



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



DATED THIS TWELFTH DAY OF JULY 2023
MEMBERS OF HALE PARISH COUNCIL ARE HEREBY SUMMONED
TO ATTEND THE ORDINARY PARISH COUNCIL MEETING OF
HALE PARISH COUNCIL AT 7.30 PM
ON THE SEVENTEENTH DAY OF JULY 2023
IN HALE VILLAGE HALL, HIGH STREET, HALE L24 4AE
TO TRANSACT BUSINESS AS SHOWN IN THE AGENDA.

A handwritten signature in black ink, appearing to be 'B. Hargreaves', written in a cursive style.

Mr. Brian Hargreaves
Clerk and Responsible Financial Officer

Note to Councillors:

If you are unable to attend the meeting, please notify the Clerk of your apologies.

Please email: clerk@haleparishcouncil.gov.uk or call 07803611222

Note to Public

Members of the public wishing to address the Council should note that they must advise the Clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Chairman. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the Council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the Clerk to request the item should be discussed at a future Parish Council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.

MEETING AGENDA

1. **Apologies** - To Receive apologies for absence
2. **Declarations of Interest** - To Receive declarations of Interest
3. **Minutes** – To approve the Minutes of the ordinary Meeting of Hale Parish Council on 19th June 2023 as a true and accurate record
4. **Payments and Receipts** - To receive and accept the list of payments and receipts made between 1st April 2023 & 30th June 2023 as recorded in the cash book record which has been reconciled against the Bank statement to these dates as a true record, all payments having been made under Financial Regulation 6.4 as detailed (See Attached)
5. **Accounts** - To receive the reconciled bank statement and summary of receipts & payments 1st April 2023 & 30th June 2023 and to accept them as an accurate record and comparison against budget (See Attached)
6. **AGAR 2022 – 2023** – To receive the Internal Audit report for 2022/2023
7. **Notice of Public Rights and Publication of Unaudited Annual Governance** – To note that the period of publication is 1st July 2023 until 5th August 2023
8. **Standing Orders & Financial Regulations** – To receive the reviewed Draft Nalc. (Amended) Model versions of Standing Orders and Financial Regulations and to approve. Documents having been reviewed & amended accordingly by the working group as agreed in the Parish Council meeting on 24th April 2023
9. **Risk Management Scheme & Policy** - To receive and agree the reviewed versions of Risk Management Scheme and Policy documents for approval. Documents having been reviewed by the working group as agreed in the Parish Council meeting on 24th April 2023

10. Members Code of Conduct - To receive and agree the reviewed versions of Members Code of Conduct documents for approval. Documents having been reviewed by the working group as agreed in the Parish Council meeting on 24th April 2023

11. Policies - To review current versions of the following Parish Council Policy documents for approval :-

- i. Grievance Policy**
- j. Dignity at work Policy**
- k. Scheme of Delegation**
- l. Disciplinary Policy**
- m. Social Media Policy**
- n. Complaints Procedure**
- o. Public Complaints Procedure**

12. Art Class Support – To consider and approve a request from the local Art Class for 50% part funding (£360.00) of the cost of a permanent tutor from the Wellbeing budget agreed for 2023/2024

13. D-Day Anniversary Celebrations 80 Years – 6th June 2024 – To note that national celebrations for the recognition of 80yrs passing since D-Day will take place. To discuss and agree the role that Hale Parish Council might take in the Anniversary Celebrations.

14. Public Participation – To adjourn the meeting for a period of public participation.

** Please note that anybody wishing to comment should raise their hand, wait to be acknowledged and should address the meeting through the Chair.*

15. Date of next Meeting - Monday 18th September 2023 at 7.30pm in Hale Village Hall



HALE PARISH COUNCIL

OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



**DRAFT MINUTES OF THE ORDINARY PARISH COUNCIL MEETING
OF HALE PARISH COUNCIL HELD IN HALE VILLAGE HALL
ON MONDAY 19th JUNE 2023 AT 7.30pm**

Present: Cllr Cleary, Cllr Brown, Cllr Healey, Cllr Mitchell, Cllr Trevaskis, Cllr Anderson, Cllr King,

In attendance: The Clerk and Fifteen members of public were also present

1. **Apologies** - Apologies from Cllr Williams were received by the Clerk
2. **Declarations of Interest** – No declarations of interest were recorded by the Clerk
3. **Minutes.**- The minutes of the Annual Meeting of 22nd May 2023 were approved as a true and accurate account.

Proposed by Cllr Healey, seconded by Cllr King.

Approved by Council.

4. **End of year Accounts** – The reconciled bank statement and summary of receipts and payments were accepted as a true and accurate record and comparison against budget.

Proposed by Cllr King, seconded by Cllr Healey

Approved by Council.

5. **AGAR Return 2022 - 2023** – The Annual Governance and accountability statement for 2022 – 2023 was accepted as a true and accurate record.

Proposed by Cllr Healey, seconded by Cllr Cleary

Approved by Council.

6. **Standing Orders & Financial Regulations** - This was deferred at the Annual meeting to be addressed at the Ordinary Parish Council meeting on 17th July 2023

Approved by Council.

7. **Risk Management Scheme and Policy**- This was deferred at the Annual meeting to be addressed at the Ordinary Parish Council meeting on 17th July 2023

Approved by Council.

8. **Members Code of Conduct** - This was deferred at the Annual meeting to be addressed at the Ordinary Parish Council meeting on 17th July 2023

Approved by Council.

- 9. Civic Service 2023** – The chair confirmed that she had commenced planning for the Civic Service on October 8th 2023 2pm – 4pm. Steve Farrell will take the Service on the day and she will discuss further with the Clerk and keep Members updated. The Clerk has booked the Village Hall for refreshments after the service. Ladies of the Village will manage the refreshments. The Chair will liaise with the Clerk re-invitations
- 10. Policies** - This was deferred at the Annual meeting to be addressed at the Ordinary Parish Council meeting on 17th July 2023

Approved by Council.

- 11. Future Events** – The Chair explained that it is the intention for Hale Parish Council to offer funding through the wellbeing budget for any proposed activities such as the Christmas/Easter/Halloween events previously hosted by the Council by application and if appropriate. However it does not propose to undertake the management and planning of such events going forward. Cllr Trevaskis asked about the rationale behind the decision and noted that he felt the events previously organised were successful and of great value for very little outlay. He went on to ask for confirmation that the only event being hosted in the near future will be the Civic Service in October. This was confirmed by the Chair. A member of the public asked whether precise figures would be required or whether there would be some flexibility in estimating for proposed events. Cllr Trevaskis enquired how the message would be sent to residents who wish to take advantage of the opportunity to hold events. Cllr Anderson stated that the system is too long winded and doubted its integrity. It was stated that ultimately any requests for funding would be sent to the Clerk for inclusion on a future Parish Council meeting Agenda.
- 12. Public Participation** – The Chair allowed a number of speakers to address the meeting.

- i. The Lord Mayor enquired about the reasoning behind the late inclusion on the agenda of this particular agenda item and expressed his preference for it to be returned to its earlier position on the Agenda. Cllr Cleary said that the Council had decided upon the change and the Chair said it gave an opportunity for delegates to comment on any previous discussions. Cllr Trevaskis informed the meeting that prior to 2018 the Council had received a lot of feedback from members of the public who preferred the early inclusion of Public Participation on the PC Agenda so their comments might be considered prior to decisions being made by the Council. Cllr Cleary disputed this explanation and gave a counter explanation that it was the Clerk who changed the running order. A member of the public asked if it could be returned to its previous place on the Agenda. The Chair stated that the present Council had received feedback from residents requesting that it be later on the Agenda as is normal for many Parish Councils.

- ii. A member of the public enquired about the increased (22 new routes) level of aircraft activity from Liverpool John Lennon Airport. She was particularly very critical of the increase in air traffic between the hours of midnight and 6am when the disruption caused to her sleep pattern was particularly disturbing. She asked whether the Parish Council might be able to make a representation to the Airport on behalf of residents of Hale who are disturbed by aircraft noise. Cllr Trevaskis proposed that this be an Agenda item for the July meeting and a response sent to the airport. The resident asked whether councillors know where the local monitors are situated and how their information about noise levels is accessed. Cllr Trevaskis informed the meeting that the Consultative Committee at JLA is not the most responsive group but that the membership should be made aware of the issues experienced by residents of Hale. The Chair noted that the Ward Councillor should also be encouraged to contact the airport on behalf of the Village. The Chair asked Cllr Trevaskis to bring this matter up at the Committee. The Clerk was also asked to contact Halton BC for their support
- iii. A local resident stated that he has been pursuing a resolution to his enquiries regarding complaints allegedly made to the Parish Council in 2019. He stated once again that there were 9 Code of Conduct complaints which were handled by the Monitoring Officer at Halton BC which have been addressed and which are now fully concluded.

In the interest of transparency the resident would like the Parish Council to address the other 7 complaints to conclusion. The monitoring officer has explained that as the matters concerned are from 7 individuals (some more than once) and do not involve Code of Conduct complaints they are not within his remit to address.

It was agreed that the Clerk will contact the Monitoring Officer to establish whether it is appropriate and possible for him to have copies of the alleged outstanding complaints so that they can be addressed by the Parish Council. Currently the Clerk has no knowledge or records of the nature of the alleged complaints. It was noted by a further resident that if complaints are about a particular councillor or about particular councillors it should be handled in strictest confidence by the Monitoring officer if appropriate or the Clerk & Chairman if not. The Chair stated that any such items would be part 2 matters on an Agenda which in the interest of privacy is addressed after public have left the meeting.

iv. PCSO Steve Marnick – Gave a good account of Hale Village. He was keen to stress what a very nice, peaceful Village we live in and how he has nothing of any concern to report to the meeting. He was extremely happy with the organisation of the recent Carnival in Hale Park and said that he was only called out on Saturday afternoon regarding 7 minor parking offences where tickets for parking were issued. However he felt that all in all it was a great, well organised event. He has had his work hours cut to 28hrs per week and the area he operates in has now become larger so he stated that he is disappointed at not being able to spend more time locally. He stated that even though he no longer holds local surgeries he is still available on social media and by telephone. PCSO Marnick stated that he was unaware of any Arriva buses having to be re-routed down Ramsbrook Lane due to double parking in the centre of the village

13. Date of Next Meeting - The date for the July Parish Council Meeting is Monday 17th July 2023 at 7.30pm in Hale Village Hall

The Chair thanked everyone for attending and closed the meeting at 8.35 pm.

Hale Parish Council

Transactions for All Banks

Voucher Date	Bank	Cost Code	Chq/Rec No.	Description	Supplier	Net	VAT	Total	Balance	Cashed date
				STARTING BALANCE					24,324.76	
1 03/04/2023	Hale Parish Council	Precept		Precept	Halton Borough Council	37,000.00		37,000.00	61,324.76	03/04/2023
1 03/04/2023	Hale Parish Council	Insurance		Insurance	Hiscox	-233.80	-46.76	-280.56	61,044.20	03/04/2023
2 11/04/2023	Hale Parish Council	Web Site		Google Invoice	Google Ireland Ltd	-13.80		-13.80	61,030.40	11/04/2023
3 02/05/2023	Hale Parish Council	Insurance		Insurance	Hiscox	-233.80	-46.76	-280.56	60,749.84	02/05/2023
2 05/05/2023	Hale Parish Council	Vat Recovered		Vat Refund	VAT Refund	2,354.45		2,354.45	63,104.29	05/05/2023
4 09/05/2023	Hale Parish Council	Web Site		Google Invoice	Google Ireland Ltd	-13.80		-13.80	63,090.49	09/05/2023
6 12/05/2023	Hale Parish Council	Wellbeing Fund		Easter Eggs/Sweets	Repayment	-314.02		-314.02	62,776.47	12/05/2023
8 12/05/2023	Hale Parish Council	Wellbeing Fund		Easter Eggs/Sweets	Repayment	-33.92		-33.92	62,742.55	12/05/2023
5 12/05/2023	Hale Parish Council	Staffing Including N		Clerk Salary	Hale PC	-1,076.53		-1,076.53	61,666.02	12/05/2023
7 12/05/2023	Hale Parish Council	Staffing Including N		Clerk Salary	Hale Parish Council	-326.67		-326.67	61,339.35	12/05/2023
9 12/05/2023	Hale Parish Council	Staff Allowances/E:		Clerks Expenses	Hale Parish Council	-10.00		-10.00	61,329.35	12/05/2023
10 01/06/2023	Hale Parish Council	Insurance		Insurance	Hiscox	-233.80	-46.76	-280.56	61,048.79	01/06/2023
11 07/06/2023	Hale Parish Council	Web Site		Google Invoice	Google Ireland Ltd	-13.80		-13.80	61,034.99	07/06/2023
19 21/06/2023	Hale Parish Council	Wellbeing Fund		Decorations	Hale PC	-68.50	-13.70	-82.20	60,952.79	21/06/2023
13 21/06/2023	Hale Parish Council	Wellbeing Fund		Donation	St Mary's Church	-750.00		-750.00	60,202.79	21/06/2023
14 21/06/2023	Hale Parish Council	Wellbeing Fund		Donation	Gardening Group Hale	-500.00		-500.00	59,702.79	21/06/2023
20 21/06/2023	Hale Parish Council	Wellbeing Fund		Repayment	Bulb Senotaph	-7.15	-1.43	-8.58	59,694.21	21/06/2023
15 21/06/2023	Hale Parish Council	Subscriptions/Advi:		Subscription	Chalc	-582.01		-582.01	59,112.20	21/06/2023
22 21/06/2023	Hale Parish Council	Staff Allowances/E:		Clerks Expenses	Hale PC	-10.00		-10.00	59,102.20	21/06/2023
23 21/06/2023	Hale Parish Council	Staffing Including N		Clerk Salary	Hale PC	-326.87		-326.87	58,775.33	21/06/2023
21 21/06/2023	Hale Parish Council	Staffing Including N		Clerk Salary	Hale PC	-1,076.33		-1,076.33	57,699.00	21/06/2023
12 21/06/2023	Hale Parish Council	Hall Hire (Rent)		Room Hire	Hale Village Hall	-22.00		-22.00	57,677.00	21/06/2023
16 21/06/2023	Hale Parish Council	Hall Hire (Rent)		Room Hire	Hale Village Hall	-40.00		-40.00	57,637.00	21/06/2023
17 21/06/2023	Hale Parish Council	Payroll & Scribe		Payroll & Scribe	Scribe (Starboard Sys	-345.60	-69.12	-414.72	57,222.28	21/06/2023
18 21/06/2023	Hale Parish Council	General Reserve		Queens Jubilee Trees	Halton Borough Council	-420.00	-84.00	-504.00	56,718.28	21/06/2023
24 30/06/2023	Hale Parish Council	Administration		Bank Charges	Unity Bank	-18.00		-18.00	56,700.28	30/06/2023
				CLOSING BALANCE		32,717.97	-342.45	32,375.52	56,700.28	

Hale Parish Council

Transaction listing for account 60-83-01 20415507 from 01 Apr 2023 to 30 Jun 2023

Date	Time	Description	Serial No	Debits	Credits	Balance
30Jun2023	18:58	Service Charge		(18.00)		56,700.28
21Jun2023	11:04	Expenses		(10.00)		56,718.28
21Jun2023	11:04	Salary		(1,076.33)		56,728.28
21Jun2023	11:04	B/P to: HMRC		(326.87)		57,804.61
21Jun2023	11:04	Repayment		(8.58)		58,131.48
21Jun2023	11:04	Repayment		(82.20)		58,140.06
21Jun2023	11:04	B/P to: Halton B.C		(504.00)		58,222.26
21Jun2023	11:04	B/P to: Starboard Systems		(414.72)		58,726.26
21Jun2023	11:04	B/P to: Hale Village Hall		(40.00)		59,140.98
21Jun2023	11:04	B/P to: Chalc		(582.01)		59,180.98
21Jun2023	10:55	B/P to: Sidney Ormeshser		(500.00)		59,762.99
21Jun2023	10:55	B/P to: St Marys Church		(750.00)		60,262.99
21Jun2023	10:55	B/P to: Hale Village Hall		(22.00)		61,012.99
07Jun2023	06:16	Direct Debit (GOOGLE CLOUD EMEA)		(13.80)		61,034.99
01Jun2023	06:17	Direct Debit (HISCOX)		(280.56)		61,048.79
12May2023	06:24	Expenses		(10.00)		61,329.35
12May2023	06:24	Repayment		(33.92)		61,339.35
12May2023	06:23	B/P to: HMRC		(326.67)		61,373.27
12May2023	06:23	Repayment		(314.02)		61,699.94
12May2023	06:22	Salary		(1,076.53)		62,013.96
09May2023	06:19	Direct Debit (GOOGLE CLOUD EMEA)		(13.80)		63,090.49
05May2023	06:19	HMRC VTR			2,354.45	63,104.29
02May2023	06:19	Direct Debit (HISCOX)		(280.56)		60,749.84
11Apr2023	06:20	Direct Debit (GOOGLE CLOUD EMEA)		(13.80)		61,030.40
03Apr2023	06:20	Direct Debit (HISCOX)		(280.56)		61,044.20
03Apr2023	04:23	HALTON BOR COUNCIL			37,000.00	61,324.76

Summary of Receipts and Payments

All Cost Centres and Codes (Between 01/04/2023 and 30/06/2023)

Expenditure

Code	Title	Receipts			Payments			Net Position
		Budgeted	Actual	Variance	Budgeted	Actual	Variance	+/- Under/over spend
1	Asset Purchase				1,000.00		1,000.00	1,000.00 (100%)
2	Wellbeing Fund				5,000.00	1,639.67	3,360.33	3,360.33 (67%)
3	Guildswomen Working Group				100.00		100.00	100.00 (100%)
4	War Memorial Working Group				1,286.00		1,286.00	1,286.00 (100%)
5	Civic Service Working Group				500.00		500.00	500.00 (100%)
7	Legal/Consultation Fees				5,000.00		5,000.00	5,000.00 (100%)
8	Grants				1,500.00		1,500.00	1,500.00 (100%)
9	Training				1,000.00		1,000.00	1,000.00 (100%)
10	Insurance				3,000.00	701.40	2,298.60	2,298.60 (76%)
11	Web Site				750.00	41.40	708.60	708.60 (94%)
13	Audit				1,000.00		1,000.00	1,000.00 (100%)
14	Subscriptions/Advisory Bodies				2,000.00	582.01	1,417.99	1,417.99 (70%)
15	Staffing Including NI				20,000.00	2,806.40	17,193.60	17,193.60 (85%)
17	Administration				250.00	18.00	232.00	232.00 (92%)
18	Staff Allowances/Expenses				300.00	20.00	280.00	280.00 (93%)
19	Payroll & Scribe				750.00	345.60	404.40	404.40 (53%)
21	Election Costs				3,500.00		3,500.00	3,500.00 (100%)
22	Hall Hire (Rent)				500.00	62.00	438.00	438.00 (87%)
23	Vat							(N/A)
35	General Reserve				5,000.00	420.00	4,580.00	4,580.00 (91%)
SUB TOTAL					52,436.00	6,636.48	45,799.52	45,799.52 (87%)

Income

Code	Title	Receipts			Payments			Net Position
		Budgeted	Actual	Variance	Budgeted	Actual	Variance	+/- Under/over spend
24	Precept	37,000.00	37,000.00					(0%)
25	Vat Recovered	2,354.45	2,354.45					(0%)
SUB TOTAL		39,354.45	39,354.45					(0%)

Summary

NET TOTAL	39,354.45	39,354.45		52,436.00	6,636.48	45,799.52	45,799.52 (49%)
V.A.T.					342.45		
GROSS TOTAL		39,354.45			6,978.93		

Hale Parish Council
RECONCILIATION - Hale Parish Council Unity Bank

From Accounts £56,700.28

Payments not cashed Add

Receipts not entered Subtract

Statement should be £56,700.28

Annual Internal Audit Report 2022/23

HALE PARISH COUNCIL

<https://haleparishcouncil.gov.uk/>

During the financial year ended 31 March 2023, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2022/23 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.		✓	} see internal audit reports
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.		✓	
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.		N/A no petty cash held	✓
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		except for issue 3) in internal audit reports
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2021/22, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2021/22 AGAR tick "not covered")	N/A		✓
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	✓		
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (during the 2022-23 AGAR period, were public rights in relation to the 2021-22 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set).		✓	} see internal audit reports
N. The authority has complied with the publication requirements for 2021/22 AGAR (see AGAR Page 1 Guidance Notes).		✓	
O. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
		✓	

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

26/06/2023

Name of person who carried out the internal audit

JDH BUSINESS SERVICES LTD

Signature of person who carried out the internal audit

Date

27/06/2023

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

INTERNAL AUDIT REPORT

The internal audit of Hale Parish Council is carried out by undertaking the following tests as specified in the AGAR Annual Return for Local Councils in England:

- Checking that books of account have been properly kept throughout the year
- Checking a sample of payments that the council's financial controls have been met, payments are supported by invoices, expenditure is approved, and VAT is correctly accounted for
- Reviewing the Council's risk assessment and ensuring that adequate arrangements are in place to manage all identified risks
- Verifying that the annual precept request is the result of a proper budgetary process; that budget progress has been regularly monitored and that the council's reserves are appropriate
- Checking income records to ensure that the correct price has been charged, income has been received, recorded and promptly banked and VAT is correctly accounted for
- Reviewing petty cash records to ensure payments are supported by receipts, expenditure is approved and VAT is correctly accounted for
- Checking that salaries to employees have been paid in accordance with Council approvals and that PAYE and NI requirements have been properly applied
- Checking the accuracy of the asset and investments registers
- Testing the accuracy and timeliness of periodic and year-end bank account reconciliation(s)
- Year end testing on the accuracy and completeness of the financial statements
- Reviewing whether the council has met its responsibilities as a trustee

Conclusion

On the basis of internal audit work carried out, which was limited to the tests above, in our view the council's system of internal controls is in place, adequate for the purpose intended and effective, **except for** the recommendations reported in the action plan overleaf. As part of the internal audit work for the next financial year we will follow up all recommendations included in the action plan.

JDH Business Services Limited

INTERNAL AUDIT REPORT

	ISSUE	RECOMMENDATION	FOLLOW UP
1	<p>Budget issues:</p> <p>The budget setting document does not include the impact of the 2023/24 precept on projected carried forward reserves at the end of that financial year. The 2023/24 precept request was set at £37,000 with a budgeted expenditure of £52,436. If this outturn is delivered then a deficit of £15,436 will occur. Reserves at the end of 2022/23 were £24,325, therefore, this could leave £8,889 of total reserves remaining at the end of 2023/24.</p> <p>This is below 25% of the precept level and sector guidance is that councils should aim for a general reserve level of between 25% and 100% of the precept or net operating expenditure. The Practitioners Guide also notes this recommended level of reserves.</p> <p>The budget setting document we were provided did not identify this information about potential low carried forward reserves for the council. Therefore, we have concluded that the budget set for the</p>	<p><i>The annual budget to support the precept should take account of brought forward and carried forward reserves, as required by the Local Government Finance Act 1992.</i></p> <p><i>The council should review the level of general reserves during the budget setting process with reference to sector guidance to ensure the projected levels are adequate.</i></p>	

INTERNAL AUDIT REPORT

	<p>2023/24 financial year does not take into account of 'an amount that the council estimates will be appropriate to meet future estimated expenditure' (ie to hold in reserves). This is a requirement of the Local Government Finance Act 1992.</p> <p>The precept budget included in SCRIBE for 2022/23 was £49,000, however, the precept was set at £47,500. The one figure in a parish council budget that is predictable is the precept request to the principal council.</p>	<p><i>The council, must include the correct value of the precept request in the annual SCRIBE budget.</i></p>	
2	<p>The council did not review, update and approve a risk assessment during the financial year.</p>	<p><i>The risk assessment should be reviewed, updated and approved by council each financial year.</i></p>	
3	<p>Fixed Assets</p> <p>The fixed asset register provided for internal audit contained no total. We cast both the current value (total £959,747) and purchase value column (total £612,970) and neither agreed to the value of £1,023,605 disclosed in the AGAR accounts for 2022/23.</p> <p>Review of the additions for the year indicated that the bench had been included</p>	<p><i>The council need to review the fixed asset register and ensure the correct value is disclosed in the AGAR for 2022/23.</i></p> <p><i>A fixed asset register provided for internal audit must contain the total value of assets.</i></p> <p><i>Assets should be included in the asset register net of VAT as this is reclaimed.</i></p>	

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	gross of VAT in the asset register.		
4	<p>Publication Requirements:</p> <p>The Notice of Conclusion of Audit and Audit Certificate were not published by the deadline of September 30th 2022.</p> <p>Therefore, we have concluded in the AGAR internal audit certificate that the council did not comply with the publication requirements for the 2021/22 AGAR audit as required by the Accounts and Audit Regulations 2015.</p>	<p><i>The council must comply with the publication requirements of the Accounts and Audit Regulations 2015.</i></p>	
5	<p>The council did not comply with Regulation 15 of the Accounts and Audit Regulations 2015 as it failed to make proper provision for the exercise of public rights for the 2021/22 accounts as the public notice did not cover the first 10 working days of July 2022.</p>	<p><i>The council must comply with the requirements of the Accounts and Audit Regulations 2015 with respect to the notice for the exercise of public rights.</i></p>	
6	<p>The council is sole trustee to a charity. However, review of the Charity Commission website identified that the 2021 accounts have not been filed and are significantly overdue, and the Annual Return was filed 76 days after the deadline.</p>	<p><i>The accounts for 2021 need to be produced and filed with the Charity Commission. In future, accounts should be filed within Charity Commission deadlines.</i></p> <p><i>Annual returns to the Charity Commission for the sole trustee charity should be submitted to the Charity Commission within deadlines.</i></p>	

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2021/22 internal audit		
1	<p>The analysis of staff costs from SCRIBE, minus the expenses included in the analysis, could not be agreed to the figure for staff costs in the AGAR.</p>	Implemented
2	<p>The risk assessment does not address the risk of supplier fraud which is a significant risk currently faced by public and independent sector organisations. Supplier fraud risks can be managed via appropriately robust policies and procedures. Examples of prevention actions include:</p> <ul style="list-style-type: none"> - training for staff to alert them to the potential risks of providing sensitive company information, by phone or other means, especially contract and account information. - establish a rigorous change of supplier details procedure - where a supplier has purported to have changed their bank details always call the supplier to check the veracity of a request, using details in your system, rather than those on any associated letter or email. A person should be authorised to approve a supplier bank account change after having reviewed the process undertaken to verify the supplier 	<p><i>The council should review the SCRIBE ledger analysis of staff costs and ensure the correct figure is disclosed the AGAR accounts.</i></p> <p><i>Risk assessment should include an assessment of supplier fraud risk including the adequacy of supplier onboarding controls, and the implementation of appropriate risk mitigation measures.</i></p> <p style="text-align: center;">See 20222/23 issues</p>

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	<p>details change</p> <ul style="list-style-type: none"> - periodic review of supplier accounts should also be undertaken to remove any dormant accounts. This reduces the likelihood of any old supplier information being used to secure fraudulent payments. - checking address and financial health details with Companies House - checking samples of online payments to supplier invoices to ensure the payment has been made to the supplier bank account. 		
2020/21 internal audit			
1	<p>The council did not update, review and approve the risk assessment during 2020/21.</p>	<p><i>The risk assessment should be updated, reviewed and approved by council each financial year.</i></p>	Implemented
2	<p>The minutes do not clearly evidence that budgetary control reports are provided to the council quarterly for review, as required by the Financial Regulations.</p>	<p><i>Budget monitoring should occur throughout the financial year and minutes should clearly evidence the review of budgetary control information</i></p>	Implemented – evidence of budgetary control is included in the agenda
3	<p>There are a number of errors in the AGAR accounts:</p> <ul style="list-style-type: none"> - The instructions require all the 	<p><i>The AGAR accounts should be amended as noted. A sense check of the AGAR accounts and a review to ensure it has been completed in accordance with</i></p>	Implemented

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	<p>figures to be rounded to nearest £1, however, this is not the case.</p> <ul style="list-style-type: none"> - All boxes must be completed, even if a zero is required. - The fixed asset figure is incorrectly stated and does not agree to the asset register (as too many zeros have been included in the figure) 	<p><i>requirements should be carried out before submitting the AGAR for internal audit.</i></p>	
4	<p>The council is sole trustee to a charity. However, review of the Charity Commission website shows that a number of year's annual returns are outstanding.</p> <p>No evidence was provided that the council met as sole trustee twice in the financial year as required by the charity deed.</p>	<p><i>Annual returns to the Charity Commission for the sole trustee charity should be brought up to date and submitted to the Charity Commission.</i></p> <p><i>The council should provide evidence annually to the internal auditor that at least two meetings of the council as sole trustee have been held in the financial year.</i></p>	<p>2022/23 follow up – Most recent accounts outstanding for submission to Charity Commission</p> <p>2021/22 follow up - Implemented</p>
2019/20 internal audit			
1	<p>The council did not comply with Regulation 15 of the Account and Audit Regulations 2015 as it failed to make proper provision for the exercise of public rights in Summer 2019 for the 2018/19 accounts as the approval date of the accounts in the AGAR annual return was after the start date of the period for the exercise of public rights.</p>	<p><i>The council must ensure that it makes proper provision for the exercise of public rights for every financial year</i></p>	<p>Implemented</p>

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2	<p>The council made a number of payments earlier in the financial year via a Debit Payments Card. After the review of our 2018/19 internal audit report at the end of August 2019, usage of a debit card ceased. The Financial Regulations do not authorise the use of a Debit Payment Card. Therefore, there were no regulations in place setting the control procedures for the use of the Debit Card. including setting a maximum transaction limit, authorising procedures for payments, and a maximum monthly and annual limit.</p>	<p><i>Financial Regulations must always be updated to authorise the use of a new form of payment such as a Debit Card. Should a debit card, credit card or other payments card be considered for use in the future, the Financial Regulations must be updated to establish the internal controls over the use of the council payment card . These controls should ensure there is a transaction limit placed on the card as well as a monthly and annual limit.</i></p>	<p>NB this is a recommendation for any potential future use of a payments card. Our 2018/19 recommendation regarding the Debit Card was implemented during 2019/20 as use of a Debit Card ceased.</p>
3	<p>Fixed Assets:</p> <ul style="list-style-type: none"> • Expenditure testing identified purchases of benches and a sewing machine in 2019/20, however, these additions could not be identified in the fixed asset register. • The asset register does not contain a column for date of purchase (month and year), therefore, it is difficult to identify in which financial year additions and disposals occurred. • Community assets are valued at £nil, however, the Practitioner’s Guide requires all assets to have a 	<p><i>The council need to review the 2019/20 fixed asset register and ensure that all capital items that are fixed asset additions and that are owned by the council are included in the asset register. The council need to review capital expenditure annually and update the asset register for capital items that are fixed assets (ie have a useful life of in excess of one year) which are owned by the council.</i></p> <p><i>The asset register format should be improved by adding month as well as year of purchase.</i></p> <p><i>The asset register should be amended to record community assets at £1 value each.</i></p>	<p>NB The council have updated the asset register and included the revised fixed asset value in the final 2019/20 AGAR</p>

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	<p>value of at least £1: 'In the special case where an authority receives an asset as a gift at zero cost, for example by transfer from a principal authority under a community asset transfer scheme, the asset should be included in the asset register with a nominal one pound (£1) value as a proxy for the zero cost.'</p> <ul style="list-style-type: none"> • The valuation method of the village hall has changed from cost to insurance value. The practitioner's guide states 'Where an authority changes its method of asset valuation during a financial year, it will need to restate the prior year's figure in Line 9 of the Annual Governance and Accountability Return.' 	<p><i>The Council need to review the asset register and disclose the correct value in the Annual Return which should equate to the value for fixed assets disclosed in the 2018/19 annual return plus additions at cost less disposals at carrying value, unless there is a council resolution that supports the changes that have been made to the fixed asset accounting policy. If the council has authorised a change in valuation policy then the prior year comparative will also need to be changed.</i></p>	
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Hale Parish Council

Standing Orders

Hale Village Hall
53 High Street
Hale
Cheshire
L24 4AE
www.haleparishcouncil.gov.uk
clerk@haleparishcouncil.gov.uk

MODEL STANDING ORDERS 2018 (ENGLAND) — UPDATED APRIL 2022

National Association of Local Councils (NALC)
109 Great Russell Street
London
WC1B 3LD

020 7637 1865 | nalc@nalc.gov.uk | www.nalc.gov.uk

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INTRODUCTION

This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

How to use model standing orders

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. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. 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. Model financial regulations are available to councils in membership of NALC.

Drafting notes

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

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

A model standing order that includes brackets like this '()' requires information to be inserted by a council. A model standing order that includes brackets like this '[]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

1. RULES OF DEBATE AT MEETINGS

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

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

2. DISORDERLY CONDUCT AT MEETINGS

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

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

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

accordance with standing order 3(e) shall not exceed ten minutes unless directed by the chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than two minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.

- i A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- j 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.
- k **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- l **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- m **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.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- o **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- q **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 his casting vote whether or not he/she/they gave an original vote.**

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

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

s The minutes of a meeting shall include an accurate record of the following:

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

- t **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

- u **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.**

Hale Parish Council has 10 Members so a Quorum shall be four

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

- v **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.
- w A meeting shall not exceed a period of two hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. The Committee shall determine their terms of reference;
 - ii. The Committee 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 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), 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 Proper Officer ten 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. The Committee shall determine if the public may participate at a meeting

of a committee;

- x. The Committee 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. The Committee shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/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.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/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.

- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;

- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

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

8. VOTING ON APPOINTMENTS

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least three clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least three clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the 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.
- f The decision of the Proper Officer and Chairperson as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

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

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of**

personal data.

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

12. DRAFT MINUTES

Full Council meetings ●
Committee meetings ●
Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/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 () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

● e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the start of the meeting for which the dispensation is required at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.

- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

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

15. PROPER OFFICER

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

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

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

16. RESPONSIBLE FINANCIAL OFFICER

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the 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.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 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.

18. FINANCIAL CONTROLS AND PROCUREMENT

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

circumstances are exempt from a tendering process or procurement exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council’s written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC’s procurement guidance contains further details.**

19. HANDLING STAFF MATTERS

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

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed*

£25,000] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

[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.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

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

22. RELATIONS WITH THE PRESS/MEDIA

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

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **[Subject to standing order 23(a), the Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

The above is applicable to a Council with a common seal.

OR

[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.



Hale Parish Council

Financial Regulations

**Adopted by Hale Parish
Council On 12th May 2022**

Hale Village Hall
53 High Street
Hale
Cheshire
L24 4AE
www.haleparishcouncil.gov.uk
clerk@haleparishcouncil.gov.uk

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1. General

1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Proper Officer has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

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

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account

and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

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

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

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

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

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

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Accounts and Audit Regulations 2015.

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).

2. Accounting and audit (internal and external)

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

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the council

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Accounts and Audit Regulations 2015.

2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. Annual estimates (budget) and forward planning

3.1. Each committee (if any) shall review its 1-3 year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the RFO not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than 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.

3.3. The council shall consider annual budget proposals in relation to the council's 1-3 year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. 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;
- a duly delegated committee of the council; or
- the Proper Officer.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Proper Officer, and where necessary also by the appropriate Chairman.

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

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year, unless otherwise resolved.

4.4. The salary budgets are to be reviewed at least annually, in line with contracts, for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Proper Officer and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer's judgement it is

necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.

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

5. Banking arrangements and authorisation of payments

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

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

5.5. The Proper Officer and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Proper Officer and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or

c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5.6. For each financial year the Proper Officer and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [or a duly authorised committee] 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. In respect of grants the Council or a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

5.8. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.9. 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.

6. Instructions for the making of payments

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee or officer.

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 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 shall normally be presented for signature at a council or committee meeting (including immediately before or after such a 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 a resolution exists to that effect. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. Payments for certain items (principally salaries) may be made by banker's standing order provided that the instructions are in line with contracts and any payments are reported to council as made. Approval of the use of a banker's standing order not outlined within a contract shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.12. 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 RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.15. 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 notification by the supplier. A programme of regular checks of standing data with suppliers will be followed.

6.17. Any Debit or Charge Card issued for use will be specifically restricted to the Proper Officer [and the RFO] and will also be restricted to a single transaction maximum value of £1000 unless authorised by council or finance committee in writing before any order is placed.

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 Proper Officer [and RFO] 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 RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO may maintain a petty cash float of £500 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 contracts, payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by 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 or relevant committee.

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

7.5. The total 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 performance management should be maintained for the senior officers.

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 staff, the council must consider a full business case.

8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible

assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the RFO.

8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

8.6. All investments of money under the control of the council shall be in the name of the council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. Income

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to

meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. Orders for work, goods and services

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. The RFO shall determine order processes and copies of orders shall be retained.

10.2. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining two to three quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below. On occasion it may not be appropriate or possible to obtain more than one quote, especially if the council seek a particular product or service or the anticipated cost falls below a £5,000 threshold.

10.3. A member may not issue an official order or make any contract on behalf of the council.

10.4. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. Contracts

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency, by the RFO, for circumstances which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- 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 internal or external auditor; and
- vi. for goods or services to be purchased which have been found to require an additional delivery cost and/or an additional cost of no more than 5% of the agreed 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 Regulations¹.

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

- 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)².
- 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 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.
- 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 council.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £10,000 and above £5,000 the Proper Officer or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 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 RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

² Thresholds currently applicable are:

a) For public supply and public service contracts £213,477
b) For public works contracts £5,336,937

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and RFO to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and equipment

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. Assets, properties and estates

14.1. The Proper Officer shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500. Such disposal may only be made with the authority of the Property Officer.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

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

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers [in consultation with the Proper Officer].

15.2. The Proper Officer shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

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

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

15.5. 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, or duly delegated committee.

16. Charities

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

17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Proper Officer [with the RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Proper Officer [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Proper Officer shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.



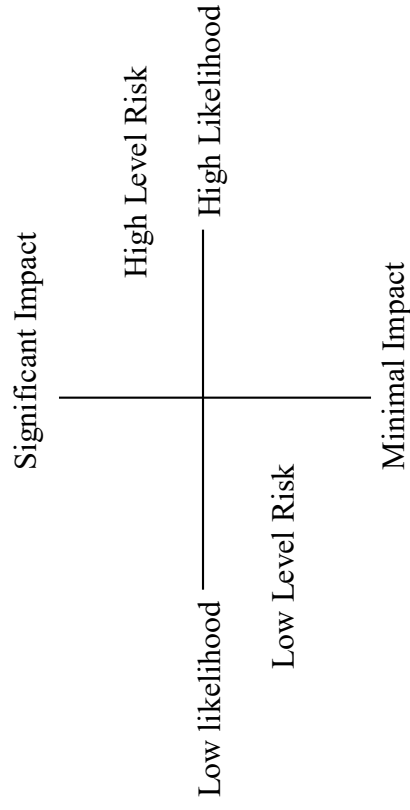
HALE PARISH COUNCIL RISK MANAGEMENT POLICY & PLAN 2019

1. POLICY

- 1.1 The recognition and management of risk is integral to the Council's stewardship of their assets and resources and the effective and efficient discharge of their duties and responsibilities to the community.
- 1.2 Risk assessment is a continuous process for the Council. Risks may be financial or non-financial.
- 1.3 The Council are responsible for the management of risk in accordance with this policy and plan.
- 1.4 The Parish Clerk is responsible for advising the Council on risk assessment and for conducting his/her duties in a manner, which avoids undue risks to the Council
- 1.5 Key risks are identified in the Risk Management Plan and Register.
- 1.6 Risk Management is an aspect of the internal controls operated by the council through their approved Financial Regulations. Internal Control is subject to scrutiny by the internal auditor.

2. RISK MANAGEMENT PLAN

- 2.1 This plan defines how the Council will manage identified risks.
- 2.2 Risks can be defined as any threat or possibility that an action or event will adversely (or beneficially) affect the interests of the Council.
- 2.3 Risk management is not a process of avoiding risk altogether but seeks to identify risk and assess its implications in order to inform decisions.
- 2.4 The level of risk can be judged by the likelihood of it occurring and the effect on the Council should it do so.



- 2.5 Judgement of the level of risk may rely on past experience or a specific assessment of a particular instance, or both. The Council will determine whether a risk is acceptable in all the circumstances.

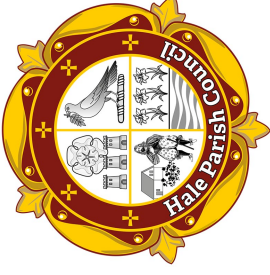
2.6 Generally much of the identified risk, which can be quantified, is covered by insurances carried by the Council:

- Public liability
- Employer liability
- Money
- Fidelity guarantee
- Property damage
- Officials indemnity
- Equipment

2.7 The appended Risks Register forms part of this Plan.

2.8 The Council will review the Plan as part of their annual budgetary procedure.

2.9 The Plan should read in conjunction with the Council's Financial Regulations.



HALE PARISH COUNCIL – RISK MANAGEMENT REGISTER
RE-ADOPTED MINUTE 8 MEETING OF 12TH MAY 2022

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Personal injury or damage to member (s) of the public or their property arising from defect (s) in Council property.	Low – Council property comprises fixed installations as set out in the Asset Register	Claims for compensation and costs to the Council in defending claims where appropriate.	Covered under the Council’s insurance policy Public Liability Section	Regular maintenance and prompt repair of any damage.	Clerk Clerk
Compensation claim by employee (or contracted person) in respect of injury sustained in the cause of his/her employment/engagement.	Low – given the nature of the Clerk’s duties.	Claims for compensation and associated costs.	Potential liabilities, including costs, covered by Council’s insurance policy Employers Liability Section	Maintain adequate insurance cover.	Clerk
Loss of cheques, cash etc. held on the Council’s behalf.	Low – Receipts are rarely in cash. More usually by cheque, but infrequent.	Reduction in Council’s financial resources.	Such losses are covered by insurance policy – include theft. (Extent of cover depends on circumstances). Prompt payment of receipts into bank. Precept & VAT refund paid direct into bank account.	Maintain adequate insurance cover. Prompt payment of receipts into bank.	Clerk

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Financial loss due to banking error (e.g. leading to loss of interest or bank charges levied)	Low	Reduction in Council's financial resources.	Regular monitoring & review and reconciliation of Bank Accounts	Application of financial regulations, including scrutiny of all bank statements upon receipt. Periodic review of banking arrangements to secure best possible terms and conditions.	Clerk Clerk
Loss of monies due to fraudulent action by employee (s).	Low – any significant incident should be easily detected. Trust in integrity of serving Clerk.	Reduction in Council's financial resources.	All payments authorised by two Councillors, against invoices. All expenditure approved by Council. Accounts subject to scrutiny by Internal Auditor, and overview by External Auditor.	Application of financial regulations.	Council.
Damage to Council property by 3 rd party.	Low – confined to items listed on Asset Register	Repair costs to be covered.	Council's insurance policy covers items	Maintain property in good condition with regular monitoring for damage	Council and Clerk

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Compensation claim resulting from (alleged) negligent act or accidental omission by the Council or its employee(s).	Low – given the limited activities of the Council.	Potentially substantial cost to the Council.	Risk covered by Council's insurance policy	Maintain adequate insurance cover. Ensure Council decisions are based on full information, including professional advice when necessary.	Clerk Council
Actions against the Council for libel or slander.	Low – Proper conduct of Council meetings and Clerk's professional judgement regarding correspondence.	Potentially substantial cost to the Council.	Risk covered by the Council's insurance policy	Members' awareness. Proper conduct of meetings by Chairman. Professional advice from Clerk.	Chairman Clerk
Failure to represent community interest adequately in relation to matters likely to impact significantly on the parish.	Low – Parish Council well established as consultee.	Reduction in local facilities and/or quality of life, or missed opportunity to benefit from external funding or advice.	Council recognised by other agencies for consultation and information. Membership of NALC/LALC.	Threats & opportunities reported to Council meetings. Special meetings to be called as required. Representatives provide feedback as appropriate	Council Clerk

<p>Loss of council paper records and computer files due to accident or otherwise</p> <p>Unauthorised release of personal data contrary to GDPR 2018</p>	<p>Low - Council records are maintained in Clerks home and on his personal computer.</p> <p>Legal / historical records held in HVH</p> <p>Low – Amount and type of data is limited mainly to contact details of some residents on either hard copy or in electronic form</p>	<p>Inconvenience in tracing information particularly legal and historical records</p> <p>Risk of fine by ICO if data breach is occasioned</p>	<p>Paper records maintained in metal cabinet providing a degree of fire protection</p> <p>Computer records regularly backed up to CD / External Hard Drive</p> <p>Data maintained to be reviewed on a regular basis and removed where no longer required</p>	<p>Legal / Historical records are archived at LRO</p> <p>Member awareness of Council responsibilities including their own where data is provided to them whilst undertaking Council duties</p>	<p>Clerk</p> <p>Councillors / Clerk</p>
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<p>Precept is not submitted on time, not paid by Principle Authority or is inadequate for purpose or does not provide sufficient reserves</p>	<p>Low</p>	<p>Reduction in Councils financial resources Inability to deliver services</p>	<p>Budget and Precept considered each year in line with standing orders and statutory requirements Full PC minute - RFO to follow up Check receipt Quarterly review against budget</p>	<p>Diarised by RFO Reminder normally sent by Principle Authority</p>	<p>Council and Clerk</p>
<p>Salaries wrongly calculated and paid. False employees. Tax and NI deductions incorrect</p>	<p>Low Low Low</p>	<p>Reduction in Council's financial resources.</p>	<p>Payment is by on line payment or cheque in accordance with Contract of Employment and Financial Regulations. Staff paid under Inland Revenue Tax deduction scheme using Inland Revenue software</p>	<p>Procedures in place and cheques signed / payment authorised in accordance with Financial regulations Quarterly budget comparison by Council Individual payments minuted or ratified at each meeting</p>	<p>Council</p>

Payment made for goods not received	Low	Reduction in Council's financial resources.	Purchases made from reputable known suppliers and generally only paid after receipt of goods/service	Payment after receipt	Clerk
Councillors Allowances / Expenses overpaid	Low	Reduction in Council's financial resources.	No Allowances have been approved	Payment only after detailed claim submitted in respect of expenses and resolution of Council	Council and Clerk
Reserves too low	Low	Reduction in Council's financial resources. Inability to deliver services	Annual Budget approved. Regular review against Budget headings New expenditure only undertaken where reserves allow. Reserves maintained at level commensurate with expenditure commitments and historical experience	Careful budget monitoring and formal approval and costings for new services and /or projects whilst maintaining reserves in line with past practical experience	Council and Clerk

Loss of key personnel	Low	Inability to operate and deliver services	<p>Ensure Clerk and other staff have adequate training, support and hours to undertake role to avoid stress, leading to long term sickness or early departure.</p> <p>Ensure regular back up of computer based work is maintained and sufficient notice periods are provided within contract to allow replacement to be obtained if necessary</p>	<p>Maintain regular contact and approve training and support mechanisms as appropriate</p> <p>Review contract terms if appropriate and back up computer files on regular basis</p>	Council Council and Clerk.
Financial Records inadequate and not archived as required by legislation leading to potential fraudulent activity	Low	Loss of ability to prove payments, failure to comply with statutory legislation and loss of monies	<p>Ensure Financial Regulations are maintained and reviewed on a regular basis and that due governance is undertaken by Council</p> <p>Bank accounts managed in accordance with legislation and reconciled on a regular basis</p>	<p>Internal Controls are in place and reviewed as required</p> <p>Internal Audit report confirms Controls are adhered to with no adverse comment</p> <p>Internal Controls adhered to</p>	Council and RFO Council and RFO
Banks and Banking incl Internet Banking	Low	Loss through lack of governance and control			

Hale Parish Council Organised Activities	Low	Risk of Financial Loss	Failure to follow legal procedures resulting in claim against Council	All activities organised by HPC must have full risk assessment undertaken and comply with any statutory requirements with permissions being obtained as and when required thereby ensuring Public Liability insurance is complied with	Documented Risk Assessments undertaken	Council					
VAT	Low	Risk of Financial Loss		Ensure VAT reclaims are made in a timely fashion	Regular Budget monitoring by Council at quarterly meetings	Council					
Internal and External Audit, HMRC returns	Low	Risk of Financial Loss including late return penalties		Compliance with regulatory requirements	Member awareness of governance responsibilities and undertaking of training as required	Council					

<p>GDPR Compliance</p>	<p>Low</p>	<p>Risk of Financial Loss due to penalties and reputational damage to Council</p>	<p>Compliance with regulatory requirements Appointment of external data control professional to check and advise accordingly.</p>	<p>Member awareness of legal requirements Audit, policies and appropriate privacy statements and notices in place Retention of records policy in place Personal data only retained for purpose for which it was required in the first place</p>	<p>Council</p>
<p>Damage to Council Assets as defined on Asset Register by third party which include street furniture, VH contents and VH building</p>	<p>Low / Medium</p>	<p>Financial Loss / Repair costs to be covered</p>	<p>Council's insurance policy covers on an all risks basis for street furniture, VH contents and buildings cover for VH</p>	<p>Maintain property in good condition with regular monitoring for damage – ensure electrical equipment is PAT tested at required intervals</p>	<p>Council and Clerk</p>



HALE PARISH COUNCIL

OF THE HALTON BOROUGH IN THE COUNTY OF CHESHIRE



CODE OF CONDUCT ADOPTED 12TH MAY 2022 TO BE REVIEWED BY 31st MAY 2023

Joint Statement - Local Government Association

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratised role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist councillors in modelling behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against a councillor.

The Code of Conduct is also to protect the public, fellow councillors, local authority officer and the reputation of local government.

The Code of Conduct sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civic servants, councillors and local authority officers; should uphold the Seven Principle of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect, and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interest of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application

This Code of Conduct applies to each Councillor as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member. The Code continues to apply to members until they cease to be a councillor.

This Code of Conduct applies to a councillor when they are acting in their capacity as a councillor which may include when:

- they misuse their position as a councillor
- their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Proper Officer, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out a councillor's obligations, which are the minimum standards of conduct required of a councillor. Should conduct fall short of these standards, a complaint may be made against a councillor, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer Protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The 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 in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose 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.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests), which are as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“Sensitive interests” are interests which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

Where a member considers that disclosure of the details of a registrable interest could lead to them, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees,

copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that the member has an interest, the details of which are withheld.

It may include a member's sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against them or someone who lives with them. The member should provide this information to the Monitoring Officer and explain their concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that they or a person who lives with them will be subjected to violence or intimidation. 10 If the Monitoring Officer agrees, then the member does not need to include this information in their register of interests, but they need to disclose at meetings the fact that they have an interest in the matter concerned.

Non-participation in case of disclosable pecuniary interest

1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Individual Member Decision Making

2. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

3. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

4. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

5. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests asset out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied.

6. Where a matter (referred to in paragraph 5 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest then you may speak on the matter only if members of the public are also

allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

Individual Member Decision Making

7. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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 them in carrying out their duties as a councillor, or towards their 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 their 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 ¹ or a body that such person has a beneficial interest in the securities ² 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 their 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.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or their 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	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: <ul style="list-style-type: none"> (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 their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

¹'Director' includes a member of the committee of management of an industrial and provident society.

²'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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Grievance Policy
Adopted by Hale Parish Council on
15th February 2021

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
 - any changes to specified time limits must be agreed by the employee and the Council.
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
 - audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.

- if an employee who is already subject to a disciplinary process raises a grievance, the grievance may be heard concurrently if so requested.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Halton Borough Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5).
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.
- Any grievances or code of conduct complaints raised against specific councillors by, or in relation to, an employee will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel Committee or, if appropriate, another member of the Personnel Committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Personnel Committee.
6. The Personnel Committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The Investigator will be an independent professional retained by the Council to undertake such matters. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee and the employee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members.
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance.
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official.
 - a copy of the Council's grievance policy.
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
 - findings of the investigation if there has been an investigation.
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
 - the Chairman will introduce the members of the sub-committee to the employee.
 - the employee (or companion) will set out the grievance and present the evidence.

- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take.
 - any member of the sub-committee and the employee (or the companion) may question any witness.
 - the employee (or companion) will have the opportunity to sum up the case.
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within 10 working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
- a failure by the Council to follow its grievance policy.
 - the decision was not supported by the evidence.
 - the action proposed by the sub-committee was inadequate/inappropriate.
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
- introduce the panel members to the employee.
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee.
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Dignity at Work Policy
Adopted by Hale Parish Council
on 10th February 2021

Introduction

Dignity at work is about individuals feeling respected, valued, included and able to contribute fully in a positive environment free from bullying and harassment.

The Equality Act 2010 took effect on 1 October 2010 and replaces the previous anti-discrimination legislation, simplifying the law and removing inconsistencies. It is understood this simplification makes it easier for people to understand and comply with the law, whilst strengthening the enforceability of law in order to help tackle discrimination and inequality.

This Policy sets out the Council's aim to be an environment where everyone is treated with dignity and respect, equality is promoted, and diversity is valued. The policy also outlines the rights and responsibilities associated with this commitment.

A positive working and learning environment which supports dignity at work is vital to the success of the Council. Dignity and respect should underpin day-to-day behaviours, and the rights and responsibilities under this policy apply to all Councillors, employees and volunteers.

Such rights include, but are not limited to:

- Being treated with dignity and respect.
- Working and learning in an environment free from discrimination, bullying and harassment.
- Being valued for skills, abilities and contribution.

Such responsibilities include, but are not limited to:

- Behaving in an appropriate manner, and in ways that are not derogatory to others.
- Playing a part in ensuring the creation of a positive working environment that is tolerant and supportive through treating each others with dignity and respect.
- Tactfully challenging inappropriate behaviour with confidence.
- Adhering to this policy so that these rights and responsibilities are mainstreamed into the core of Council business.

The following are features of a respectful working environment:

- All employees, Councillors and volunteers are respected and treated politely and with courtesy.
- The views of all employees, Councillors and volunteers will actively be sought, where appropriate, in order to contribute to the development and / or improvement of Services.
- A collaborative atmosphere is promoted and championed.
- An ethos of 'distributed', or shared leadership which enables people to feel safe to take on roles and responsibilities without undue scrutiny or micro-management, develop their skills, support colleagues, take forward initiatives.

Positive outcomes from the above features would be that employees, Councillors, and volunteers:

- Can actively contribute and see that their efforts make a difference.
- Feel a sense of engagement; people are motivated and they have a sense of belonging to and a pride in the Council.
- Feel they are trusted to take responsibility, where appropriate, to act independently within their remit.
- There is a sense of having a meaningful role within the organisation.

Bullying, Harassment and Intimidation

In Support of our value to respect others, the Council will not tolerate bullying or harassment by, or of, any of their employees, officials, Councillors, contractors, visitors, volunteers, or members of the public.

The Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment.

This policy should be read in conjunction with the Council's Grievance and Disciplinary Procedures.

The Council will issue this policy to all employees as part of their induction and to all Councillors as part of their welcome pack. The Council may also wish to share this policy with contractors, volunteers, visitors and members of the public.

Legal Position

The Council recognise that an employment tribunal can increase the compensatory award of an employee by up to 25% if the employer has not followed the ACAS Code of Practice.

The Council recognise that some forms of behaviour may be serious enough to constitute a criminal offence.

The Council will adhere at all times to the ACAS Code of Practice.

ACAS states "bullying may be characterised as a pattern of offensive, intimidating malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

ACAS states "Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

This Policy covers, but is not limited to, harassment on the grounds of:

- Sex
- Marriage & civil partnership
- Sexual orientation
- Race
- Colour

- Nationality
- Ethnic origin
- Religion
- Belief
- Disability
- Age

ACAS states “bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, and a lack of respect for others”. Bullying, harassment and intimidation can damage the Council’s reputation and ultimately lead to an Employment Tribunal, or other court cases, and payment of unlimited compensation.

Examples of unacceptable behaviour include, but are not limited to:

- Aggressive or abusive behaviour
- Spreading malicious rumours
- Insulting or humiliating someone
- Ridiculing, degrading or demeaning someone
- Exclusion, victimisation, or non-cooperation
- Unfair treatment
- Persistent and unreasonable criticism
- Creating an offensive environment
- Threatening behaviour
- Offensive comments
- Overbearing supervision, or other misuse of position or power
- Unwelcome sexual advances, physical contact or stalking
- Making threats about job security
- Unreasonable demands and impossible targets
- Deliberately undermining a competent worker by overloading work and/or constant criticism
- Coercion, such as pressure to subscribe to a particular political belief
- Preventing an individual’s promotion or training opportunities
- Any behaviour which an individual or group knows could have the potential effect of offending, humiliating, intimidating or isolating an individual or group.

Examples of where Bullying and Harassment may occur:

Face-to-face, in meetings, through written communication, over a telephone, or through automatic supervision methods. It may occur on or off work premises, during work hours, or non-work time.

Consequences of Bullying and Harassment

Bullying and harassment are considered examples of misconduct which will be dealt with through the Council’s Disciplinary Procedure for employees, or through referral to the Monitoring Officer as a contravention of the Member’s Code of Conduct which may result in penalties against the member.

In extreme cases, harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council’s insurer, if such a matter arises.

Duty of Care

The Council has a duty of care towards all their workers and liability under Common Law arising out of the Employment Rights Act 1996 (updated 2008 (ch24)) and the Health and Safety at Work Act 1974 (updated 2005 part 4 s27)).

Under the following laws bullying or harassment may be considered unlawful discrimination:

- Sex Discrimination Act 1975 (Amended 1986)
- Race Relations Act 1976 (Amended 2000) - now encompassed in Equality Act 2010
- Disability Discrimination Act 1995
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sex Discrimination) 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2010 – which fundamentally replaces the anti-discrimination legislation.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. Furthermore, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

Implementation

The Council will adhere to the following approach if a matter is reported informally:

Anyone, be it an employee, contractor, member or visitor, who feels he or she is being bullied, harassed, intimidated or victimised may try to resolve the problem informally in the first instance.

It may be sufficient to explain to the person(s) involved in the unwanted behaviour, that their conduct is unacceptable, offensive or causing discomfort.

The Council will adhere to the following approach if the matter is reported formally or an informal approach is inconclusive:

- i) Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially in line with the Grievance Procedure. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked.
- ii) Any complaint about the harassment or bullying by an employee can be raised confidentially in line with the Disciplinary Procedure.
- iii) Where any other party to the council, other than an employee, who feels he or she is being bullied or harassed by a Councillor, should raise their complaint to the Proper Officer where possible, or the Monitoring Officer. If an informal notification to a member has been unsuccessful at eliminating the problem, or where a member is directly involved in the bullying or harassment and an informal approach is not appropriate, the complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward.
- iv) Where a member of the public feels s/he has been bullied or harassed by any members or officers of the Council, the matter should be reported via the Complaints Procedure.

False or Malicious Allegations

Any false or malicious allegations of harassment or bullying, which damage the reputation of an employee or Councillor, will not be tolerated and will be dealt with as under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

Responsibilities

All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully, or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual may challenge the perpetrator and ask them to stop.

This policy is to be reviewed annually.



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Scheme of Delegation
Adopted by Hale Parish Council on 16th November 2020

Introduction

This document sets out the manner in which Hale Parish Council has delegated its powers.

The legal basis of the delegation conferred by the Scheme is contained in Section 101 of the Local Government Act 1972.

Proper Officer and Responsible Financial Officer

The Proper Officer of the Council is delegated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

The Proper Officer is designated and authorised to act as the Responsible Financial Officer for the purposes of any statute requiring the designation of a Responsible Financial Officer.

The Proper Officer of the Council is employed by the Council under Section 112 of the Local Government Act 1972 for the proper discharge of its functions.

The Proper Officer is designated to discharge the delegated authority outlined in any resolutions of the Council, and including (but not limited to) all decisions relating to payroll management provisions, office equipment and consumables, rent, award schemes, subscriptions, accreditations, publications, insurance, communications, public relations, marketing, community engagement, the neighbourhood plan, wellbeing activities, and any such projects and/or campaigns delegated to him/her in consultation with members if so required, provided that any such decisions fall within the budget headings decided by the Council.

Committees

A Committee of the Council is delegated to act in all matters covered by the Committee's Terms of Reference and subject to prior Council approval of any delegated capital and revenue estimates.

Any activity requiring application for consent to borrow must first have been approved by the Council, and loan sanction secured.

Every Committee shall have power to authorise an officer to take decisions on specific matters falling within the Committees' terms of reference.

Council

The following matters are reserve for the full Council and may not be delegated to an officer or Committee:

- The adoption of Standing Orders and Financial Regulations
- The adoption of policies and procedures
- The appointment of permanent representatives to outside bodies
- Co-option
- The making of by-laws
- The dismissal of officers
- The setting of the annual budget and precept
- The approval of final accounts and statutory return
- The noting of the internal audit report



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Disciplinary Policy
Adopted by Hale Parish Council
on 10th February 2021

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
3. This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance.
 - the Council will fully investigate the facts of each case.
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of any meetings in this procedure. Employees must make all reasonable efforts to attend. Failure to attend any meeting may

result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.

- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council.
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- employees have the right to appeal against any disciplinary decision. The appeal decision is final.
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the two may be heard concurrently if so requested.
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal.
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first two occasions that it decides there has been misconduct.
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties.
- Any complaints raised by councillors relating to specific employees will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.
- Any concurrent grievances or code of conduct complaints raised against specific councillors by, or in relation to, an employee will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.

Examples of misconduct

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

5. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

6. If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
7. While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
8. The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

9. The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
- inadequate application of procedures
 - inadequate skills
 - unsatisfactory management of staff
 - unsatisfactory communication

The Procedure

10. Preliminary enquiries_ The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

11. Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

12. A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
13. If a formal disciplinary investigation is required, the Council's Personnel Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be an independent professional retained by the Council to undertake such matters. The Investigator will be appointed as soon as possible after the allegations have been made. The Personnel Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
- the allegations or events that the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
 - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
14. The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may

decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).

15. The Personnel Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit a copy of the report to the employee and the Personnel Committee will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

22. If the Personnel Committee decides that there is a case to answer, it will appoint a Personnel sub-committee of three councillors, to formally hear the allegations. The Personnel sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
23. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
 - the names of its Chairman and other two members.
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting.

- a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure.
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it.
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting.
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing.
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation).
- the Chairman will invite the employee to present their account.
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements).
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness.
- the employee (or companion) will have the opportunity to sum up.

24. The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.

25. The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

26. If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal

- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement.
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal.
- the employee's right of appeal.
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct.
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning.
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

27. The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

28. An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
29. The grounds for appeal include;
- a failure by the Council to follow its disciplinary policy
 - the sub-committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.

30. Where possible, the appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
31. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
32. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee.
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision.
 - explain the action that the appeal panel may take.
33. The employee (or companion) will be asked to explain the grounds for appeal.
34. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
35. The appeal panel may decide to uphold the disciplinary decision of the Personnel Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
36. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
37. The appeal panel's decision is final.

HALE PARISH COUNCIL SOCIAL MEDIA POLICY ADOPTED 18 NOVEMBER 2019

Policy statement

This policy is intended to help councillors and council staff to make appropriate decisions about the use of social media such as emails, blogs, social networking websites, podcasts, forums, message boards or comments on web-articles, such as Twitter, Facebook, LinkedIn and other relevant social media websites.

This policy outlines the standards the Council requires councillors and staff to observe when using social media, the circumstances in which the Council will monitor the use of social media and the action to be taken in respect of breaches of this policy.

This policy supplements and should be read in conjunction with all other policies and procedures adopted by the Council, such as the Equal Opportunities Policy, Anti-Harassment Policy, Data Protection Policy, Disciplinary Procedure, Members Code of Conduct and such like.

This policy does not form part of any contract of employment and it may be amended at any time.

This policy covers all individuals working at all levels within the Council, including all elected and co-opted councillors, the Clerk to the Council and all other employees and volunteers (collectively referred to as staff in this policy).

All members and staff are expected to comply with this policy at all times to protect the reputation, privacy, confidentiality and interests of the Council, its services, employees, partners and community.

Serious breaches of this policy by employees may be dealt with under the Employee Disciplinary Procedure. The Council may take disciplinary action in respect of unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually orientated or racially offensive comments by the employee. Breach of the policy by volunteers will result in the Council no longer using their services and if necessary, appropriate action will be taken. Behaviour required by the Members' Code of Conduct shall apply to online activity in the same way it does to other written or verbal communication. Members will bear in mind that inappropriate conduct can still attract adverse publicity, even where the code does not apply.

Remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published in a way that cannot be contained. Online content should be objective, balanced, informed and accurate. Members must be aware that their profile as a councillor means it is more likely they will be seen as acting in an official capacity when blogging or networking. It must be remembered that communications on the internet are permanent and public.

Staff and councillors must not allow their interaction on any websites or blogs to damage their working relationships with others. They must not make any derogatory, discriminatory, defamatory or offensive comments about other staff, councillors, the Council or about the people, businesses and agencies that the Council works with and serves.

Posts must not contain anyone's personal information other than necessary basic contact details.

If staff or councillors blog or tweet personally and not in their role as a councillor, they must not act, claim to act or give the impression that they are acting as a representative of the Council.

They should not include web links to official Council websites as this may give or reinforce the impression that they are representing the Council.

Staff and individual parish councillors are responsible for what they post. They are personally responsible for any online activity conducted via their published e-mail address which is used for Council business. Both staff and councillors are strongly advised to have separate council and personal email addresses.

When participating in online communication, staff and councillors must:

Be responsible and respectful

Never make false or misleading statements

Not present themselves in a way that might cause embarrassment. They must protect the good reputation of the Council

Be mindful of the information posted on sites and make sure personal opinions are not published as being that of the Council

Keep the tone of comments respectful and informative and use sentence case format, not capital letters or write in red to emphasise points

Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age, religion or belief should not be published on any social media site

Avoid personal attacks and hostile communications

Never name an individual third party unless you have written permission to do so

Seek permission to publish original photographs or video from the persons or organisations in the video or photographs before they are uploaded and you must check that there is parental permission before photos of children are used

Respect the privacy of other councillors, staff and residents

Never post any information or conduct any online activity that may violate laws or regulations such as libel and copyright, discriminatory legislation, data protection or breach any other legislative restrictions.

Reports of any concerns regarding content placed on social media sites should be reported to the Clerk in the first instance and be referred to the Council if appropriate.

Hale Parish Council
Complaints Procedure Adopted 27/2/2020

1. Hale Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. Complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council. If a complaint against a councillor is received by the Council the complainant will be referred to the Monitoring Officer of the Principle Authority.

Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of the Principle Authority

4. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
7. If you do not wish to report your complaint to the Clerk since your complaint involves the Clerk, you may make your complaint directly to the Chairman of the Council who will try to resolve your complaint immediately. If this is not possible the Chairman will normally try to acknowledge your complaint within five working days.
8. The Clerk or the Chairman of the Council as appropriate will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Full Council or a Complaints Committee as appropriate and usually within eight weeks you will be notified in writing of the outcome of the review of your original complaint.



HALE PARISH COUNCIL

Of the Halton Borough in the County of Cheshire



PUBLIC COMPLAINTS PROCEDURE

Any residents wishing to make a formal complaint against Hale Parish Council must contact the clerk or chairman with their complaint.

All correspondence must be sent through the clerk who can be contacted by emailing haleparishcouncilclerk@gmail.com or writing to Craig Wyna, Clerk, Hale Parish Council, Hale Village Hall, Hale Village, Halton, L24 4AE.

Please note, in order for your complaint to be dealt with by Hale Parish Council, one of the below must apply:

- 1) **You believe a parish councillor has acted unlawfully whilst conducting parish council business;**
- 2) **You believe Hale Parish Council has acted unlawfully whilst conducting parish council business;**
- 3) **You have a complaint about a matter that Hale Parish Council is responsible for.**

Please note, due to the timings of parish council meetings, your complaint may take up to 12 weeks to be dealt with by the council. The full complaints procedure of Hale Parish Council can be found below. Assistance will be given to the claimant if necessary.

1. Introduction

- 1.1. This procedure covers routine complaints and those that could be described as habitual and vexatious. The majority of complaints generally fall under the first category and only occasionally move to the second option covered by paragraph 4 onwards.
- 1.2. Habitual or vexatious complaints are defined here as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
- 1.3. Some types of complaint will be handled outside this procedure: Financial irregularity will be handled by the Council's own auditor / Audit Commission; Criminal activity by the Police; Member conduct by the standards committee of the relevant principal authority; Employee conduct by internal disciplinary procedure.

2. Complaints Procedures for Local Councils

- 2.1. Councils will handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not involved with the particular case.
- 2.2. If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.

- 2.3. The clerk will normally represent the council through the proceedings but a nominated councillor may act instead.

3. The Procedure

3.1. Before the Meeting

- The complainant will complain in writing to the clerk or to the chairman of the council. Assistance will be given to the claimant if necessary.
- The complainant will be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure will also be given to the complainant.
- The complainant will be invited to attend a meeting with a representative if wished.
- Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

3.2. At the Council Meeting or Committee Meeting

- The chairman of the meeting will introduce everyone and explain the procedure.
- The complainant (or representative) will outline the grounds for complaint before any questions from the clerk and then from members if present.
- The clerk will explain the council's position before any questions from the complainant, and from members if present.
- The complainant and the clerk will then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

3.3. After the Meeting

- The decision will be confirmed in writing within seven working days together with details of any action to be taken.
- The result of the proceedings will be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

3.4. Appeals

- Should the complainant not agree with the decision they will be entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal will, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council then the appellant will be notified that the appeal has not been successful. If the complaint was not handled correctly it will be referred back for consideration as at 3.2.
- The appellant will be notified of the result of the appeals process within fourteen days.

4. Habitual and Vexatious Complaints

- . 4.1. Councils will endeavour to deal with complaints in an efficient, equitable and effective manner.
- . 4.2. The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.

5. Aims of this Section

- . 5.1. The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.
- . 5.2. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

6. Guidelines

- . 6.1. Councils will try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.
- . 6.2. Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

7. Procedure

- 7.1. The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the chairman or vice chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.
- 7.2. The chairman or vice chairman will contact the complainant in an effort to resolve the situation.

7.3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The council will give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.

7.4. The chairman/vice chairman will:

- Listen to the grievance/complaint
- Assure the complainant of confidentiality with personal details
- Carefully explain what action the council has taken within its remit to resolve the complaint
- Offer any relevant support about the complaints procedure to the complainant
- Suggest complaint routes available if complaint is outside the council's remit
- Explain how the complainant's actions are of concern but are hampering the complaints procedure
- Explain what actions the council may take
- Seek an assurance that the persistent/unreasonable nature of complaint will be addressed

7.5. The outcome and relevant details of the meeting will be noted.

8. Decision

- . 8.1. If the complainant continues to behave in unreasonable and/or vexatious way, the chairman or vice chairman will seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.
- . 8.2. The complainant will be advised by letter from the clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
- . 8.3. The council will record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act.
- . 8.4. The clerk will notify all councillors and members of staff as appropriate.
- . 8.5. Any new complaint from any person who has come under the policy must be treated on its merit.

9. Review

9.1. The decision taken at Section 8 will be reviewed after 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.