

ALNE PARISH COUNCIL

POLICIES

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ALNE PARISH COUNCIL

STANDING ORDERS

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INTRODUCTION

These Standing Orders incorporate and are derived from the updated National Association of Local Council (NALC) model standing orders.

These new model standing orders, which reference legislation introduced after 2013 when the last model standing orders were published, can be found in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC).

IMPORTANT NOTES ON INTERPRETATION:

1. Unless specified (by way of a colour coding system) all standing orders apply to all meetings of the Parish Council and any Committees and/or Sub-Committees it may set up.
2. Sections in **bold type** are prescribed for, and required in, Parish Council Standing Orders by relevant legislation.

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 chairman 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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman 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 chairman of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman 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 chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman 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 chairman 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**
- 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 The agenda of any meeting which members of the public are entitled to attend shall include a period of time designated for public participation. During such period of time (and subject always to the provisions of standing orders 3(f) to 3(k)) members of the public may, in respect of the business on the agenda, make representations, answer questions and give evidence.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 minutes unless

directed by the chairman of the meeting. Save at the discretion of the chairman of the meeting, no member of the public may participate in the meeting at any point other than during such a designated period.

- g Any individual member of the public exercising their entitlement under standing order 3(e) is entitled to speak for a maximum of 3 (three) minutes in total. They may speak on one or more of the items of business in the agenda within this time period. The chairman of the meeting may, at their discretion, extend this 3 minute period by such further time period as they see fit, but is under no obligation to do so.
- 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 chairman of the meeting may direct that a written or oral response be given.
- i 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 chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the**

councillors present at the meeting shall preside at the meeting.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

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

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

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

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

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

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

- w **If a meeting is or becomes inquorate no business shall be transacted and**

- the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
-
- x A meeting shall not exceed a period of 2 hours without the consent of at least 2 councillors.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall 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 7 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a 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 Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he 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-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman 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 Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may**

exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman 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 Chairman 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 Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman 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 chairman 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 chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 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 3 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 chairman 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 5 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 3 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper by the Proper Officer, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

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

11. MANAGEMENT OF INFORMATION

See also standing order 20.

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

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

12. DRAFT MINUTES

Full Council meetings	●
Committee meetings	●
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 chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman 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 as they stand 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 may be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by 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 during the meeting of the Council, or committee or sub-committee for which the dispensation is required and prior to the matter in question, save that no more than 10 minutes shall be spent discussing the request which, if not agreed in that time, shall be automatically deemed refused.

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

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman 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 [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in his absence Vice-Chairman (if there is one) of the () Committee] 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] OR [() committee];
- 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 an appropriate person 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 in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or**

other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.

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

19. HANDLING STAFF MATTERS

Alne Parish Council, comprising 5 parish councillors supported by a salaried clerk, has no employees (for the avoidance of doubt APC considers the clerk to be a paid office holder and not an employee). Accordingly standing order 19 shall be held in abeyance and deemed of no application save in the circumstances set out below.

In the event that Alne Parish Council employs one or more individuals, the following provisions of standing order 19 shall become operational at that time. Furthermore, and in accordance with those provisions, Alne Parish Council will at that time implement specific policies on all appropriate matters, which may include (but not be limited to) absence from work, performance appraisal, grievances, disciplinary matters and pay & pension provision.

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the () committee] OR [the () sub-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 chairman of [the () committee] OR [the () sub-committee] or, if he is not available, the vice-chairman (if there is one) of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.*
- c The chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman 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 () committee] OR [the () sub-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 chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-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 chairman or vice-chairman of [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-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.**

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.

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

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council 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 2 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

27. POLICIES GENERALLY

- a. Alne Parish Council will conduct its affairs in accordance with these Standing Orders and such other policies and procedures as it has adopted.
- b. Should circumstances arise requiring action by Alne Parish Council for which it has not adopted a specific policy, and where there exists a standard NALC policy appropriate to such circumstances as have arisen, Alne Parish Council will adopt and follow such NALC policies for the duration of such circumstances.

ALNE PARISH COUNCIL

CODE OF CONDUCT

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1. GENERAL PROVISIONS & INTERPRETATION

1.1 Introduction

- (a) This Code of Conduct is adopted by Alne Parish Council (“APC”) pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
- (b) This Code is based on and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as referred to in the Localism Act 2011.
- (c) In the interests of transparency and openness, and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members’ Interests is published on the Hambleton District Council’s website. It is also available for public inspection at the District Council’s offices at all reasonable hours or through arrangement with the Clerk.

1.2 Scope

- (a) This Code applies to all Members and Co-opted Members of APC when acting in their official capacity, or when giving the impression that they are acting as a representative of APC.
- (b) Accordingly, all references throughout this Code of Conduct to a “Member” shall be interpreted so as to include a Member and/or a Co-opted Member as appropriate in the circumstances.
- (c) Where a Member is a member of more than one local authority but acting on behalf of APC then, for the avoidance of doubt, that Member is bound by this Code of Conduct.

2. GENERAL OBLIGATIONS OF MEMBERS & CO-OPTED MEMBERS

As a Member of APC your conduct will address the principles of the Code of Conduct by:

- (a) Representing the needs of residents and putting their interests first.
- (b) Dealing with representations or enquiries from residents, members of communities within the administrative area of the APC and visitors fairly, appropriately and impartially.
- (c) Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of APC's area, or the good governance of APC in a proper manner.
- (d) Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- (e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers of APC, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (f) Being accountable for your decisions and co-operating when scrutinised internally and externally.
- (g) Contributing to making APC's decision-making processes as open and transparent as possible.
- (h) Restricting access to information when the wider public interest, APC's Standing Orders, or the law requires it.
- (i) Behaving in accordance with all APC's legal obligations, alongside any requirements contained in APC's policies, protocols and procedures relating to conduct.
- (j) Ensuring that when using, or authorising the use by others of, the resources of APC that such resources are not used improperly for political purposes.
- (k) Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.
- (l) Not knowingly doing anything which might cause APC to breach any legislation.
- (m) Engaging with fellow Councillors, APC officers, other people and organisations in an appropriate manner.
- (n) Providing leadership through behaving in accordance with these principles.

3. DISCLOSABLE PECUNIARY INTERESTS

3.1 Introduction

A “***disclosable pecuniary interest***” is an interest falling within the Schedule set out at Paragraph 3.3 below of:

- (a) Yourself; or
- (b) Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

3.2 Interpretation

In the Schedule set out at Paragraph 3.3 below, the following words or expressions mean as follows:

- (a) ‘the Act’ means the Localism Act 2011;
- (b) ‘body in which the relevant person has a beneficial interest’ means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) ‘director’ includes a member of the committee of management of an industrial and provident society;
- (d) ‘land’ excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) ‘M’ means a member of a relevant authority;
- (f) ‘member’ includes a co-opted member;
- (g) ‘relevant authority’ means the Parish Council of which M is a member;
- (h) ‘relevant period’ means the period of 12 months ending with the day on which M gives a notification of a disclosable pecuniary interest for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;
- (i) ‘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.

3.3 Schedule of Disclosable Pecuniary Interests

Subject	Prescribed description
Employment, etc	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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (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	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (along or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

3.4 Registration and Disclosure of Disclosable Pecuniary Interests

3.4.1 Obligations

- (a) You must, within 28 days of taking office as a Member of APC, notify the Hambleton District Council Monitoring Officer (through the Clerk) of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 2 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- (b) You must also, within 28 days of becoming aware of any new disclosable pecuniary interest, or change thereto, notify the Hambleton District Council Monitoring Officer (through the Clerk) of such new or changed interest.
- (c) If you have a disclosable pecuniary interest included on the Register of Members' Interests, you must disclose this interest at any meeting of APC, its Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- (d) If a disclosable pecuniary interest has not been entered onto APC's Register of Interests, then you must also disclose the interest to any meeting of APC, its Committees (including joint committees and sub-committees) at which you are present where you have such an interest in any matter being considered. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. Following disclosure of a disclosable pecuniary interest not on APC's Register or the subject of pending notification, you must notify the Hambleton District Council Monitoring Officer (through the Clerk) of such interest within 28 days, beginning with the date of disclosure.
- (e) Unless a dispensation has been granted by APC, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must, as soon as it becomes apparent that you have such an interest, withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business.

3.4.2 Registration of Gifts and Hospitality

- (a) You must, within 28 days of receipt, notify the Hambleton District Council Monitoring Officer (through the Clerk) of any gift or hospitality you receive, if such gift or hospitality has an estimated value of at least £50.

4. NON-PECUNIARY INTERESTS: PERSONAL, PREJUDICIAL & SENSITIVE INTERESTS

- (a) Without prejudice to requirements contained in Section 3 of this Code (above) in respect of the registration and disclosure of pecuniary interests, this Code requires that other non-pecuniary interests may still need to be declared and may affect participation in the business of APC.
- (b) A declaration needs to be made in respect of personal interests (for which see section 4.1 below) for reasons of openness and transparency.
- (c) If that personal interest is also a prejudicial interest (for which see section 4.3 below), then there may be a conflict of interest which prevents the Member from participating in the decision.
- (d) For the avoidance of doubt, the statutory requirements in respect of disclosable pecuniary interests, take precedence and apply in place of APC's additional requirements in the Code for personal and prejudicial interests.

4.1 Personal interests

- (a) You have a personal interest in the business of APC when it relates to or is likely to affect:
 - i. any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council;
 - ii. any body of which you are a member or in a position of general control or management which:
 - (a) exercises functions of a public nature;
 - (b) is directed to charitable purposes; or
 - (c) is one the principal purposes of which include the influence of public opinion or policy (including any political party or trade union)
 - iii. any employment or business carried on by you other than for profit or gain;
 - iv. any person or body who employs you, or who has appointed you, other than for profit or gain;
 - v. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;
- (b) You also have a personal interest in the business of APC when a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a relevant person (as defined in paragraph 4.1(c) below) to a greater extent than the majority of other council tax-payers, ratepayers or inhabitants of the electoral ward within the administrative area of APC affected by the decision;

- (c) In Paragraph 4.1(b) above a “relevant person” is:
- i. your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or
 - ii. another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or
 - iii. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
 - iv. any person or body in whom to the Member’s knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000: or
 - v. any body of a type described in paragraph 4.1(a)i or 4.1(a)ii above.

4.2 Disclosure of Personal Interests

- (a) Subject to paragraphs 4.2(b) and 4.2(c) below, where you have a personal interest in any business of APC you must disclose this interest at any meeting of APC, and/or its Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- (b) Where you have a personal interest in any business of APC which relates to or is likely to affect a person described in paragraphs 4.1(a)i or 4.1(a)ii above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (c) The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

4.3 Prejudicial Interests

- (a) Subject to paragraph 4.3(b) below, where you have a personal interest in any business of APC, you also have a prejudicial interest in that business when the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (b) You do not have a prejudicial interest in any business of APC where that business:
 - i. does not affect your financial position, or the financial position of a body or relevant person as described in section 4.1(a) above; or
 - ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in section 4.1(a) above; or
 - iii. relates to the functions of APC in respect of:

- (a) an allowance, payment or indemnity given to members; and/or
 - (b) any ceremonial honour given to Members; and/or
 - (c) setting council tax or a precept under the Local Government Finance Act 1992.
- (c) Unless a dispensation has been granted by APC, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a prejudicial interest and must, as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 4.3(d) below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business.
- (d) Without prejudice to paragraph 4.3(c) above, but subject always to paragraphs 4.3(e) and 4.3(f) below, where you have a prejudicial interest in any business of APC you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (e) For the avoidance of doubt the procedure in paragraph 4.3(d) above cannot be used by the member where the interest comes within the statutory definition of a disclosable pecuniary interest.
- (f) In any case where paragraph 4.3(d) above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.

4.4 Sensitive Interests

- (a) A “sensitive interest” arises under the Localism Act 2011 where a member of APC has an interest the nature of which is such that both the member and Hambleton District Council’s Monitoring Officer consider that disclosure of the details of the interest could lead to the member, or a person connected with them, being subject to violence and intimidation.
- (b) Applications to have an interest so determined should be made through the Clerk.
- (c) A sensitive disclosable pecuniary interest or a change to such an interest need not be included on the Register of Members’ Interests, but you may state that there is an interest the details of which are withheld under S32 Localism Act 2011.
- (d) Within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraphs 4.4(a) and 4.4(b) above is no longer sensitive information, you shall notify the Hambleton District Council Monitoring Officer (through the Clerk) asking that the information be included in the Register of Members’ Interests.

- (e) Any requirements in this Code for the declaration of an interest at meetings shall be met by stating that you have a disclosable pecuniary interest or a personal/prejudicial interest in the matter concerned, but not providing any details of the sensitive interest on the basis that they are properly withheld as “sensitive” under section 4.4 of this Code of Conduct.

ALNE PARISH COUNCIL

COMMUNICATIONS POLICY

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1. PARISH COUNCIL CORRESPONDENCE

1.1 General

- (a) The point of contact for Alne Parish Council (APC) is the Clerk; all correspondence to the Parish Council should therefore be addressed to “The Clerk, Alne Parish Council”.
- (b) The Clerk should deal with each item of correspondence in an appropriate manner and at all times in accordance with, and subject to, both this policy and all other APC policies and procedures as may be relevant in any given case.
- (c) Dealing with correspondence in an appropriate manner may include, but is not limited to:
 - i. providing a response direct to the correspondent without reference to the Councillors of APC where the necessary information is within the knowledge of the Clerk;
 - ii. passing any information to Councillors or the entire Council as relevant;
 - iii. forwarding any enquiry to Councillors or the entire Council as relevant.
- (d) In line with other local government bodies APC has a policy of using reasonable endeavours to respond to all correspondence within 10 (ten) working days of receipt. In dealing with incoming correspondence the Clerk shall at all times comply with this policy.
- (e) The Clerk is under no obligation to respond immediately to correspondence. This remains the case even in such circumstances where a more urgent response than one within 10 working days might be considered (either viewed objectively or in the subjective opinion of the correspondent) as appropriate or necessary.
- (f) No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the Parish Council, a Committee, Sub Committee or Working Group. In particular, Councillors and Officers do not have the right to obtain confidential information/documentation unless they can demonstrate a “need to know”.
- (g) All official correspondence should be sent by the Clerk in the name of the Council using letter headed paper.
- (h) Where correspondence to a Councillor is copied to another person the addressee should be made aware that a copy is being forwarded to that other person.

1.2 Where the correspondence constitutes a complaint

- (a) Complaints will fall into one of two categories:
 - i. Complaints about an individual Parish Councillor; and
 - ii. Complaints about the actions or administration of the Parish Council.

- (b) A complainant raising a complaint which is clearly about an identifiable, individual Parish Councillor (category 1.2(a)i above) will be advised to direct their complaint in the first instance to the Monitoring Officer, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire DL6 2UU (or the appropriate officer within such other authority as may in future have replaced Hambleton District Council in this role).

- (c) The appropriate officer under section 1.2(a) above will advise the Council on the validity of such a complaint and deal with the matter in line with the appropriate legislation and statutory procedures.

- (d) Complaints about the administration or actions of the Parish Council, its Clerk, any co-opted members or any other individual engaged in work (paid or otherwise) on behalf of the Parish Council (category 1.2(a)ii above) shall be dealt with by the Parish Council in accordance with its Standing Orders, the provisions of this Communications policy, and as appropriate to the nature of the complaint.

- (e) Action by the Parish Council in respect of such complaints may include, but is not limited to:
 - i. Authorising the Clerk to seek an informal resolution of the complaint directly with the Complainant;
 - ii. Determining the complaint by way of internal correspondence conducted in accordance with the relevant policies;
 - iii. Determining the complaint at a full meeting of the Parish Council (either regular or specifically called for the purposes of considering the complaint).
 - iv. It is entirely within the discretion of the Parish Council to determine any complaint solely on the basis of the information contained within the original complaint or to seek further information from the Complainant (either in writing or in person).

2. VEXATIOUS CORRESPONDENCE, THREATENING BEHAVIOUR & HARASSMENT

2.1 General

- (a) Most correspondents, complainants or people making Freedom of Information (FOI) requests behave in legitimate ways. A very small minority make complaints/requests that are vexatious, either by persisting unreasonably with their correspondence, complaints or requests, or else by pursuing them for improper motives (for example, by seeking to make life difficult for the Parish Council or to pursue their own personal agendas, rather than to genuinely raise a legitimately and reasonably held concern).
- (b) It is important to distinguish between people who make a number of complaints/requests because they genuinely believe things have gone wrong (and may be understandably frustrated or aggrieved) and those who seek to subvert the legitimate business of the council. Each and every item of correspondence must, therefore, be considered in light of its own particular merits and circumstances.
- (c) It is not necessary to meet a person's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the person's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council need to address such behaviour.
- (d) It is worth noting the broader legal context here as well. Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Parish Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and members.

2.2 What constitutes a vexatious correspondent?

- (a) For the purposes of this policy, a "correspondent" to whom this policy applies includes any individual who:
 - i. Corresponds (in writing or verbally) with the Parish Council, and or
 - ii. Requests information (in writing or verbally) from the Parish Council, and or
 - iii. Makes any form of complaint (in writing or verbally) to the Parish Council, and or
 - iv. Engages in harassment in accordance with section 2.5 of this policy (below).
- (b) Correspondents (and/or anyone acting on their behalf) may be deemed to be "vexatious" where contact with them shows that they meet one or more of the following criteria:
 - i. Persist in pursuing a complaint/request where the Council's procedures or the Freedom of Information procedure has been fully implemented & exhausted.
 - ii. Persistently change the substance of a complaint/request or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response.

- iii. Are repeatedly unwilling to accept evidence given as being factual or deny receipt of an adequate response, notwithstanding correspondence specifically answering their questions, or refuse to accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- iv. Repeatedly fail to clearly identify the precise issues which they wish to raise despite reasonable efforts of the Council to address their concerns, and/or where the concerns identified are not within the remit of the Council and this has been explained to them.
- v. Make a complaint/request which is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.
- vi. Regularly focus on a trivial matter to an extent which is out of proportion to its significance (bearing in mind that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints).
- vii. Have threatened, in writing via emails or letter, over the telephone, at meetings or used physical violence towards staff or members at any time.
- viii. Have had an excessive number of contacts with the Parish Council, thereby placing unreasonable demands on the Clerk or members. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- ix. Have harassed or been personally abusive or verbally aggressive towards staff or members dealing with the complaint/grievance (although it is recognised that complainants may sometimes act out of character in times of stress, anxiety or distress and reasonable allowances should be made for this). All instances of harassment, abusive or verbally aggressive behaviour will be documented.
- x. Have harassed or been personally abusive or verbally aggressive towards any Members of the Parish Council (including Councillors, the Clerk, any co-opted members and any other individual engaged in work (whether paid or otherwise) on behalf of the Parish Council) whether this has been on a face-to-face contact or at public meetings.
- xi. Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or Parish Councillors with the objective of soliciting information for whatever purpose.
- xii. Seeking to coerce, intimidate or threaten staff, Parish Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.
- xiii. Repeatedly raise grievances which are already proven to be without substance or foundation.

- (c) It is within the discretion of the Clerk, Chairman and Vice-Chairman to jointly determine that an item of correspondence, a request for information or a complaint renders a correspondent vexatious under this policy. If the Clerk, Chairman and Vice-Chairman do not all agree, the determination may be made by a majority of them.
- (d) Once a correspondent has been deemed vexatious under the above provisions, action will be taken in line with section 2.3 below.

2.3 Action in respect of vexatious correspondents

- (a) Subject to section 2.3(b) below, the Parish Council may deal with vexatious correspondents in one or more of the following ways as it considers appropriate in any given case:
 - i. In a letter, setting out a code of commitment and responsibilities for the parties involved if the Parish Council is to continue processing the complaint/request. If these terms are contravened, consideration will then be given to implementing other action as indicated below.
 - ii. Decline contact with the complainant, either in person, by telephone, fax, email or any combination of these, provided that one form of contact is maintained which will usually be by conventional post (letter).
 - iii. Notify the complainant/requestor in writing that the PC has responded to the points raised and tried to resolve the complaint/request but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/requestor will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint/request.
 - iv. Inform the complainant/requestor that the PC intends to seek legal advice on unreasonable or vexatious complaints/requests and behaviour.
 - v. Temporarily suspend all contact with the complainant/requestor in connection with the issues relating to the complaint/request being considered.
- (b) If the correspondence, request for information, complaint or harassment makes clear reference to an identifiable, individual Councillor, then the Clerk will, additionally, refer the matter to the appropriate officer in accordance with section 1.4(b) of this policy above (including in such referral an explanation for why the correspondent appears to be vexatious) for that officer's determination of what action to take. The Clerk will implement such action and will notify the complainant that their complaint/request is considered as vexatious and what action may be taken. This notification will be copied

to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

- (c) The Clerk will implement the appropriate actions under sections 2.3(a) and 2.3(b) above and will notify the correspondent:
 - i. That they are considered vexatious in accordance with the provisions at section 2.2 above; and
 - ii. Of the actions being taken in accordance with the provisions of sections 2.3(a) and 2.3(b) above.
- (d) This notification will be copied to all Councillors and a record kept of the reasons why a correspondent has been classified as vexatious.

2.4 Restrictions on Contact

- (a) Any restrictions on contact will be appropriate and proportionate to the nature of the person's contacts with the Parish Council at the time.
- (b) In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, Council employees, councillors and co-opted members do not suffer any disadvantage or undue stress and the resources of the Council are used as effectively as possible.
- (c) Examples of restrictions on contact include (but are not limited to):
 - i. Placing time limits on telephone conversations and personal contacts;
 - ii. Limiting the person to one form of contact such as conventional post (letter);
 - iii. Requiring the person to communicate only with one named point of contact;
 - iv. If a complaint is currently going through the Council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;
 - v. Closing the investigation into a complaint;
 - vi. Refusing to register and process further complaints/requests providing the person with acknowledgements only;
 - vii. Banning a person from the Council's premises (including any premises hired by the Parish Council specifically for the purpose of holding a public meeting of the Parish Council for the duration of that hire agreement);
 - viii. Involving the police where the person is believed to have committed a criminal offence (harassment, assault or criminal damage), where assault is threatened, or the complainant refuses to leave council premises.
- (d) The Clerk will inform the complainant/requestor in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.
- (e) There should never be a blanket ban for an unspecified period of time unless the

Council is legally required to implement one following a police investigation.

- (f) The Council should always try to maintain one form of contact which will normally be by way of conventional post (letter). In extreme situations the Council will tell the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

2.5 Threatening & abusive people and correspondence; Harassment

- (a) Alne Parish Council (APC) has a zero-tolerance policy towards any forms of unacceptable behaviour which cause, or may cause, undue stress or any other form of detriment to others. The causing of such undue stress or detriment need not be intentional if it is nonetheless a reasonable outcome of an individual's behaviour.
- (b) In accordance with that zero-tolerance policy, APC considers all harassment and abuse to be totally unacceptable.
- (c) APC will work to prevent any form of such harassment or abuse happening in the first instance or, where it has happened, to prevent any repetition of such behaviour.
- (d) Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals. Harassment will also include emails which may include verbal abuse, offensive language, an aggressive tone and language which may be intimidating or threatening.
- (e) Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally, on members of the Council (including the Clerk), such behaviour including (but not being limited to) verbal abuse (including name calling), bullying, shouting or swearing or the threat of any of these behaviours, the staff or members affected should step away from the situation and the person engaged in such behaviours be asked to desist and/or to leave the premises where appropriate.
- (f) This can mean terminating a conversation whether it is face to face or by telephone, or email advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the person should be asked to leave the premises. All such incidences must be documented.
- (g) Any such incident will also result in personal contact with the complainant being discontinued; any correspondence thereafter will be continued only via written postal communication.

3. AGENDA ITEMS FOR COUNCIL, COMMITTEES, SUB-COMMITTEES & WORKING GROUPS

- (a) Agendas should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision and for Councillors and the public to understand what matters are being considered and what decisions are to be taken at a meeting.
- (b) Items for information should be kept to a minimum on an agenda.
- (c) Where the Clerk or a Councillor wishes fellow Councillors to receive matters for “information only”, this information should be circulated via the Clerk.

4. INTERNAL CORRESPONDENCE

- (a) All Councillors are encouraged to develop contact between themselves and the Clerk but must maintain professional standards in communications at all times.
- (b) Telephone calls should be appropriate to the work of the Parish Council.
- (c) Instant replies to e-mails should not be expected; any reasons for urgency should be clearly stated.
- (d) Information to Councillors should normally be directed via the Clerk.
- (e) All e-mails from Councillors to external parties regarding the Parish Council should be copied to the Clerk.
- (f) Councillors should acknowledge their e-mails when requested to do so.

5. COMMUNICATIONS WITH THE PRESS & PUBLIC

5.1 The Press & Media

- (a) The Clerk will discuss press reports, or comments to the media with appropriate Councillors or the Chairman. If the Chairman is absent the report or comments will be discussed with the Vice Chairman.
- (b) Press reports from the Council, its Committees or Working Groups should be from the Clerk, an Officer or via the reporter's own attendance at a meeting.
- (c) Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, Councillors who are asked for comment by the press should make it clear that they are only providing a personal view and ask that it be recorded as their personal view.

5.2 Social Media

- (a) Councillors must note the Social Media Policy in Section 6 below. However, the following is to be followed as a general rule.
- (b) When responding to Social Media comments/statements the principle in 5.1(c) above equally applies – namely advising that this is a personal view and not necessarily the view of the Council. When responding, a Councillor should report that they are responding on a non- Councillor basis.
- (c) Unless a Councillor is absolutely certain that he/she is reporting the view of the Council (ideally through having been expressly authorised to report the view of the Council), even if they did not agree with the decision when it was made, he/she must make it clear to members of the public they are expressing a personal view.

5.3 Councillor Correspondence to external parties

- (a) If Councillors receive a complaint from a member of the public, this should immediately be referred to the Clerk for advice on how it should be handled and dealt with in accordance with the Parish Council's adopted Complaints Policy.
- (b) Since the Clerk should be sending most of the Parish Council's correspondence from the Council to other bodies, a Councillor must make clear that he or she is writing in their official capacity and has been duly authorised by the Parish Council to do so.
- (c) A Councillor should not respond on behalf of the Parish Council in any matter where there is a legal requirement that the Clerk respond by delegated authority as the Proper Officer. Advice on this [point should be sought from the Clerk as necessary.
- (d) Where after discussion with the Clerk, Councillors wish to pursue an initiative on an unofficial/individual basis they are welcome to do so but should be mindful of;
 - i. The need to take care not to give the impression that the initiative has the support of, or represents, official Council Policy;
 - ii. The danger of making any assumptions about the expectations of public or other partners;

iii. Publicity or media coverage which may reflect on the Parish Council.

Accordingly, Councillors should make it clear that they are acting in an unofficial/personal capacity.

- (e) As a general rule, individual Councillors should **not** approach another body, statutory, voluntary or commercial organisation, other than in a personal capacity, seeking information which might be related to any Parish Council function.
- (f) Any approach for such information should instead be made formally by the Clerk on behalf of the Councillor, in their official capacity. In this respect Councillors are advised to contact the Clerk as above. If a Councillor is dissatisfied with the actions/advice of the Clerk, he or she may ask for an item to be included on the agenda for a Council meeting or appropriate Committee.
- (g) A copy of all outgoing correspondence relating to the Parish Council or Councillors' role within it should be sent to the Clerk and be noted on the correspondence "copy to the Clerk" so that the recipient is aware the Clerk has been advised.

6. SOCIAL MEDIA

6.1 General

- (a) As at November 2021, by unanimous decision Alne Parish Council (APC) has no formal presence on social media.
- (b) APC notes the increasing role of social media in everyday communication. It is mindful of the possible benefits that it can bring, as well as its potential dangers and detriments.
- (c) Its current position has been informed by consideration of a wide range of “pros and cons” (see section 6.2 below for examples), which has resulted in the decision currently not to engage in social media.
- (d) In so concluding, APC is mindful that it complies with all statutory requirements on publicising its business on notice boards, and frequently provides information of use to the community, as well as updates on its business (including minutes of meetings) on the Alne Village Website.
- (e) However, this position is kept under ongoing review and may be reconsidered by private meeting of APC at any time.
- (f) If and when APC decides that it will formally adopt a presence on Social Media, it will at that time create an appropriate policy to manage such a presence.
- (g) In the meantime, should any member of APC, or the Clerk, choose to engage in social media notwithstanding APC’s current formal stance, they must be mindful of all matters set out in this Communications Policy. In particular, they should ensure that they abide by the provisions regarding:
 - i. obtaining prior authority to make representations on behalf of APC; and
 - ii. the need always to ensure a clear differentiation between views expressed as those of APC, and those which are the personal views of that member as a private individual.

6.2 considerations for and against the use of Social Media

Why use social media?

- Social media has the advantage of reaching many people very quickly;
- It can be used for one-to-one communications and also one-to-one-to-many communications; Media is shared widely and quickly. It can easily spread beyond the original audience.
- Many devices can pick up this information;
- It can include text, photos, audio and video;
- It allows participants to engage as they wish. They can just view the content, comment on it or create content themselves;
- Communication can be done in real time.

Why not use social media?

As with any online activity there are often risks associated, the following types of risk have been identified with social media use;

- Virus or other malware (malicious software) infection from infected sites;
- Disclosure of confidential information;
- Damage to the reputation of the Council;
- Social engineering attacks (*this the act of manipulating people into disclosing confidential material or carrying out certain actions. Social engineering is often conducted by individuals fraudulently claiming to be a business or client*);
- The ease of making abusive attacks on individuals
- Civil or Criminal action relating to breaches of legislation.

Whilst there are many advantages to using media as a tool to communicate with residents and the wider world, there are also disadvantages;

- Information is shared in the public domain and it should be expected that it can be viewed by anyone in the world;
- There is often no need to register and view content. Content can be viewed anonymously; registration is only needed should one wish to actively participate;
- Once published it cannot be taken back. Expect anything published, even if later deleted, to be permanently online;
- Media is shared widely and quickly. It can easily spread beyond the intended audience;
- Communication is expected in real time. While some flexibility can be achieved by the publicising of our operating times, respondents' expectations may remain fixed.
- There is no guarantee of truth. Gossip and misinformation exist and are easily spread online;
- There is a lot of information online and it can be easy to spend a high proportion of time viewing and processing.

ALNE PARISH COUNCIL

DATA PROTECTION (PRIVACY) POLICY

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1. WHAT IS “PERSONAL DATA”?

- (a) For the purposes of data protection legislation (primarily the General Data Protection Regulations 2018 (“GDPR”), and accordingly for the purposes of this policy, “Personal Data” (hereafter “data”) constitutes any information which ***relates to an identified or identifiable individual***.
- (b) For information to ***relate*** to an individual it must do more than simply identify them; it must concern them in some way.
- (c) The ***individual*** must be ***living*** (the Regulations do not apply to any information relating to a deceased person).
- (d) Subject to section 1(c) above, ***information*** is covered by the Regulations if it can:
 - i. directly lead to the identification of an individual or
 - ii. can do so in combination with other information.

2. APC AS A “DATA CONTROLLER”

- (a) Alne Parish Council (“APC”) holds and processes data, both on paper and on computer, about living individuals (“data subjects”), and as such is a “data controller” under GDPR.
- (b) When sharing data with other organisations (such as North Yorkshire County Council (NYCC), Hambleton District Council (HDC), other local authorities, charities, agents, suppliers and contractors) APC will be a “joint data controller” with those organisations. In such situations, the question of whether responsibility for controlling your data is joint or rests with the other organisation will depend on whether it is being processed for a joint purpose or the individual purpose of that other organisation.
- (c) The data controlled and processed by APC is mostly obtained in the context of planning applications or grant applications, and is rarely, if ever, sensitive. Such data will rarely, if ever, fall within the definition of “special categories of data” which require higher levels of protection under GDPR.
- (d) As a “data controller” within the meaning of GDPR, APC is registered as such with the Information Commissioner’s Office (“ICO”). It must and will conform with the requirements of GDPR in storing, using and making available such personal data (including, if applicable, the specific provisions relating to special categories of data).
- (e) Under this Data Protection Policy, APC will conform to the six data protection principles contained within GDPR Article 5(1), namely that data will be:

- i. Used lawfully, fairly and in a transparent way;
- ii. Collected only for valid purposes that APC has clearly explained and not used in any way that is incompatible with those purposes;
- iii. Relevant to the purposes APC has have advised of, and limited only to those purposes;
- iv. Accurate and kept up to date;
- v. Kept only as long as necessary for the purposes APC has advised of;
- vi. Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect personal data from loss, misuse, unauthorised access and disclosure.

3. WHAT USE DOES APC MAKE OF PERSONAL DATA?

(a) As a public authority APC has statutory powers and obligations. Its control and processing of data will largely be within that context, and will always comply with the six legal bases for data control/processing set out in GDPR Article 6, namely:

- i. Consent
- ii. Contract
- iii. Legal obligation (other than contract)
- iv. Vital interests
- v. Legitimate interests
- vi. Public tasks

(b) Accordingly, APC may use personal data for some or all of the following purposes:

- i. To deliver public services;
- ii. To confirm an individual's identity to provide some services;
- iii. To contact an individual by post, email, telephone or using social media;
- iv. To help build up a picture of how APC is performing and promote its interests;
- v. To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- vi. To ensure that all legal and statutory obligations and powers, including any delegated functions, are fulfilled;
- vii. To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- viii. To maintain APC's accounts and records;
- ix. To seek views, opinions or comments;
- x. To notify changes to facilities, services, events and staff, councillors and other role holders;
- xi. To send communications which have been requested or which may be of interest;
- xii. To process relevant financial transactions including grants and payments for goods and services supplied to APC;
- xiii. To allow the statistical analysis of data to plan the provision of services.

4. RIGHTS OF INDIVIDUALS IN RESPECT OF DATA CONTROLLED BY APC

(a) Individuals about whom APC holds data, or who believe that APC may hold data, have a number of rights under GDPR, as follows:

- i. The right to access personal data by requesting details (including details of the data held, why it is held, who has access to it and whence it was obtained) (a “Subject Access Request” or “SAR”);
- ii. The right to correct and update personal data;
- iii. The right to request the deletion of personal data;
- iv. The right to object to the processing of personal data or request a restriction to its use;
- v. The right to request data portability to another data controller;
- vi. The right to withdraw any previously given consent to the processing of data;
- vii. The right to lodge a complaint with the Information Commissioner’s Office (ICO).

(b) An individual can exercise the rights in section 4(a) above by contacting:

Nigel Knapton, Clerk to Alne Parish Council, 4 Crabmill Lane, Easingwold,
York, YO61 3DE

Tel: 01347 821476

Email: clerk@alneparishcouncil.uk

(c) APC will provide data requested under section 4(a)(i) within one month of receiving such a request. Its obligation to find and locate such data is limited under the GDPR to that of conducting a “reasonable search”.

(d) There are certain categories of data which are excluded under GDPR from provision in response to a request under sections 4(a)(i), 4(a)(ii) and 4(a)(iii). These include, but are not limited to:

- i. data the disclosure of which may identify another individual where that other individual does not consent;
- ii. data covered by legal professional privilege;
- iii. functions designed to protect the public;
- iv. regulatory functions;
- v. management information;
- vi. confidential references

(e) There is no charge for a first request under section 4(a)(i) above. However, second and subsequent requests for the same data, or requests under sections 4(a)(i) – (iv) above which are excessive or manifestly unfounded, may either be refused, or else complied with only on the prior payment of an administration fee.

(f) For the purposes of 4(d) above, “**manifestly unfounded**” requests include, but are not limited to, those which:

- i. are clearly not genuinely intended for a purpose set out in section 4 above;
 - ii. are malicious in intent;
 - iii. are intended simply to harass APC or cause disruption;
 - iv. make unsubstantiated allegations against individuals within APC;
 - v. are part of a systematic campaign of repeated requests intended to cause disruption
- (g) Should APC exercise its powers under sections 4(d) – (e) to refuse a request purported to be made under section 4(a) above, it will explain to the individual the reasons for its refusal and advise them of their rights to complain to the ICO and/or seek judicial review of APC’s decision.
- (h) Provided it is:
- i. in accordance with its statutory duties and obligations and
 - ii. practicable to do so

APC will correct and update data, delete data or restrict its use of data following a request to do so under sections 4(a)(ii) – (iv) above within one month of receiving such a request, or else explain, within the timescale, why it has not done so.

- (i) Provided it is practicable to do so, APC will ensure transfer to another data controller under section 4(a)(v) above within one month of receiving such a request, or else explain, within the same timescale, why this is not practicable.

ALNE PARISH COUNCIL

FINANCIAL REGULATIONS

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NOTE: *These Financial Regulations are based on NALC Model Financial Regulations 2019*

1. General

- (a) These Financial Regulations govern the conduct of financial management by Alne Parish Council (“the Council”) and may only be amended or varied by resolution of the Council. Financial Regulations must be observed in conjunction with the Council’s Standing Orders and any individual Financial Regulations relating to contracts.
- (b) 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.
- (c) The Council’s accounting control systems must include measures:
 - i. for the timely production of accounts;
 - ii. that provide for the safe and efficient safeguarding of public money;
 - iii. to prevent and detect inaccuracy and fraud; and
 - iv. identifying the duties of Officers.
- (d) These Financial Regulations demonstrate how the Council meets these responsibilities and requirements.
- (e) 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.
- (f) Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- (g) 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.
- (h) The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these Regulations will apply accordingly.
- (i) The RFO;
 - i. acts under the policy direction of the Council;
 - ii. administers the Council’s financial affairs in accordance with all Acts, Regulations and proper practices;
 - iii. determines on behalf of the Council its accounting records and accounting control systems;
 - iv. ensures the accounting control systems are observed;
 - v. maintains the accounting records of the Council up to date in accordance with proper practices;
 - vi. assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - vii. produces financial management information as required by the Council.
- (j) 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.

(k) The accounting records determined by the RFO shall in particular contain:

- i. 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;
- ii. a record of the assets and liabilities of the Council; and
- iii. 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.

(l) The accounting control systems determined by the RFO shall include:

- i. procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- ii. procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- iii. identification of the duties of Officers dealing with financial transactions and division of responsibilities of those Officers in relation to significant transactions;
- iv. 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
- v. measures to ensure that risk is properly managed.

(m) The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

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

(n) In addition, the Council must:

- i. determine and keep under regular review the bank mandate for all Council bank accounts;
- ii. approve any grant or a single commitment in excess of £5,000; and
- iii. in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.

(o) In these Financial Regulations:

- i. references to the “Accounts and Audit Regulations” or ‘the Regulations’ shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.
- ii. 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)

- (a) 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.
- (b) On a regular basis, at least once in each quarter, and at each financial year end, a Member other than the Chairman 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The internal auditor shall:
 - i. be competent and independent of the financial operations of the Council;
 - ii. report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - iii. to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - iv. have no involvement in the financial decision making, management or control of the Council.

- (g) Internal or external auditors may not under any circumstances:
- i. perform any operational duties for the Council;
 - ii. initiate or approve accounting transactions; or
 - iii. direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- (h) 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.
- (i) The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- (j) 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

- (a) Each Committee shall review its three-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 Council not later than the end of December each year including any proposals for revising the forecast.
- (b) The RFO must each year, by no later than December prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Council at its Budget meeting in December.
- (c) The Council shall consider annual budget proposals in relation to the Council's three 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.
- (d) 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.
- (e) The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary control and authority to spend

- (a) 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:
- i. the Council for all items over £1,000;
 - ii. the Clerk, in conjunction with the Chairman of Council for any items below £1,000.

- (b) Such authority is to be evidenced by a Minute.
- (c) Contracts may not be disaggregated to avoid controls imposed by these Regulations.
- (d) No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated Committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- (e) Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- (f) The salary budgets are to be reviewed at least annually in March for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Chairman. The RFO will inform the Chairman of any changes impacting on their budget requirement for the coming year in good time.
- (g) In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.
- (h) 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.
- (i) All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.
- (j) 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. For this purpose "material" shall be in excess of £100.
- (k) Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. Banking arrangements and authorisation of payments

- (a) 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.
- (b) The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved

schedule shall be initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed with the Agenda Papers. 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.

- (c) 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.
- (d) 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.
- (e) The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - i. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council;
 - ii. An expenditure item authorised under 5(f) below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council; or
 - iii. Fund transfers within the Councils banking arrangements up to the sum of £50,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- (f) For each financial year the Clerk/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, and regular maintenance contracts and the like for which Council may authorise payment for the year provided that the requirements of regulations 4(a) to 4(c) above are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of the Council.
- (g) A record of regular payments shall be drawn up and be signed by two Members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- (h) In respect of grants a duly authorised Committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council.
- (i) 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.
- (j) 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.

- (k) Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. Instructions for the making of payments

- (a) The Council will make safe and efficient arrangements for the making of its payments.
- (b) Following authorisation under Financial Regulation 5 above, the Council, a duly delegated Committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- (c) All payments shall be effected by electronic transfer or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated Committee.
- (d) 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.
- (e) To indicate agreement of the details shown on the payment and the invoice or similar documentation, the signatories will appear on the on-line bank statement, which is kept with the authorisations.
- (f) Cheques or orders for payment shall not normally be presented for signature other than at a Council (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council at the next convenient meeting.
- (g) If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two Members and any payments are reported to Council as made.
- (h) Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the RFO in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all Members immediately and formally to the next available meeting of the Council. This will not be required for a Member's personal computer used only for remote authorisation of bank payments.
- (i) 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.

- (j) 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.
- (k) 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.
- (l) Where internet banking arrangements are made with any bank, the Clerk / RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- (m) 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.
- (n) Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by a member of staff.. A programme of regular checks of standing data with suppliers will be followed.
- (o) Any Debit Card issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by Council in writing before any order is placed.
- (p) 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.
- (q) Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk 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 only be used when no other payment method is available.
- (r) Petty Cash:
 - i. The RFO may provide petty cash to Officers/Councillors for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
 - ii. The RFO may maintain a petty cash float of £200 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - iii. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these Regulations.
 - iv. Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5(b) above.

7. Payment of salaries

- (a) As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council.
- (b) 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.
- (c) No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- (d) 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:
 - i. by the internal auditor;
 - ii. by the external auditor; or
 - iii. by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- (e) 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.
- (f) An effective system of personal performance management should be maintained for all/any employees.
- (g) Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- (h) Before employing interim staff, the Council must consider a full business case.

8. Loans and investments

- (a) 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 must be approved by the Council (valid approval cannot be given by any committee, sub-committee or individual Councillor).
- (b) Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Council (valid approval cannot be given by any committee, sub-committee or individual Councillor). In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

- (c) The Council may arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the Council at the same time as one is issued to the Clerk or RFO.
- (d) 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.
- (e) 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.
- (f) All investments of money under the control of the Council shall be in the name of the Council.
- (g) All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- (h) 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

- (a) The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- (b) 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.
- (c) The Council will review all fees and charges at least annually, following a report of the Clerk.
- (d) Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- (e) 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.
- (f) The origin of each receipt shall be entered on the paying-in slip.
- (g) Personal cheques shall not be cashed out of money held on behalf of the Council.
- (h) 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.
- (i) 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.

10. Orders for work, goods and services

- (a) An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- (b) Order books shall be controlled by the RFO.
- (c) All Members and Officers are responsible for obtaining value for money at all times. An Officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 below.
- (d) A Member may not issue an official order or make any contract on behalf of the Council.
- (e) 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

- (a) Procedures as to contracts are laid down as follows in this Regulation.
- (b) Every contract shall comply with these Financial Regulations, and no exceptions shall be made otherwise than in an emergency provided that this Regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and communication services;
 - ii. for specialist services such as are provided by legal professionals;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- (c) 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.
- (d) 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

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

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.

- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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 £5,000] and above £1,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10(c) above shall apply.
- (j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- (k) 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

- (a) 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).]
- (b) 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.
- (c) Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

² Thresholds currently applicable are:

- a) For public supply and public service contracts 209,000 Euros (£181,302)
- b) For public works contracts 5,225,000 Euros (£4,551,413)

13. Stores and equipment

- (a) The Officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- (b) 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.
- (c) Stocks shall be kept at the minimum levels consistent with operational requirements.
- (d) The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. Assets, properties and estates

- (a) The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- (b) 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 £1,000.
- (c) 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).
- (d) No [ditto] 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).
- (e) Subject only to the limit set in Regulation 14(b) 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.
- (f) 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

- (a) 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 Clerk.
- (b) The Clerk 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.
- (c) The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- (d) 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.
- (e) 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. Risk management

- (a) The Council is responsible for putting in place arrangements for the management of risk. The Clerk 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.
- (b) When considering any new activity, the Clerk with the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17. Suspension and revision of Financial Regulations

- (a) It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- (b) 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.

ALNE PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

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1. FREEDOM OF INFORMATION ACT 2000

- (a) Alne Parish Council (“APC”) is a public authority under the provisions of the Freedom of Information Act 2000 (“FOIA 2000”). As such it is under a statutory obligation to make certain classes of information available to the public as part of its normal business activities.
- (b) To meet this requirement APC has adopted, without amendment or variation, the Information Commissioner’s Model Publication Scheme (“MPS”). The MPS (attached as Annex A and available on the ICO website at:

http://ico.org.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/model-publication-scheme.pdf)

should therefore be read in conjunction with this FOIA Policy.

- (c) By adopting the MPS, APC’s FOIA 2000 Policy does not require the specific approval of the Information Commissioner.
- (d) This Policy will be subject to ongoing review as appropriate, and particularly should the provisions of the MPS be altered in any way.

2. MAKING AN FOI REQUEST

Any request for information under FOIA 2000 should be made to:

Nigel Knapton, Clerk to Alne Parish Council, 4 Crabmill Lane, Easingwold,
York, YO61 3DE

Tel: 01347 821476 Email: clerk@alneparishcouncil.uk

3. HOW APC WILL RESPOND TO AN FOI REQUEST

- (a) APC will only provide such information as is required by law, as stipulated in MPS section 2 headed “*Classes of Information*” and the FOIA 2000. This includes, but is not limited to, minutes of all meetings, details of Councillors’ interests, responses to planning applications and financial and accounting information.
- (b) APC will provide information in line with the provisions of MPS section 3 headed “*The method...made available*”. APC does not have its own website but will routinely publish certain information on the Alne Village website (<https://www.alnevillage.co.uk>).

(c) APC may charge for the provision of information where this cannot be freely provided on a website. For paper copies there will be a minimum charge of £5 for up to 5 pages plus 20p per sheet thereafter. Payment will be required prior to provision of the information requested.

ALNE PARISH COUNCIL – FOIA POLICY

ANNEX A

The Information Commissioner’s Office (ICO) Model Publication Scheme (“MPS”)

Model publication scheme

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public

authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

ALNE PARISH COUNCIL

THE RECORDING OF PARISH COUNCIL MEETINGS

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1. The right to record Parish Council meetings

- (a) The right to record meetings of a Parish Council is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.
- (b) Alne Parish Council (“APC”) is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of APC.
- (c) The creation of any audio, visual or electronic recording of any public meeting of APC is without prejudice to the fact that the formal minutes of such meetings created by the Clerk to APC remain the sole statutory and legally binding formal record of APC business and decisions.**
- (d) APC understands that some members of the public attending its meetings may not wish to be recorded and the Chairman of the meeting will facilitate this by ensuring that any such request will be respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

2. Rules for recording meetings of Alne Parish Council:

- (a) APC will expressly incorporate this policy into each published Agenda to a public meeting and advise that a copy of this policy may be obtained from the Clerk. All those who attend such public meetings and/or undertake such recording activities will be deemed to have accepted them whether they have read them or not.
- (b) A copy of these rules will be available for members of the public in attendance at a meeting of APC whether they wish to film or not at the meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record but that these rules **must** be observed when this is planned or taking place.
- (c) Any person wishing to record a meeting in any format whatsoever must advise the Clerk to APC **in writing** (including by e-mail) **at least 24 hours** prior to the start of the meeting. The Clerk’s details are set out in the public notice and agenda of the meeting.
- (d) APC will define an area from which recording may be carried out and, if given sufficient advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record, eg provision of a table. However, APC notes that the physical layout of a room may restrict APC’s ability to make any such provision.
- (e) All visual recording will be undertaken from a static point to avoid disruption at the meeting.
- (f) Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
- (g) Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent.

This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording (such as a medical professional, carer or legal guardian).

- (h) All those recording a meeting are requested to focus only on recording councillors, officers, and those members of the public who have not requested anonymity or have not been identified as under the age of 18 or a vulnerable adult.
- (i) APC may, at its own discretion, require members of the public who do not consent to being recorded to sit separately from those who are content to be recorded.
- (j) All recording must be overt (i.e. clearly visible to anyone at the meeting).
- (k) Members of the public must go about recording, filming or use of social media, in a way which does not cause disruption to the meeting.

“Disruption” includes the following, although this list is not exhaustive:

- i. Any action or activity which disrupts or distracts from the conduct of meetings.
 - ii. Moving to areas outside the areas designated for the public without the consent of the Chair of the meeting.
 - iii. Excessive noise in recording or setting up or re-siting equipment during the debate/discussion.
 - iv. Intrusive lighting.
 - v. Use of any flash photography.
 - vi. Asking for people to repeat statements for the purposes of recording.
 - vii. Excessive moving around in the designated recording area.
 - viii. Intentionally blocking the filming/photography angles of other citizen journalists.
- (l) A person or persons making a recording has no right to interrupt APC by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
- (m) The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
- (n) Persons who are recording must strive not to leave equipment unattended.
- (o) The recording and reporting on meetings of APC is subject to all applicable laws, including but not limited to the Human Rights Act, the Data Protection Act and the laws of libel and defamation. It is the absolute responsibility of those doing the recording and reporting to ensure compliance with any and all such legal obligations and requirements. APC accepts no liability whatsoever for any breach of such laws by a person recording proceedings and reserves the right to seek indemnification from the person recording proceedings for the costs of any challenge it may face in connection with the activities of individual members of the public under this policy.
- (p) The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of APC’s values or in a way that ridicules or shows a lack of respect for those in the recording. APC would

expect any recording in breach of these rules to be removed from public view. A P C will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

- (q) APC is not liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
- (r) The minutes of an APC council meeting remain the statutory and legally binding formal record of APC council decisions.