of $2.5 \text{ m/s}^2 \text{ A(8)}$. We must also consider whether the Exposure Action Limit is being exceeded this is currently set at $5 \text{ m/s}^2 \text{ A(8)}$. If the results show that the limit is being exceeded, then we must take immediate action to reduce the level exposure.
- In order to control the level of risk from vibration we will consider as far as reasonably practicable the following:
 - The equipment we purchase in order to ensure that vibration exposure is suppressed to low levels.
 - We will ensure that all our equipment is well maintained and/or replaced as and when required.
 - We will reduce the length of time that staff are likely to use the equipment by eliminating the need to use the equipment or by job rotation.
 - We will provide staff with sufficient information and instruction to raise their awareness of the exposure health risks. Typical information provided will be the recognition of the effects of hand arm vibration and vibration white finger.
 - We will provide personal protective equipment and emphasise the importance of maintaining heat in the body's extremities.

Staff must immediately inform their line manager of any symptoms that they feel they are suffering as a result of vibration exposure.

The symptoms may be:

- Tingling of the hands and fingers.
- Joint pains and numbness.
- Back pain after driving activities.
- Whitening of the fingers especially during cold weather.

- Staff identified as being regularly exposed to vibration may be requested to enter into a health surveillance programme. This programme will enable the Council to monitor its staff and ensure that control measures are working effectively.

The person responsible for ensuring a vibration risk assessment is carried out is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

6.17 STRESS

The Council recognises that work-related stress can cause ill health of staff and will put controls in place to help prevent stress. However, the Council cannot be held responsible for stress caused by outside sources such as financial or domestic problems.

Because stress does not affect all staff in the same way and that one person may find a job stressful when another does not, it is difficult to assess the risk to all staff. Therefore, staff must ensure that they report any undue stress that they may feel from different work activities

Stressful situations can be reported in confidence to:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

Stress counselling will be provided if considered necessary by contacting:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

6.18 VIOLENCE & AGGRESSION

Violence and aggression in the workplace are unacceptable but is a recognised hazard, therefore, to reduce the risk to staff a specific risk assessment will be carried out and reviewed as and when required but at least annually.

The assessment will:

- Recognise the risk from violence.
- Give commitment to reducing the risks.
- State who is responsible for doing what.
- Provide an explanation of what is expected from individual members of staff.
- Provide support for staff who may have been assaulted or suffered verbal abuse.

Training in the prevention and management of violence and aggression will be provided by the Council where it is considered necessary.

The policy, risk assessments and procedures will be reviewed annually or if there is any significant change.

6.19 PREGNANCY

It is important to the Council that the health, safety and welfare of all its staff are safeguarded. The Council recognises its responsibilities under the Management of Health and Safety Regulations 1999 Regulation 16.

If any staff member is aware that they are pregnant they must inform the Clerk to the Council as soon as is necessary to avoid any unnecessary risks. This can be done verbally but must be followed up by a written confirmation from the member of staff's doctor.

The Clerk to the Council will carry out an individual specific risk assessment of the work that the member of staff undertakes to determine any risks to her and her unborn baby that may arise from the work activities.

The person responsible for ensuring that the risk assessment is carried out is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

Where the risks are significant then assistance or alternative employment will be provided.

Pregnant members of staff must not:

- Carry out manual handling tasks (Lifting and Carrying).
- Use or come into contact with any hazardous substances.
- Work at height (stand on stepladders, step ups etc.).

Pregnant members of staff must.

- Work to the controls put in place by the risk assessment.
- Inform the Clerk to the Council of any problems or changes that may occur during their pregnancy so that the risk assessment can be reviewed.

To maintain a safe working environment for any pregnant members of staff a suitable rest area will be provided for them to rest if required.

6.20 YOUNG PERSONS

The Management of Health and Safety at Work Regulations 1999 Regulation 19 defines a young person as someone who is over the legal school leaving age of 16 years but has not reached the age of 18 years.

Further consideration should be given to young people who are placed within the working environment on 'Work Experience'.

The Council will do all that is reasonably practicable to ensure students or children on placements are not placed in a working environment where there are significant risks to their health and safety.

Due to of their lack of experience, maturity and lack of awareness it is essential that they are supervised at all times until they gain the required experience, maturity and awareness of the risks.

The person responsible for ensuring that the risk assessment of the young person is carried out is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

Any young person will be provided with all the information; instruction, training and supervision they require. They will also be provided with a mentor (responsible member of staff), who has accepted the responsibility of overseeing the young person.

Young persons will not be allowed:

- To carry out work that is beyond their mental and physical capability.
- To be exposed to substances that are toxic or carcinogenic.
- To carry out tasks that can involve risks be assumed is beyond their recognition.
- To be exposed to extremes of heat, cold, noise and vibration.

The young person must

- Carry out all reasonable instructions given to them by their mentor.
- Refrain from horseplay or practical jokes.
- Report any thing that they feel unsure or unsafe about

6.21 WORKING AT HEIGHT

The Working at Height Regulations 2005 (as amended) requires the Council to consider a number of key elements prior to carrying out any work that involves climbing from floor level.

The Council is required to suitably and sufficiently assess the risks involved in working at height.

This will involve consideration of the following key factors:

- Is there a specific need to work at height or can the operation or task be carried out without working at height?
- Is the equipment we provide suitable for the task involved and does it allow ease of access to the working area?
- Is the equipment used to access the work area maintained?
- Are members of staff suitably trained to carry out the task and is their level of fitness acceptable?
- If members of staff are required to access surfaces at height, then we must take into account the surface of sufficient strength to support the persons involved.
- The height involved must also be taken into account, as well as should a fall occur what is the member of staff likely to fall on or into. A secondary means of supporting the members of staff should he/she fall must be provided for the higher access tasks.

- If the task requires employees to work outside, then the weather conditions must be taken into account. If the weather conditions are adverse and likely to threaten the safety of our employees, then the task will be postponed until such time when it is safe to proceed.

The Council will carry out a risk assessment, taking into account the factors indicated above. If the work is beyond what we consider acceptable then we will call on the services of a specialist contractor to make the work zone easily accessible to our employees.

The person responsible for carrying out the working at height assessments is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

6.22 TRANSPORT

The road transport safety of staff is very important to the Council. To ensure that vehicles and staff are safe at all times the Council will carry out risk assessments to ensure that the correct controls and safeguards are put in place.

The person responsible for ensuring that the risk assessment is carried out; is:

DAVID BROWNRIDGE
COMMUNITY ENVIRONMENT SUPERVISOR

- Only authorised members of staff will be allowed to drive Council vehicles.
- All drivers will hold a UK driving license or a licence under the European Community or European Economic Area.
- If required, the driver must undergo a thorough medical examination and eyesight test.
- All drivers must report immediately any ill health which may impair their driving abilities, road accidents and any fines and driving endorsements received to the Clerk to the Council. They may then be removed from the authorised drivers list.
- All vehicles will have valid Road Fund Tax.
- All vehicles will have valid fully comprehensive insurance for the extent of the vehicles use.

The Council's vehicle insurance provider is:

ZURICH MUNICIPAL PLC

- All vehicles will have a current MOT certificate if required.
- A competent garage will service all vehicles regularly.
- Staff responsible for Council vehicles must fill in a weekly check sheet and report any defects immediately.

The competent garage is:

Cross Garage, Station Road, Clowne S43 4JS

- Privately owned vehicles may only be used on Council business if covered by fully comprehensive insurance with extra business or passenger cover dependent on the type of vehicle
- Privately owned vehicles used for company business must have all the relevant documentation.

The rules and assessments will be reviewed annually or if any significant change takes place.

Mobile phones

It is an offence under the Road Traffic Act to use a handheld mobile phone whilst driving this includes waiting at traffic lights and in traffic queues.

The Council will not place pressure on any member of staff to use the phone whilst driving.

Therefore, the Council cannot be held responsible for any member of staff who is prosecuted for this offence.

Before answering the phone, the driver must pull over and park in a safe place.

The use of call divert to voice mail is encouraged or the use of the answering machine.

The text message service is not to be used whilst driving.

Failure to comply with this rule may lead to disciplinary action.

6.23 TRAINING

The Council recognises its duty to provide staff with whatever training is required so that they can carry out their job in a safe manner. This will ensure they are protected from hazards and that they do not cause anyone to be harmed by their activities.

To ensure this is carried out the person below has been appointed to identify any training needs:

JOANNE PLUMMER
COMMUNITY CENTRE MANAGER

The type of training that will be provided is:

- Induction training for all new members of staff
- Job specific training for all new members of staff or staff who transfer to other roles.
- Health and safety training for all members of staff that have been given specific tasks in the policy and to allow all them to carry out their jobs safely.
- Extra training and supervision will be provided for young people because of their lack of work experience.

- Training will either be provided in house where appropriate or by an accredited training provider.

All training will be recorded and retained with the member of staff's personal file and they will sign to confirm that they have received the training and understood it.

The person responsible for maintaining the training records is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

Health and Safety Training should include:

- Risk and CoSHH assessment training when applicable.
- Manual handling training as and when required.
- Use of Personal Protective Equipment (PPE) when issued.
- Use of Display Screen Equipment where necessary.
- Health and Safety awareness.
- Fire prevention and safe use of fire equipment.
- Any other training that may be relevant to their tasks or health and safety.

6.24 ENGLISH AS A SECOND LANGUAGE

The Health and Safety at Work etc. Act 1974 and The Management of Health and Safety at Work Regulations 1999 require the Council to provide staff with understandable and relevant information on risks to their health and safety and on precautions to take to avoid those risks. Information shall be provided in a way that takes account of any language difficulties or disabilities.

It will be provided in a form that is most suitable in the circumstances, as long as it can be understood by everyone.

For staff with little or no understanding of spoken or written English, we will make special arrangements.

The person responsible for ensuring that employees with little understanding of English are given suitable information, instructions, training and supervision is:

STEVEN SINGLETON
THE CLERK TO THE COUNCIL

6.24.1 Site Work

The Council also recognises that at some work locations staff may be working alongside people for whom English is not their main language. We recognise that such circumstances can create significant additional safety issues.

Mitigating these issues is a shared responsibility involving;

- The person responsible for the site making contractors etc. aware that there may be language issues within the site/premises,
- Contractors ensuring that their operatives recognise the need not to rely on spoken/written English as being wholly effective (A shouted warning may not be understood). Operatives must be aware of the need to pause their work if someone approaches them and to guide them away from any hazards.
- As far as is reasonably practicable, as a contractor, we will endeavour to use pictorial signs to indicate safety issues associated with our work.

7. GENERAL GUIDELINES FOR STAFF

- Staff must not commit or allow to be committed any act which may result in potential danger in any way.
- Staff must attend as requested any training course, meeting etc, designed to further the interests of health and safety.
- Staff must observe all laid down procedures concerning work activities, equipment, materials and substances.
- Staff must ensure they understand the Health and Safety Policy and familiarise themselves with safety information and instructions.
- Staff must observe all safety rules on and off Council property.
- Staff must comply with all written or verbal instructions given to them to ensure their personal safety and the safety of others.
- Staff must conduct themselves in an orderly manner at all times and not stray from responsible behaviour.
- Staff must dress with health and safety of themselves and others in mind.
- Staff must use the safety equipment and/or protective clothing provided.
- Staff must avoid improvisation in any form, which may create a risk to their safety or the safety of others.
- Staff must obey the rules of the Council as contained in their Contract of Employment.
- Staff must not invite visitors onto Council premises without permission from the Clerk to the Council, Deputy Clerk to the Council or Community Manager.
- If at any time staff are unsure about duties they have been asked to perform, then they must inform their Line Manager/Supervisor immediately.
- Co-operation is vital to ensure successful health and safety standards.
- Health and safety notices will be posted on notice boards from time to time and staff must ensure they view this information.
- No alcohol or non-medical drugs are to be consumed during working hours. Staff found to be under the effects of either will be subject to disciplinary action.

Clowne Parish Council

Council Term of Office 2019 - 2023

Information Security Policy



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1. Introduction

This Policy Document encompasses all aspects of security surrounding confidential Clowne Parish Council information (hereafter referred to as the 'Council') and must be distributed to all Council employees. All Council employees must read this document in its entirety and sign the form confirming they have read and understand this policy fully. This document will be reviewed and updated by the Council on an annual basis or when relevant to include newly developed security standards into the policy and distribute it all employees and contracts as applicable.

2. Information Security Policy

The Council handles sensitive cardholder information daily. Sensitive Information must have adequate safeguards in place to protect them, to protect cardholder privacy, to ensure compliance with various regulations and to guard the future of the organization.

The Council commits to respecting the privacy of all its customers and to protecting any data about customers from outside parties. To this end the Council is committed to maintaining a secure environment in which to process cardholder information so that we can meet these promises.

Employees handling Sensitive cardholder data should ensure:

- Handle Council and cardholder information in a manner that fits with their sensitivity;
- Limit personal use of Council information and telecommunication systems and ensure it doesn't interfere with your job performance;
- The Council reserves the right to monitor, access, review, audit, copy, store, or delete any electronic communications, equipment, systems and network traffic for any purpose;
- Do not use e-mail, internet and other Council resources to engage in any action that is offensive, threatening, discriminatory, defamatory, slanderous, pornographic, obscene, harassing or illegal;
- Do not disclose personnel information unless authorized;
- Protect sensitive cardholder information;
- Keep passwords and accounts secure;
- Request approval from management prior to establishing any new software or hardware, third party connections, etc.;
- Do not install unauthorized software or hardware, including modems and wireless access unless you have explicit management approval;
- Always leave desks clear of sensitive cardholder data and lock computer screens when unattended;
- Information security incidents must be reported, without delay, to the individual responsible for incident response locally – Please find out who this is.

Employees and Councillors each have a responsibility for ensuring the Council's systems and data are protected from unauthorized access and improper use. If you are unclear about any of the policies detailed herein you should seek advice and guidance from the Clerk to the Council.

3. Acceptable Use Policy

The Council's intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to the Council's established culture of openness, trust and integrity. The Council is committed to protecting the employees, Councillors and the Company from illegal or damaging actions by individuals, either knowingly or unknowingly. The Council will maintain an approved list of technologies and devices and personnel with access to such devices as detailed in Appendix B.

- Employees are responsible for exercising good judgment regarding the reasonableness of personal use.
- Employees should ensure that they have appropriate credentials and are authenticated for the use of technologies
- Employees should take all necessary steps to prevent unauthorized access to confidential data which includes card holder data.
- Employees should ensure that technologies should be used and setup in acceptable network locations
- Keep passwords secure and do not share accounts.
- Authorized users are responsible for the security of their passwords and accounts.
- All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature.
- All POS and PIN entry devices should be appropriately protected and secured so they cannot be tampered or altered.
- Because information contained on portable computers is especially vulnerable, special care should be exercised.
- Postings by employees from a Company email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the Council, unless posting is in the course of business duties.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

4. Disciplinary Action

Violation of the standards, policies and procedures presented in this document by an employee will result in disciplinary action, from warnings or reprimands up to and including termination of employment. Claims of ignorance, good intentions or using poor judgment will not be used as excuses for non-compliance. Councillors will be referred to the Council's Monitoring Officer for any alleged breaches of this policy.

5. Protect Stored Data

- All sensitive cardholder data stored and handled by the Council and its employees must be securely protected against unauthorized use at all times. Any sensitive card data that is no longer required by the Council for business reasons must be discarded in a secure and irrecoverable manner.
- If there is no specific need to see the full PAN (Permanent Account Number), it has to be masked when displayed.
- PAN'S which are not protected as stated above should not be sent to the outside network via end user messaging technologies like chats, ICQ messenger etc.,

It is strictly prohibited to store:

1. The contents of the payment card magnetic stripe (track data) on any media whatsoever.
2. The CVV/CVC (the 3- or 4-digit number on the signature panel on the reverse of the payment card) on any media whatsoever.
3. The PIN or the encrypted PIN Block under any circumstance.

6. Information Classification

Data and media containing data must always be labelled to indicate sensitivity level.

Confidential data might include information assets for which there are legal requirements for preventing disclosure or financial penalties for disclosure, or data that would cause severe damage to the Council if disclosed or modified.

Confidential data includes cardholder data.

Internal Use data might include information that the data owner feels should be protected to prevent unauthorized disclosure.

Public data is information that may be freely disseminated.

7. Access to Sensitive Cardholder Data

All Access to sensitive cardholder should be controlled and authorized. Any Job functions that require access to cardholder data should be clearly defined.

- Any display of the card holder should be restricted at a minimum of the first 6 and the last 4 digits of the cardholder data.
- Access rights to privileged user ID's should be restricted to least privileges necessary to perform job responsibilities
- Privileges should be assigned to individuals based on job classification and function (Role based access control)
- Access to sensitive cardholder information such as PAN's, personal information and business data is restricted to employees that have a legitimate need to view such information.
- No other employees should have access to this confidential data unless they have a genuine business need.
- If cardholder data is shared with a Service Provider (3rd party) then a list of such Service Providers will be maintained as detailed in Appendix B.
- The Council will ensure a written agreement that includes an acknowledgement is in place that the Service Provider will be responsible for the for the cardholder data that the Service Provider possess.
- The Council will ensure that a there is an established process including proper due diligence is in place before engaging with a Service provider.
- The Council will have a process in place to monitor the PCI DSS compliance status of the Service provider.

8. Physical Security

Access to sensitive information in both hard and soft media format must be physically restricted to prevent unauthorized individuals from obtaining sensitive data.

- Employees are responsible for exercising good judgment regarding the reasonableness of personal use.
- Employees should ensure that they have appropriate credentials and are authenticated for the use of technologies
- Employees should take all necessary steps to prevent unauthorized access to confidential data which includes card holder data.
- Employees should ensure that technologies should be used and setup in acceptable network locations

- A list of devices that accept payment card data should be maintained.
- The list should include make, model and location of the device
- The list should have the serial number or a unique identifier of the device
- The list should be updated when devices are added, removed or relocated
- POS devices surfaces should be periodically inspected to detect tampering or substitution.
- Personnel using the devices should be trained and aware of handling the POS devices
- Personnel using the devices should verify the identity of any third-party personnel claiming to repair or run maintenance tasks on the devices, install new devices or replace devices.
- Personnel using the devices should be trained to report suspicious behavior and indications of tampering of the devices to the appropriate personnel.
- A “visitor” is defined as a vendor, guest of an employee, service personnel, or anyone who needs to enter the premises for a short duration, usually not more than one day.
- Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts.
- Media is defined as any printed or handwritten paper, received faxes, floppy disks, back-up tapes, computer hard drive, etc.
- Media containing sensitive cardholder information must be handled and distributed in a secure manner by trusted individuals.
- Visitors must always be escorted by a trusted employee when in areas that hold sensitive cardholder information.
- Procedures must be in place to help all personnel easily distinguish between employees and visitors, especially in areas where cardholder data is accessible. “Employee” refers to full-time and part-time employees, temporary employees and personnel, and consultants who are “resident” on Council sites. A “visitor” is defined as a vendor, guest of an employee, service personnel, or anyone who needs to enter the premises for a short duration, usually not more than one day.
- Network Jacks located in public and areas accessible to visitors must be disabled and enabled when network access is explicitly authorized.
- All POS and PIN entry devices should be appropriately protected and secured so they cannot be tampered or altered.
- Strict control is maintained over the external or internal distribution of any media containing card holder data and must be approved by management
- Strict control is maintained over the storage and accessibility of media
- All computer that store sensitive cardholder data must have a password protected screensaver enabled to prevent unauthorized use.

9. Protect Data in Transit

All sensitive cardholder data must be protected securely if it is to be transported physically or electronically.

- Card holder data (PAN, track data etc.) must never be sent over the internet via email, instant chat or any other end user technologies.
- If there is a business justification to send cardholder data via email or via the internet or any other modes then it should be done after authorization and by using a strong encryption mechanism (i.e. – AES encryption, PGP encryption, IPSEC, GSM, GPRS, Wireless technologies etc.,).
- The transportation of media containing sensitive cardholder data to another location must be authorized by management, logged and inventoried before leaving the premises. Only secure courier services may be used for the transportation of such media. The status of the shipment should be monitored until it has been delivered to its new location.

10. Disposal of Stored Data

All data must be securely disposed of when no longer required by the Council, regardless of the media or application type on which it is stored.

An automatic process must exist to permanently delete on-line data, when no longer required.

All hard copies of cardholder data must be manually destroyed as when no longer required for valid and justified business reasons.

A quarterly process must be in place to confirm that all non-electronic cardholder data has been appropriately disposed of in a timely manner.

The Council will have procedures for the destruction of hardcopy (paper) materials. These will require that all hardcopy materials be crosscut shredded, incinerated or pulped so they cannot be reconstructed.

The Council will have documented procedures for the destruction of electronic media. These will require:

- All cardholder data on electronic media must be rendered unrecoverable when deleted e.g. through degaussing or electronically wiped using military grade secure deletion processes or the physical destruction of the media.
 - If secure wipe programs are used, the process must define the industry accepted standards followed for secure deletion.
- All cardholder information awaiting destruction must be held in lockable storage containers clearly marked "To Be Shredded" - access to these containers must be restricted.

11. Security Awareness and Procedures

The policies and procedures outlined below must be incorporated into Council practice to maintain a high level of security awareness.

The protection of sensitive data demands regular training of all employees and contractors includes:

- Review handling procedures for sensitive information and hold periodic security awareness meetings to incorporate these procedures into day to day company practice.
- Distribute this security policy document to all Council employees to read. It is required that all employees confirm that they understand the content of this security policy document by signing an acknowledgement form (see Appendix A)
- All employees that handle sensitive information will undergo background checks (such as criminal and credit record checks, within the limits of the local law) before they commence their employment with the Council.
- All third parties with access to credit card account numbers are contractually obligated to comply with card association security standards (PCI/DSS).
- Council security policies must be reviewed annually and updated as needed.

12. Network Security

Firewalls must be implemented at each internet connection and any demilitarized zone and the internal Council network.

A network diagram detailing all the inbound and outbound connections must be maintained and reviewed every 6 months.

A firewall and router configuration document must be maintained which includes a documented list of services, protocols and ports including a business justification.

Firewall and router configurations must restrict connections between untrusted networks and any systems in the card holder data environment.

Stateful Firewall technology must be implemented where the Internet enters the Council’s Card network to mitigate known and on-going threats. Firewalls must also be implemented to protect local network segments and the IT resources that attach to those segments such as the business network, and open network.

All inbound and outbound traffic must be restricted to that which is required for the card holder data environment.

All inbound network traffic is blocked by default, unless explicitly allowed and the restrictions must be documented.

All outbound traffic has to be authorized by management (i.e. what are the whitelisted category of sites that can be visited by the employees) and the restrictions have to be documented

The Council will have firewalls between any wireless networks and the cardholder data environment.

The Council will quarantine wireless users into a DMZ, where they will be authenticated and firewalled as if they were coming in from the Internet.

Disclosure of private IP addresses to external entities must be authorized by the Clerk to the Council.

A topology of the firewall environment has to be documented and has to be updated in accordance to the changes in the network.

The firewall rules will be reviewed on a six months basis to ensure validity and the firewall has to have clean up rule at the bottom of the rule base.

The Council will quarantine wireless users into a DMZ, where they were authenticated and firewalled as if they were coming in from the Internet.

No direct connections from Internet to cardholder data environment will be permitted. All traffic has to traverse through a firewall.

Rules	Source IP	Destination IP	Action

13. System and Password Policy

All users, including contractors and vendors with access to the Council's systems, are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

A system configuration standard must be developed along industry acceptable hardening standards (SANS, NIST, ISO)

System configurations should be updated as new issues are identified (as defined in PCI DSS requirement 6.1)

System configurations must include common security parameter settings

The systems configuration standard should be applied to any news systems configured.

All vendor default accounts and passwords for the systems must be changed at the time of provisioning the system/device into the Council's network and all unnecessary services and user/system accounts have to be disabled.

All unnecessary default accounts must be removed or disabled before installing a system on the network.

Security parameter settings must be set appropriately on System components.

All unnecessary functionality (scripts, drivers, features, subsystems, file systems, web servers etc.,) must be removed.

All unnecessary services, protocols, daemons etc., should be disabled if not in use by the system.

Any insecure protocols, daemons, services in use must be documented and justified.

All users with access to card holder data must have a unique ID.

All user must use a password to access the company network or any other electronic resources

All user ID's for terminated users must be deactivated or removed immediately.

The User ID will be locked out if there are more than 5 unsuccessful attempts. This locked account can only be enabled by the system administrator. Locked out user accounts will be disabled for a minimum period of 30 minutes or until the administrator enables the account.

All system and user level passwords must be changed on at least a quarterly basis.

A minimum password history of four must be implemented.

A unique password must be setup for new users and the users prompted to change the password on first login.

Group shared or generic user account or password or other authentication methods must not be used to administer any system components.

Where SNMP is used, the community strings must be defined as something other than the Standard defaults of "public," "private" and "system" and must be different from the passwords used to log in interactively.

All non-console administrative access will use appropriate technologies like ssh, vpn etc. or strong encryption is invoked before the administrator password is requested.

System services and parameters will be configured to prevent the use of insecure technologies like telnet and other insecure remote login commands.

Administrator access to web-based management interfaces is encrypted using strong cryptography.

The responsibility of selecting a password that is hard to guess generally falls to users.

A strong password must:

- a) Be as long as possible (never shorter than 6 characters).
- b) Include mixed-case letters, if possible.
- c) Include digits and punctuation marks, if possible.
- d) Not be based on any personal information.
- e) Not be based on any dictionary word, in any language.
- If an operating system without security features is used (such as DOS, Windows or MacOS), then an intruder only needs temporary physical access to the console to insert a keyboard monitor program. If the workstation is not physically secured, then an intruder can reboot even a secure operating system, restart the workstation from his own media, and insert the offending program.

To protect against network analysis attacks, both the workstation and server should be cryptographically secured. Examples of strong protocols are the encrypted Netware login and Kerberos.

14. Anti-Virus Policy

All machines must be configured to run the latest anti-virus software as approved by the Council.

The anti-Virus software is configured to retrieve the latest updates to the antiviral program automatically on a daily basis. The antivirus should have periodic scanning enabled for all the systems.

The antivirus software in use should be capable of detecting all known types of malicious software (Viruses, Trojans, adware, spyware, worms and rootkits)

All removable media (for example floppy and others) should be scanned for viruses before being used.

All the logs generated from the antivirus solutions must be retained as per legal/regulatory/contractual requirements or at a minimum of PCI DSS requirement 10.7 of 3 months online and 1 year offline.

Master Installations of the Antivirus software should be setup for automatic updates and periodic scans

End users must not be able to modify any settings or alter the antivirus software. E-mail with attachments coming from suspicious or unknown sources should not be opened. All such e-mails and their attachments should be deleted from the mail system as well as from the trash bin. No one should forward any e-mail, which they suspect may contain virus.

15. Patch Management Policy

All Workstations, servers, software, system components etc. owned by the must have up-to-date system security patches installed to protect the asset from known vulnerabilities.

Wherever possible all systems, software must have automatic updates enabled for system patches released from their respective vendors. Security patches must be installed within one month of release from the respective vendor and have to follow the process in accordance with change control process.

Any exceptions to this process must be documented.

16. Remote Access Policy

It is the responsibility of the Council's employees, contractors, vendors and agents with remote access privileges to the Council's corporate network to ensure that their remote access connection is given the same consideration as the user's on-site connection to the Council.

Secure remote access must be strictly controlled. Control will be enforced by two factor authentications via one-time password authentication or public/private keys with strong passphrases.

Vendor accounts with access to the Council's network will only be enabled during the time period the access is required and will be disabled or removed once access is no longer required.

Remote access connection will be setup to be disconnected automatically after 30 minutes of inactivity.

All hosts that are connected to the Council's internal networks via remote access technologies will be monitored on a regular basis.

All remote access accounts used by vendors or 3rd parties will be reconciled at regular intervals and the accounts will be revoked if there is no further business justification.

Vendor accounts with access to the Council's network will only be enabled during the time period the access is required and will be disabled or removed once access is no longer required.

17. Vulnerability Management Policy

All the vulnerabilities would be assigned a risk ranking such as High, Medium and Low based on industry best practices such as CVSS base score.

As part of the PCI-DSS Compliance requirements, the Council will run internal and external network vulnerability scans at least quarterly and after any significant change in the network (such as new system component installations, changes in network topology, firewall rule modifications, product upgrades).

Quarterly internal vulnerability scans must be performed by the Council by internal staff or a 3rd party vendor and the scan process has to include that rescans will be done until passing results are obtained, or all High vulnerabilities as defined in PCI DSS Requirement 6.2 are resolved.

Quarterly external vulnerability scans must be performed by an Approved Scanning Vendor (ASV) qualified by PCI SSC. Scans conducted after network changes may be performed by the Company's internal staff. The scan process should include re-scans until passing results are obtained.

18. Configuration Standards:

Information systems that process transmit, or store card holder data must be configured in accordance with the applicable standard for that class of device or system. Standards must be written and maintained by the team responsible for the management of the system in conjunction with the Information Security Office.

All network device configurations must adhere to the Council's required standards before being placed on the network as specified in the Council's configuration guide. Using this guide, a boilerplate configuration has been created that will be applied to all network devices before being placed on the network.

Before being deployed into production, a system must be certified to meet the applicable configuration standard

Updates to network device operating system and/or configuration settings that fall under the Company standards are announced by the Information security Office. Updates must be applied within the time frame identified by the Information security Office.

Administrators of network devices that do not adhere to the Council's standards (as identified via a previous exception) must document and follow a review process of announced vendor updates to operating system and/or configuration settings. This process must include a review schedule, risk analysis method and update method.

All network device configurations must be checked annually against the configuration boilerplate to ensure the configuration continues to meet required standards.

Where possible, network configuration management software will be used to automate the process of confirming adherence to the boilerplate configuration.

For other devices an audit will be performed quarterly to compare the boilerplate configuration to the configuration currently in place.

All discrepancies will be evaluated and remediated by Network Administration.

19. Change Control Process

Changes to information resources shall be managed and executed according to a formal change control process. The control process will ensure that changes proposed are reviewed, authorized, tested, implemented, and released in a controlled manner; and that the status of each proposed change is monitored.

The change control process shall be formally defined and documented. A change control process shall be in place to control changes to all critical company information resources (such as hardware, software, system documentation and operating procedures). This documented process shall include management responsibilities and procedures. Wherever practicable, operational and application change control procedures should be integrated.

All change requests shall be logged whether approved or rejected on a standardized and central system. The approval of all change requests and the results thereof shall be documented. A documented audit trail, maintained at a Business Unit Level, containing relevant information shall be maintained at all times.

This should include change request documentation, change authorization and the outcome of the change. No single person should be able to effect changes to production information systems without the approval of other authorized personnel.

A risk assessment shall be performed for all changes and dependent on the outcome, an impact assessment should be performed.

The impact assessment shall include the potential effect on other information resources and potential cost implications. The impact assessment should, where applicable consider compliance with legislative requirements and standards.

All change requests shall be prioritized in terms of benefits, urgency, effort required and potential impact on operations.

Changes shall be tested in an isolated, controlled, and representative environment (where such an environment is feasible) prior to implementation to minimize the effect on the relevant business process, to assess its impact on operations and security and to verify that only intended and approved changes were made.

Any software change and/or update shall be controlled with version control. Older versions shall be retained in accordance with corporate retention and storage management policies.

All changes shall be approved prior to implementation. Approval of changes shall be based on formal acceptance criteria i.e. the change request was done by an authorized user; the impact assessment was performed, and proposed changes were tested.

All users, significantly affected by a change, shall be notified of the change. The user representative shall sign-off on the change. Users shall be required to make submissions and comment prior to the acceptance of the change.

Implementation will only be undertaken after appropriate testing and approval by stakeholders. All major changes shall be treated as new system implementation and shall be established as a project. Major changes will be classified according to effort required to develop and implement said changes.

Procedures for aborting and recovering from unsuccessful changes shall be documented. Should the outcome of a change be different to the expected result (as identified in the testing of the change), procedures and responsibilities shall be noted for the recovery and continuity of the affected areas. Fall back procedures will be in place to ensure systems can revert to what they were prior to implementation of changes.

Information resources documentation shall be updated on the completion of each change and old documentation shall be archived or disposed of as per the documentation and data retention policies.

Specific procedures to ensure the proper control, authorization, and documentation of emergency changes shall be in place. Specific parameters will be defined as a standard for classifying changes as Emergency changes.

All changes will be monitored once they have been rolled-out to the production environment. Deviations from design specifications and test results will be documented and escalated to the solution owner for ratification.

20. Audit and Log Review

This procedure covers all logs generated for systems within the cardholder data environment, based on the flow of cardholder data over the Council's network, including the following components:

- Operating System Logs (Event Logs and su logs).
- Database Audit Logs.
- Firewalls & Network Switch Logs.
- IDS Logs.
- Antivirus Logs.
- CCTV Video recordings.
- File integrity monitoring system logs.

Audit Logs must be maintained for a minimum of 3 months online (available for immediate analysis) and 12 months offline.

Review of logs is to be carried out by means of the Council's network monitoring system, which is controlled from the Council's network.

The Clerk to the Council and the Deputy Clerk are the only people permitted to access log files.

The Council's network monitoring system software is configured to alert to any conditions deemed to be potentially suspicious, for further investigation. Alerts are configured to:

A dashboard browser-based interface monitored by the Clerk to the Council.

Email / SMS alerts to Clerk to the Council's mailbox with a summary of the incident. The Clerk to the Council also receives details of email alerts for informational purposes.

The following Operating System Events are configured for logging, and are monitored:

- a) Any additions, modifications or deletions of user accounts.
- b) Any failed or unauthorized attempt at user login.
- c) Any modification to system files.
- d) Any access to the server, or application running on the server, including files that hold cardholder data.
- e) Actions taken by any individual with root or administrative privileges.
- f) Any user access to audit trails.
- g) Any creation / deletion of system-level objects installed by Windows. (Almost all system-level objects run with administrator privileges, and some can be abused to gain administrator access to a system.)

The following Database System Events are configured for logging, and are monitored by the Council's network monitoring system:

- a) Any failed user access attempts to log in to the Oracle database.
- b) Any login that has been added or removed as a database user to a database.
- c) Any login that has been added or removed from a role.
- d) Any database role that has been added or removed from a database.
- e) Any password that has been changed for an application role.
- f) Any database that has been created, altered, or dropped.
- g) Any database object, such as a schema, that has been connected to.
- h) Actions taken by any individual with DBA privileges.

The following Firewall Events are configured for logging, and are monitored by the Council's network monitoring system:

- a) ACL violations.
- b) Invalid user authentication attempts.
- c) Logon and actions taken by any individual using privileged accounts.
- d) Configuration changes made to the firewall (e.g. policies disabled, added, deleted, or modified).

The following Switch Events are to be configured for logging and monitored by the Council's network monitoring system:

- a) Invalid user authentication attempts.
- b) Logon and actions taken by any individual using privileged accounts.
- c) Configuration changes made to the switch (e.g. configuration disabled, added, deleted, or modified).

The following Intrusion Detection Events are to be configured for logging, and are monitored by the Council's network monitoring system:

- a) Any vulnerability listed in the Common Vulnerability Entry (CVE) database.
- b) Any generic attack(s) not listed in CVE.
- c) Any known denial of service attack(s).
- d) Any traffic patterns that indicated pre-attack reconnaissance occurred.
- e) Any attempts to exploit security-related configuration errors.
- f) Any authentication failure(s) that might indicate an attack.
- g) Any traffic to or from a back-door program.
- h) Any traffic typical of known stealth attacks.

The following File Integrity Events are to be configured for logging and monitored by the Council's network monitoring system:

- a) Any modification to system files.
- b) Actions taken by any individual with Administrative privileges.
- c) Any user access to audit trails.
- d) Any Creation / Deletion of system-level objects installed by Windows. (Almost all system-level objects run with administrator privileges, and some can be abused to gain administrator access to a system.)

For any suspicious event confirmed, the following must be recorded on F17 - Log Review Form, and the Clerk to the Council informed:

- a) User Identification.
- b) Event Type.
- c) Date & Time.
- d) Success or Failure indication.
- e) Event Origination (e.g. IP address).
- f) Reference to the data, system component or resource affected.

21. Secure Application Development

The Secure Application development policy is a plan of action to guide developers' decisions and actions during the software development lifecycle (SDLC) to ensure software security. This policy aims to be language and platform independent so that it is applicable across all software development projects.

The adherence to and use of Secure Application Development Coding Policy is a requirement for all software development on Council information technology systems and trusted contractor sites processing the Company data.

Each phase of the SDLC is mapped with security activities, as explained below:

- a) Design
 - Identify Design Requirements from security perspective
 - Architecture & Design Reviews
 - Threat Modelling
- b) Coding
 - Coding Best Practices
 - Perform Static Analysis
- c) Testing
 - Vulnerability Assessment
 - Fuzzing
- d) Deployment
 - Server Configuration Review
 - Network Configuration Review

Development of code shall be checked and validated with the most current versions of the Council's Coding Standards for Secure Application Development. All code developers shall verify that their code is following the most recent and approved coding standards and guidelines.

Only validated code shall be implemented into the Council's production environment. A review and validation ensure that code exhibits fundamental security properties to include correctness, predictability, and attack tolerance.

Application Code Developers shall:

- Ensure code meets the level of confidence that software is free from exploitable code vulnerabilities, regardless of whether they are already designed into the software or inserted later in its life cycle.
- Ensure code provides predictable execution or justifiable confidence and that the software, when executed, will provide security functionality as intended.
- Coding techniques must address injection flaws particularly SQL injection, buffer overflow vulnerabilities, cross site scripting vulnerabilities, improper access control (insecure direct object reference, failure to restrict URL access, directory traversal etc.), cross site request forgery (CSRF), broken authentication and session management
- Never trust incoming data to the system, apply checks to this data.
- Never rely on the client to store sensitive data no matter how trivial.
- Disable Error messages that return any information to the user.
- Use object inheritance, encapsulation, and polymorphism wherever possible.
- Use environment variables prudently and always check boundaries and buffers.
- Applications must validate input to ensure it is well-formed and meaningful.

22. Penetration Testing Methodology

In this section should be listed the risks inherent in conducting penetration testing over the information systems of the Council. Additionally, it should be noted for each mitigation measures that will be taken. Examples might be:

Example 1

Risk: Denial of Service in systems or network devices because of the network scans.

Mitigation measure 1: network scans must be performed in a controlled manner.

The start and end of the scan must be notified to responsible personnel to allow monitoring during testing. For any sign of trouble will abort the scan in progress.

Mitigation measure 2: scanning tools must be configured to guarantee that the volume of sent packets or sessions established per minute does not cause a problem for network elements.

In this sense, we must perform the first scans in a very controlled way and a use minimum configuration that may be expanded when is evident that the configuration is not dangerous for network devices or servers in the organization.

Key staff involved in the project by the Council will be listed:

Steven Singleton

Kerry Carless

Joanne Plummer

IDT Ltd

External intrusion tests will be performed remotely from the supplier's premises. Internal intrusion tests will be conducted in the Parish office the Council.

The approved Audit team must have access to the Council's network. It must manage access permissions to the building early enough to ensure that the audit team can access without problems during planning period.

All the tests will be conducted from the equipment owned by the audit team so no equipment for the execution of the tests is required. The only requirement in this regard will be to have an active network connection for each member of the audit team. Those connections must provide access to the target network segment in every case.

If an incident occurs during the execution of the tests that have an impact on the systems or services of the organization, the incident should be brought immediately to the attention of those responsible for incident management in the project

It should be noted that in order to comply with PCI DSS the scope of the test should include, at least the following:

All systems and applications that are part of the perimeter of the cardholder data environment card (CDE).

Example:

a) Systems included in the scope

System 1: IP: System: System Description

System 2: IP: System: System Description

Wi-Fi network of the Council

.....

b) Applications included in the scope

Application 1: URL: Description of the application

.....

c) Systems excluded from the scope

System 5: IP: System: System Description

System 6: IP: System: System Description

.....

d) Applications excluded from the scope

Application 3: URL: Description of the application

.....

Technical tests must follow the OSSTMM methodology. Tests must be conducted at network, system and application level and must ensure that at least identifies any vulnerabilities documented by OWASP and SANS, as well as those identified in the PCI DSS standard v3:

1. Injections: Code, SQL, OS commands, LDAP, XPath, etc.
2. Buffer overflows.
3. Insecure storage of cryptographic keys
4. Insecure Communications
5. Improper error handling
6. Cross -site scripting (XSS)
7. Control of inappropriate access.
8. Cross - site request forgery (CSRF).
9. Broken authentication and incorrectly session management.
10. Any other vulnerability considered High Risk by the organization.

For all findings or vulnerabilities identified during the tests carried out will be generated and documented sufficient evidence to prove the existence of the same. The format of the evidence can be variable in each case, screen capture, raw output of security tools, photographs, paper documents, etc.

As a result of tests performed should generate a document containing at least the following sections:

1. Introduction
2. Executive Summary
3. Methodology
4. Identified vulnerabilities
5. Recommendations for correcting vulnerabilities
6. Conclusions
7. Evidence

23. Incident Response Plan

'Security incident' means any incident (accidental, intentional or deliberate) relating to your communications or information processing systems.

The attacker could be a malicious stranger, a competitor, or a disgruntled employee, and their intention might be to steal information or money, or just to damage your company.

The Incident response plan must be tested once annually. Copies of this incident response plan is to be made available to all relevant staff members and take steps to ensure that they understand it and what is expected of them.

Employees of the company will be expected to report to the security officer for any security related issues.

The Council's PCI security incident response plan is as follows:

1. The Community Centre must report an incident to the Clerk (preferably) or to another member of the PCI Response Team.
2. That member of the team receiving the report will advise the PCI Response Team of the incident.
3. The PCI Response Team will investigate the incident and assist the potentially compromised department in limiting the exposure of cardholder data and in mitigating the risks associated with the incident.
4. The PCI Response Team will resolve the problem to the satisfaction of all parties involved, including reporting the incident and findings to the appropriate parties (credit card associations, credit card processors, etc.) as necessary.
5. The PCI Response Team will determine if policies and processes need to be updated to avoid a similar incident in the future, and whether additional safeguards are required in the environment where the incident occurred, or for the institution.
6. If an unauthorized wireless access point or devices is identified or detected as part of the quarterly test this is should be immediately escalated to the Security officer or someone with similar privileges who has the authority to stop, cease, shut down, and remove the offending device immediately.
7. A department that reasonably believes it may have an account breach, or a breach of cardholder information or of systems related to the PCI environment in general, must inform the Council's PCI Incident Response Team. After being notified of a compromise, the PCI Response Team, along with other designated staff, will implement the PCI Incident Response Plan to assist and augment departments' response plans.

The Council's PCI Security Incident Response Team

Clerk to the Council
Deputy Clerk to the Council
Community Centre Manager

Incident Response Notification

Escalation Members

Joanne Plummer
Kerry Carless
Daniel Arthur
David Brownridge

Escalation – First Level

Joanne Plummer
Kerry Carless

Escalation – Second Level

Steven Singleton
Chair of the Council

External Contacts (as needed)

Merchant Provider Card

IDT Ltd

Internet Service Provider (if applicable)

Internet Service Provider of Intruder (if applicable) Communication

Carriers (local and long distance)

Insurance Carrier

Police (if applicable)

In response to a systems compromise, the PCI Response Team and designees will:

1. Ensure compromised system/s is isolated on/from the network.
2. Gather, review and analyze the logs and related information from various central and local safeguards and security controls
3. Conduct appropriate forensic analysis of compromised system.
4. Contact internal and external departments and entities as appropriate.
5. Make forensic and log analysis available to appropriate law enforcement or card industry security personnel, as required.
6. Assist law enforcement and card industry security personnel in investigative processes, including in prosecutions.

The card companies have individually specific requirements the Response Team must address in reporting suspected or confirmed breaches of cardholder data.

Incident Response notifications to various card schemes

1. In the event of a suspected security breach, alert the information security officer or your line manager immediately.
2. The security officer will carry out an initial investigation of the suspected security breach.
3. Upon confirmation that a security breach has occurred, the security officer will alert management and begin informing all relevant parties that may be affected by the compromise.

VISA Steps

If the data security compromise involves credit card account numbers, implement the following procedure:

- Shut down any systems or processes involved in the breach to limit the extent and prevent further exposure.
- Alert all affected parties and authorities such as the Merchant Bank, the Council's Bank, Visa Fraud Control, and the law enforcement.
- Provide details of all compromised or potentially compromised card numbers to Visa Fraud Control within 24 hrs.
- For more Information visit:
http://usa.visa.com/business/accepting_visa/ops_risk_management/cisp_if_compromised.html

Visa Incident Report Template

This report must be provided to VISA within 14 days after initial report of incident to VISA. The following report content and standards must be followed when completing the incident report. Incident report must be securely distributed to VISA and Merchant Bank. Visa will classify the report as "VISA Secret" *.

I. Executive Summary

- a. Include overview of the incident
- b. Include RISK Level (High, Medium, Low)
- c. Determine if compromise has been contained

II. Background

III. Initial Analysis

IV. Investigative Procedures

- a. Include forensic tools used during investigation
- V.

Findings

- a. Number of accounts at risk, identify those stores and compromised
- b. Type of account information at risk
- c. Identify ALL systems analyzed. Include the following:
 - Domain Name System (DNS) names
 - Internet Protocol (IP) addresses
 - Operating System (OS) version
 - Function of system(s)
- d. Identify ALL compromised systems. Include the following:
 - DNS names
 - IP addresses
 - OS version
 - Function of System(s)
- e. Timeframe of compromise
- f. Any data exported by intruder
- g. Establish how and source of compromise
- h. Check all potential database locations to ensure that no CVV2, Track 1 or Track 2 data is stored anywhere, whether encrypted or unencrypted (e.g., duplicate or backup tables or databases, databases used in development, stage or testing environments, data on software engineers' machines, etc.)
- i. If applicable, review VisaNet endpoint security and determine risk

VI. Compromised Entity Action

VII. Recommendations

VIII. Contact(s) at entity and security assessor performing investigation

*This classification applies to the most sensitive business information, which is intended for use within VISA. Its unauthorized disclosure could seriously and adversely impact VISA, its employees, member banks, business partners, and/or the Brand

MasterCard Steps:

1. Within 24 hours of an account compromise event, notify the MasterCard Compromised Account Team via phone at 1-636-722-4100.
2. Provide a detailed written statement of fact about the account compromise (including the contributing circumstances) via secured e-mail to compromised_account_team@mastercard.com.
3. Provide the MasterCard Merchant Fraud Control Department with a complete list of all known compromised account numbers.

4. Within 72 hours of knowledge of a suspected account compromise, engage the services of a data security firm acceptable to MasterCard to assess the vulnerability of the compromised data and related systems (such as detailed forensics evaluation).
5. Provide weekly written status reports to MasterCard, addressing open questions and issues until the audit is complete to the satisfaction of MasterCard.
6. Promptly furnish updated lists of potential or known compromised account numbers, additional documentation, and other information that MasterCard may request.
7. Provide finding of all audits and investigations to the MasterCard Merchant Fraud Control department within the required time frame and continue to address any outstanding exposure or recommendation until resolved to the satisfaction of MasterCard.

Once MasterCard obtains the details of the account data compromise and the list of compromised account numbers, MasterCard will:

1. Identify the issuers of the accounts that were suspected to have been compromised and group all known accounts under the respective parent member IDs.
2. Distribute the account number data to its respective issuers.

Employees of the Council will be expected to report to the Clerk to the Council for any security related issues. The role of the security officer is to effectively communicate all security policies and procedures to employees within the Council and contractors.

In addition to this, the security officer will oversee the scheduling of security training sessions, monitor and enforce the security policies outlined in both this document and at the training sessions and finally, oversee the implantation of the incident response plan in the event of a sensitive data compromise.

Discover Card Steps

1. Within 24 hours of an account compromise event, notify Discover Fraud Prevention
2. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances
3. Prepare a list of all known compromised account numbers
4. Obtain additional specific requirements from Discover Card

American Express Steps

1. Within 24 hours of an account compromise event, notify American Express Merchant Services
2. Prepare a detailed written statement of fact about the account compromise including the contributing circumstances
3. Prepare a list of all known compromised account numbers
Obtain additional specific requirements from American Express

24.Roles and Responsibilities

The Clerk to the Council is responsible for overseeing all aspects of information security, including but not limited to:

- Creating and distributing security policies and procedures.
- Monitoring and analyzing security alerts and distributing information to appropriate information security and business unit management personnel.
- creating and distributing security incident response and escalation procedures that include:
- Maintaining a formal security awareness program for all employees that provide multiple methods of communicating awareness and educating employees (for example, posters, letters, meetings).

- The Information Technology Office (or equivalent) shall maintain daily administrative and technical operational security procedures that are consistent with the PCI-DSS (for example, user account maintenance procedures, and log review procedures).

System and Application Administrators shall:

- Monitor and analyses security alerts and information and distribute to appropriate personnel
- administer user accounts and manage authentication
- Monitor and control all access to data.
- Maintain a list of service providers.
- Ensure there is a process for engaging service providers including proper due diligence prior to engagement.
- Maintain a program to verify service providers' PCI-DSS compliant status, with supporting documentation.
- The Clerk to the Council is responsible for tracking employee participation in the security awareness program, including:
 - Facilitating participation upon hire and at least annually.
 - Ensuring that employees acknowledge in writing at least annually that they have read and understand the Council's information security policy.
 - Written contracts require adherence to PCI-DSS by the service provider.
 - Written contracts include acknowledgement or responsibility for the security of cardholder data by the service provider.

25. Third Party Access to Card Holder Data

All third-party companies providing critical services to the Council must provide an agreed Service Level Agreement.

All third-party companies providing hosting facilities must comply with the Council's Physical Security and Access Control Policies.

All third-party companies which have access to Card Holder information must:

1. Adhere to the PCI DSS security requirements.
2. Acknowledge their responsibility for securing the Card Holder data.
3. Acknowledge that the Card Holder data must only be used for assisting the completion of a transaction, supporting a loyalty program, providing a fraud control service or for uses specifically required by law.
4. Have appropriate provisions for business continuity in the event of a major disruption, disaster or failure.
5. Provide full cooperation and access to conduct a thorough security review after a security intrusion to a Payment Card industry representative, or a Payment Card industry approved third party.

26. User Access Management

Access to the Council is controlled through a formal user registration process beginning with a formal notification from the Clerk to the Council.

Each user is identified by a unique user ID so that users can be linked to and made responsible for their actions. The use of group IDs is only permitted where they are suitable for the work carried out.

There is a standard level of access; other services can be accessed when specifically authorized by HR/line management.

The job function of the user decides the level of access the employee has to cardholder data

A request for service must be made in writing (email or hard copy) by the newcomer's line manager or by HR.

The request is free format, but must state:

- Name of person making request:
- Job title of the newcomers and workgroup:
- Start date:
- Services required (default services are: MS Outlook, MS Office and Internet access):

Each user will be given a copy of their new user form to provide a written statement of their access rights, signed by an IT representative after their induction procedure. The user signs the form indicating that they understand the conditions of access.

Access to all Council systems is provided by IT and can only be started after proper procedures are completed.

As soon as an individual leaves the Council's employment, all his/her system logons must be immediately revoked.

As part of the employee termination process HR (or line managers in the case of contractors) will inform IT operations of all leavers and their date of leaving.

27. Access Control Policy

Access Control systems are in place to protect the interests of all users of the Council's computer systems by providing a safe, secure and readily accessible environment in which to work.

The Council will provide all employees and other users with the information they need to carry out their responsibilities in as effective and efficient manner as possible.

Generic or group IDs shall not normally be permitted but may be granted under exceptional circumstances if sufficient other controls on access are in place.

The allocation of privilege rights (e.g. local administrator, domain administrator, super-user, root access) shall be restricted and controlled, and authorization provided jointly by the system owner and IT Services. Technical teams shall guard against issuing privilege rights to entire teams to prevent loss of confidentiality.

Access rights will be accorded following the principles of least privilege and need to know.

Every user should attempt to maintain the security of data at its classified level even if technical security mechanisms fail or are absent.

Users electing to place information on digital media or storage devices or maintaining a separate database must only do so where such an action is in accord with the data's classification

Users are obligated to report instances of non-compliance to the Clerk to the Council.

Access to the Council's IT resources and services will be given through the provision of a unique Active Directory account and complex password.

No access to any the Council's IT resources and services will be provided without prior authentication and authorization of a user's Windows Active Directory account.

Password issuing, strength requirements, changing and control will be managed through formal processes. Password length, complexity and expiration times will be controlled through Windows Active Directory Group Policy Objects.

Access to Confidential, Restricted and Protected information will be limited to authorized persons whose job responsibilities require it, as determined by the data owner or their designated representative.

Requests for access permission to be granted, changed or revoked must be made in writing.

Users are expected to become familiar with and abide by the Council's policies, standards and guidelines for appropriate and acceptable usage of the networks and systems.

Access for remote users shall be subject to authorization by IT Services and be provided in accordance with the Remote Access Policy and the Information Security Policy. No uncontrolled external access shall be permitted to any network device or networked system.

Access to data is variously and appropriately controlled according to the data classification levels described in the Information Security Management Policy.

Access control methods include logon access rights, Windows share and NTFS permissions, user account privileges, server and workstation access rights, firewall permissions, IIS intranet/extranet authentication rights, SQL database rights, isolated networks and other methods as necessary.

A formal process shall be conducted at regular intervals by system owners and data owners in conjunction with IT Services to review users' access rights. The review shall be logged, and IT Services shall sign off the review to give authority for users' continued access rights

28. Wireless Policy

Installation or use of any wireless device or wireless network intended to be used to connect to any of the Council's networks or environments is prohibited.

A quarterly test should be run to discover any wireless access points connected to the Council's network.

Usage of appropriate testing using tools like net stumbler, kismet etc. must be performed on a quarterly basis to ensure that:

- Any devices which support wireless communication remain disabled or decommissioned.
- If any violation of the Wireless Policy is discovered as a result of the normal audit processes, the security officer or any one with similar job description has the authorization to stop, cease, shut down, and remove the offending device immediately.

If the need arises to use wireless technology, it should be approved by the Council and the following wireless standards must be adhered to:

1. Default SNMP community strings and passwords, passphrases, Encryption keys/security related vendor defaults (if applicable) should be changed immediately after the installation of the device and if anyone with knowledge of these leaves the Council.
2. The firmware on the wireless devices must be updated accordingly as per vendors release schedule.

3. The firmware on the wireless devices must support strong encryption for authentication and transmission over wireless networks.
4. Any other security related wireless vendor defaults should be changed if applicable.
5. Wireless networks must implement industry best practices (IEEE 802.11i) and strong encryption for authentication and transmission of cardholder data.
6. An Inventory of authorized access points along with a business justification must be maintained.
(Update Appendix B)

Appendix A - Agreement to Comply Form – Agreement to Comply with the Clowne Parish Council Information Security Policy

Employee Name (printed)

I agree to take all reasonable precautions to assure that company internal information, or information that has been entrusted to the Council by third parties such as customers, will not be disclosed to unauthorized persons.

At the end of my employment or contract with the Council, I agree to return all information to which I have had access as a result of my position.

I understand that I am not authorised to use sensitive information for my own purposes, nor am I at liberty to provide this information to third parties without the express written consent of the internal manager who is the designated information owner.

I have access to a copy of the Information Security Policy, I have read and understand this policy, and I understand how it impacts my job. As a condition of continued employment, I agree to abide by the policy and other requirements found in the Council's information security policy.

I understand that non-compliance will be cause for disciplinary action up to and including dismissal, and perhaps criminal and/or civil penalties.

I also agree to promptly report all violations or suspected violations of information security policies to the Clerk to the Council.

Employee Signature

Date Signed

29.Appendix B

Asset/Device Name	Description	Owner/Approved User	Location

List of Service Providers

Name of Service Provider	Contact Details	Services Provided	PCI DSS Compliant	PCI DSS Validation Date

Clowne Parish Council

Council Term of Office 2019 - 2023

Employee Grievance Policy



1. Introduction

1.1 The purpose of this policy is to ensure that all employees of Clowne Parish Council (hereafter referred to as the 'Council') with a grievance relating to their employment can use a procedure that can help to resolve grievances as quickly and as fairly as possible.

1.2 Grievances can arise from a variety of sources, such as decisions which affect a staff members' employment or more personal situations. They can arise among any member of staff within the Council.

1.3 All employees have a responsibility to find ways to resolve disagreements, conflicts and concerns, in the workplace. Such resolution is normally possible. However if, despite attempts to find agreement, a dispute or disagreement leads to your having a grievance about the behaviour or conduct of a colleague, Councillor or your employment, you are instructed to pursue the matter in accordance with the procedure set out below.

2. Aims and Scope of the Policy

2.1 This policy is designed to facilitate the resolution of grievances by adhering to the following principles:

- discouraging the harbouring of grievances
- assisting the resolution of grievances in an atmosphere of trust and confidentiality
- enabling grievances to be settled as near as possible to their point of origin
- ensuring that grievances are dealt with fully, promptly and fairly
- informing both parties to a formal grievance that they have a right to be accompanied by a trade union representative or work colleague at all stages of the process.

2.2 Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.

2.3 Situations involving discrimination, bullying, harassment or victimisation should be dealt with under the Council's equality and bullying and harassment policies.

3. Representation

3.1 At all stages of the procedure, either party has the right to be accompanied and/or represented by his/her trade union or by a work colleague.

3.2 Where a grievance is against an accredited trade union or professional association representative, no action shall be taken unless and until the matter has been discussed by the Clerk to the Council (or a person acting on their behalf), the Council's human resources professional advisor (HR) and a full-time officer of that trade union or professional association (where applicable).

4. Time Limits

4.1 Time limits in the policy should be adhered to whenever possible but they may be altered to meet particular circumstances by agreement between the parties. There will be a balance between the principle of resolving a grievance promptly and that of ensuring sufficient time is taken to investigate the grievance, consider the findings and find a resolution that allows everyone to return to normal working as quickly as possible.

5. Process

5.1 Informal Stage – Stage 1

5.1.1 Employees (hereafter referred to as the 'grievant') should endeavour to approach the person with whom they have a grievance, to see whether the grievance can be resolved by informal discussion, before approaching the Clerk to the Council.

5.1.2 If the grievance is about the Clerk to the Council, the grievant should still approach them to see whether the grievance can be resolved through informal discussion. It is important that the employee or Councillor whom the grievance is against is given an opportunity to change their decision or resolve the complaint early on in the process. If the grievant does not feel able to approach the person they feel is responsible on their own, they may wish to ask a colleague or trade union representative to accompany them.

5.1.3 If not able to resolve the grievance by approaching the person you feel is responsible or you do not feel able to approach them directly, then you should raise it with your line manager, either orally or in writing. If the complaint relates to your line manager, who will write to you to acknowledge receipt. The grievant should raise it with the Clerk to the Council or if the grievance relates to the Clerk then raise it with the Chair to the Council.

5.1.4 The grievant's line manager will consider the grievance and, in consultation with the grievant (grievant's may wish to ask a colleague or trade union representative to accompany them), seek to resolve the issue at this informal stage and determine whether the matter can be resolved immediately or whether there is a need for it to be investigated further.

5.1.5 The grievant's line manager should take appropriate steps to resolve the grievance informally within five working days or as soon as reasonably practicable, including meeting with the grievant to discuss your concerns and the possible resolution. The grievant's line manager will then communicate to the grievant what steps will be taken to resolve the grievance, by whom and when these will occur.

5.1.6 If the grievant is not satisfied with the outcome, or believes that the informal resolution is not appropriate, you should follow the formal stages of the grievance procedure, as set out below.

5.2. Formal Stage – Stage 2

5.2.1 If it has not been possible to resolve the grievance through the informal process, the grievant should then formally set out in writing the details and nature of their grievance and how the grievant believes it could best be resolved. The formal grievance should be given to the Clerk to the Council who will write to the grievant to acknowledge receipt.

If the grievance is about the Clerk to the Council or if they have previously been involved in the case (including at the informal stage), the grievance should be forwarded to the Chair of the Council who will write to the grievant to acknowledge receipt.

5.2.2 The grievant should, wherever possible, use the template at appendix 1 to submit their grievance. It is advisable to seek representation at this stage from a trade union representative or work colleague, if you have not already done so. The template has space for the grievant's representative contact details.

5.2.3 The Clerk to the Council or the Chair of the Council will arrange for a meeting to take place within five working days or as soon as reasonably practicable after receiving the formal grievance.

5.2.4 If the grievant's representative is unable to attend on the date given by the Clerk to the Council or Chair of the Council, then a suitable alternative date should be agreed upon, preferably within five working days of the original date.

5.2.5 The Clerk to the Council or the Chair of the Council will lead the meeting and will ensure the grievant has the opportunity to explain their concerns, provide any evidence they may have and to explain how they think the matter can be resolved.

5.2.6 The trade union representative will be allowed to address the meeting to put and sum up the grievant's case, respond on behalf of the grievant to any views expressed at the meeting and confer with the grievant during the hearing. The representative does not have the right to answer questions on the grievant's behalf, address the hearing if the grievant does not wish it or prevent the grievant from explaining their case.

5.2.7 The Clerk to the Council or Chair of the Council should arrange for a note taker to be present to take a formal record of the meeting that will be provided to all parties. They may also arrange for an HR adviser to be present to provide advice; they should in any case seek advice from the Council's nominated HR professional advisor throughout the formal process.

5.2.8 The Clerk to the Council or Chair of the Council will then consider the grievance, undertake further investigations if required and reply orally as soon as possible, and in writing within ten working days, setting out where appropriate what action is intended to be taken to resolve the grievance. The notes of the meeting should also be provided along with an explanation of the grievant's right to appeal the decision and the timescales for doing so.

6. Appeal Process – Stage 3

6.1 If the grievant is still dissatisfied with the outcome of the grievance they can appeal. This must be done in writing to the Chair of the Council, detailing the grounds of appeal, within ten working days of receiving the grievance decision. If the grievance relates to the Chair of the Council, then the appeal should be addressed to the Vice Chair of the Council.

6.2 The appeal hearing will be heard by an appeal panel of three Councillors appointed by the Chair of the Council (unless the grievance relates to the Chair of the Council, if it does then the Vice Chair of the Council will undertake the appointments).

If the Grievance is against multiple Councillors (including the Chair and or Vice Chair) then it may be necessary to seek assistance from an independent panel of Councillors from the Principal Authority or a neighbouring Parish Council.

The overriding principle is that persons hearing the case at appeal stage must not previously have been involved with the grievance.

6.3 The grievant will receive notice of the appeal hearing no less than seven working days in writing before the hearing date. Every effort must be made to attend the hearing date but if the grievant or his/her representative is unable to attend on the date given, a suitable alternative date should be agreed upon, preferably within five working days of the original date. If a date cannot be agreed with the grievant then the Council reserves the right to set a date no less than seven days before the hearing and hear the appeal case without the grievant being present.

6.4 The trade union representative will be allowed to address the appeal hearing to put and sum up the grievant's case, respond on behalf of the grievant to any views expressed at the meeting and confer with the employee during the hearing. The representative does not have the right to answer questions on the grievant's behalf, address the hearing if the grievant does not wish it or prevent the grievant from explaining their case.

6.5 The Appeals Panel should arrange for a note taker to be present to take a formal record of the hearing. This will be provided to all parties involved in the hearing. The Panel may also arrange for an HR adviser to be present to provide advice; although the panel should in any case seek advice from a HR professional advisor throughout the formal process.

6.6 The grievant may invite any appropriate witnesses to be present at the appeal hearing in support of the appeal. Equally, the Appeals Panel may arrange for any appropriate persons to be present as required, including witnesses, etc. Notice of who will be present at the appeal hearing must be provided to the grievant who is making the appeal, at least five days before the appeal hearing date.

6.7 The decision of the appeal hearing will be communicated to the grievant in writing within seven working days of the hearing. The decision of the appeal decision maker will be final and represents the end of the internal process.

7. Collective grievances

7.1 Where a grievance is raised by more than one employee, and the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance.

7.2 A trade union representative can raise a collective grievance on behalf of employees. The principles of this procedure will also apply to collective grievances.

7.3 In all instances, the group of employees should formally lodge their grievance in writing to the Clerk to the Council or if the grievance relates to the Clerk then it should be lodged with the Chair of the Council by completing the template attached at appendix 1.

Only one form should be submitted but must be signed by all employees who are party to the grievance.

7.4 The arrangements for the grievance hearing will be made in accordance with section 6 above. The employees who are signatories to the grievance may nominate one person to represent the group – in most cases this will be the trade union representative, or trade union representatives where the employees involved are members of more than one trade union.

7.5 If the grievant are dissatisfied with the outcome of the grievance hearing they can appeal. The arrangements for the appeal hearing will be made in accordance with section 6 above. The decision of the Appeal Panel will be final and represents the end of the internal process.

8. Equality Monitoring

8.1 To ensure that the Council is meeting its public sector equality duty, it will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). The results will be shared (anonymised where appropriate) with the recognised trade unions.

Appendix 1

Clowne Parish Council

Employee Grievance Form

Name of Grievant(s):

- 1.
- 2.
- 3.
- 4.
- 5.

Date of Incident(s): _____

Nature of Grievance:

<p>Please give as much detail as possible – who, what, when, where, witnesses etc. Please continue on separate sheet if needed.</p>	
Signed by:	
Print Name:	
Date submitted:	

Clowne Parish Council

Council Term of Office 2019 - 2023

Employee Disciplinary Policy



1. Introduction

This policy is designed to achieve and maintain appropriate standards of behaviour and conduct by the Council's employees. It provides a method of dealing with apparent shortcomings in conduct, and its main purpose is to encourage an employee whose conduct is unsatisfactory to improve.

This policy will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status.

Furthermore, the Council recognises its responsibility to ensure the implementation of the rules of natural justice as part of this policy: i.e. the employee should know the nature of the accusation against them; the employee should have an opportunity to state their case; the Council should act in good faith.

The policy is written in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.

Informal guidance does not form part of the formal disciplinary policy.

All proceedings under this policy shall be held in private and shall be confidential.

2. Scope of the policy

This policy does not apply where there are matters of:

- minor misconduct that should be settled informally by means of counselling or informal reprimand in order to improve conduct.
- conditions of employment related grievances which are dealt with under the grievance policy.
- competence or capability which is dealt with under the capability policy, unless it is clear that the employee is capable of reaching the required standard and has actively not done so.
- ill health which is dealt with under sickness absence procedures unless there is good reason to believe that the absence or ill health are not genuine.
- bullying, harassment, discrimination and/or victimisation which are dealt with in the first instance under the Council's Grievance Policy. However, any grievances which are upheld that involve other employees may result in the disciplinary action under this policy.

3. Responsibilities

The Council recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with staff conduct and discipline. The Council also recognises that disciplinary rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Clerk to the Council has overall responsibility for promoting and maintaining standards of work conduct.

There may be certain circumstances where the delegation of responsibility outlined above will not apply. For example, the Clerk has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss, or is a witness of particular conduct giving grounds for the dismissal in question.

Where it is not appropriate for the Clerk to perform this function, the Council's HR Committee will be convened. The HR Committee deals with cases of gross misconduct and the Clerk to the Council is delegated the responsibility to deal with all other cases.

Where a HR Committee is required, three Members from the Committee will be identified to sit as a Disciplinary Panel to consider the case. Another three members will be required to form an Appeals Panel should the Disciplinary Panel decide to impose disciplinary sanctions against the employee(s) involved.

The Clerk to the Council, Disciplinary Panels and Appeals Panels should seek professional advice at all stages of the policy. Disciplinary matters should normally be conducted within the timescales laid down in the policy unless there are mitigating reasons for not doing so.

All efforts should be made by employees to attend meetings and hearings that constitute part of this policy. When there are valid reasons to reschedule meetings or hearings, these should be rearranged within five working days where possible.

4. Representation

Employees have a statutory right to be accompanied at formal disciplinary meetings/hearings by their trade union representative or a workplace colleague. The Council will extend this right and allow for employees to be accompanied at all informal meetings as part of the disciplinary procedure.

The employee is responsible for arranging his/her representation, including notifying the representative of the hearing date and meetings in good time and sending copies of all relevant documentation to them. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time, however the alternative time must not unduly delay the proceedings.

The Council will always try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on the employee's behalf.

The Council will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need identified.

5. Disciplinary Action and Trade Union Representative

Where disciplinary action is being considered against an employee who is a trade union representative, the normal disciplinary policy will be followed. In accordance with the ACAS Code of Conduct, the Clerk to the Council will discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

6. Suspension

Suspension is a neutral act and is not disciplinary action.

The Clerk to the Council may suspend an employee from duty on full pay at a formal meeting called for the purpose. The employee will be given an opportunity, wherever possible, for a colleague or trade union representative to be present.

Suspension will result from any suspicion or allegation of gross misconduct and will be on full pay and the employee will be relieved from the performance of all their duties whilst suspended. The employee may need to hand over keys or advise of any urgent or emergency duties that are due/ need to be undertaken whilst they are away from work.

A written record confirming the suspension will be provided to the employee within three working days of the suspension by the Clerk to the Council.

Unless the employee has specific written permission from the Clerk to the Council, the employee may not be present at any Council buildings or at outdoor Council facilities during the time of the suspension.

A suspended employee will be assigned a contact officer who should be a senior member of staff not involved with the case. The contact officer will review the suspension at regular intervals (every two weeks where appropriate) and advise the employee of progress with the case.

7. Definitions of Misconduct and Gross Misconduct

Misconduct is where an employee breaks specific rules about behaviour or conduct. It is where conduct falls below expected standards and is usually wilful. There may be occasions when negligent conduct amounts to misconduct.

Breaches of reasonable conduct at work can take many forms. Consideration will always be given to the particular circumstances.

Gross misconduct is misconduct which is so serious that it may destroy the employment contract between the employer and the employee and make further working relationships and trust impossible. Some gross misconduct breaches of discipline may be regarded as serious enough to warrant summary dismissal without reference to any prior warnings.

8. Informal Stage

Where possible, potential disciplinary issues should be resolved informally by drawing the employee's attention to the perceived unsatisfactory conduct, discussing the situation and the standards of conduct that are required, and agreeing an appropriate way forward, including any improvement required.

Informal action may often be a more satisfactory way of dealing with a breach of rules than a disciplinary meeting if it takes the form of a discussion with the objective of encouraging and helping the employee. Informal discussion must not turn into a disciplinary meeting and warnings will not be given and recorded.

Consideration should be given to any difficulties that an employee may be facing and a genuine attempt should be made to help the employee to overcome them. Where considered appropriate, managers should seek professional medical opinion and advice when managing staff who may be suffering from mental illness, alcohol or substance abuse.

9. Investigation

No formal disciplinary action will be taken without a prompt and appropriate investigation into the circumstances.

The Clerk to the Council will nominate an Investigating Officer who is a senior member of staff and who should normally have received relevant training; or investigate the allegations him/herself. Where the allegations are against the Clerk, the Chair of the Council will discuss the case with the Council and an Investigating Officer from outside the Council will be appointed.

The Investigating Officer will write to the employee at the earliest opportunity and give the following information:

- details of the allegation/s
- copies of appropriate and available information
- a copy of this disciplinary policy
- time and date of any investigation meeting, with five working days' notice.
- confirmation of their right to representation by a trade union representative at all meetings.

The Investigating Officer will promptly carry out a full, thorough, comprehensive and unbiased investigation into the allegations in as timely a manner as the circumstances will allow.

Care will be taken to ensure that, where appropriate, evidence is also sought from other employees/ witnesses who may be supportive of the employee's case. This will involve the gathering of all relevant evidence from the relevant parties and an investigation meeting with the employee.

The Investigation Report should be completed as soon as possible and within 15 working days for allegations of misconduct and other cases where the fact finding is relatively straightforward. For allegations of gross misconduct and more complex cases, the investigation process should take no longer than 20 working days. In very complex cases or exceptional circumstances, a reasonable timescale will be agreed by mutual consent.

The investigation may require employees and witnesses to be interviewed to establish the facts. Employees should be given notice of at least five working days in advance of any investigation meetings/interviews.

Witnesses should be advised to seek advice as appropriate.

Minutes of these meetings will be taken and agreed with the employee as a true record.

The role of the Investigating Officer is to gather evidence and produce a report that will recommend whether:

- no further action is required
- management guidance is appropriate
- further training is required in response to an identified need
- the case should be referred to a Disciplinary Hearing
- whether the matter is potentially one of gross misconduct.

If other areas of concern arise during the process that require further investigation, the Investigating Officer will adjourn the meeting/investigation in order to undertake this.

If there is no case to answer, the matter will be closed, the employee informed in writing and all documentation removed from the employee's file.

If the matter does not warrant a disciplinary hearing, the Clerk to the Council may arrange counselling or take informal action.

If on completion of the investigation the Investigating Officer is satisfied that the alleged misconduct warrants a hearing(s) they will inform the employee and a disciplinary hearing will be arranged.

In the case involving the Clerk to the Council, the Investigating Officer will submit a report to the HR Committee of the Council. The HR Committee will decide if any further action is required and whether there needs to be a formal hearing convened with the Council.

Persons directly involved in the investigative process may present a case or appear as a witness, but may not give advice to, nor sit on, the subsequent Disciplinary Hearing Panel.

The Disciplinary Hearing Panel will comprise of three Councillors who will consider the Investigating Officer's findings (including witness testimony) and allow for the employee to present any evidence or witnesses testimony in support of their case.

10. Disciplinary Hearing

The employee will be notified in writing (by registered post and email) of the following:

- the date, time and venue of the hearing – with at least ten working days' notice from receipt of the letter. If the employee or their chosen trade union representative is unable to attend the hearing for a valid reason, a new date will be set within five working days.
- the names of intended disciplinary panel members
- the specific nature of the allegation/s
- the right to produce written statements and to call witnesses
- the right to representation
- the names of any witnesses interviewed by the Investigating Officer
- all supporting documents to be used as evidence by the Investigating Officer
- the possible/likely outcome of the hearing if the allegations are considered proven, i.e. warnings, dismissal etc
- a copy of the Disciplinary Policy.

The employee should be notified that if they wish to call witnesses or to provide relevant paperwork, this should be provided to both the Clerk to the Council and Chair of the Disciplinary Hearing Panel as appropriate, at least two working days prior to the hearing.

The Council will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. Both the Clerk to the Council and Chair of the Disciplinary Hearing Panel must be informed of requirements at least two full working days before the hearing.

If the employee's chosen representative is not able to attend, the employee may offer a reasonable alternative time within five working days of the original date, unless mutually agreed otherwise.

A panel of three Councillors will hear the case and one of which will be elected as Chair of the Disciplinary Hearing Panel. If any of the Councillors nominated are or have been directly involved in procedures leading to the disciplinary action or are a witness to the particular conduct giving grounds for the disciplinary action in question, then they cannot be part of the Disciplinary Panel hearing the case.

If the employee fails to attend the hearing, the case will be heard in their absence, unless acceptable reasons have been presented in advance in writing to the Chair of the Hearing Panel and it has therefore been agreed by the Chair of the Hearing Panel to postpone the hearing to a later date.

It is for the nominated Chair of the Hearing Panel to decide whether late evidence from either side is acceptable. The views of both parties should be sought when considering the late admission of evidence, and the head teacher/chair should consider the fairness and reasonableness when making their decision. If the late evidence accepted is in written form, it would be usual to allow a brief adjournment for reading the document/s.

The Hearing Panel members must ensure that the employee receives a fair and impartial hearing, is encouraged to be represented or accompanied, is allowed to present his/her case or have it presented, and is allowed to bring witnesses and to question the Investigating Officer and any witnesses interviewed by the Investigating Officer.

11. Procedure for a hearing

Minutes should be taken by the HR Professional Advisor to the Disciplinary Hearing Panel or another suitable person arranged by the Council. Copies of all minutes should be circulated to all parties as soon after the hearing as possible and signed by all parties as a true and correct record.

Once the Disciplinary Hearing Panel has heard the case and is satisfied that all relevant evidence has been provided, all parties (other than the note taker and HR Professional Advisor shall withdraw whilst the panel considers all the facts of the case, whether these constitute unacceptable conduct and what the level of sanction should be, if any.

If the Disciplinary Hearing Panel decides there has been no unacceptable conduct, they will call the employee back to inform them that there is no case to answer and that all record of the process will be removed from their personal file.

If the Disciplinary Hearing Panel considers that unacceptable conduct has taken place, they will call the employee and their representative back into the room to let them know and to ask if there is any mitigation.

Before deciding what disciplinary sanction to impose, if any, the Disciplinary Hearing Panel should also consider whether the employee has been subject to any previous disciplinary action and whether any warnings are still current.

The decision of the Disciplinary Hearing Panel will be announced at the close of the hearing whenever possible. This may be varied by mutual agreement, especially if the decision-making process is likely to take some time. The Chair of the Disciplinary Hearing Panel will confirm the decision in writing to the employee within three working days of the hearing.

12. Disciplinary Sanctions

The possible actions arising from a disciplinary hearing are:

No further action to be taken.

Recorded oral warning – this will remain on the employee's record for 3-6 months dependent on the nature and severity of the breach.

Written warning – this will set out the nature of the misconduct/reasons for the warning, and any improvements and the change in behaviour required. The employee will be notified that the warning constitutes part of the formal disciplinary process and the consequences of any further misconduct could be a further written warning and ultimately dismissal. It will remain on the employee's record for six months.

Final written warning – this will be given where misconduct is serious but is not considered serious enough to justify dismissal. A final written warning may also be issued where there is a failure to improve following previous written warning/s. It will remain on the employee's record for 12-18 months dependent on the nature and severity of the breach.

Where a final written warning is issued during the term of a first written warning, the duration of the final written warning will supersede that of the first written warning.

Upon expiry, the warning will be removed from an employee's personnel file except for warnings relating to the safety and welfare of children or young people.

The written notification will include the following information:

- the exact nature of the misconduct proven
- the basis of their decision
- the period of time given for improvement, if appropriate, and the standard of improvement expected
- the disciplinary sanction being applied and, where appropriate, how long this will last
- notification of the likely consequences of further proven misconduct
- information about the employee's right of appeal, including how they should make it and to whom.

13. Disciplinary Appeal Hearing

An employee can appeal against any formal disciplinary action. The appeal must be made in writing to the Chair of the Council within 15 working days of receipt of the decision letter.

Appeals against the fairness and reasonableness of any disciplinary action may be considered by the Disciplinary Appeals Panel in relation to one or more of the following grounds:

The procedure – the grounds of appeal should detail how any procedural irregularities prejudiced the disciplinary decision.

The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.

The decision – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of disciplinary action taken or the act was one of misconduct rather than gross misconduct.

Wherever possible the appeal should be heard within 20 working days of the lodging of the appeal, and the employee should have at least ten working days' notice of the Disciplinary Appeal Hearing.

The Disciplinary Appeals Panel should comprise of three Councillors however no member of the Disciplinary Hearing Panel can also be a member of the Disciplinary Appeals Panel.

All documentation presented to the original hearing, together with the decision of the Disciplinary Hearing Panel, as well as any subsequent correspondence, must be made available to the Disciplinary Appeals Panel. Any new evidence should be copied to all parties at least five working days before the Disciplinary Appeal Hearing.

If the decision is dismissal, then notice periods are effective from the date of the initial dismissal decision unless the decision was considered so serious as to be a summary dismissal without notice. Should the appeal be successful, reinstatement will also be from the original date with no break in employment continuity or pay.

14. Disciplinary Appeal Hearing

The Disciplinary Appeal Panel will deliberate, paying particular attention to any new evidence that has been introduced by the employee as well as hearing representations from both the Chair of the Disciplinary Hearing Panel and the employee or representative, in order to determine whether the decision of the hearing was fair and reasonable in view of the evidence available. The Disciplinary Appeal Panel cannot increase the disciplinary sanction.

The decision of the Disciplinary Appeal Panel is final and binding on all parties.

Minutes should be taken by the HR Professional Advisor to the Disciplinary Appeal Panel or another suitable person arranged by the Council.

Copies of the notes and an appeal decision letter will be circulated to all parties within three working days of the hearing.

15. Grievance

Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens, and depending on the circumstances, it may be appropriate to temporarily suspend the disciplinary process for a short period until the grievance can be considered by the Council. However normally both disciplinary and grievances processes are mutually exclusive and can happen in tandem.

16. Alleged Criminal Offences

The case of an employee charged with, or convicted of, a criminal offence should not normally in itself be a reason for disciplinary action. Consideration must be given to what affect the charge or conviction has on the employee's suitability to do the job and their relationship with the Council and work colleagues. The Disciplinary Policy will only be instigated where there are reasonable grounds for believing that the nature of the activities is sufficiently serious to have an adverse effect on the ability of, or confidence in, the employee to carry out his/her duties properly.

Where an employee is alleged to have committed a criminal offence and police investigations are underway, disciplinary proceedings must be handled carefully and in accordance with police instructions so as not to interfere in the police investigation.

17. Record Keeping

Those involved in investigating disciplinary matters and those involved in disciplinary hearing and appeal panels must keep written records of meetings and discussions relating to the disciplinary process. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file. Upon expiry, any warning will be removed from the employee's personnel file except for warnings relating to the safety and welfare of children or young people.

18. Equality Monitoring

To ensure that the Council is meeting its public sector equality duty, it will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). The results will be shared (anonymised where appropriate) with the recognised trade unions as required.

Clowne Parish Council

Council Term of Office 2019 - 2023

Employee Code of Conduct



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1. Introduction

1.1 Clowne Parish Council (hereafter referred to as the 'Council') expects the highest standards of conduct from all its employees and representatives (also referred to as 'staff'), requiring them to conduct themselves in a way that ensures that high standards of service and the reputation of the Council are maintained.

1.2 This Code of Conduct, hereinafter called 'Employee Code', has been produced in the light of the challenges that are faced in today's working environment and is intended to protect employees and representatives of the Council from misunderstanding or criticism by setting minimum standards for employees to adhere to.

1.3 The purpose of the Employee Code is to promote consistency and make all staff aware their responsibilities whilst engaged in work for the Council, by specifying standards of behaviour and by clearly defining rules concerning official conduct.

1.4 It is the responsibility of all employees to read the Code. If any of the provisions contained within the Code are not fully understood, staff should seek advice from their line manager.

1.5 Employees must comply with this Code as it forms part of their terms and conditions of employment. Breaches of the Code will be investigated and may result in action in accordance with the Council's Employee Disciplinary Procedure.

1.6 Employees are expected to report any impropriety, without fear of recrimination, using the Council's Whistleblowing Policy.

2. Scope

2.1 The use of the word "employee or staff" within this Code includes all employees under a contract of employment (whether permanent or temporary). It also applies to casual workers and agency staff.

2.2 In addition to this Employee Code, there are also statutory provisions, disciplinary rules, the Council's other policies and guidelines which dictate the way that the Council operates. The Council may issue further rules from time to time either in writing or by oral instruction (oral instructions should be recorded by the Council).

2.3 A copy of this Employee Code will be issued to all staff. The Clerk and his/her managers are required to take such steps as necessary to ensure that staff understand the rules and standards in respect of work performance and the observance of working procedures, operational regulations, safety rules and regulations and provisions of the Council.

2.4 Where clarification is required on matters contained within this Employee Code or other related procedures or regulations, advice can be sought from the Clerk to the Council.

3. Key Principles

3.1 This Employee Code has been developed, taking into account the recommendations of the Committee on Standards in Public Life setting out the 7 principles of public life ("The Nolan Principles"), as amended.

3.2 The Nolan Principles are the basis of the ethical standards expected of public office holders and apply to all those who are elected to public office, nationally and locally, and all people appointed to work in local government.

3.3 Employees are expected to demonstrate the Nolan Principles as summarised below:

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Honesty Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

4. General Conduct

4.1 Employees are expected to conduct themselves at all times (both inside and outside of work) in a manner which will maintain public confidence in both their integrity, and the services provided by the Council.

In general, what an employee does while not at work is his/her personal concern, unless those actions would cause a breakdown in the employment relationship, but an employee shall at all times, while at work, observe the requirements of the law and the Council's Rules, Policies and Procedures.

4.2 Failure to observe this Employee Code or any of the additional policies, regulations, standards or codes of conduct referred to may lead to disciplinary action in accordance with the Council's Employee Disciplinary Policy.

4.3 Misconduct outside of work may result in disciplinary action if it directly affects the employee's performance of their work or damages the reputation of the Council. Any employee who is the subject of any criminal proceedings which might affect their ability to do their job or the reputation of the Council must disclose this to the Clerk to the Council as soon as practicable who will record this information on the employees HR file..

4.4 Employees must also follow any specific rules as set out by their Professional Body as appropriate.

5. Maintenance of Standards

5.1 To ensure the highest standards of customer service are achieved, employees are expected to bring to the attention of the appropriate manager any deficiency in the provision of service, or breach of this Employee Code, and to be able to do so without fear of recrimination.

5.2 Any such matter should be brought to the attention of the immediate line manager or Clerk to the Council through the Council's Whistleblowing Procedure.

6. Confidentiality/Disclosure of Information

6.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. In addition, the Council may decide to make available other types of information.

6.2 Employees must ensure they are clear about any confidential information they are privy to and maintain that confidentiality. Employees in any doubt as to whether they should release information must consult with their line manager, their trade union or take legal advice before any disclosure is made.

6.3 Where confidentiality is necessary to protect the privacy or other rights of individuals or organisations, the information should not be released to anyone other than an individual who has a right to know, or another person who is entitled to receive it for the proper discharge of their duties.

6.4 Nothing in this Code is intended to prevent the sharing of information where there is a statutory duty to do so or where specific partnership working arrangements require the sharing of information for efficiency.

6.5 Employees are forbidden from using any information obtained in the course of their employment (whether this information is written, verbal, or in electronic, audio or CCTV/video format) for personal gain or benefit, either directly or indirectly.

6.6 Employees must not divulge any personal or organisational confidential or commercially valuable information to which they have access in the course of their employment. This also applies after employees have left the Council.

6.7 All information relating to the Council, however stored, is the property of the Council and employees must not keep or use it for their own purposes. When employees leave the Council for whatever reason, any such information in their possession must be returned to their line manager.

6.8 Information given in the course of duty must be true to the best of an employee's knowledge, fair and not designed to mislead.

7. Political Neutrality

7.1 All employees must serve all councillors and not just those of the controlling group, ensuring that the individual rights of councillors are respected.

7.2 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality.

7.3 Employees, whether or not they are in politically restricted posts, must not allow their own personal or political opinions to influence or interfere with their work.

7.4 While the Council recognises the right of every individual to hold political opinions and to take part in political activity in his/her own time, it also recognises that politics is a subject on which individuals hold many different views. It is therefore the Council's policy that employees may not take part in any type of political activity while at work or during work time.

7.5 Employees should also make an informed decision about engaging in political activities outside of their scheduled working time (including periods of paid or unpaid leave) to ensure that their activities do not potentially impact on the reputation of the Council or compromise political neutrality.

"Political Activity" means any activity in support of, within or in opposition to, a political party or to a specific candidate. Examples include (although not exclusively) fundraising; developing, publishing or promoting political material; attending specific events such as campaigns, rallies or similar political gatherings.

7.6 Employees should be aware that some posts are politically restricted.

8. Relationships

8.1 Councillors

8.1.1 For some staff, their role is to give advice to Councillors. Mutual respect between employees and councillors is essential to local government.

8.1.2 It is important that any dealings between Councillors and employees should observe reasonable standards of courtesy; neither officers nor members should seek to take unfair advantage of their position.

8.1.3 Failure to maintain this expected standard can potentially damage working relationships and prove embarrassing to other employees. Ultimately, it could damage the reputation of the Council as a whole.

8.1.4 Employees should familiarise themselves with the requirements of the Council's Protocol for Member/Officer Relations.

8.1.5 Where the relationship with councillors may have been compromised in any way, officers should declare it to the Clerk to the Council.

8.2 Local Parishioners, Service Users and Colleagues

8.2.1 Employees must maintain courteous, efficient and impartial service delivery to all groups and individuals within the community.

8.2.2 This expectation extends to employee's dealings with colleagues.

8.2.3 Employees should not at any time act in an oppressive or abusive manner, use threatening language or take action to cause offence towards any individual (or incite others to do so).

8.2.4 All employees must ensure that the Council's Policies relating to Equality are complied with at all times.

8.3 Contractors

8.3.1 If an employee or a member of their family or a person with whom they have a close personal association has a business, employment, or other financial interest in a supplier, and either

- a) the Council has an existing contract with that supplier or
- b) the supplier has or may in the future tendered, provided a quotation, or may be interested in bidding for work from the Council,

then the employee must record in writing full details of such interest and pass that record to their line manager who should notify the Clerk to the Council as detailed in section 22.1.

8.3.2 The employee's spouse or civil partner, child, parent, sibling or someone who lives in the same house (but not a lodger or tenant)

8.3.2 All orders and contracts must be awarded on merit, by fair competition against other tenders and without unfair discrimination.

8.3.3 Any Employees whose duties include the engagement or supervision of contractors or have any other relationship with contractors should record in writing any previous, existing, or proposed contractual relationship with such contractors which arises in their private or domestic capacity, and pass these details to the Clerk to the Council to protect the Council and the employee's integrity.

8.4 Personal Relationships at Work

8.4.1 The Council recognises that employees who work together may form personal friendships and, in some cases, close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the Council to ensure that all employees behave in an appropriate and professional manner at work, at all times.

8.4.2 Any employee who embarks on a close personal relationship with a colleague must declare the relationship to the Clerk to the Council. The information declared will be recorded on the HR files of both employees and treated in strict confidence.

8.4.3 In order to avoid a situation in which an employee has managerial authority over another with whom he/she is having a close personal relationship, the Council reserves the right to elect to transfer one or both of the employees involved in the relationship to a suitable, alternative role within the Council.

9. Appointment and Employment Matters

9.1 Employees involved in appointments or decisions relating to discipline, promotion or grading should not be involved where they are related to an applicant or have a close personal relationship outside work with him or her.

9.2 All employees involved in recruitment and selection on behalf of the Council must be familiar with, and abide by, the Council's Recruitment and Selection procedures.

9.3 Canvassing of Councillors relating to any employment matter, including appointments, is strictly prohibited, will disqualify the candidate concerned for that appointment and may result in disciplinary action.

9.4 If staff wish to be accompanied on a business trip (i.e. an occasion where they are representing the Council) by a partner or other personal contact, they must have the prior authorisation of the Clerk to the Council to do so. Under no circumstances will any expenses (including although not limited to travel, subsistence or accommodation) relating to the companion be paid for by the Council.

10. Outside Commitments/Dealing with The Council

10.1 Employees should seek written approval prior to undertaking additional employment (paid or unpaid) or other business activities. Approval will normally be given where such employment or other business activities do not, in the view of the Council, conflict with or react detrimentally to the Council's interests or in any way weaken public confidence in the conduct of the Council's business.

10.2 Any employee who is in doubt as to the implications of taking up additional employment elsewhere must seek the approval of the Clerk to the Council, who should record this information on the employees' HR file.

10.3 Where employees have dealings with the Council on a personal level e.g. as an applicant for planning permission or a tenant they should never seek or accept preferential treatment in such dealings and should avoid placing themselves in a position which could lead to accusations of preferential treatment.

10.4 Employees are strictly prohibited from using their position within the Council to seek preferential treatment for friends or relatives or any company with which they are personally connected.

11. Intellectual Property/Copyright/Lecture Fees

11.1 All creative designs, writings and drawings produced by employees in the course of their duties are the property of the Council.

11.2 All inventions made by employees remain the property of the Council if made during the course of normal duties. Normal duties are those described in an employee's terms of employment, job description and those arising from an instruction from a manager or Clerk to the Council.

11.3 Fees for giving lectures or writing articles may only be retained by employees where these activities are not integral to their employment or position with the Council and they are conducted in the employee's own time.

12. Personal Interests

12.1 Employees must declare to their manager (who should record this information) any financial or non-financial interests that a reasonable person would consider could conflict with the interests of the Council. Any such declaration will be kept on a Register of Interests maintained by the Clerk to the Council.

13. Sustainability Issues

13.1 Employees must be aware of their obligation to work towards improving the environment and in particular ensure the wider long-term implications of their own actions are in accordance with Council policy.

13.2 Employees are required to consider sustainability issues when undertake their duties, including in the procurement of goods and services. In particular they should seek opportunities to improve and promote energy conservation, advocate recycling and waste minimisation, reduce pollution and support positive Council initiatives to improve the environment.

14. Corruption

14.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. In the event that any such allegation should be made it will be for the employee to demonstrate that any such rewards have not been corruptly obtained.

15. Hospitality & Gifts

15.1 Employees should only accept offers of hospitality if it is part of the normal work of the Council i.e. attending a meeting. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community and the Council has been asked or is expected to be represented. Acceptances of hospitality should be authorised by and recorded with the Clerk to the Council using the approved Gifts and Hospitality Register Declaration Form which is available from the Clerk.

Where a gift is offered it may be accepted if:

- (i) it is offered during official authorised hospitality
- (ii) it is of nominal value (a guide to nominal value being a box of chocolates or item of under £10) and, in either case,
- (iii) (no ulterior motive is apparent nor is there any danger of misinterpretation by the public (for example, because the offer comes from a person or company tendering for work) and
- (iv) (iv) they have not become a frequent occurrence

15.2 Employees must refuse an offer of a gift from any person engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and the employee is directly responsible for formulating recommendations to the Council or for monitoring the service received from the person concerned.

15.3 Gifts of money cannot be accepted under any circumstances.

15.4 Any gifts outside the scope of these guidelines must be refused.

15.5 Any employee who is pestered or harassed into accepting gifts or other incentives must inform the Clerk to the Council immediately.

15.6 Employees should not accept property, money or other items that may have been bequeathed to them by Parishioners (unless they are family). Where an employee becomes aware that a member of the public has or intends to bequeath something to them, they must inform the Clerk to the Council immediately. Whilst such situations can be very sensitive and emotive bequests should be declined wherever possible, either directly to the person bequeathing or to the Solicitor responsible for the will.

15.7 Where it is too late to decline a bequest or to do so would cause undue offence, the employee must submit all relevant details to the Clerk to the Council who will authorise the employee to accept/retain the bequeathed items only if they are satisfied no undue influence has been exerted on the person bequeathing to the employee. A record of this authorisation will be held by the Clerk to the Council. Any allegation that undue influence has been brought to bear will be investigated and, if proven, will be treated as gross misconduct under the Council's disciplinary procedure.

16. Use of the Council's Resources

16.1 Employees must ensure that they use public funds entrusted to them in the execution of the Council's business are used in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

16.2 The Council's resources should be used solely in respect of its business. No improper use, or use for anything other than Council business, should be made of any Council facility such as: premises, vehicles, equipment, stationery or services, subject to the provisions made in the Council's policies and procedures or where specifically authorised by the Council.

16.3 Staff must ensure that they follow the Council's Policy in relation to ICT equipment and the proper management of electronically held data.

17. Sponsorship – Giving and Receiving

17.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Great care must be exercised by employees when dealing with contractors or potential contractors.

17.2 Where the Council wishes to sponsor an event or service, no employee or any relative or close friend should benefit from sponsorship in a direct way without there being full declaration to the Clerk to the Council of any such interest to be included in the Register of Interests as detailed in 22.1.

17.3 Similarly, where the Council through sponsorship, grant aid, financial or other means gives support in the community, employees involved must ensure that impartial advice is given and that there is no conflict of interest.

18. Constitution

18.1 Employees are required to observe agreed working procedures, operational regulations, safety rules, legislative requirements and codes of practice and safe working procedures and to carry out reasonable and proper instructions given in matters relating to their duties.

18.2 An employee shall not:

- (i) Fail to discharge through carelessness, or neglect an obligation placed upon him/her by contract or statute;
- (ii) Fail to report any matter, which he/she is required to report.

19. Standards of Appearance

19.1 The Council recognises the diversity of cultures and religions of its employees and will take a sensitive approach when this affects standards of dress. However, priority will be given to health and safety and security considerations.

19.2 All employees are required to be neat, clean and tidy while at work, whether working on the Council's premises or elsewhere.

19.3 Any clothing worn at work must be smart, clean and appropriate that has words, terms, slogans or pictures that may be offensive to others is unacceptable. Staff should ensure that their clothing is practical for work, but not distracting to others.

19.4 Employees who are required to wear a uniform must ensure that they do so during working hours, unless advised otherwise by their manager. Uniforms must always be clean and worn in a presentable fashion. The uniforms issued must not be altered in any way without the permission from the Clerk to the Council.

19.5 Where uniforms and/or work equipment are issued by the Council, they remain the property of the Council. Employees must take responsibility to ensure that good care is taken of them, and return any uniforms issued on the termination of employment.

20. Social Media

20.1 Social media is a powerful tool and reaches a wide audience which could include colleagues, clients or other individuals who may be connected with the Council.

20.2 When using any social media, employees must always carefully consider what they write online and whether this has potential to cause detrimental impact on colleagues, the reputation of the Council or compromise the status and actions of elected Members, other employees or partner organisations or might otherwise damage the confidence the public has in a public service.

20.3 Employees should ensure that nothing they publish online can reasonably be perceived by the public or colleagues to be discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive or otherwise incompatible with the expectations set out in this Code.

21. Declaration of Interests

21.1 Any possible conflicts of interest as described in this Code or any related policies, procedures, regulations or legislation must be declared in writing to the Clerk to the Council. All declarations of interest will be held in on the employee's HR file by the Clerk to the Council.

21.2 If in doubt, employees should always declare a potential conflict of interest.

22. Revision

22.1 This policy will be reviewed by the Council every 12 months or sooner if required, taking into account changes to legislation, ACAS guidelines and best practice.

Clowne Parish Council

Council Term of Office 2019 - 2023

Gifts and Hospitality Policy



GIFTS AND HOSPITALITY POLICY

1. Introduction

1.1 It is inappropriate for a Councillor (also referred to as 'Member') of Clowne Parish Council (hereafter referred to as the 'Council') to accept a gift or hospitality for his or her personal benefit from a person (referred to as the 'donor') where acceptance could influence, or could be perceived by the public to influence decisions and actions taken or to be taken by the Member that positively affect the donor.

1.2 By contrast, this Guidance is not designed to affect gifts received by Members on behalf of the Council. Neither does the Guidance affect the acceptance of hospitality in relation to civic and ceremonial functions or in connection with cultural exchanges. However, it is good practice to register the receipt of hospitality in these circumstances with the Clerk to the Council, as this helps to maintain public confidence.

1.3 For the sake of clarity, "hospitality" means any food, drink, accommodation or entertainment freely provided or heavily discounted. Gifts include goods, services, money and gift vouchers, although this list is not exhaustive.

1.4 If you accept hospitality or a gift with an estimated value of over £10 you need to declare it on the public register, which is maintained by the Clerk to the Council. Members have a continuing obligation to register where required in accordance with this guidance, within 28 days of acceptance of the gift or hospitality.

2. When does the Guidance apply?

2.1 This guidance applies only to gifts and hospitality received in connection with your role as a Councillor. All Members are expected to exercise sound judgement when responding to offers of gifts or hospitality. Be aware that in some cases a gift of less than £10 might also be considered inappropriate in a situation as described in paragraph 3.1 below

2.2 This guidance does not apply to:

- Situations where you receive a gift or hospitality from family or friends (for example as birthday or other festival presents) where it is not related to your role as a Councillor. You should however question gifts or hospitality received from an unusual source.
- Gifts made to the Council, as opposed to you personally in your role as a Councillor-see above, or hospitality received as part of civic or ceremonial functions or in connection with cultural exchanges.
- Promotional gifts, i.e. items such as stationery or pens that bear the logo or organisation's name of another organisation, provided that these have no significant value.

3. How Could Gifts or Hospitality be a problem?

3.1 The Bribery Act 2010 creates a criminal offence where someone pays or receives a bribe. This would occur where a person offers you a “financial or other advantage” in circumstances where you are carrying out a function on behalf of the Council and you are in a position of trust, good faith or expected to act in an impartial way and the person offering the bribe has the intention of getting you to perform your function in an improper manner.

3.2 A financial advantage could include a gift or hospitality. Statutory guidance suggests that it will not amount to a bribe if the gift or hospitality has a legitimate business aim (including developing relationships on behalf of the Council) and it is reasonable, proportionate and appropriate in the circumstances (including by reference to what is normal in that particular sector of work or culture).

3.3 Aside from this, the acceptance of gifts or hospitality could adversely affect the public perception of you as an office holder and it could also seriously affect the perception that the public have of the Council as a corporate body. If you are not sure whether something is appropriate, you should seek advice from the Clerk to the Council prior to accepting gifts and/or hospitality.

4. What are the General Rules about Gifts and Hospitality?

4.1 You must not accept personal gifts or hospitality from current or potential contractors with the Council, apart from insignificant items of small token value such as pens, diaries, calendars etc.

4.2 When considering whether to accept gifts or hospitality in other circumstances you should consider the monetary value and its timing in relation to decisions which the Council may be taking affecting those providing the gift or hospitality, and you have the opportunity to influence the decision.

4.3 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

5. How Do I Apply the Rules in Practice?

5.1 **Infringement** - If the gift or hospitality infringes one or more of the following general principles then you should not accept it:

5.1.1 **Improper Obligation** - Gifts or hospitality of any value should never be accepted as an inducement or reward for anything done as a Member of the Council, or as a means of gaining influence. You must always act in the public interest.

5.1.2 **Benefit to Council** - Gifts or hospitality should only be accepted where there is a proportionate benefit to the Council. Unless the benefit to the Council is clear and that benefit would not have been available but for the acceptance of the gift or hospitality, then the presumption is that the gift or hospitality is for your personal benefit.

5.1.3 **Soliciting Gifts or Hospitality** - You should never solicit or invite an offer of a gift or hospitality and you must also avoid giving the impression that you might be open to such an offer.

5.1.4 **Misinterpretation of Intent** - Gifts or hospitality offered should not be accepted where the circumstances are likely to be misinterpreted by a reasonable member of the public. The appearance of impropriety can be as damaging to the Council as actual impropriety.

Examples of situations where the Council could be challenged or discredited include, but are not limited to:

- competitive procurement and tendering exercises
- regulatory decisions
- determination of grants or other requests for funding

Breach of any of these principles may constitute a breach of the Councillors Code of Conduct.

6. Under What Circumstances Can You Accept a Gift or Hospitality

- Reasonable refreshment in connection with any meeting in the ordinary course of your duties as a Member of the Council, such as tea, coffee, soft drinks and biscuits.
- Tickets for sporting, cultural and entertainment events that are sponsored by the Council where you are acting in your capacity as Councillor.
- Small gifts with a low intrinsic value.
- Modest working lunches provided to enable you to discuss business with colleagues.
- Reasonable hospitality, provided at external visits, meetings or conferences.
- When non acceptance of a gift has the potential to cause offence in relation to different cultural beliefs.

7. Registration Process

7.1 To register the acceptance of a gift or hospitality, please complete the form attached to this guidance and return to the Clerk to the Council.

8. Where Can I Get Further Advice?

8.1 If you have any questions or require detailed advice about the application of this guidance then in the first instance please seek assistance from the Clerk to the Council.

Appendix 1

Clowne Parish Council

Gifts and Hospitality Register – Declaration

1. Recipient (Name) -
2. Received from (Donors' Name, Position and Organisation) -
3. Description of Gift/Hospitality Offered -
4. Value £ (Estimate if Value Unknown) –
5. Reason Given for Providing Gift/Hospitality –
6. Date(s) Gift/ Hospitality Received –
7. Hospitality offered but not Accepted –
8. Gift Surrendered to (Name and Date) –
9. Current Location of Gift –

Signed:

Please submit the completed declaration to the Clerk to the Council

Clowne Parish Council

Council Term of Office 2019 - 2023

Community Grants Policy



1. Introduction

1.1. Clowne Parish Council (hereafter referred to as the Council) is committed to encouraging, supporting and promoting voluntary and charitable organisations within Clowne for the benefit of its Parishioners. The Council makes an annual budget provision for grants to help meet its aims.

1.2. Under Section 137 of the Local Government Act 1972, the Council has the power to incur expenditure which in its opinion is in the interests of and will bring direct benefit to its area or any part of it or all or some of its inhabitants. The direct benefit accruing must also be commensurate with the expenditure involved.

1.3 HM Governments' Ministry of Housing, Communities and Local Government each year sets the appropriate sum that parish and town councils in England can spend under the Council's section 137 powers.

1.4 The maximum amount which the Council may spend under section 137 in any one fiscal year (i.e. from 1 April to the following 31 March) is an index-linked amount per head of the "relevant population". The "relevant population" is the number of persons on the electoral register for the Parish as at 1 April each year. The electoral register is published and updated regularly by Bolsover District Council.

1.5. The Council is permitted to spend up to £8.32 per head of relevant population in financial year 2020/21. The relevant population figure as at 1st April 2020 is 6437 meaning the Council can spend up to £55,569 on section 137 related expenditure.

1.6. The Council has further powers to make grants to voluntary organisations providing recreational facilities under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976; "voluntary organisation" means any person carrying on or proposing to carry on an undertaking otherwise than for profit.

1.7 The Council has also received funding as a result of section 106 of the Town and Country Planning Act 1990 to administer and oversee a Community Grant Scheme in partnership with Barlborough Limited who provided this funding to the Council as a result of their wind turbine development located between Clowne and Barlborough.

1.8. This policy is designed to act as a guidance for both councillors and applicants when considering or making applications.

2. Eligibility

2.1. To be eligible for a grant applicants must:

2.1.1. have a written governing document (for example a constitution, set of rules, memorandum and articles of association or trust deed);

2.1.2. have a bank account that requires the authorisation of at least two people who are unrelated to each other to make payments or withdrawals of any kind from that account;

2.1.3. be voluntarily run, non-profit making and operated with no undue restrictions or limitations on membership;

2.1.4. have independently approved annual accounts;

2.1.5. explain the service it is providing by giving details of its activities;

2.1.6. demonstrate the need for financial assistance.

2.2. The Council will not make grants to any organisation that it deems to be a political party, has the nature of a political party, or is engaged in campaigning for a political purpose or cause.

2.3 The Council will not provide funds for the furtherance or propagation of a faith promoted by any organisation which is, or is deemed by the Council to be, of a religious nature. This will not preclude religious organisations applying for assistance to provide social or welfare work connected with their organisation and which do not directly promote a religious aspect.

3. Conditions

3.1. A grant will only be considered for projects which will be undertaken in and/or will be wholly or principally for the direct benefit of residents of Clowne Parish.

3.2. Grants cannot be used for retrospective funding; that is to replace money which has already been spent, or to cover items or services that have already been bought including consultancy or brokering fees.

3.3. Grants cannot be redistributed / gifted to other organisations or individuals.

3.4. Any grant awarded must only be used for the approved purpose.

3.5. Projects receiving assistance must be completed within one year of receipt of the grant.

3.6. Applicants must, when called upon to do so by the Council, provide a report, not more than 28 days thereafter the completion of the project, detailing how the project has achieved its aims and provide documentary evidence of spend.

3.7. Any part of a grant not used within one year of receipt or which has not been used for the approved purpose must be repaid to the Council and shall be recoverable as a debt due from the applicant to the Council.

3.8. Applicants must give recognition to and positively promote the Councils involvement in their project for example in press releases, advertising and publicity.

3.9. The Council may, at its own absolute discretion, impose any other condition when making a grant.

3.10 Grants will not normally be approved for services that are the responsibility of another statutory authority.

3.11 The following organisations can apply for funding:

- Charities;
- Voluntary and Community Groups;
- Schools and other community educational establishments (provided the grant is for out of school or extracurricular activity);
- Social Enterprises (including credit unions, co-operatives, community owned enterprises, community interest companies and development trusts) provided they operate on a not-for-profit basis and can demonstrate benefit to Clowne Parishioners;

3.12 Successful applicants are not normally able to apply for further grants within a 12-month period from the date the previous grant was awarded; however, the Council will consider additional awards based on the specific business case and reasons for additional funding.

3.13 Grants will not be available for the following:

- Commercial organisations;
- Private membership-based clubs and groups (unless membership is open to the public without undue restriction);
- Projects that only benefit an individual;
- Projects that are narrowly religious in focus or that support a party-political campaign or cause;
- Projects that are already underway or have been completed;
- Works that are considered a statutory funded responsibility or duty; such as public transport services, core education costs, works to public highways;

3.15 The main criteria used when assessing applications received will be:

- The social, economic and environmental benefits which will result from the project;
- The level of community support for and involvement in the project;
- The Applicants' ability to deliver the project on safely, on time and on budget;
- How the project will be continued after the funding has been used i.e. its sustainability and legacy;
- Whether the project represents good value for money;

4. Applying for a grant

4.1. Applications are to be made on the application form (appendix 1) available via the Councils website or on request from the Parish Office.

4.2. Applications will not be considered until all the information requested on the form has been supplied.

4.3. Applicants may, if they wish, and must if requested, attend meetings referred to in 4.4.

4.4. Completed applications will be considered by the Council at its next available meeting.

4.5 Payment of any grants approved by the Council will be made as soon as practicable thereafter by electronic bank transfer subject to receipt of the applicants' approved bank sort code and account number and acceptance of the terms and conditions associated with the grant;

4.6. The Council will usually only provide one grant to each applicant in each financial year, but it may at its own absolute discretion provide grants in successive years. Applicants should not make a presumption that funding will continue year on year.

5. General

5.1. The applicant or anyone acting on their behalf must not solicit support from or lobby any councillor at any time during the application process.

5.2. If there is a breach of 5.1 the application shall be immediately void and no further application by the applicant will be considered.

5.3. If any additional conditions are imposed pursuant to 3.9 the applicant shall, before payment of the grant, sign an agreement to those conditions.

Application for a Council Grant

Name of Applicant Organisation

.....

Registered Charity Number (if applicable)

.....

Main Contact Name

.....

Applicant Organisation Main Address

.....

Main Contact Telephone number

.....

Main Contact Email address

.....

Aims and objectives of the Applicant (Please explain how these are currently achieved)

.....

.....

.....

.....

Benefit to Clowne (Please describe how your organisation helps to benefit the people of Clowne)
include supporting information as necessary.

.....

.....

.....

Purpose of grant sought

.....

.....

.....

Amount requested

£.....

Details of other grants received over the past five years (Please provide supporting evidence).

.....

.....

.....

Outstanding grant applications (Please give details including amount(s) of grants from other sources if applicable)

.....

.....

Details of other fundraising activities

.....

.....

.....

DECLARATION

I declare that the information provided in this application is, to the best of my knowledge, accurate and true.

SIGNED:

.....

Position within Applicant Organisation e.g. Treasurer

.....

DATED:

.....

Clowne Parish Council is committed to protecting and respecting the privacy of everyone and ensuring it is fully compliant under the General Data Protection Regulation and the Data Protection Act 2018. The Council will process your personal data in accordance with the law, please see the privacy notice on our website which provides more details on the processing of data.

Please send completed applications, including accompanying documents and the most recent set of accounts, to: **The Clerk to the Council, Clowne Parish Council, Office 4, Station Business Centre, 2 Station Road, Clowne, Chesterfield. Derbyshire S43 4RW**

For official use: ✓

Application checked & acknowledged

Date of Council Meeting

Application decision Yes/No

Clowne Parish Council

Council Term of Office 2019 - 2023

Safeguarding Children and Vulnerable Adults Policy



1. Introduction and Policy Statement

Clowne Parish Council (hereafter referred to as the 'Council') aims to safeguard the welfare of children, young people and vulnerable adults with whom it may come into contact with through the delivery of its services and activities and to protect them from harm as a result of physical, sexual or emotional abuse or neglect.

The Council has a duty of care to safeguard from harm all children and vulnerable adults visiting the Council's premises or using its facilities and services. All children and vulnerable adults have a right to protection.

The Safeguarding Children and Vulnerable Adults Policy (hereafter referred to as the 'Policy') will apply to all employees, volunteers, Councillors and contractors working for or on behalf of the Council (hereafter referred to as 'staff').

A child is defined as a person under the age of 18 (The Children Act 1989).

The Care Act 2014, which covers England, defines the person who should be subject of a safeguarding enquiry as an adult who:

- has needs for care and support (whether or not those needs are being met)
- is experiencing, or at risk of, abuse or neglect, and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The Council will:

- follow the appropriate guidelines to select staff and to carry out Disclosure and Barring Service (DBS) checks as considered necessary to comply with the law;
- ensure the safety and protection of all children, young people and vulnerable adults through staff adherence to the Policy adopted by the Council.

This Policy applies to children and young people and to vulnerable adults as appropriate.

2. Policy Aims and Key Principles

The aim of the Policy is to promote good practice by:

- Providing children, young people and vulnerable adults with appropriate safety and protection
- Allowing all staff to make informed and confident responses to specific safeguarding issues.

Key principles of the Policy are:

The Council will strive to ensure that children and vulnerable adults visiting the Council's premises or using its facilities and services can be protected by setting standards of best practice. This will also ensure that staff are protected and do not place themselves in an unnecessarily vulnerable position

The Council believes everyone has a responsibility to promote the welfare of all children, young people and vulnerable adults, to keep them safe and to practise in a way that protects them

The Council will give equal priority to keeping all children, young people and vulnerable adults safe regardless of their age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation

The Council recognises the additional needs of people from minority ethnic groups and disabled children and adults and the barriers they may face, for example with communication or the impact of discrimination

The Council sets a standard that all involved will contribute to building a safeguarding culture where staff and children and vulnerable adults know how they are expected to behave and feel comfortable about sharing concerns.

3. Safe Recruitment of Staff and Disclosure and Barring Checks

Having a sound recruitment procedure is important to ensure that capable, appropriate and safe staff are recruited to work in an environment where children may be present.

A clear appointments procedure should include the following processes:

- Job description and person specification to include statement of clear expectations of staff with regards to the Policy
- Advertising of Post(s) showing strong commitment to safeguarding of Children and vulnerable adults by Council
- Application forms to have a safeguarding disclosure section
- Interview questions to have a specific safeguarding question
- References to include specific question about suitability to work with Children and Vulnerable adults
- Appointment subject to satisfactory response by References to safeguarding question
- Induction of staff with issuing of Policy
- Probationary period to include safeguarding review

Staff who may have substantial unsupervised access to children, young people and vulnerable adults must undertake Disclosure & Barring Service checks.

This check must be renewed every three years, to ensure its validity.

The Council acknowledges that certain Councillors may from time to time consult or work with groups of children and young people and vulnerable adults, and that this is unlikely to be carried out alone or without parental supervision.

However, there may be occasions that Councillors do come into regular contact with Children and Vulnerable Adults as part of their duties and therefore should also undertake Disclosure & Barring Service checks.

4. Good Working Practices

It is important that Council staff demonstrate appropriate behaviour to children, young people and vulnerable adults at all times.

All staff should be encouraged to demonstrate exemplary behaviour in order to protect children and vulnerable adults, and should therefore adhere to the following principles:

- Always work in an open environment (e.g. avoiding private or unobserved situations) and encourage an open environment (e.g. no secrets)
- Treat all young people/vulnerable adults equally, and with respect and dignity

- Always put the welfare of each young person and vulnerable adult first
- Maintain a safe and appropriate distance with children and vulnerable adults
- Build a balanced relationship based on mutual trust, which empowers children and vulnerable adults to share in the decision-making process
- Ensure that staff do not transport young people in their car
- Be an excellent role model.
- Give enthusiastic and constructive feedback rather than negative criticism.

Staff must ensure the following and that all staff are aware:

- Never leave children or young people unattended with adults who have not been subject to a Disclosure and Barring Service (DBS) check
- Plan activities to involve more than one person being present or at least in sight or hearing of others. Alternatively, record, or inform others of their whereabouts and intended action
- Ensure registers are complete and attendees are marked in and signed out (under 8's must be collected by a parent or carer)
- Ensure that photos or videos of individuals are not taken without written permission from parents, carers or the young person if over 12,
- Ensure and that photos or videos for Council purposes are only taken and stored on devices supplied by the Council and with the consent of parents/ guardians
- Ensure the first aider has access to a first aid kit and telephone and that staff know fire procedures
- Ensure that where a child or young person needs assistance with toilet trips and when first aid is required, that this is carried out in pairs or in the latter case, that it is carried out where they can be seen
- When outside, ensure activities, breaks and clothing are suitable for the weather conditions and that shelter is available where possible.

Staff should never:

- Engage in rough, physical or sexually provocative games, including horseplay
- Allow or engage in any form of inappropriate touching
- Allow children to use inappropriate language unchallenged
- Make sexually suggestive comments to a child, even in fun
- Allow allegations made by a child to go unchallenged, unrecorded or not acted upon

If any of the following occur staff should report this immediately to the Clerk or Deputy Clerk to the Council and record the incident.

Staff should also ensure the parents of the child are informed:

- If you accidentally hurt a child
- If a child seems distressed in any manner
- If a child misunderstands or misinterprets something you have done

All users/ customers of the Council's facilities should;

- Ensure that communications, behaviour and interaction with users should be appropriate and professional

- Treat each other with respect and show consideration for other groups using the facilities
- Refrain from any behaviour that involves racism, sexism and bullying and in addition to report any instances of such behaviour to group leaders, Councillors, the Clerk to the Council or parents and carers, as appropriate
- Ensure the involvement of parents or carers wherever possible, for example, encouraging them to take responsibility for their children in the changing rooms. If groups have to be supervised in the changing rooms, always ensure parents, teachers, coaches or officials work in pairs.
- Keep a written record of any injury or incident that occurs, along with the details of any treatment given

The Council recognises that the discussion or disclosure of abuse can be deeply upsetting, and the Council will offer support to its staff around issues of abuse as appropriate, including contacting other agencies who can assist with support.

5. Allegations against Staff

All staff should take care not to place themselves in a vulnerable position with a child or vulnerable adult.

If an allegation is made against a member of staff, the person receiving the allegation will immediately inform the Clerk to the Council or if more appropriate the Chair of the Council.

The Council will take advice for managing allegations against staff from the Local Authority Safeguarding Team.

No attempt should be made to investigate or take action before consultation with the Local Authority Designated Officer (LADO).

Contact details are below.

Local Authority Designated Officer (LADO)

Godkind House

Park Road

Ripley

Derbyshire

DE5 3EF

Referral Forms via E-mail to: Professional.Allegations@derbyshire.gov.uk

Telephone (for queries or support): 01629 533190

6. Whistleblowing

All staff should be aware of their duty to raise concerns about the attitude or actions of colleagues.

The Council has a Whistleblowing Policy which sets out the procedures and rules for dealing with safeguarding disclosures.

All disclosures will be dealt with sensitively and professionally by the Council.

7. The Use of Contractors

The Council from time to time uses contractors to undertake work on its premises and land.

It is expected that any organisation who has their staff working on Council land will ensure that their staff are recruited safely and that it is appropriate for them to work in an area where children, families and young people may be present.

The responsibility will lie with the contractor to ensure that staff working on or in Council land and buildings are appropriately checked.

8. Bullying

Bullying is when individuals or groups seek to harm, intimidate or coerce someone who is perceived to be vulnerable (Oxford English Dictionary, 2018).

It can involve people of any age, and can happen anywhere, at home, school or using digital technologies (cyberbullying).

This means it can happen at any time.

Bullying encompasses a range of behaviours which are often combined. The behaviours can include verbal abuse, physical abuse, emotional abuse, cyberbullying/online bullying. The emotional effects of being bullied can include sadness, depression and anxiety, and low self-esteem.

Children and vulnerable adults who have witnessed another child or vulnerable adult being bullied may also be distressed. They may not know the best way to help the person being bullied. They may fear for their own safety and experience feelings of guilt for not stepping in.

There are many reasons why children and vulnerable adults' bully others and it is not always a straightforward situation. Any child or vulnerable adult can be bullied, and the Council will adopt a zero-tolerance approach to bullying which includes barring perpetrators from Council facilities and accessing Council services.

9. Disclosure of Abuse

If a child or vulnerable adult indicates that he or she is being abused (by an adult or another child) or information is obtained which gives concern that a child or vulnerable adult is being abused, then prompt and careful action should be taken.

The person receiving the information should:

- React calmly so as not to frighten the child or vulnerable adult
- Tell the child or vulnerable adult they are not to blame and that they were right to tell someone
- Take what the child or vulnerable adult says seriously.
- Recognise the difficulties inherent in interpreting what is said by a child or vulnerable adult who has a speech disability and, or differences in language
- Keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said
- Reassure the child or vulnerable adult, but do not make promises of confidentiality, which might not be feasible in the light of subsequent developments
- Make a full record of what has been said, heard and, or, seen as soon as possible using the Safeguarding Concern Report Form at Appendix A.
- Inform the Clerk to the Council or Deputy Clerk immediately.

The member of staff receiving the disclosure should avoid:

- Panicking
- Allowing their shock or distaste to show
- Probing for more information than is offered
- Speculating or make assumptions
- Making negative comments about the alleged abuser
- Approaching the alleged abuser
- Making promises or agreeing to keep secrets
- None action as this is not an option in Child Protection.

It is important to note that it is not staff responsibility to determine whether or not abuse has or is taking place. That is the responsibility of the professional bodies to which the matter will be referred.

Further advice, support and contact details can be found at appendix B.

10. Suspicion of Abuse

It can be very hard for children and vulnerable adults to speak out about abuse.

Often, children and vulnerable adults hear there may be negative consequences if they tell anyone. Some may delay telling someone about abuse for a long time, while others never tell anyone, even if they want to.

It's vital that children and vulnerable adults are able to speak out and that whoever they tell takes them seriously and acts on what they've been told.

Even if a child or vulnerable adult doesn't tell someone verbally about what's happened to them, there may be other indicators that something is wrong. People who work with children need to be able to recognise the signs and know how to respond appropriately.

If staff suspect that a child or vulnerable adult is being abused through their observations, they should inform the Clerk or Deputy Clerk to the Council immediately.

Staff should also complete the Safeguarding Concern Report Form (Appendix A) at the time that the disclosure is made.

Staff must share any concerns they have about a child, even if they ask you not to.

Definitions of what constitutes abuse are described in Appendix C.

The effects of abuse can be so damaging and if untreated, they may follow a person into adulthood.

Indications that a child or vulnerable adults may be being abused include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries
- An injury for which the explanation seems inconsistent
- The child or vulnerable adult describes what appears to be an abusive act involving him or her
- Someone else (a child or adult) expresses concern about the welfare of another child or vulnerable adult

- Unexplained changes in behaviour (for example becoming very quiet, withdrawn or displaying sudden outbursts of temper)
- Inappropriate sexual awareness
- Engaging in sexually explicit behaviour
- Distrust of adults, particularly those with whom a close relationship would normally be expected
- Has difficulty in making friends
- Is prevented from socialising with other children
- Displays variations in eating patterns including overeating or loss of appetite
- Loses weight for no apparent reason
- Becomes increasingly dirty or unkempt.

It should be recognised that this list is not exhaustive and is only a basic indicator of traits.

The presence of one or more of the indicators is not proof that abuse is actually taking place.

Any one of those behaviours could be related to other family issues such as family upset or parental separation, divorce or bereavement, therefore abuse cannot be assumed in any case.

11. Reporting Procedures

Information passed to Social Care and Health or the Police must be as helpful as possible as it may be used in any subsequent legal action, hence the necessity for making a detailed record. The report should be used to record and pass on the appropriate information.

12. Records and Confidentiality

Confidentiality should be maintained at all times.

Information should be handled and disseminated on a need to know basis only.

This includes the following people:

- The designated person in charge (the member of staff on duty or leading an activity, the Clerk or Deputy Clerk)
- The person who received the disclosure
- The person making the allegation
- Appropriate professional bodies such as the Police, Social Care and Health.

Concerns recorded about a child's welfare should be kept by the Council until they are 25 in accordance with Information and Records Management Society (IRMS) 2016 regulations.

If concerns have been raised about staff behaviour around children, the general rule is that records should be kept in their personnel file either until they reach the age of 65 or for 10 years, whichever is longer (IRMS, 2016; Department for Education, 2018).

For example:

- if someone is 60 when the investigation into the allegation is concluded, keep the records until their 70th birthday
- if someone is 30 when the investigation into the allegation is concluded, keep the records until they are aged 65.

Records should be kept for the same amount of time regardless of whether the allegations were unfounded or whether staff stop working for the Council or find another job.

However, if allegations against staff are found to be malicious the record should be destroyed immediately.

In some cases, records should be kept for longer periods. An exception could be that the information in the records is relevant to legal action that has been started but not finished. Another exception is if the records have been archived for historical purposes. For example, if the records are relevant to legal proceedings involving the organisation).

Records will be kept securely and confidentially by the Clerk to the Council.

Appendix A

Safeguarding Concern Report Form

Your name:	Name of organisation: Clowne Parish Council
Your role:	
Contact information (you): <i>Address:</i> <i>Postcode:</i> <i>Telephone numbers:</i> <i>Email address:</i>	
Child's name:	Child's date of birth:
Child's ethnic origin: <i>Please state</i>	Does child have a disability? <i>Please state</i>
Child's gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
Parent's / carer's name(s):	
Contact information (parents/carers): <i>Address:</i> <i>Postcode:</i> <i>Telephone numbers:</i> <i>Email address:</i>	
Have parent's / carer's been notified of this incident? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES please provide details of what was said/action agreed:	
Are you reporting your own concerns or responding to concerns raised by someone else? <input type="checkbox"/> Responding to my own concerns <input type="checkbox"/> Responding to concerns raised by someone else	
If responding to concerns raised by someone else: <i>Please provide further information below</i>	
<i>Name:</i> <i>Position within the Council or relationship to the child:</i> <i>Telephone numbers:</i> <i>Email address:</i>	
Date and times of incident:	
Details of the incident or concerns: <i>Include other relevant information, such as description of any injuries and whether you are recording this incident as fact, opinion, or hearsay.</i>	
Child's account of the incident:	

Please provide any witness accounts of the incident:
Please provide details of any witnesses to the incident: <i>Name:</i> <i>Position within the club or relationship to the child:</i> <i>Date of birth (if child):</i> <div style="display: flex; justify-content: space-between;"> <div><i>Address:</i></div> <div><i>Postcode:</i></div> </div> <div style="display: flex; justify-content: space-between;"> <div><i>Telephone number:</i></div> <div><i>Email address:</i></div> </div>
Please provide details of any person involved in this incident or alleged to have caused the incident / injury: <i>Name:</i> <i>Position within the Council or relationship to the child:</i> <i>Date of birth (if child):</i> <div style="display: flex; justify-content: space-between;"> <div><i>Address:</i></div> <div><i>Postcode:</i></div> </div> <div style="display: flex; justify-content: space-between;"> <div><i>Telephone number:</i></div> <div><i>Email address:</i></div> </div>
Please provide details of action taken to date:
Has the incident been reported to any external agencies? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
If YES please provide further details: <i>Name of organisation / agency:</i> <i>Contact person:</i> <i>Telephone numbers:</i> <i>Email address:</i> <i>Agreed action or advice given:</i>

Your Signature:		Print name:	
Date:			

Contact the Clerk or Deputy Clerk in line with the Council's reporting procedures.

Appendix B

Who else can help and contact details?

National Society for the Prevention of Cruelty to Children

Contact trained helpline counsellors 24 hours a day by email at help@nspcc.org.uk or online reporting form at www.nspcc.org.uk

The helpline is open Monday to Friday 8.00am to 10.00pm or 9.00pm to 6.00pm at weekends (up to date information can be found on the website) on 0808 800 5000.

Childline

Call free on 0800 1111 or get in touch through www.childline.org.uk

Derby and Derbyshire Safeguarding Children Partnership

<https://www.ddscp.org.uk/>

If you are concerned about a child's welfare or are worried, they are being abused, you should make a referral.

In Derbyshire this is done via the Starting Point Contact and Referral Service, their telephone contact number is 01629 533190 or via the online referral using the link below:

<https://www.derbyshire.gov.uk/social-health/children-and-families/support-for-families/starting-point-referral-form/starting-point-contact-and-referral-service.aspx>

Appendix C:

Definitions of Abuse

Neglect

Where adults fail to meet a child's basic physical and, or, psychological needs, it is likely to result in serious impairment of the child's health or development. For example:

failure to provide adequate food, shelter and clothing

failing to protect a child from physical harm or danger, or

failure to ensure access to appropriate medical care or treatment.)

It may also include refusal to give children love, affection and attention.

Physical abuse

Where adults and or other young people physically hurt or injure children by hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, drowning causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after.

Sexual abuse

Where girls and boys are abused by adults (both male and female) and or other young people who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing children pornographic material (books, videos, pictures) is also a form of sexual abuse.

Emotional abuse

This is the persistent emotional ill treatment of a child as to cause severe and persistent adverse effects on the child's emotional development.

It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

It may feature age or developmentally inappropriate expectations being imposed on children.

It may involve causing children to feel frightened or in danger by being constantly shouted at, threatened or taunted which may make the child very nervous and withdrawn.

Some level of emotional abuse is involved in all types of ill treatment of a child.

Other form of abuse

In addition to the four main types of abuse, people who live in residential homes or other institutions might experience:

Institutional abuse - when staff in a home or other institution sacrifice the needs, wishes and lifestyle of a person in favour of the institution's regime. For example, by showing lack of respect for a child's dignity or privacy, or denying them opportunity to make day-to-day choices or decisions about their life

Financial abuse – deliberate misuse and exploitation of a person’s money or possessions. For example, if the child is not allowed to spend their money as they wish, or if someone takes it from them to spend it on themselves.

Clowne Parish Council
Data Subject Access Request Form

Introduction

The Data Protection Act 2018 and UK General Data Protection Regulations (known as GDPR) controls how your personal information is held and used by the Council

As a 'Data Subject' you have the right to:

- request information about how your personal data is processed by the Council, and to request a copy of that personal data
- request that any inaccuracies in your personal data is rectified by the Council without delay
- request that any incomplete personal data held by the Council is completed, including by means of a supplementary statement
- request that your personal data is erased by the Council if there is no longer a justification for it to be held/processed
- in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted by the Council
- object to the processing of your personal data by the Council where it is processed for direct marketing purposes and other commercial purposes

Name of Data Subject		
Data Subject Contact Details		
Address		
Email		
Telephone		
Date that Subject Access Request was Received		
Name of Person dealing with the Subject Access Request		
Date that Subject Access Request was Actioned (4 weeks limit from date of receipt)		
Extension to the Date of Reply (An extension of another two months is permissible provided it is communicated to the Data Subject within the 4-week period)	Yes	No
Date that the Data Subject was notified of timescale extension and method of contact		

<p>Data Subject identification must be proven from one of the listed documents:</p> <ul style="list-style-type: none"> - Current UK/EEA Passport - UK Photo card Driving Licence (Full or Provisional) - EEA National Identity Card - Full UK Paper Driving Licence - State Benefits Entitlement Document - State Pension Entitlement Document - HMRC Tax Credit Document - Local Authority Benefit Document - State/Local Authority Educational Grant Document - HMRC Tax Notification Document - Disabled Driver's Pass - Financial Statement issued by bank, building society or credit card company - Utility bill for supply of gas, electric, water or telephone landline - A recent Mortgage Statement - A recent Council Tax Bill/Demand or Statement - Tenancy Agreement - Building Society Passbook which shows a transaction in the last 3 months and their address 		
Verification sought that the Data Subject identity is substantiated	Yes	No
Verification received from Data Subject	Yes	No
Is the Council able to provide the information requested?	Yes	No
Is the request excessive or unfounded?	Yes	No
Data Subject Request to be actioned	Yes	No

Fee to be charged (Data Subject Access Requests must be undertaken free of charge to the Data Subject unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		
Completion date of Data Subject Access Request		
Complaint Process (Where a Data Subject is not satisfied with a response to a SAR, the Council must manage this as a complaint through its Complaints Policy)		
Date complaint received by Data Subject and details of the complaint		
Date complaint considered and outcome		
Date Data Subject notified of outcome of Complaint		

Categories of Data to Check

Data	Office Paper Records	Archives	Electronic Records	Checked by	Corrected/ Deleted	Actioned by
Human Resources & Payroll						
Governance, Business Administration & Accountability						
Consultations, Complaints and Petitions						
Customer Bookings & Payments						
Events & Festivals						
Other (please specify)						

Clowne Parish Council

Council Term of Office 2019 - 2023

Management of Council Records Policy



1. Purpose

The purpose of the Management of Council Records Policy (hereafter referred to as the 'Policy') is to ensure that all of Clowne Parish Councils' (hereafter referred to as the 'Council') official records and documents are properly managed, controlled and either safely disposed of or retained/archived in accordance with all relevant acts of law and best practice.

The Data Protection Act 1998, General Data Protection Regulations (GDPR) 2018, Freedom of Information Act 2000 and various several other pieces of legislation and standards, set out specific requirements in relation to the creation, management and disposal of records to which the Council must comply.

2. Scope

The policy identifies the requirements to achieve compliance with the Information Commissioner's Office (ICO) Employment Practices Code, HM Government's Code of Practice on the Management of Records (issued under Section 46 of the Freedom of Information Act 2000) and the British Standard for Information and Documentation – records management (BS ISO – 15489).

The aim of this policy is to define a framework for managing records to ensure that the Council:

- Creates and captures accurate, authentic and reliable records
- maintains records to comply with current legislation and to meet the Council's business/operational requirements
- securely disposes or transfer records that have passed their retention period
- digitise records in accordance with current standards
- protect vital records
- conforms to any legal and statutory requirements relating to record-keeping

This Policy applies to all records collected, created, received, processed and maintained by employees and contractors (or those acting as agents) of the Council.

3. What is Records Management?

Records management is a process that is used to ensure that reliable evidence of actions and decisions are kept in relation to the management, retention/ archiving and disposal of Council records and that they remain accessible for use when needed.

4. What is a Record?

The Council recognises a record to be "Information created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transactions of business."

Records can be classified as structured or unstructured:

- **structured records** are created and mainly stored in systems, such as databases, and can be processed or manipulated by software, hardware, (or paper-based);
- **unstructured records** are created and stored in a less organised manner and are processed by people rather than software or hardware, such as email or images, and include hand-written notes and checklists.

Not all documents created by the Council constitute a record. Periodicals, leaflets and uncompleted printed forms are not recording. Similarly, documents which do not evidence action undertaken by an individual or service. Scanned copies and altered copies may still be required for legal proceedings.

Records created as part of the Council's activities are not the personal property of an individual or team and they belong to the Council as a whole and are part of its corporate knowledge.

5. Obligations

The Council has an obligation to manage its records in a way that protects the right of the Council, its Councillors, employees, volunteers, service users, customers or clients.

It is essential that the Council complies with a number of pieces of legislation and standards governing the management of records and these include but are not limited to the:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Records Management Code of Practice
- Information Commissioners Code of Practice
- General Data Protection Regulations 2018.

6. Records Management Good Practice

Good practice in records management will be achieved by the Council by:

- determining what records need to be created in each business process, and what information needs to be included in the records;
- establishing appropriate corporate systems for the capture, storage, long term preservation and disposal of records;
- ensuring that records are maintained in a safe and secure environment;
- ensuring records are retained only to meet operational and legal requirements;
- carrying out regular and appropriate destruction of records using the Council's retention schedule and destruction or transfer processes;
- identifying and evaluating opportunities for improving the effectiveness, efficiency or quality of its processes, decisions and actions;
- assessing the risks that would be entailed by failure to have authoritative records, or by records not being disposed of, or being disposed of inappropriately causing breaches of individual privacy and confidentiality leading to public disclosure;
- ensuring that destruction, deletion and transfer of records are appropriately recorded.

7. Responsibilities

The Clerk to the Council (hereafter referred to as the 'Clerk') or their authorised deputy will ensure that:

- this Policy is implemented in all functional areas of the Council;
- appropriate staff are identified to assist with the implementation and compliance measurement of the Policy;

- new and existing staff and Councillors are made aware of the requirements of the Policy and receive appropriate training in respect of its implementation.

The Council, individual staff and Councillors will ensure that:

- this Policy is adhered to;
- appropriate metadata (data that describes other data) is applied to describe the content, context and structure of records;
- ownership and accountability at all times for records created by the creating department to reduce the risk of orphaned (records of data that no longer have connections to other data) records;
- records identified for archival purposes are forwarded to the Clerk;
- records are maintained in a recognised corporate/organisational records management repository for both hard copy and digital records;
- records are stored and managed in a safe and secure environment with access controls appropriate to the sensitivity of the document;
- appropriate contingency plans and procedures are in place to protect records which are vital to the operation of St Stephen Parish Council should a disaster event occur;
- records are retained for as long as required but no longer and are disposed of accordingly.

8. The Council's designated Data Protection Officer (DPO)

The Clerk as DPO will:

- provide assistance and guidance in implementing and complying with this Policy;
- assist in the completion of information audits;
- advise on strategies for reducing the amount of physical records held;
- liaise between team leaders to make best use of available space and off-site storage facilities;
- carry out compliance audits to ensure the Council's statutory obligations are met and agree corrective action where required.

9. Special Provisions

Special provisions may arise affecting the retention of, or access to, data. For example, the Investigatory Powers Act 2016 (hereafter referred to as the 'IPA'), deals with certain aspects of data retention, but also contains provisions extending to the interception of communications.

The sections relating to data retention already apply, but the remaining provisions have been subject to legal challenge and are not yet fully in force. Telecommunication companies must keep telephone call logs for one year. Internet service providers must retain communications data (including internet access, email and telephone calls - mobile and landline) for one year.

The IPA enables HM Government to issue notices in relation to internet connection records including information about which websites a user has visited (their internet browsing history).

If authorities wish to obtain details of the content of any communications, a special warrant will be required.

The UK Borders Act 2007 and the Immigration, Asylum and Nationality Act 2006 may enable access to personnel records in certain circumstances relating to immigration checks.

10. Destruction Process

- (a) The Council will only use authorised and certified contractors to destroy records and will require the contractor to issue a certificate of destruction showing what has been destroyed, when and where and how records were destroyed.
- (b) Internal destruction of records must only be undertaken by an authorised officer and be observed by another person. In most cases small quantities can be shredded by a suitable shredder but any records with confidential and/or personal data must not be disposed of through domestic/industrial waste collection, recycled or taken to an authorised landfill site.
- (c) Electronic destruction of data records must only be undertaken by the Councils' approved ICT contractor who will verify that the records have been deleted from all devices and the server.
- (d) Councillors, employees, volunteers, customers, service users, clients will have the right to have a written verification of how and when their personal data was deleted or destroyed.
- (e) The ICO may also demand to see evidence that the destruction process outlined above has been followed.

The Council recognises that electronic data and records can be contained in more than one device, on servers, on computers, USBs, within emails, SMS etc and so all of these will need to be checked to ensure the personal data has been identified and appropriately destroyed.

11. Associated Policies, Procedures and Guidance

This Policy should be used in conjunction with the Council's Data Protection Policy and Freedom of Information Policy (where this applies).

This policy does not exist in isolation but is connected to other functions and policies of the Council such as its Privacy Notice, Data Subject Access Requests, Information Security Policy, Freedom of Information Publication Scheme, Councillor and Employee Codes of Conduct and the Whistleblowing Policy.

12. Retention of Records

There is a substantial amount of UK and EU legislation that has an impact upon the retention of personnel and other related records.

In the UK, the Data Protection Act 1998 (DPA) applies to most personnel records, whether held in paper or digital format. Data must not be kept any longer than is necessary for a particular purpose. Both computerised and manual systems can be covered by the law but to be covered, manual systems must be organised into a 'relevant filing system'.

Certain documents such as employment contracts, accident record books and other personnel records may be needed in a legal action. Original documents must usually be available, or the employer must explain what happened to the originals backed up by what is known as a 'statement of truth'.

When employers really no longer need to keep certain data, destruction must take place securely and effectively, for example by shredding.

Section 14 sets out the statutory and recommended retention periods before destruction can take place. The Council will ensure that they observe these periods before any destruction takes place.

13. Monitoring and Review

In order to monitor and review the effectiveness of the Policy to meet the Council's Data Protection legal obligations:

- compliance with this Policy will be monitored by the DPO and the Council in collaboration with relevant staff;
- deviations from the Policy which present a serious risk to the Council will be reported immediately to the DPO;
- this policy will be reviewed every 12 months by the DPO and the Council although changes to associated policies or relevant legislation may require further reviews within that period as required;
- all records reviewed for destruction must be approved by the Clerk prior to secure disposal or transfer to archives for long term preservation;

Any questions on this Policy and its implementation should be addressed in the first place to the Clerk.

14) Records Retention List

The Council will ensure that various categories of records are managed as follows:

- statutory retention periods, with advice from statutory authorities;
- records where there are no statutory retention periods but with retention periods as recommended by the Chartered Institute of Personnel & Development (CIPD) and the Society of Local Council Clerks (SLCC).

14.1 Statutory Retention Periods

The main UK legislation regulating statutory retention periods is summarised below.

If the Council is ever in doubt about the retention period of any of its Council records then the Council will use a default retention period of 6 years, to cover the time limit for bringing any civil legal action.

Record Type

Retention Period

Accident books, accident records/reports

3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

Accounting records

6 years plus current year.

Income tax and NI returns, income tax records and correspondence with HMRC

Not less than 3 years after the end of the financial year to which they relate.

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry.
Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates	40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.
Records relating to children and young adults	Until the child/young adult reaches the age of 21.
Retirement Benefits Schemes	6 years from the end of the scheme year in which the event took place.
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends.
Wage/salary records (also overtime, bonuses, expenses)	6 years.
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover.
Records relating to working time	2 years from date on which they were made.

14.2 Non-Statutory Retention Periods

For many types of Human Resources records, there is no definitive retention period: it is up to the Council as employer to decide how long to keep them.

Different organisations make widely differing decisions about the retention periods to adopt.

The Council as an employer has considered what a necessary retention period is for them, depending on the type of record. The retention period to be adopted by the Council is based on the time limits for potential UK tribunal or civil claims.

The period is often a question of judgement rather than there being any definitive right answer. The UK Limitation Act 1980 contains a 6-year time limit for starting many legal proceedings and so where documents may be relevant to a contractual claim, it is recommended that these are kept for at least a corresponding 6-year period.

Record Type & Recommended Retention Period

- **Application forms and interview notes** (for unsuccessful candidates) - 6 months to a year.
(Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicant's documents will be transferred to the personnel file in any event.
- **Assessments under health and safety regulations and records of consultations with safety representatives and committees** - Permanently.
- **Inland Revenue/HMRC approvals** - Permanently.
- **Money purchase details** - 6 years after transfer or value taken.
- **Parental leave** - 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.
- **Pension scheme investment policies** - 12 years from the ending of any benefit payable under the policy.
- **Pensioners' records** - 12 years after benefit ceases.
- **Personnel files and training records** (including disciplinary records and working time records) - 6 years after employment ceases.
- **Redundancy details, calculations of payments, refunds, notification to the Secretary of State** - 6 years from the date of redundancy
- **Senior Managers' records** - Permanently for historical purposes
- **Statutory Sick Pay records, calculations, certificates, self-certificates**
The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.
- **Trade Union agreements** - 10 years after ceasing to be effective
- **Trust deeds, Trustees' minute books and rules** - Permanently

Source: CIPD 2018

14.3 Society of Local Council Clerks Advice

The following schedule has been recommended by the SLCC for relevant retention periods.

- **Council Minutes** – Permanently (particularly signed paper copies of council minutes of meetings)
- **Council Agendas** - 5 years
- **Accidents/incident reports** - 20 years (this is much longer than that recommended by the CIPD) normally civil claims have to be made within 6 years.
- **Scales of fees and charges** - 6 years
- **Receipt and payment accounts Indefinite Receipt books** - 6 years
- **Bank statements including savings/deposit accounts** - Last completed audit year
- **Bank paying in books** - Last completed audit year

- Cheque book stubs - Last completed audit year
- Quotations and tenders - 6 years
- Paid invoices - 6 years
- Paid cheques - 6 years
- VAT records - 6 years generally but 20 years for VAT on rents
- Petty cash and postage books- 6 years
- Timesheets - Last completed audit year 3 years
- Wages books/payroll - 12 years
- Insurance policies – Indefinite (while valid unless claim in progress or imminent Insurance company names and policy numbers)
- Certificates of insurance against liability for employees - 40 years from date on which insurance commenced or was renewed
- Equipment inspection reports - 21 years

Source: SLCC Data Management and GDPR