



Barnard Castle Town Council

Constitution 2017/18

Document Control	
Version Number:	V1.0
Adopted on:	15 May 2017
To Be Reviewed by:	June 2018

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The Council Constitution is effectively the Terms and Conditions under which the Town Council operates. There are a number of documents contained within the Constitution that detail the agreed policy and procedures of the Council.

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1. Statement of Constitution

A. Introduction to the Constitution of Barnard Castle Town Council

The Town Council is responsible for a number of local services. It must provide some of these services by law; others are discretionary. It is a 'body corporate with perpetual succession' defined by the Local Government Act 1972. It is treated in law as an individual; its decisions, assets and liabilities are its own and not those of its members.

The Constitution is the Council's internal rule book. It sets out how the Council will operate and how decisions are made. Some of the processes are required by law, while others are a matter for the Council to choose. The core, operational rules of the Council are set out in its Standing Orders and Financial Regulations. It also adopts and follows specific policies and procedures covering the administration and delivery of its services. These are collected together within this Constitution.

The Constitution is a living document. It is kept under continual review and is re-examined annually by Council.

B. Who pays?

Money for services comes from the following sources:

- Fees and charges
- Grants
- Council Tax

The Town Council receives no income from business rates and its general expenditure is not subsidised through a government grant. There are no central government controls or "cap" on the Council's expenditure. This makes the Town Council directly accountable to residents for the financial implication of its actions.

C. Who decides?

The electoral cycle for Barnard Castle Town Council is to coincide with the election year of Durham County Council, as its principal local authority. The electoral period is four years¹ restarting in 2012, following the local government review of 2009. Every four years, voters in the town may elect twelve Town Councillors, who take all major decisions in Council or within one of the standing committees of Council. Decisions are always collective and voted on, unless delegated to the Town Clerk.

D. The Council's role

The Town Council's role is to deliver its services to the people of Barnard Castle in an open, transparent and cost-effective way; acting in the best

¹ Local Government Act 1972 s16

interests of the town and its citizens as a whole. This sometimes means that the 'greater good' is more important than individual or particular group's interests, but this is what democratic local government is all about. Taking those decisions, after listening to the community, is the job of the Town Councillors acting collectively as Barnard Castle Town Council.

E. How is the Council organised to carry out its role?

The Council makes all policy and other decisions within the powers given to a town council in law.

Committees can make decisions only on those issues the Council has delegated, otherwise a Committee has to make a recommendation to Council.

Sub-Committees can make decisions only on those issues the Committee has delegated otherwise it has to make a recommendation.

Advisory Committees, Sub-Committees, Panels and Open Forum Groups can be appointed by any of the above and can be made up of Councillors and/or staff and/or representatives of other organisations and/or groups of individuals. They may make recommendations to the parent committee or Council, as appropriate, but cannot make a decision on behalf of the Council.

Staff deliver the Council's services in line with policies or directions as determined by Councillors, collectively in Council, a Committee or a Sub-Committee. They can advise Councillors on policy issues and statutory requirements the Council has to meet. They carry out the day to day detailed management of the Council's services.

F. Further Information

The Town Clerk, Michael King, can be contacted on 01833 690970 or clerk@barnardcastletowncouncil.gov.uk

2. Standing Orders

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NB Text appearing in **bold** is statutory.

1. Rules of debate at meetings

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

- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since (s)he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p. During the debate of 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 (s)he considers has been breached or specify the other irregularity in the proceedings of the meeting (s)he is concerned by.
- q. A point of order shall be decided by the chair of the meeting and his or her 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 requirements.
- s. Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his or her right of reply.

- t. Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chair of the meeting.

2. Disorderly conduct at meetings

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or 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) above is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- d. The chair may suspend the meeting at any time by standing. All others present must sit and be silent when the chair so stands. Failure to do so would constitute a breach of standing order 1a, above. The meeting, once suspended, may be resumed or adjourned at the chair's discretion.

Mandatory for full council meetings ①

Mandatory for committee meetings ②

Mandatory for sub-committee meetings ③

3. Meetings²

- 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.** ①
- b. **The minimum three clear days for notice of a full council 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.** ①
- c. **The minimum three clear days' public notice for a committee 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.** ②
- 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.** ① ②
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Any such request to speak will be put to the meeting for approval by the chair of the meeting.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the chair of the meeting.³
- g. Subject to standing order 3(f) above, a member of the public shall not speak for more than three minutes.
- h. In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

² Compliance with the requirements of Public Bodies (Admission to Meetings) Act 1960(2), as amended by The Openness of Local Government Bodies Regulations 2014 is covered by the Town Council's Media Policy and Procedure

³ See the Town Council's Public Participation Procedure (Constitution s20)

- i. A person shall raise his or her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- j. A person who speaks at a meeting shall direct his or her comments to the chair of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l. **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.** ① ②
- m. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his or her absence be done by, to or before the Vice-chair of the Council.** ①
- n. **The chair, if present, shall preside at a meeting. If the chair is absent from a meeting, the vice-chair, if present, shall preside. If both the chair and the vice-chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.** ①
- o. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors, or councillors with voting rights, present and voting.** ① ② ③
- p. **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his or her casting vote whether or not (s)he gave an original vote.** ① ② ③
See standing orders 5(i) and (j) below for the different rules that apply in the election of the chair of the council at the annual meeting of the council.
- q. **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 or her vote verbally for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.** ① ② ③

- r. 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 present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

- s. **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 or her right to participate and vote on that matter.**

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- t. **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.**

①

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

- u. **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.

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- v. A meeting shall not exceed a period of 3 hours.

4. Committees and sub-committees

- a. **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c. **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d. A sub-committee may be defined as a 'working group', a 'task and finish group', or by another name.
- e. Sub-committees are advisory meetings and are not public meetings for the purposes of the Public Bodies (Admission to Meetings) Act 1960 subject to the provisions of Standing Order 4(f)x, below, due to the need to receive or consider recommendations or advice from sources other than members, committees or sub-committees, prior to public consideration and resolution at a meeting of the Council or one of its Committees. Attendance at a sub-committee is subject to the invitation of the chair of that sub-committee.
- f. The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;⁴
 - 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 full 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) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, 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 three days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;

⁴ Terms of Reference and Scheme of Delegation (Constitution Sections 4 & 5)

- vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee⁵;
 - 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.
- e. The Chair of the Council shall be an ex officio member of every committee.
 - f. Co-opted members of committees are entitled to vote where this is enabled by law, subject to their compliance with the Code of Conduct.
 - g. Each member of the Council shall be appointed to serve on (at least) two standing committees, except in response to a written request by an individual member that he or she should not so serve. Nothing in this requirement should excluded relevant action being taken by the Council under Standing Order 2a-c, above.

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 new councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- 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 directs.**

⁵ See the Town Council's Public Participation Procedure (Constitution s.20)

- e. **The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-chair of the Council.**
- f. **The Chair of the Council, unless (s)he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his or her successor is elected at the next annual meeting of the council.**
- g. **The Vice-chair of the Council, if any, unless (s)he resigns or becomes disqualified, shall hold office until immediately after the election of the chair of the council at the next annual meeting of the council.**
- h. **In an election year, if the current Chair of the Council has not been re-elected as a member of the council, (s)he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Chair of the Council has been re-elected as a member of the council, (s)he shall preside at the meeting until a new Chair of the Council has been elected. (S)he may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**
- j. Following the election of the Chair of the Council and Vice-chair of the Council at the annual meeting of the council, the business of the annual meeting shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his or her 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. In an election year, appointment of members to existing committees and, in any other year, reaffirmation of existing appointments and appointment to vacancies arising from the decisions of individual members to stand down from one, or more, committees.;

- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- 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 assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured 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 procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a. **The Chair of the Council may convene an extraordinary meeting of the council at any time.**
- b. **If the Chair of the Council does not or refuses to 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 must be signed by the two councillors.**
- c. The chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

- d. If the chair of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee and the sub-committee may convene an extraordinary meeting of a committee and 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 three councillors to be given to the Proper officer in accordance with standing order 9 below, 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) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

9. Motions for a meeting that require written notice to be given to the Proper officer

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b. No motion (except those identified in standing order 10, below) 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 four 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) above, 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) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper officer so that it can be understood at least four clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. Subject to standing order 9(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- h. Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper officer for their rejection.
- i. Two members⁶ may 'reserve a decision to full council' where that decision would otherwise be taken under delegated powers. Either:
 - i. the reservation may be submitted to the Proper officer in writing, provided one clear day's notice has been given prior to the relevant committee meeting, signed by any two members of the council; or
 - ii. the reservation may be moved and seconded by two members of the committee, during the meeting, prior to any vote being taken on the substantive item⁷.
- j. When a decision is 'reserved to full council' under standing order 9i, the relevant Committee will debate and conclude on the item, but the outcome of that debate will be a vote on a motion to make a referral to council, rather than a decision under delegated powers, with such referral presented to the subsequent council meeting.

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 move on the recommendation of a submitted report;
 - ii. to correct an inaccuracy in the draft minutes of a meeting;

⁶ who may include the chair of the relevant committee.

⁷ the Committee would not vote on whether an item is 'reserved to council' that would occur automatically once two members had indicated that it should be.

- iii. to move to a vote;
- iv. to defer consideration of a motion;
- v. to refer a motion to a particular committee or sub-committee or to reserve a decision to full council;
- vi. to appoint a person to preside at a meeting;
- vii. to change the order of business on the agenda;
- viii. to proceed to the next business on the agenda;
- ix. to require a written report;
- x. to appoint a committee or sub-committee and their members;
- xi. to extend the time limits for speaking;
- xii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xiii. to not hear further from a councillor or a member of the public;
- xiv. to exclude a councillor or member of the public for disorderly conduct;
- xv. to temporarily suspend the meeting;
- xvi. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvii. to adjourn the meeting; or
- xviii. to close a meeting.

11. Handling confidential or sensitive information

- a. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.⁸
- c. Confidential reports and information will be produced on pink paper and these will be distributed and collected at the relevant meeting. Following publication of the agenda of any meeting containing confidential items, such reports may be viewed by members at any time in the office.

12. Draft minutes

- 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.

⁸ Members' Code of Conduct (9) p.2 s.9

- 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) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, (s)he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his or her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

See also standing order 3(t) above.

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b. Unless (s)he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw⁹ from a meeting when it is considering a matter in which (s)he has a disclosable pecuniary interest. (S)he may return to the meeting after it has considered the matter in which (s)he had the interest.
- c. Unless (s)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 (s)he has another interest if so required by the council's code of conduct. (S)he may return to the meeting after it has considered the matter in which (s)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.

⁹ A member may be required to leave the room or to 'withdraw' simply as a participant in the meeting at the discretion of the Chair.

- 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) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - 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 or**
 - 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 County 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 above, report this to the council.
- b. Where the notification in standing order 14(a) above relates to a complaint made by the Proper officer, the Proper officer shall notify the Chair of Council of this fact, and the chair shall nominate another staff member to assume the duties of the Proper officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
- c. The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;

- 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 County 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 or her. Such action excludes disqualification or suspension from office.**

15. Proper officer¹⁰

- a. The Proper officer shall be either (i) the clerk or (ii) (in the Clerk's absence) the Deputy Clerk or (iii) 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 and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper officer.
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (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) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
 - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least four days before the meeting confirming his or her withdrawal of it;
 - iv. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his or her office;**
 - v. facilitate inspection of the minute book by local government electors;

¹⁰ See Scheme of Delegation p.8

- vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. retain acceptance of office forms from councillors;
 - viii. retain a copy of every councillor's register of interests;
 - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
 - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - xii. arrange for legal deeds to be executed;
- See also standing order 22 below.*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xv. refer a planning application received by the council to the chair or in his or her absence the vice-chair of the Planning 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 Planning Committee;
 - xvi. manage access to information about the council via the publication scheme; and
 - xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

See also standing order 22 below.

16. Responsible Financial officer¹¹

- a. The Responsible Financial officer shall be either (i) the Clerk or (ii) (in the Clerk's absence) the Deputy Clerk or (iii) other staff member(s) nominated by the council to undertake the work of the Responsible Financial officer when the Responsible Financial officer is absent.

¹¹ See Financial Regulations p.1

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 (England).
- 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 for each quarter;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported
 - iv. 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 for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to 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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- d. **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- c. 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.
- d. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- e. **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

19. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of council OR of any of its committees or sub-committees is subject to standing order 11 above.
- b. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the vice chair of the Resources Committee or, if (s)he is not available, the chair of the Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Resources Committee at its next meeting.
- c. The vice chair of the Resources Committee (or in his or her absence, the chair) and the Chair of the Council shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Resources Committee.
- d. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the vice chair of the Resources Committee or in his or her absence, the chair of the Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Resources Committee.
- e. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chair or vice-chair of the Resources Committee, this shall be communicated to another member of the Resources Committee, which shall be reported back and progressed by resolution of the Resources Committee.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

- h. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to (post holder), the vice chair of the Resources Committee and/or the Chair of the Council.

20. Requests for information

- a. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.¹²
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper officer to the chair of the Resources Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. 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.

21. Execution and sealing of legal deeds

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

- a. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b. **Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper officer shall witness their signatures.**

22. 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 County Council representing the area of the council.

¹² Policies & Procedures (13) and (14)

- b. Where the council determines by resolution, a copy of each letter sent to the County Council shall be sent to the ward councillor(s) representing the area of the council.

23. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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.

24. Annual Town Meeting

- a. The Annual Town Meeting shall be called by the Chair of the Council on a date which shall be separate from the date of the Annual Council Meeting (Standing Order 5(a and b)) and shall usually be in the month of March.

25. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting, in accordance with the provisions of Standing Order 10, above..
- 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 requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper officer in accordance with standing order 9 above.
- c. The Proper officer shall provide a copy of the council's standing orders to a councillor as soon as possible after (s)he has delivered his or her acceptance of office form.
- d. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

3. Financial Regulations

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1. General

- a. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 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:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 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 officer¹³ (RFO) holds a statutory office to be appointed by the Council.
- i. The RFO;
 - acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;

¹³ The Council's RFO shall be either (i) the Clerk or in the Clerk's absence (ii) the Deputy Clerk, or (iii) any member of staff appointed by the Council to undertake the role of the RFO during the RFO's absence.

- determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 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 Regulations¹⁴.
- k. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- l. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the

¹⁴ Accounts and Audit (England) Regulations 2015/234

- approvals are shown in the accounting records; and
 - 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:¹⁵
- setting the final budget or the precept (Council Tax Requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - declaring eligibility for the General Power of Competence; and
 - addressing recommendations in any report from the internal or external auditors,
 - shall be a matter for the full Council only.
- n. In addition the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts;
 - approve any grant or a single commitment in excess of £5,000; and
 - in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.
- o. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force unless otherwise specified.

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

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.

¹⁵ Scheme of Delegation

- b. On a regular basis, at least once in each quarter, and at each financial year end, a member of the Resources Committee other than its Chair 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 Resources Committee.
- 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:
 - be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year. The council's internal auditor is invited, at least annually, to attend and report to a meeting of the Resources Committee;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the Council.
- g. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

- 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 20 December each year including any proposals for revising the forecast.
- b. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Resources Committee and the Council.
- c. The RFO will prepare a Medium Term Financial plan, covering a rolling forecast period of three years, which will be reviewed and revised alongside annual consideration of the Council's budget.
- d. 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.
- e. 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.
- f. The approved annual budget shall form the basis of financial control for the ensuing year.
- g. Section 106 of the Local Government Finance Act 1992 prohibits a local councillor, in council tax arrears for at least two months, from voting on the setting of a precept or any recommendation, resolution or other decision which might affect the calculation of the precept. That prohibition applies to those activities described in 3a-f, above. If a local councillor in such a position fails to notify the council of the fact or votes in a prohibited matter then on prosecution and conviction they can be subject to a fine of up to £1,000."

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:
 - the Council for all items over £5,000;
 - a duly delegated committee of the Council for items over £500; or
 - the Clerk, for any item below £500 (to a maximum of £2,000 in any calendar month).
- b. Such authority is to be evidenced by a Minute or by an authorisation for payment duly signed by the Clerk, and where necessary also by the appropriate Chair.
- c. Contracts may not be disaggregated to avoid controls imposed by these regulations.
- d. No expenditure may be incurred which exceeds, by more than 4.99%, the amount provided in the relevant revenue budget without full Council approval. 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 December for the following financial year and such review shall be evidenced by a hard copy schedule signed by the RFO and the Chair of the Resources Committee in the approved minute of the committee meeting at which the review was determined. The RFO will inform committees 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 £500. The Clerk shall report such action to the Town Mayor 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 Resources Committee 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 or 15% of the individual budget heading.
- k. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process, carried out annually by the Resources Committee.

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 and present the schedule to the Resources Committee. The committee shall review the schedule for compliance. The approved schedule shall be initialled by the Chair of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the relevant meeting. 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, within the authorisation limits at 4a, above.
- e. The Clerk shall have delegated authority to authorise the extraordinary payment of items (outside the limits indicated in 4a, above) only in the following circumstances, where notification will be given to the Chair of the Council and the Chair of the Resources Committee.:
 - 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 Resources Committee, where the RFO certifies 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 the Resources Committee;
 - An expenditure item authorised under 5g below (continuing contracts and obligations) provided that a list of such payments

shall be submitted to the next appropriate meeting of the Resources Committee; or

- To fund transfers within the Councils banking arrangements, provided that a list of such payments shall be submitted to the next appropriate meeting of the Resources Committee.
- f. For each financial year the RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which the Resources Committee may authorise payment for the year provided that the requirements of regulation 4a (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of the Resources Committee.
- g. A record of regular payments made under 5f above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- h. 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.
- i. 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.
- j. Any material changes in the recorded details of suppliers, such as bank account records, shall be reported to the next meeting of the Resources Committee.

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 cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council.

- 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, in accordance with 5g, above. In the case of electronic payments, the RFO shall prepare a schedule of electronic payments which must be duly authorised by the signature of two members prior to being transacted. A member who is a bank signatory having a connection by virtue of family or business relationships 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 cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- f. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the Council at least every two years.
- g. If thought appropriate by the Council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the Council at least every two years.
- h. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- i. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- j. 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, these shall comply with the requirements of the issuing organisation.
- k. 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.
- l. 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.
- m. The Council shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.

- n. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The Bank Mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- o. 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.
- p. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the RFO and a member. A programme of regular checks of standing data with suppliers will be followed.
- q. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by Council or Resources Committee in writing before any order is placed.
- r. Any corporate credit card or trade card account opened by the Council will be specifically restricted to authorised use by the Clerk and shall be subject to automatic payment in full at each month-end.
- s. The RFO shall maintain a petty cash float of £100 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- t. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- u. Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5b 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, or duly delegated committee.
- 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:
 - by any Councillor who can demonstrate a need to know in application to full council;
 - by the internal auditor;
 - by the external auditor; or
 - 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 the senior officers.
- 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 effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full Council.
- 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 full Council. 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 will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chair of the Council and the Chair of the Resources Committee at the same time as one is issued to the 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.

- j. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

10. Orders for work, goods and services¹⁶

- 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 11a, 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. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

¹⁶ Policies & Procedures (17)

- v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk (and RFO) shall act after consultation with the Chair of the Council and Chair of the Resources Committee); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹⁷.
 - c. Where, in accordance with standing orders, contracts with a value over £25,000 are advertised, the information should also be published on the government's Contracts Finder system. Details of the award of a contract over £25,000 should also be published on Contracts Finder. (Public Contracts Regulations 2015).
 - 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 works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)¹⁸.
 - 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 Resources Committee.
 - 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. If fewer than three tenders are received for contracts above £60,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

¹⁷ 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

¹⁸ Thresholds currently applicable are:

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

- i. 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.
- j. 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 (RFO) shall obtain three quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk (RFO) shall strive to obtain 3 estimates. Otherwise, Regulation 10c above shall apply.
- k. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- l. The award of a contract by the Council, or by a committee of the Council, shall record, in its resolution, the specific financial regulation under which work of any value has been advertised, procured or awarded in the case of each procurement.
- m. 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.

13. Stores and equipment

- a. The RFO is responsible for the care and custody of stores and equipment.
- b. Delivery Notes are to be obtained in respect of all goods received into store or otherwise delivered, with goods checked as to order and quality at the time delivery is made.

- c. Stocks are to be kept at the minimum levels consistent with operational requirements.
- d. The RFO is to 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 £250.
- 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 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 Reg 14b 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 an annual risk assessment, the RFO is to effect all insurances and negotiate all claims on the Council's insurers.
- b. The RFO is to keep a record 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 by the Council, or duly delegated committee.

16. Charities

- a. Where the Council is sole trustee of a Charitable body, the RFO is to ensure that separate accounts are kept of the funds held on charitable trusts and that separate financial reports are made in such form as is appropriate, in accordance with Charity Law and legislation or as determined by the Charity Commission. The RFO is to arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.
- b. The Town Mayor, acting in the year of his or her office, may choose to nominate a charity with which to work. That charity must be duly registered with the Charity Commission, operate from Barnard Castle and/or directly benefit the residents of Barnard Castle. Any money raised will be identified against a specific heading for which the charity is accountable. Any income received on behalf of the charity will be identified to the Council's internal auditor.
- c. There is established within the Mid Teesdale Project Partnership a charitable fund, the Barnard Castle Town Mayor's Fund, of which (at least) three members are trustees. This operates independently but has been established to enable the Town Mayor to raise and distribute money for appropriate good causes in the parish of Barnard Castle.

17. Risk management

- a. The Council is responsible for putting in place arrangements for the management of risk. 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 RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18. Suspension and revision of financial regulations

- 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 duly notified prior to the relevant meeting of Council, or upon the recommendation of the Resources Committee, 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.

4. Terms of Reference of Council and Committees

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1. Full Council

Terms of reference

[Words appearing in **bold**, below, indicate specific authority.]

Specific duties and powers reserved to the Full Council

Duty to sign declaration of acceptance of office (councillors and chair)

Duty to appoint a Responsible Financial officer to manage the council's accounts

Power to arrange for the discharge of functions by another local authority

Duty to hold annual parish council meeting

Duty to hold annual parish meeting

Power to convene a parish meeting

General powers

Budget and constitution

To **approve** an annual budget, reflecting priorities identified through operational review.

To **approve** the annual budget precept.

To **approve** a medium-term (3-year) financial plan, reflecting the Town Council's priorities including staffing projections and plans relating to the repair, maintenance and development of premises and capital assets, and to **approve** action on these plans.

To **approve** the financial management framework, financial procedures and controls, including audit, across all its services.

To **approve** annual objectives, targets and performance indicators.

To **approve** Financial Regulations and ensure their annual review.

To **approve** the staffing structure.

To **approve** a performance management policy and pay policy ensuring that these meet nationally agreed terms of pay and conditions.

To **approve** the use and development of land and premises, including any shared or off-site facilities, including security.

To **approve** the Risk Assessment and Financial Management document (annually).

To **approve** nominations to the Honorary Freeman scheme.

To **approve** Standing Orders and ensure their annual review.

To **approve** capital projects and developments across all services.

To **approve** any policy affecting the conduct of the Council, its services and its staff.

To **approve** changes to the Council's Constitution, including any recommendation from a committee to **establish** any sub-committee.

Powers related to services

To **approve** changes to the Allotment Holding Account.

To **approve** rents, fees and charges relating to the allotments, annually.

To **approve** approaches to meeting the needs of allotment tenants and of prospective allotment tenants.

To **approve** changes to the Mini Golf Holding Account.

To **approve** fees and charges relating to mini golf, annually.

To **approve** a medium term (3 year) maintenance plan for war memorials.

To **approve** a community events policy.

To **approve** action in response to issues in the wider environment of Barnard Castle.

To **approve** action in response to issues in relation to planning and highways.

To **resolve** on any controversial planning application

Reserving of Powers

Full Council retains the right to determine (and to reserve to itself) any issue which is within its powers and duties as a town council, including those which are (within these terms of reference and from time to time) delegated to its committees and officers, by simple resolution.

2. Resources Committee

Remit

The Committee's remit shall cover:

- Budgets and finance
- Personnel and development
- Premises and capital assets
- Performance - including programmes for the development and improvement of the Town Council's performance
- Monitoring and overseeing Corporate Governance arrangements including monitoring complaints
- Honorary Freeman Scheme
- Supporting the Town Council in fulfilling its statutory duties

The terms of reference will be reviewed each year by the Council, following its Annual Meeting

Membership

Seven town councillors.

The committee may make recommendations to the Council for co-option of other members as and when required.

Quorum

Three members

Meetings

The committee will meet once in each cycle prior to the full Town Council meeting and otherwise as required.

The committee will receive reports in sufficient detail to undertake planning, monitoring and evaluation and thus enable it to fulfil its strategic role.

Terms of reference

[Words appearing in **bold**, below, indicate specific delegated authority.]

Budgets and Finance

- To draw up and present to the Town Council, for its approval, an annual budget reflecting priorities identified through operational review and set out in the Medium Term Financial Plan, including the preparation of detailed estimates of income and expenditure and the calculation of a recommended precept.
- To draw up and review a medium-term (3-year) financial plan, reflecting the Town Council's priorities including staffing projections and plans relating to the repair, maintenance and development of premises and capital assets, and to recommend action on these plans to the Council.
- To monitor and evaluate the implementation and impact of the Council's financial management framework.
- To ensure that the Council agrees financial procedures and controls, including audit, and to monitor implementation of these across the Council and its services.
- To **agree** effective procedures for monitoring the budget, to consider appropriate reports for the purposes of monitoring, to report the outcomes of monitoring together with an evaluation of the use of resources to the Council and make any appropriate recommendations.
- To **approve** any virement and supplementary budget requests within the Town Council's agreed overall budget, including in response to recommendations from other standing committees.
- To **approve** the level of delegation to the Town Clerk for the day-to-day financial management of the Council and its services.
- To monitor the implementation of the Council's Financial Regulations and to make recommendation to full Council on their maintenance.
- To monitor and **approve** changes to the Council's Fixed Asset Register.
- To monitor compliance with HMRC regulations in relation to payments and the submission of information relating to financial transactions.

Personnel and Development

- In so far as such matters are not delegated to the Town Clerk, as Proper officer, to oversee activities relating to the employment of the council's staff.

- To monitor and keep under review the staffing structure, to receive recommendations from the Town Clerk and to make any appropriate recommendations to the Town Council.
- To ensure and oversee the effective and efficient use of the Town Council's human resources, **approve** policies, guidelines and strategies on human resources and any industrial relations matters, including (but not limited to) roles mandated with respect to the Council's Disciplinary and Grievance Policy and the Appraisal of the Town Clerk and ensure the council properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, working time directive and pensions provision.
- To monitor a performance management policy and pay policy for approval by the Town Council and to monitor and evaluate the impact of these policies ensuring that these meet nationally agreed terms of pay and conditions.
- To ensure the effective and efficient management of the Town Council's information communication and technology systems and **approve** the development and implementation of any ICT related strategies.

Premises and Capital Assets

- To monitor and evaluate the use and development of land and premises, including any shared or off-site facilities, including security, and make any appropriate recommendations to the Town Council.
- To **approve** and monitor a health and safety policy, with respect to premises and assets, that complies with legislation and to ensure that appropriate checks and assessments are carried out and prioritised for necessary action.
- To monitor the acquisition, disposal and management of property, or any other assets and the granting or taking of leases or licences in general and to **act** on behalf of the Town Council in relation to any planning applications it proposes to make.
- To **approve** capital expenditure and planned and preventative maintenance expenditure with respect to premises and assets.

Performance

- To **approve** any Performance Improvement Plans.

- To monitor and review the performance of the Town Council having regard to any development or Performance Improvement Plan, performance indicators set out in the Town Council's Strategic Plan, or agreed service standards and targets, and achievement of organisational, service, cross cutting and policy objectives.
- To consider and make recommendations on the Town Council's annual objectives, targets and performance indicators.
- To consider reports on any reviews of services and on any future external performance assessment or peer reviews (including those promoted by NALC/SLCC).
- To receive and consider reports on customer survey/satisfaction.
- To receive and consider an annual report on the complaints procedure.

Corporate Governance

- To receive an annual report on the Town Council's risk management and to monitor the implementation of risk mitigation across all the Town Council's business.
- To receive half-yearly Internal Control reports.
- To review the effectiveness on Internal Audit (annually).
- To review and recommend to full Council Risk Assessment and Financial Management document (annually).
- The Committee shall receive and consider any reports on the Town Council's corporate governance framework, which do not fall under the remit of the Standards Committee.
- To receive the External Auditor's annual Audit and Inspection report.

Honorary Freeman Scheme

- To determine whether nominations received for the Scheme meet the criteria of the policy and make appropriate recommendations to the Town Council.

General – (supporting the Town Council in fulfilling its statutory duties)

- To monitor the implementation of the Council's Standing Orders and to make recommendation to full Council on their maintenance;

- To consider recommendations from external reviews of the Council, for example audit, to **approve** the actions needed to address any issues identified through external review and to monitor and evaluate regularly the implementation of any plan agreed;
- To **approve** programmed service expenditure within budgets agreed by full Council and to **approve** remedial action where projected out-turn variation on the whole committee budget exceeds 5%;
- To **approve** the tendering and selection of contracts;
- To **approve** the selection of contractors;
- To monitor procurement procedures;
- To monitor the performance of contracted services;
- To develop and recommend major projects and developments to the Town Council;
- To monitor energy efficiency and sustainability.

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

The **Staff Appeals Panel** is established as a sub-committee with delegated authority to **determine**, on behalf of the Town Council, individual cases of appeal under the disciplinary and grievance procedures and such other matters relating to individual members of staff as require determination by the Town Council. It shall meet as and when circumstances require, and comprise three members of the Committee, as agreed by the Town Mayor.

The **Complaints Committee** is established as a sub-committee with delegated authority to **determine**, on behalf of the Town Council, individual cases of appeal under the Council's complaints procedures and such other matters relating to complaints made by members of the public as require determination by the Town Council. It shall meet as and when circumstances require, and comprise three members of the Committee, as agreed by the Town Mayor.

3. Services Committee

Remit

The Committee's remit shall cover the following services:

- Allotments
- Floodlights
- Floral Displays
- Memorial and Blue Plaques
- Mini Golf
- Open Spaces
- Play Areas
- Public Seats and Pavement Furniture
- Markets
- Public Toilets
- War Memorials
- Environmental matters relating to the parish of Barnard Castle including the Prevention of Dog Fouling.

The terms of reference will be reviewed each year by the Council, following its Annual Meeting.

Membership

Six town councillors.

The committee may make recommendations to the Council for co-option of other members as and when required.

Quorum

Three members

Meetings

The committee will meet once in each cycle prior to the full Town Council meeting and otherwise as required.

The committee will receive reports in sufficient detail to undertake planning, monitoring and evaluation and thus enable it to fulfil its strategic role.

Terms of reference

[Words appearing in **bold**, below, indicate delegated authority.]

General

- To **approve** programmed service expenditure within budgets agreed by full Council and to submit a report to the Resources Committee where projected out-turn variation on the whole committee budget exceeds 4.99%;
- To **approve** the tendering and selection of contracts;
- To **approve** the selection of contractors;
- To monitor procurement procedures;
- To monitor the performance of contracted services;
- To develop and recommend major projects and developments to the Town Council;
- To monitor energy efficiency and sustainability.

Allotments

- To **approve** an annual programme of maintenance and improvement designed to provide a well-managed and cost effective service to allotment users, covering the detailed operation and management of the allotments and relationships with individual tenants;
- To **approve** Allotment rules and procedures, the revision of lease agreements and to monitor enforcement action;
- To **approve** operating rules and procedures and to monitor enforcement action;
- To monitor and recommend changes to the Allotment Holding Account;
- To review and recommend to Council, annually, rents, fees and charges relating to the allotments;
- To monitor and review the Allotment Waiting List and to make recommendation to full Council on approaches to meeting the needs of tenants and of prospective tenants.

Floodlights

- To review any architectural lighting scheme, which is the responsibility of the Town Council, and **approve** an annual programme;
- To monitor energy efficiency and sustainability.

Floral Displays

- To **approve** an annual programme of maintenance and improvement designed to provide a well-managed and cost effective service, covering the detailed operation and management of the Town's floral displays;

Memorial and Blue Plaques

- To **determine** the installation of new memorial or blue plaques that will commemorate prominent persons who lived and/or worked in the Town and to make appropriate recommendations to the Town Council that funding is allocated for such plaques.

Mini Golf

- To **approve** an annual programme for the operation and maintenance of a well-managed and cost effective mini golf service, covering the detailed operation and management of the mini golf course and relationships with users;
- To monitor and recommend changes to the Mini Golf Holding Account;
- To review and recommend to Council, annually, fees and charges relating to mini golf.

Open Spaces

- To **approve** an annual programme for the operation and maintenance of public open spaces within the Town Council's control;
- To monitor the general operation and maintenance of existing facilities;
- To consult publically on the use and improvement of existing play areas and the need for new facilities.

Play Areas

- To **approve** an annual programme for the operation and maintenance of play areas within the Town Council's control;

- To monitor the general operation and maintenance of existing facilities;
- To consult publically on the use and improvement of existing play areas and the need for new facilities.

Public Seats & Pavement Furniture

- To **approve** an annual programme for the operation and maintenance of public seats and pavement furniture (including signage) within the Town Council's control;
- To monitor the condition of public seats and pavement furniture (including signage).

Markets

- To **approve** an annual programme for the operation and maintenance of Barnard Castle's Wednesday Market within the Town Council's control;
- To **approve** operating rules and procedures and to monitor enforcement action.

Public Toilets

- To **approve** an annual programme for the operation and maintenance of public toilets within the Town Council's control.

War Memorials

- To **approve** an annual programme for the operation and maintenance of the memorials within the Town Council's control;
- To monitor the condition of memorials;
- To monitor the implementation of the Council's medium term (3 year) maintenance plan for memorials.

Environmental Matters (including the Prevention of Dog Fouling)

- To review options to tackle the issue of dog fouling in Barnard Castle and to **approve** an annual programme of activity where this is required, to address the issue;
- To monitor issues affecting the wider environment of Barnard Castle and to make recommendations for action to the full Council in response to emerging issues.

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

4. Partnership Committee

Remit

The Committee's remit shall cover:

- Christmas Lighting
- Community Events
- Grants to Other Bodies
- Poppy Appeal
- Memorial Events

The terms of reference will be reviewed each year by the Council, following its Annual Meeting.

Membership

Eight town councillors and (up to) two co-opted, voting member(s) of the community (non-financial).

The committee may make recommendations to the Council for co-option of other members as and when required.

Quorum

Three (voting) members

Meetings

The committee will meet once in each eight-week cycle prior to the full Town Council meeting and otherwise as required.

The committee will receive reports in sufficient detail to undertake planning, monitoring and evaluation and thus enable it to fulfil its strategic role.

Terms of reference

[Words appearing in **bold**, below, indicate delegated authority.]

General

- To **approve** programmed service expenditure within budgets agreed by full Council and to submit a report to the Resources Committee where projected out-turn variation on the whole committee budget exceeds 4.99%;

- To **approve** the tendering and selection of contracts;
- To **approve** the selection of contractors;
- To monitor procurement procedures;
- To monitor the performance of contracted services;
- To develop and recommend major projects and developments to the Town Council;
- To monitor energy efficiency and sustainability.

Christmas

- To oversee an attractive Christmas lighting display that enhances the Town for the Christmas period;
- To oversee installation of the Town Christmas Tree and Crib;
- To comply with Durham County Council's requirements in that the necessary 'windage' tests are carried out on the street lighting columns.

Community Events

- To **approve** an annual programme of Town Council run events, which maintain and enhance traditional town-focused festivities;
- To **approve** a procedure for the occasional event hire by third parties of public open spaces managed by the town council, to be administered by the Clerk and to **review** any request falling outside the procedure.
- Indirectly support local charities by supporting charitable events;
- Create a better sense of community, bringing Barnard Castle's residents together on a regular basis;
- Enhance Barnard Castle as an attractive visitor destination;
- Bring more people into Barnard Castle and indirectly support local businesses and retailers;
- Shape a programme to ensure high quality and creativity in events;
- To oversee publicity about Community Events (including Christmas Lighting).

Grants to Other Bodies

- To consider and ultimately **approve** requests from organisations for financial donations in accordance with the Council's Financial Donations Policy.

Poppy Appeal

- To support and monitor an annual programme for the operation and management of the Royal British Legion Poppy Appeal centred in Barnard Castle in accordance with the wishes and procedures of the Royal British Legion.

Memorial Events

- To **approve** and monitor the operation and organisation of the Town's annual Aviation Day, Remembrance Sunday parade and service of remembrance, and commemoration of Armistice Day, in conjunction with relevant church and community groups.

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

5. Planning Committee

Remit

The Committee's remit shall cover the following services:

- All planning applications referred to Barnard Castle Town Council by the Planning Authority that are within the parish of Barnard Castle or are of significance to it.
- All other planning matters concerning the parish of Barnard Castle, including liaison with potential developers or any agency proposing change to the built environment.
- All matters concerning the highways and other means of access in and adjacent to the parish of Barnard Castle, or likely to have any impact on the parish of Barnard Castle.

The terms of reference will be reviewed each year by the Council, following its Annual Meeting

Membership

Five town councillors.

The committee may make recommendations to the Council for co-option of other members as and when required.

Quorum

Three members

Meetings

The committee will meet every two weeks and otherwise as required.

The committee will receive reports in sufficient detail to undertake planning, monitoring and evaluation and thus enable it to fulfil its strategic role.

Terms of reference

[Words appearing in **bold**, below, indicate delegated authority.]

- To **consider** all planning applications pertaining to Barnard Castle Parish and to **respond** to Durham County Council Planning Authority;
- Any controversial applications may be referred to the Town Council. Any two Councillors may request an application be deferred for a full meeting of the Town Council;

- Where an application is subject to an appeal, the committee is **authorised** to make written representation or to elect a member of the committee to attend the hearing;
- To consider other issues consistent with its remit (specifically those relating to planning and highways) and to make recommendations on these to a full meeting of the Town Council.

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

5. Scheme of Delegation

1. Full Council

[Words appearing in **bold**, below, indicate specific authority.]

Specific duties and powers reserved to the Full Council

Duty to sign declaration of acceptance of office (councillors and chair)

Duty to appoint a Responsible Financial officer to manage the council's accounts

Power to arrange for the discharge of functions by another local authority

Duty to hold annual parish council meeting

Duty to hold annual parish meeting

Power to convene a parish meeting

General powers

Budget and constitution

To **approve** an annual budget, reflecting priorities identified through operational review.

To **approve** the annual budget precept.

To **approve** a medium-term (3-year) financial plan, reflecting the Town Council's priorities including staffing projections and plans relating to the repair, maintenance and development of premises and capital assets, and to **approve** action on these plans.

To **approve** the financial management framework, financial procedures and controls, including audit, across all its services.

To **approve** annual objectives, targets and performance indicators.

To **approve** Financial Regulations and ensure their annual review.

To **approve** the staffing structure.

To **approve** a performance management policy and pay policy ensuring that these meet nationally agreed terms of pay and conditions.

To **approve** the use and development of land and premises, including any shared or off-site facilities, including security.

To **approve** the Risk Assessment and Financial Management document (annually).

To **approve** nominations to the Honorary Freeman scheme.

To **approve** Standing Orders and ensure their annual review.

To **approve** capital projects and developments across all services.

To **approve** any policy affecting the conduct of the Council, its services and its staff.

To **approve** changes to the Council's Constitution, including any recommendation from a committee to **establish** any sub-committee.

Powers related to services

To **approve** changes to the Allotment Holding Account.

To **approve** rents, fees and charges relating to the allotments, annually.

To **approve** approaches to meeting the needs of allotment tenants and of prospective allotment tenants.

To **approve** changes to the Mini Golf Holding Account.

To **approve** fees and charges relating to mini golf, annually.

To **approve** a medium term (3 year) maintenance plan for war memorials.

To **approve** a community events policy.

To **approve** action in response to issues in the wider environment of Barnard Castle.

To **approve** action in response to issues in relation to planning and highways.

To **resolve** on any controversial planning application

Reserving of Powers

Full Council retains the right to determine (and to reserve to itself) any issue which is within its powers and duties as a town council, including those which are (within these terms of reference and from time to time) delegated to its committees and officers, by simple resolution.

2. Resources Committee

To **agree** effective procedures for monitoring the budget;

To **authorise** expenditure within approved budgets;

To **approve** any virement and supplementary budget requests within the Town Council's agreed overall budget;

To **approve** the level of delegation to the Town Clerk for the day-to-day financial management of the Council and its services;

To **approve** changes to the Council's Fixed Asset Register.

Personnel and Development

To **approve** policies, guidelines and strategies on human resources and any industrial relations matters, including (but not limited to) roles mandated with respect to the Council's Disciplinary and Grievance Policy and the Appraisal of the Town Clerk and ensure the council properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, working time directive and pensions provision.

To **approve** the development and implementation of any ICT related strategies.

Premises and Capital Assets

To **approve** a health and safety policy, with respect to premises and assets, that complies with legislation and to ensure that appropriate checks and assessments are carried out and prioritised for necessary action.

To **approve** capital expenditure and planned and preventative maintenance expenditure with respect to premises and assets.

To **act** on behalf of the Town Council in relation to any planning applications it proposes to make.

Performance

To **approve** any Performance Improvement Plans.

General – (supporting the Town Council in fulfilling its statutory duties)

To **approve** the actions needed to address any issues identified through external review and to monitor and evaluate regularly the implementation of any plan agreed;

To **approve** programmed service expenditure within budgets agreed by full Council.

To **approve** remedial action where projected out-turn variation on the whole committee budget exceeds 5%;

To **approve** the tendering and selection of contracts;

To **approve** the selection of contractors;

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them.

Staff Appeals Panel

To **determine**, on behalf of the Town Council, individual cases of appeal under the disciplinary and grievance procedures

Complaints Committee

To **determine**, on behalf of the Town Council, individual cases of appeal under the Council's complaints procedures.

3. Services Committee

General

To **approve** programmed service expenditure within budgets agreed by full Council and to submit a report to the Resources Committee where projected out-turn variation on the whole committee budget exceeds 4.99%;

To **authorise** expenditure within approved budgets;
To **approve** the tendering and selection of contracts;
To **approve** the selection of contractors;

Allotments

To **approve** an annual programme of maintenance and improvement designed to provide a well-managed and cost effective service to allotment users, covering the detailed operation and management of the allotments and relationships with individual tenants;

To **approve** Allotment rules and procedures, the revision of lease agreements and to monitor enforcement action;

To **approve** operating rules and procedures and to monitor enforcement action.

Floodlights

To review any architectural lighting scheme, which is the responsibility of the Town Council, and **approve** an annual programme;

Floral Displays

To **approve** an annual programme of maintenance and improvement designed to provide a well-managed and cost effective service, covering the detailed operation and management of the Town's floral displays;

Memorial and Blue Plaques

To **determine** the installation of new memorial or blue plaques that will commemorate prominent persons who lived and/or worked in the Town and to make appropriate recommendations to the Town Council that funding is allocated for such plaques.

Mini Golf

To **approve** an annual programme for the operation and maintenance of a well-managed and cost effective mini golf service, covering the detailed operation and management of the mini golf course and relationships with users;

Open Spaces

To **approve** an annual programme for the operation and maintenance of public open spaces within the Town Council's control;

Play Areas

To **approve** an annual programme for the operation and maintenance of play areas within the Town Council's control;

Public Seats & Pavement Furniture

To **approve** an annual programme for the operation and maintenance of public seats and pavement furniture (including signage) within the Town Council's control;

Markets

To **approve** an annual programme for the operation and maintenance of Barnard Castle's Wednesday Market within the Town Council's control;

To **approve** operating rules and procedures and to monitor enforcement action.

Public Toilets

To **approve** an annual programme for the operation and maintenance of public toilets within the Town Council's control;

War Memorials

To **approve** an annual programme for the operation and maintenance of the memorials within the Town Council's control;

Environmental Matters (including the Prevention of Dog Fouling)

To review options to tackle the issue of dog fouling in Barnard Castle and to **approve** an annual programme of activity where this is required to address the issue;

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

4. Partnership Committee

General

To **approve** programmed service expenditure within budgets agreed by full Council and to submit a report to the Resources Committee where projected out-turn variation on the whole committee budget exceeds 4.99%;

To **authorise** expenditure within approved budgets;

To **approve** the tendering and selection of contracts;

To **approve** the selection of contractors.

Community Events

To **approve** an annual programme of Town Council run events, which maintain and enhance traditional town-focused festivities;

To **approve** a procedure for the occasional event hire by third parties of public open spaces managed by the town council, to be administered by the Clerk and to **review** any request falling outside the procedure.

Christmas

To **oversee** an attractive Christmas lighting display that enhances the Town for the Christmas period;

To **oversee** installation of the Town Christmas Tree and Crib;

To comply with Durham County Council's requirements in that the necessary 'windage' tests are carried out on the street lighting columns.

Grants to Other Bodies

To consider and ultimately **approve** requests from organisations for financial donations in accordance with the Council's Financial Donations Policy.

Memorial Events

To **approve** and monitor the operation and organisation of the Town's annual Aviation Day, Remembrance Sunday parade and service of remembrance and commemoration of Armistice Day, in conjunction with relevant church and community groups.

To support and monitor an annual programme for the operation and management of the Royal British Legion Poppy Appeal centred in Barnard Castle in accordance with the wishes and procedures of the Royal British Legion.

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from them and may request the Town Council to establish any relevant sub-committees.

5. Planning Committee

General

To **consider** all planning applications pertaining to Barnard Castle Parish and to **respond** to Durham County Council Planning Authority;

Where an application is subject to an appeal, the committee is **authorised** to make written representation or to elect a member of the committee to attend the hearing;

Appointment of sub-committees, panels, working or task and finish groups

The Committee shall **appoint** panels, temporary working or task and finish groups relevant to the functions of the Committee and receive reports from

them and may request the Town Council to establish any relevant sub-committees.

6. The Clerk¹⁹

General

To **act** as the Proper officer of the Council in carrying out all of its functions and to **issue all notifications required by law**.

To **act** as the Council's Responsible Financial officer in ensuring that the Council's financial processes and records are acceptable and that the Council's finances are carefully administered.

To assume **total responsibility for ensuring that the instructions of the Council are carried out** in connection with its function as a local authority.

To **make orders, incur expenditure and process payments** within authorised budgets.

To **be accountable** for the effective management of all of the Council's resources.

To have **overall responsibility for the Council's administrative service**.

To **act as a general manager** in respect of all of the Council's services, projects and initiatives.

Specific Responsibilities

To have **overall responsibility for the Council's accounts** and for the preparation of appropriate records for audit and VAT purposes.

To **assume overall responsibility for the supervision of the office staff**, in keeping with the policies of the Council, and to ensure that all necessary activities are undertaken in connection with the management of salaries, conditions of employment and work of staff.

To ensure that the contractual arrangements with the Council's contractors are organised on an acceptable basis.

To **liaise with outside organisations** (locally, regionally and nationally) to strengthen the role of the Council and to effect improved communication.

To **act as the representative of the Council as required**.

To attend conferences, training courses and seminars as and when required.

¹⁹ And, in the absence of the Clerk, the Deputy Clerk, as defined in Standing Order 15a

To have overall responsibility for maintaining, implementing and monitoring the effectiveness of the Council's procedural and policy documents, within the policy framework defined by the Town Council.

Annex A: Allocation of Responsibility for Town Council Functions

The following list of powers and duties indicates the Town Council standing committee to which the relevant power of duty (representing the most commonly exercised) should be delegated. Note, that full council always retains the right to exercise any duty or power, irrespective of the established delegation.

Function	Powers & Duties	Statutory Provisions	Responsible Committee
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42	Services
Ancillary power	Power to do anything that will facilitate, be conducive to or incidental to the discharge of its powers and functions	Local Government Act 1972, s.111	Resources/ Full Council
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227	NA
Burial grounds, cemeteries and crematoria	Power to acquire and maintain	Open Spaces Act 1906, Ss 9 and 10	NA
	Power to provide	Local Government Act 1972, s. 214	NA
	Power to agree to maintain monuments and memorials	Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1	NA
	Power to contribute towards expenses of cemeteries	Local Government Act 1972, s. 214(6)	NA
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4	Services
Bye-laws Power to make bye-laws in regard to:	Pleasure grounds	Public Health Act 1875, s. 164	Resources
	Cycle parks	Road Traffic Regulation Act 1984, s.57(7)	Resources
	Baths and washhouses	Public Health Act 1936, s.223	NA

Function	Powers & Duties	Statutory Provisions	Responsible Committee
	Open spaces and burial grounds	Open Spaces Act 1906, s.15	NA
	Mortuaries and post-mortem rooms	Public Health Act 1936, s.198	NA
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2	Partnership
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215	NA
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34	Services
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144	Resources
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19	Resources
Community gardens	Power to provide and maintain open space as gardens in or outside the council's area	Open Spaces Act 1906, ss.9-10	Services
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31	Services
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92	Resources
	Duty on Parish Councils to consider crime reduction in every policy and action	s17 Crime and Disorder Act 1998 (as amended)	Resources
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260	Resources

Function	Powers & Duties	Statutory Provisions	Responsible Committee
Dogs	Power to make a Dog Control Order Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005	Services
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145	Partnership
Fly-posting and Graffiti	Power to take enforcement action against those that fly-post or graffiti	Cleaner Neighbourhoods and Environment Act 2005	Services
Gifts	Power to accept	Local Government Act 1972, s.139	Resources
Highways	Power to maintain footpaths and bridle-ways	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3	Services
	Power to light roads and public places	Highways Act 1980, s.301	Services
	Provision of litter bins	Litter Act 1983, ss.5,6	Services
	Powers to provide parking places for bicycles and motor-cycles, and other vehicles	Road Traffic Regulation Act 1984, ss.57,63	Services
	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss.30,72	Services
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1	Services
	Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act 1980, ss.47,116	Planning

Function	Powers & Duties	Statutory Provisions	Responsible Committee
	Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes	Highways Act 1980, s.130	Resources
	Power to provide traffic signs and other objects or devices warning of danger	Road Traffic Regulation Act 1984, s.72	Services
	Power to plant trees and lay out grass verges etc. and to maintain them	Highways Act 1980, s.96	Services
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11	Resources
Land	Power to acquire by agreement, to appropriate, to dispose of	Local Government Act 1972, ss.124, 126, 127	Resources
	Power to accept gifts of land	Local Government Act 1972, s.139	Resources
Litter	Provision of receptacles	Litter Act 1983, ss.5,6	Services
	Power to take enforcement action against those that litter	Cleaner Neighbourhoods and Environment Act 2005	Services
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7	Partnership
Markets	Power to establish or acquire by agreement markets within their area & provide a market place & market buildings	Food Act 1984, s.50	Services
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198	NA
Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10	Resources

Function	Powers & Duties	Statutory Provisions	Responsible Committee
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226	Resources
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97	Resources
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133	Resources
Public conveniences	Power to provide	Public Health Act 1936, s.87	Services
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007	Resources
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, Para. 8	Planning
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144	Partnership
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A	Services
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport	Local Government and Rating Act 1997, s.26, 28 and 29	Resources
	Powers to make grants for bus services	Transport Act 1985, s.106A	Resources
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133	Services

Function	Powers & Duties	Statutory Provisions	Responsible Committee
<i>Water supply</i>	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125	Services

6. Role Specifications for Members

In addition to members' obligations arising from the council's code of conduct, each has a responsibility to:

- 'attend meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend;
- consider, in advance of the meeting, the agenda and any related documents which were sent to you with the summons;
- take part in meetings and consider all the relevant facts and issues on matters which require a decision including the views of others expressed at the meeting;
- take part in voting and respect decisions made by the majority of those present and voting;
- ensure, with other councillors, that the council is properly managed;
- represent the whole electorate, and not just those who voted for you.'

Good Councillors' Guide 3rd Edition, NALC

Purpose

- To provide community leadership, to promote active citizenship and to represent constituents and ward interests in her/his dealings with the Council. In doing this, every councillor has an over-riding responsibility to the town as a whole.
- To sit on a range of member level bodies as well as Council meetings, and assist in reaching informed and balanced decisions

Key duties and responsibilities

1. To represent individual constituents and local organisations, undertaking casework and enquiries on their behalf
2. To provide a link between the Council and the community by engaging and liaising with local groups including residents' associations, local businesses, and community organisations.
3. To represent the Council (subject to appointment) on outside bodies
4. To contribute actively to the scrutiny of the Council's policies, strategies, budget, and service delivery and to ensure that principles of equality and fairness are integral to all actions and policies of the Council.

5. To develop and maintain a working knowledge of the Council's services, management arrangements, powers, duties and constraints.
6. To develop and maintain a working knowledge of other organisations and services within the town and (more widely) affecting Teesdale and County Durham.
7. To develop good working relationships with relevant Council staff.
8. To participate actively and effectively as a member of any committee, working group or other forum to which the councillor is appointed.
9. To adhere to the various codes of conduct and protocols that the Council may adopt from time to time and to act at all times with probity and in the best interests of the Council
10. To participate in opportunities for training and development provided for councillors by the Council

Key Skills and Knowledge

1. Community leadership skills including managing ward and case work
2. Ability to engage proactively with the community, canvassing opinion and seeking new ways of representing others
3. Ability to communicate effectively with a range of people by being approachable, empathetic, understanding and encouraging trust
4. Ability to work effectively with Council staff and outside organisations
5. Ability to lead and champion the interests of the local community
6. Ability to be objective, rigorous and resilient in challenging process, decisions and people
7. Active listening and questioning skills
8. Effective presentation and public speaking skills
9. Basic understanding of local government finance and audit processes and the ability to interpret Council budgets and accounts
10. An understanding and appreciation of diversity and equalities issues
11. An understanding of the legislation relating to the duties, obligations and rights of councillors
12. An understanding of how the Council works
13. An understanding of the Councillors' Code of Conduct, including ethics and standards
14. Knowledge of issues affecting local government

15. Knowledge of the Council's strategic priorities and key policies
16. Detailed knowledge of local issues and needs

7. Protocol on the Use of Council Facilities and Resources by Councillors

A. Introduction

The Council provides facilities and limited resources to assist Members in carrying out their duties as Councillors.

The (Member) Code of Conduct – Member Obligations States:

- 4) *He/she shall use the resources of the Council in accordance with its requirements.*

This Protocol explains the limitations placed on the use by Members of the Council's facilities and resources.

B. Use of Facilities and Resources

Members may use Council facilities and resources for political purposes in connection with the following business:

- a. Meetings with parishioners regarding Council business.
- b. Meetings between group members when discussing Council business or matters that affect the parish.

Note: Accommodation will be subject to availability.

The Council is prohibited from publishing any material of a party political nature. Members should ensure that when using or authorising the use by others of the Council's facilities and resources, such facilities and resources are not used for purely political purposes and the use of Council premises is restricted to premises available to the general public and paid for at the full hire costs.

A Member's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.

The use by a Member of any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity, elections and campaigning is likely to amount to a breach of the (Member) Code of Conduct and is therefore not allowed.

C. Publicity Code

The Town Council is subject to the 2011 Code of Recommended Practice on Local Authority Publicity issued under the Local Government Act 1986.

The Code of Recommended Practice provides guidance on the content, style, distribution and cost of local authority publicity.

At all times, and not just in the pre-election period (see Purdah guidance), there is in law (applicable to Town and Parish Councils) an absolute prohibition of political publicity. The Council is under a duty not to publish any material which, in whole or in part, appears designed to affect support for a political party.

The words 'publicity' and 'publish' refer to any publication in whatever form, addressed to the public at large or to a section of it. The content and style of the material, the time and circumstances of its publication and its likely effect on those to whom it is directed will be relevant factors in determining whether material falls within the prohibition.

The Council may publish a magazine or newsletter. However, the recommended code confirms that Council should not publish on their website newsletters or magazine matters which emulate commercial newspapers in content and style. The Code of Recommended Practice provides guidance on the content, style, distribution and costs of local authority publicity.

The Code provides that the publicity by a Council should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.

The recommended Code also provides that Council should not publish newsletters or similar communications more frequently than on a monthly basis.

Printed newsletters or similar communications published by the Council should clearly identify on the front page that they are published by the Council.

D. Publicity during periods of heightened sensitivity (pre-election period, referred to as 'Purdah').

The pre-election period, often referred to as the 'Purdah' period, is the time from the date the notice of the election is published, to polling day.

The Code provides guidance on publicity at sensitive times, such as during the Purdah period.

The following guidance is of particular relevance:

The provisions of the Code of recommended Practice on Local Authority Publicity 2011 apply to all town and parish councils.

During the run up to an election, the Code contains relevant provisions which you need to be aware of (see Code attached). This is often

referred to as the 'purdah' period and will start on 30 March 2017 and continue until the election.

'Elections, Referendums and Petitions. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identified them with individual councillors or groups of councillors. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries, provided that their answers are factual and not party political, Councillors holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve councillors likely to be standing for election.'

During this period, no town or parish council should publish publicity relating to particular individuals involved directly in the election. Publicity refers to any communication, in whatever form, addressed to the public, or a section of the public and could include news releases, newsletters, items on websites, advertising etc. The Code of Recommended Practice seeks to ensure that council resources and facilities are not perceived by the public to have been used for election campaigning or political purposes during the purdah period and that the political impartiality of employees has also be maintained.

The following points summarise the guidance for councillors and council employees:

Green Light: Acceptable Practice

Usual business matters:

- Publicity with Council quotes from Clerk only.
- Councillors can create their own individual non-political publicity.
- Councillors can attend events arranged by other organisation, but the same restrictions apply about quoting such events in any Council publicity.
- Decision-making will continue as usual, and the decisions will be publicised, subject to the restrictions about quotes.

Amber Light: Acceptable Practice; Proceed with Caution/Seek Prior Advice

Quotations (direct/indirect):

- Councillors not involved in the election may make quotes or may be quoted if there are no political tones or references contained within the quotes.
- Avoid proactively scheduling events attracting public and media interest. Events that are unavoidable should not publicise individual councillors or their respective political parties and policies.

Red Light: Unacceptable Practice; Do Not Proceed

- Councillors involved in the election will not be quoted in proactive news releases issued by the Council.
- Councillors involved in the election should not attend any events organised by the Council that may attract significant numbers of members of the public, or media interest.
- No election materials, political posters or leaflets must be displayed on any Council premises or property (including street furniture, notice boards, market stalls, website etc).

8. Role Specification for Council and Committee Chairs

The Role of the Chair of the Council (Town Mayor)

The Town Mayor fulfils a range of duties, which are civic and ceremonial in representing the Town Council and the town at large. In addition, the Town Mayor is the Chair of the Town Council and in that role, he or she fulfils a specific, legal duty. The main rules of law governing the role of the Chair of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- that the Chair must preside at a meeting of the parish council if he or she is present and;
- that it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

It is the duty of the Chair

“to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting”

National Dwellings Society v Sykes (1894)

Outside the Meeting

The Chair:

- is the person to whom notice of resignation is given by other Councillors or the Clerk;
- may convene meetings of the council (on proper notice to the Clerk);
- when attending ceremonial events, is the proper person to represent the town;
- may receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the council or through the delegation scheme, by one of its committees or sub-committees are to be taken by the Clerk to the parish council.

The Role of All Chairs

Good practice in chairing covers the activities of meetings of the full council, of its committees and of any working groups. The following responsibilities are shared by the chairs of any of these meetings.

It is the Chair's responsibility:

- (a) *To determine that the meeting is properly constituted and that a quorum is present;*

- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
 - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - (ii) Declaring the result; and
 - (iii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

"Knowles on Local Authority Meetings" (ICSA Publishing)

Voting

During the meeting, if a vote on a matter is tied, the Chair, or other person presiding, has a second or casting vote.

Whilst it is a convention in some councils that the Chair will not vote when a matter is put before the meeting and will only use his or her casting vote, there is no rule of law on this and it is becoming a practice little followed. Some councils apply a convention that the Chair will use his or her second or casting vote in a way to support the status quo and keep the question open for reconsideration at a later date, which is generally considered to be best practice.

Service Development

The Chair of the council (and the chairs of committees) may have an enhanced role, where functions are delegated to the Clerk in consultation with the Chair (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Clerk (not the Chair) but that he or she must first bring the matter to the attention of the Chair and take into account the views of the Chair in coming to his or her decision.

It is also likely to be the case that the Chair will be the person whom the Clerk will approach:

- for information about the council and the town;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Clerk's remit to make or pass back to a formal meeting.

Chairing meetings

Key point

A Chairman's responsibility is to ensure the proper conduct of meetings and he may exercise a second or casting vote in the event of a tie in votes on any question to be decided at meetings (except in the case of a tie in votes for the election of a Chairman at an ordinary meeting of full Council in which case he must give his casting vote); for other matters, he has the same rights as other councillors.

General comments

- a The term "Chairman" in this section refers to the person presiding at a meeting of the council, a committee or a sub-committee except where otherwise indicated.
- b In the case of a tie in votes for the election of a Chairman of the council at the annual meeting of a council, the Chairman of the meeting **must** give his second or casting vote. In all other situations and meetings, the Chairman of a meeting has a power to give a second or casting vote where there is an equality of votes. There is also no rule of law that requires the Chairman of a meeting to give his ordinary vote if he wishes to abstain from voting.
- c The Chairman of a meeting is also required, by common law, to ensure that the business considered at a meeting is lawful and that the conduct and/or order of the meeting is proper. Aside from statute and common law, a Chairman's authority in respect of the conduct and procedure of a meeting derives from the standing orders adopted by the relevant body (whether this is full Council, a committee or a sub-committee) and applicable to a meeting of that body. Individual councillors and the public present at a meeting are expected to respect and ultimately obey a Chairman's rulings in this respect.
- d Individual councillors and the public present at a meeting are expected to respect and ultimately obey a Chairman's rulings in this respect.
- e The authority of a Chairman is limited to matters of procedure and to the conduct of a meeting. Other than the power to exercise a second or casting vote, a Chairman has no rights or views greater than the rights and views of other councillors. He has the same rights, enjoyed by other councillors, to consider and debate the merits of a particular motion. When differences of opinion develop in discussion, it is the duty of a Chairman to give a fair hearing to all points of view, including his own, if he has one. A Chairman is more likely to appear non-partisan, if he calls upon speakers for and against a motion and avoids speaking first or last himself.
- f The job of a Chairman can be difficult. A Chairman needs to be fair yet firm and he must always act in good faith. Some people may not possess

the skills required of a Chairman. Such skills can of course develop or improve with training and experience.

g In terms of regulating matters of procedure and conduct of a meeting, a Chairman is required to:

- ensure that the motions included in the agenda are lawful and within the remit of the meeting being convened in advance of a meeting,
- be satisfied that a meeting has been lawfully convened, is properly constituted and is quorate;
- ensure that the draft minutes of a previous meeting are duly approved by the meeting;
- regulate the conduct of all those attending the meeting and maintain order;
- introduce motions in the agenda and direct for them to be moved and duly considered at a meeting;
- order discussions and debate;
- decide points of order and other incidental questions;
- put motions to a vote, and if necessary, consider exercising his casting vote;
- declare the result of a vote;
- adjourn the meeting if necessary; and
- close a meeting after its business has been concluded.

The above mentioned responsibilities are explored below.

Before or at the start of a meeting

h A Chairman must be satisfied that the meeting he is presiding over is lawful. He does not need to have personal knowledge that the proper public notices and summonses to councillors have been issued. If, however, complaints are made with regard to this, he must rule on the legality of them and the meeting itself. An irregularity in the service of a summons on a particular councillor does not render a meeting unlawful but where an irregularity results in a claim that the meeting is invalid, the meeting should be adjourned in order to correct the irregularity.

i No business can be transacted at a meeting if it is inquorate. This rule applies not only to cases of councillors' absences but also to situations when councillors holding a prejudicial interest in a motion are unable to then vote on it. If a particular motion or topic is likely to trigger the existence of prejudicial interests, which then render a meeting inquorate, those councillors with a prejudicial interest should, in advance of a meeting, apply for a

dispensation to the standards committee of the relevant principal authority. If a meeting is inquorate the Chairman should adjourn it.

j The proper or nominated officer may consult with the Chairman to decide if he should accept or reject a proposed motion as an agenda item. In any event, a Chairman should review the items on the agenda in advance of the meeting and should ask himself the following questions in respect of each item.

- What does it mean?
- Is it lawful?
- Do we know enough about it?
- Has any councillor got special knowledge of this subject?
- Is there any councillor who may have a prejudicial interest/will the meeting be inquorate for this reason?
- Is there likely to be a disruption to the meeting? (See also paragraph below regarding control of disruptive behaviour.)

k Resolutions should not be passed without reasonably complete information being given to councillors before or during a meeting. Before a meeting, a Chairman should consider whether enough information has been circulated to councillors in advance of the meeting or whether such information is likely to be made available by those attending it. At the meeting, it may be necessary to ask a councillor to give his opinion if he has specialist knowledge in a particular matter. If, at the meeting, there is insufficient information presented in respect of a motion to effectively consider and vote on it, a Chairman should move to postpone consideration of the motion until the relevant information has been duly considered. In this scenario, it is desirable to minute (i) questions that need to be answered, (ii) issues that need further information and (iii) instructions to relevant persons to provide further information by a specified date.

l Generally, the code of conduct adopted by a council requires a councillor with a personal interest in any matter being considered at a meeting to disclose the existence and nature of that interest. If a personal interest is also prejudicial and under a council's code of conduct a councillor (without a dispensation from the local standards committee) is permitted to make representations, answer questions and give evidence. He is then required to withdraw from the meeting and he cannot vote on the matter. Before a meeting, a Chairman should consider whether a councillor (including himself) is likely to hold any such interest. He may want to draw the individual councillor's attention to the possibility of it. However, responsibility for the disclosure of the existence and nature of a relevant interest rests with the individual councillor. Failure by a councillor in England to disclose an interest (personal or prejudicial) may result in an investigation by the standards committee of the relevant principal authority.

During the meeting

m When a Chairman moves the meeting to approve the minutes of a previous meeting as an accurate record, there may be attempts by some councillors to discuss the merits of the information, matters or resolutions recorded in the minutes. In respect of a motion to approve minutes, the only issue is whether the minutes correctly record the events at the meeting of which they are a record. A Chairman should not permit attempts to change a resolution made at a previous meeting. If it is necessary for the draft minutes of the previous meeting to be corrected because of an inaccuracy in them, then such amendments to minutes must be approved by a resolution. In terms of passing a resolution to approve minutes, it is irrelevant if the Chairman or some other councillors were not present at the meeting to which the draft minutes relate. When the minutes of a meeting are formally approved, they serve as a true and accurate record of the events and resolutions made at the meeting.

n There is no prescribed form of minutes. Ideally, minutes should be concise and do not need to contain a verbatim record of all discussions leading to the resolutions made at a meeting. Obviously, minutes must record resolutions made at the meeting to which they refer and can sometimes usefully record particularly significant contribution(s) connected to them. If the public participate in a meeting, the minutes should record this. Minutes should record the names of those councillors present at and absent from a meeting. The minutes should also record the existence and nature of a councillor's personal interest (except where this is not required under the statutory code of conduct applicable to councils in England) or his prejudicial interest in any item of business being considered by the meeting and when he leaves and returns to a meeting on account of his prejudicial interest. Other than the matters just mentioned, the style or form and content, including the general level of detail, contained in minutes is a matter for individual councils.

o When a meeting is considering letters or documentation, it is the main issues contained therein which merit attention and there should be no need to report or read out documentation verbatim. Doing so may invite attention to irrelevant information. For example, a letter concerned with the dumping of rubbish may be reported to the meeting as "a local resident has enquired if the council is able to remove rubbish at the specified location." If correspondence contains confidential, commercial or other sensitive information, which is prejudicial to the public interest, the meeting may exclude the public to consider the same. On the rare occasions that councillors are required to consider the exact text of a document, they should receive copies of the same with the agenda in advance of the meeting.

p During the debate, some people are better than others at putting forward arguments for or against motions. In the case of councillors, the Chairman of a meeting should accommodate the less eloquent and, in the case of the public, the less experienced. For these reasons, a Chairman may, on occasion, need to be flexible regarding the application of standing orders governing the rules of debate and some other matters.

q Where a speech during a meeting is obviously irrelevant, the Chairman

should stop the speaker and invite him to return to the point or to stop speaking. Where its relevance is unclear, a Chairman is recommended to ask the speaker to explain how his remarks relate to the motion or the matter under consideration.

r If it is evident that nothing new can be added to a meeting's consideration of a particular motion, a Chairman is justified in moving it to the vote even though there are still councillors wishing to speak.

s Councillors and the public are keen to have their point heard but sometimes robust comment or dialogue can get out of hand. In order to complete a meeting's business efficiently and effectively, a Chairman should accommodate healthy debate and expressions of opposing views, yet intervene when comments are not addressed to him or if comments are irrelevant, repetitious, include disrespectful language or do not comply with standing orders.

t Attempts by a Chairman to enforce standing orders regarding the formalities, style, order and length of comment by councillors (and the public) may sometimes be ignored. Deliberate and/or persistent obstruction at a meeting is rare, but should be dealt with firmly when it occurs. If a councillor or a member of the public disregards a Chairman's request to modify his conduct or his comments, aimed at restoring order to the debate or to a meeting, any councillor may move a motion that the person be silenced or that the person be excluded from a meeting. If a council's standing orders require that such a motion is seconded, it must be then be put to the vote without discussion. Attempts to silence or exclude a person from a meeting should not be motivated or permitted to obstruct legitimate debate or to curb opposing views made in the course of debate.

u If a resolution requiring a person to be silent or to withdraw from a meeting is disobeyed, no physical force should be used against this person. If the disruptive person is a councillor, it should be remembered that he is entitled to participate in a meeting by virtue of his office. A councillor may be asked to be silent or to leave a meeting as a last resort and only in accordance with the council's standing orders. If the disruptive person is a member of the public it should be remembered that they have a statutory right to attend full Council and committee meetings (unless there has been a resolution to exclude the public due to the confidential nature of business being transacted or any other special reason). A member of the public may be asked to be silent or to leave a meeting as a last resort and only in accordance with the council's standing orders. In summary, motions to silence or exclude a person from a meeting should not be a common occurrence and subsequent resolutions should not be made lightly.

v As mentioned in paragraph (i) above, it is sensible to assess, in advance of a meeting, if disruption on a large scale or otherwise is likely. If it is anticipated that one or more disruptive persons at a meeting would refuse to be silent or leave a meeting having been directed to by the Chairman or after a resolution to this effect is made, the police should be requested to attend the meeting for assistance. Police intervention is appropriate if significant disruption or violence is anticipated. If assistance from the police is not

possible and unruly or obstructive behaviour by one or more person makes continuation of the meeting difficult, the Chairman or another councillor may move to adjourn the meeting.

w Deliberate obstruction may sometimes take the form of a councillor raising a succession of points of orders. A Chairman should not allow a matter that has been voted on to be reopened at the same meeting. An attempt to revisit or reconsider a previous agenda item should be firmly ruled out of order as irrelevant to the matter currently under consideration even if the councillor who wanted to return to completed business was not present when the item was considered.

9. Members' Code of Conduct

Scope

Pursuant to section 27 of the Localism Act 2011, Barnard Castle Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the 'Nolan' principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; these are set out in Annex A.

Definitions

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

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

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

1. You must treat others with respect, including Council officers and other elected members.
2. You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a member of the Council, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.

6. You must comply with any Standing Orders, policies and procedures adopted by the Council which seek to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared fall within the provisions of this code of conduct.
7. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the consent of a person authorised to give it; or
 - (b) You are required by law to do so; or
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. You must not seek to circumvent these obligations by posting or otherwise publishing on social media or elsewhere, anonymously or under a pseudonym, information or opinion which would otherwise breach this code.

Registration of interests

11. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring officer the interests which fall within the categories set out in Annexes B and C.
12. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring officer any interests in Annexes B and C.
13. A member shall register with the Monitoring officer any change to interests or new interests (including sensitive interests) in Annexes B and C within 28 days of becoming aware of it.
14. A member need only declare the existence but not the details of any interest which the Monitoring officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

15. Where a matter arises at a meeting which relates to an interest in Annex B the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring officer of it.
16. Where a matter arises at a meeting which relates to an interest in Annex B which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring officer, the member shall disclose he/she has an interest but not the nature of it.
17. Where a matter arises at a meeting which relates to an interest in Annex C, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. (See also Standing Order 13)
18. A member only has to declare his/her interest in Annex C if it is not already entered in his/her register of interests or he/she has not notified the Monitoring officer of it or if he/she speaks on the matter. If he/she holds an interest in Annex C which is a sensitive interest not already disclosed to the Monitoring officer, he/she shall declare the interest but not the nature of the interest.
19. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Annex B), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest. (See also Standing Order 13)

Dispensations

On a written request made to the Council's proper officer, made prior to the relevant item being discussed, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Annexes B and C if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Promotion and Maintenance of Standards

A member shall

- familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the council which relate to members conduct.
- support the council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declaration of member's interests.
- Ensure that the Council or member seeks guidance as appropriate from the County Council's Monitoring officer, before it makes any material alterations to its Code of Conduct or to any other policies or standing orders of the Council which relate to members' conduct.

Nothing in this Code shall prevent a member from disclosing any other interest if the individual wishes to do so.

Nolan's Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex B

Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as "relevant persons"):

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as

	if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

Other Registerable Personal Interests

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council but only when the item under discussion involves potential funding or transfer of assets from the Council to that body;
- (ii) any body:
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Note: These mean only your interests and not those of your spouse or civil partner

10. Register of Interests Form

Notification by Member of a Local
Authority of Pecuniary and Other Interests



The Localism Act 2011, S.29(1)

I, (full name)

a Member of

Barnard Castle Town Council

*** Note: In the notice below reference to your spouse or partner means your spouse or civil partner; or a person with whom you are living as husband or wife; or a person with whom you are living as if you are civil partners.**

SECTION 1 - DISCLOSABLE PECUNIARY INTERESTS (please state "None" where appropriate):

- (1) Your employment, office, trade, profession or vocation carried on for profit or gain and the name of the person or body that employs/has appointed you – **this should include every business, employment and profession that you have to declare for tax purposes.**

Myself	My spouse or partner*

- (2) Sponsorships: Name of person(s) or body/ies (other than a relevant authority) who has/have made a payment or provision of any other financial benefit to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member together with details of any payments made. This should include any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. **You do not need to declare the amounts of any payments, only the name of the person or body making them. You do not need to declare if you pay your election expenses yourself.**

Myself	My spouse or partner*

- (3) Contracts: Description of any contract for goods, services or works which are to be executed; and /or which has not been fully discharged made between the Council and yourselves or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in (1)

Myself	My spouse or partner*

- (4) Land: Address or other description (sufficient to identify location) of any land in the Council's area in which you have a beneficial interest – **this includes details of your home address, land, garages, allotments and any other properties you own, lease or rent and any other properties you are a mortgagee of within the Council's area.**

Myself	My spouse or partner*

- (5) Licences: Address or other description (sufficient to identify the location) of any land in the Council's area for which you have a licence (alone or jointly with others) to occupy for a month or longer **e.g. land in the Council area which you or your spouse/partner have a right to occupy, but neither own nor have tenancy of. "Land" includes any buildings or parts of buildings.**

Myself	My spouse or partner*

- (6) Corporate Tenancies: Address or other description (sufficient to identify location) of any land where the landlord is the Council and you are the tenant. This means you, a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in (1) above has a beneficial interest.

Myself	My spouse or partner*

- (7) Securities: Name(s) of any person(s) or body/ies having a place of business or land in the Council's area, and in which you have a beneficial interest in a class of securities of that person(s) or body/ies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital (whichever is lower) or if the share capital of that body is more than one class the total nominal value of the shares of any one claim in which you have an interest exceeds one hundredth of the total issued share capital of that class

Myself	My spouse or partner*

SECTION 2 - OTHER REGISTERABLE PERSONAL INTERESTS

- (8) I am a member or in a position of general control or management of the following body/ies to which I have been **appointed or nominated by the Council** – e.g. **Outside Bodies**

- (9) I am a member or in a position of general control or management of the following body/ies exercising functions of a public nature **e.g. County Councillor, Area Action Partnerships**

- (10) I am a member or in a position of general control or management of the following body/ies directed to charitable purposes, **e.g. local Freemasons Lodge, Rotary Club, Community Associations**

- (11) I am a member or in a position of general control or management of the following body/ies one of whose principal purposes include the influence of public opinion or policy (including any political party or trade unions) of which I am a Member (or in a position of general control or management) **e.g. relevant Association of Councillors, trade unions, Countryside Alliance and professional associations**

SECTION 3 - NOTIFICATION OF GIFTS AND HOSPITALITY

Please provide details of any persons from whom you have received gifts/hospitality within the previous 3 years (or offer of) with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected member of co-opted member of the Council.

Date	Name of donor	Nature of gift/hospitality	Estimated Value

Signed

Date

NOTES:

FAILURE, WITHOUT REASONABLE EXCUSE, TO REGISTER A DISCLOSABLE PECUNIARY INTEREST IS A CRIMINAL OFFENCE UNDER S34 OF THE LOCALISM ACT 2011 AS WELL AS BEING A BREACH OF THE CODE OF CONDUCT.

A member must within 28 days of becoming aware of any change to the interests specified above, register details of that new interest or change by providing written notification to the Council's monitoring officer.

11. Employees' Code of Conduct

A. What is the policy about?

The Code sets out the standards which are expected of employees and provides a framework which will help to promote best practice. All employees of the Council are required to observe and uphold the standards of the code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action. The Code provides guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

B. To whom does the policy apply?

This policy covers all employees.

Responsibility

All employees of the Council are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.

Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

Publicising/distribution of the policy

A copy of this policy is issued to every employee. A copy can also be viewed via the Intranet.

New employees will be informed of the existence of this policy in recruitment and induction information.

Reviewing the policy

The Council will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following necessary consultation with the trade unions.

Equality and Diversity

All employees must ensure that policies relating to equality issues as agreed by the Council are complied with, in addition to the requirements of the law.

This applies both in the delivery of our services and in relation to our employment practices. We are committed to including equalities in everything we do. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating our diverse workforce and community.

If necessary, an equality impact assessment will be carried out in the preparation of this policy and the assessment will be reviewed on an ongoing basis.

Alternative formats

Where any alternative format is required, any initial enquiry should be made through your line manager.

Forms

Forms relating to this policy and procedure will be downloadable from the internet or are available from the Administration Section.

Further information

If you require any further advice relating to this document, you should contact your line manager in the first instance.

C. PROCEDURE

Standards and attitude

Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to elected Members and fellow employees with impartiality.

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to the Council's policies.

In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct, which may give rise to suspicion.

Confidentiality and disclosure of information

Employees shall not divulge to any person (other than another member of staff or member of the Town Council that requires information for the performance of his/her duties), any information which the member of staff has obtained by reason of his/her employment to the Council, except where that information is anyway in the public domain by virtue of the Local Government Act 2000 or similar legislation or the Council's Access to Information Procedure Rules

In particular, no member of staff shall divulge personal information regarding any employee, person or contractor, having dealings with the Authority and information relating to tenders or other such issues.

Whilst staff are encouraged to be open to the press, the press should only be given information which would normally be available publicly. If the employee is in any doubt as to whether or not the information can be disclosed for the press, prior approval from the Town Clerk must be sought in the first instance.

Political neutrality

Employees serve the Council as a whole. Employees must serve all elected Members. In addition, they must ensure that the individual rights of all elected Members are respected.

Subject to rules laid down from time to time, employees may be required to advise political groups. They must do so in ways consistent with the employee's neutrality.

Whether or not employees are politically restricted by the law, they must follow the lawfully expressed policies of the Council and must not allow their own personal or political opinions to interfere improperly with their work

Relationships

a. Councillors

Mutual respect between employees and councillors is essential for good local government. Some employees need to work closely with councillors. Working relationships should always be professional and without bias.

b. The local community and service users

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council.

c. Contractors

All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Town Clerk at the earliest opportunity. Orders and contracts must be awarded in accordance with Council standing orders and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Employees who, in the course of their job, engage, supervise contractors or have any other official relationship with contractors, must declare as soon as possible, that relationship in writing to the Town Clerk. Any employees who have, or in the past had, a relationship in a private or domestic capacity with contractors (or their senior staff), must also declare as soon as possible, that relationship in writing to the Town Clerk

d. Appointment and other employment matters

All employees must have regard to the Council's officer Employment Procedure Rules/Standing Orders.

Employees shall not canvass any Member or officer of the Council in respect of candidates seeking employment with the Council. Officers paid on spinal column point 29 or above shall disclose to the Town Clerk any relationship known to exist between themselves and any person who they know is a candidate for employment with the Council

Employees who are involved in appointments must ensure that these are made on merit. There is a strong risk of litigation if an employee makes an appointment based on anything other than the ability of the applicant to undertake the duties of the post.

To avoid accusations of bias, employees must not be involved with appointments where they are related to any applicant or otherwise have a close personal relationship with them.

By the same token employees must not be involved in supervisory decisions relating to the discipline, promotion or remuneration (re-grading) of any employee to whom they are related or otherwise have a close personal relationship.

e. Outside commitments

Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations and are detrimental to the interests of the Council.

All employees paid on spinal column point 29 or above are normally expected to devote their working time only to Barnard Castle Town Council. However, in exceptional circumstances, consent can be given for employees to engage in any other business by applying to the Town Clerk

f. Personal interests

You must declare to the Town Clerk on any financial or non-financial interests which could bring about conflict with the Council's interests. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.

You must not make, or become involved with any official or professional decisions about matters in which you have a personal interest. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Council in which you have a pecuniary interest. Such declarations should be sent to the Town Clerk. It is a criminal offence to fail to comply with this provision which is set out in full in the Guidance Note. You must declare to the Town Clerk membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons. A definition of such an

organisation appears in the Guidance Note. Such declarations should be and sent to the Town Clerk.

Equality

All members of the local community, customers and other Council employees have a right to be treated with fairness and equity. You should become familiar with and observe all Council policies relating to equality issues, e.g. the Council's equality and diversity policy, in addition to the requirements of the law.

Tendering procedures

Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship to the Town Clerk,

If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person. All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

At all times, employees dealing with Tenders and Contracts must ensure that they comply with the Council's Standing Orders with respect to Contracts and Financial Regulations.

Corruption

Employees must be aware that it is a serious criminal offence under the Prevention of Corruption Acts 1906 and 1916 to receive or give any gift, loan or reward or advantage in their official capacity "for doing, or not doing, anything", or "showing favour, or disfavour to any person". If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to the Town Clerk (The Town Mayor, if the approach is to the Clerk).

Possible inducements

a. Introduction

Employees are expected to use the Council's money and resources with absolute honesty and be able to demonstrate this at all times.

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this section.

b. Gifts generally

Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Prevention of Corruption Acts 1906 and 1916. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you, or to a member of your family, by any person or organisation having dealings with the Council. Any such offer should be reported to the Town Clerk.

When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to the Town Clerk.

Exceptions

- Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.
- Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

c. Hospitality

offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence. Hospitality is sometimes offered to representatives of the Council in an official or formal capacity. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself.

When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable. Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted. All offers of hospitality should be reported to the Town Clerk (The Town Mayor, if the approach is to the Clerk).

d. Checklist

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- Is the donor, or event, significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What do you think is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- Are you likely to be expected to respond to the hospitality, and if so, how?
- Are you comfortable about the decision?

e. Sponsorship - giving and receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner/civil partner, spouse nor relative must benefit from such sponsorship in a direct way without there being full disclosure to the Town Clerk of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Financial regulations

All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Council's financial regulations. They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They

should strive to ensure value for money to the local community and to avoid legal challenge to the council.

Any breaches of these instructions may lead to disciplinary action and could lead to dismissal.

12. Member Employee Protocol

A. Introduction

The conduct of both Members and officers are governed by the statutory national code of conduct for councillors and by the Barnard Castle Employees' Code of Conduct. The purpose of this protocol is to guide Members and Employees of the Town Council in their relations with one another.

Given the variety and complexity of such relations, the protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.

The protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and Employees. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

Councillors and Employees are servants of the public and they depend on each other in carrying out the work of the Council. Councillors are responsible to the electorate and serve only so long as their term of office lasts, while Employees are responsible to the Council. Their job is to give advice to the Council, as well as to individual Councillors, and to carry out the Council's work under the direction and control of the Council and its Committees.

Mutual respect between Councillors and Employees is essential to good local government. Working relationships should always be professional and without bias.

B. Roles of members

Members undertake many different roles. Broadly these are:

- a) Members express political values and support the policies of the party or group to which they belong (if any)
- b) Members represent the electoral ward and are advocates for the citizens who live in the area
- c) Members are involved in active partnerships with other organisations as community leaders
- d) Members contribute to the decisions taken in full Council and in its various bodies on which they serve, as well as, outside bodies and partnership organisations

- e) Members help develop and review policy and strategy
- f) Members monitor and review policy implementation and service quality

C. Roles of employees

Briefly, employees have the following main roles:

- a) Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services
- b) Providing advice to the Council and its various bodies and to individual Members in respect of the services provided
- c) Initiating policy proposals
- d) Implementing agreed policy
- e) Ensuring that the Council always acts in a lawful manner

D. Respect and courtesy

For the effective conduct of Town Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the reputation of the Town Council and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the reputation of the Council and to do what they can to avoid criticism of other Members, or other Employees, in public places.

Undue Pressure - It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.

In their dealings with both Employees, Members need to be aware that it is easy for Employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.

A Member should not apply undue pressure on an Employee either to do anything that he or she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Town Council property and services.

Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his or her favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. (The Town Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Policy).

Redress - If a Member considers that he or she has not been treated with proper respect or courtesy, he may raise it with the Employee's Line Manager or Town Clerk without delay, if it is not possible to resolve it through direct discussion. If the issue still remains unresolved, appropriate action may be taken by the Town Clerk in accordance with Standing Orders.

If an Employee feels the same way about a Member and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the Line Manager without delay. In such circumstances, the Manager will raise the issue with the Town Clerk. The Town Clerk will take such action as is appropriate either by approaching the individual Member and/or Party Group Leader. Feedback should be given to the Employee on the outcome.

E. Provision of advice and information to members

Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities, to a request for specific information on behalf of a constituent.

The legal rights of Members to inspect Town Council documents are covered partly by statute and partly by common law.

The Barnard Castle Town Council Constitution explains the position with regard to access to papers relating to the business of a Council body.

The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know." In this respect a Member has no right to "a roving commission" to examine any documents of the Town Council. Mere curiosity is not sufficient.

The information sought by a Member should only be provided as long as it is within the limits of the Council's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.

It is important for the Town Clerk and Council staff to keep Members informed both about the major issues concerning the Town Council and, more specifically, about issues and events affecting the areas that they represent. Local Members should be informed about proposals that affect their electoral ward and should also be invited to attend Town Council initiated events within their electoral ward.

If a Member asks for specific information, and it appears possible or likely that, at a subsequent meeting, an issue could be raised or question asked on the basis of the information provided, then the Town Mayor, or appropriate Committee Chair concerned, should be advised about the information provided.

F. Provision of support services to members

The only basis on which the Town Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Town Council. Such support services must therefore only be used on Town Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence - official letters on behalf of the Town Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. It may be appropriate in some circumstances for a letter to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. But this should be the exception rather than the norm and it should only be done following consultation with the Town Clerk. Letters which, for example, create obligations or give instructions on behalf of the Town Council should never be sent out in the name of a Member.

Media - Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is totally unsure about the circumstances of a particular issue he or she should contact the Town Clerk.

G. Political activity

There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

In summary, such employees are prevented from:

- a) Being a Member of Parliament, European Parliament or local authority
- b) Acting as an election agent or sub-agent for a candidate for election as a member of any of the bodies referred to in a)
- c) Being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him:
 - i) To participate in the general management of the party or branch; or
 - ii) To act on behalf of the party or branch in dealings with persons other than members of the party;
- d) Canvassing on behalf of a political party or a candidate for election to any of the bodies referred to in a);
- e) Speaking to the public with the apparent intent of affecting public support for a political party;
- f) Publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such

work or collection - if the work appears to be intended to affect public support for a political party.

Employees are employed by the Town Council as a whole.

The Town Clerk and Deputy Clerk are deemed to be 'sensitive posts' and consequently subject to the 1989 Act, because both:

- Give advice on a regular basis to the Council itself or to a committee or sub-committee.
- Speak on behalf of the Council on a regular basis to journalists or broadcasters.

H. Conclusion

It is hoped that by following good practice and securing sensible and practical working relationships between Members and Employees we can provide one of the cornerstones of a successful Local Authority and thereby enhance the delivery of high value quality services to the people of Barnard Castle. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

I. Breaches of the protocol

The workings of this Protocol will be monitored by the Vice Chair of Resources and the Town Clerk on an ongoing basis.

13. Freedom of Information Policy

1. Introduction

The Freedom of Information Act 2000 (the Act) provides the public with a general legal entitlement to view all recorded information held by the Town Council subject to certain exemptions. The public will have the right to view all the information in the Council's Publication Scheme.

The Town Council is committed to be an open organisation, one that the public can trust and have confidence in its ability to deliver its services to them.

Failure to comply with this policy could have serious consequences for the Council, in the release of inappropriate material or the withholding illegally of information and the attendant adverse publicity and possible legal censure.

2. Aims and Scope of the Policy

This policy applies to all the recorded information that the Town Council holds that is information created, received and maintained by Members and officers in the course of their work.

This policy is intended to ensure everyone is aware of his or her responsibility under the Freedom of Information Act.

3. Guidelines

Barnard Castle Town Council will:

1. Comply with the Freedom of Information Act (FOI) 2000.
2. Maintain a Publication Scheme that provides information, which is readily accessible on the receipt of a FOI request.
3. Respond within 20 working days to straightforward written requests. However, if necessary, this timescale will be extended to give full consideration to a Public Interest Test. If the deadline is not expected to be met, the applicant will be advised of the reasons for the delay and the anticipated reply date.
4. Continue to protect the personal data entrusted to it, by disclosing that information only in accordance with the provisions of the Data Protection Act 1998.
5. Keep on file a copy of the request and response.
6. Be aware of the definition of "complex requests" and the escalation procedure and in particular that they should not refuse requests for information in whole or in part.

7. Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, disclose the information unless the balance of public interest lies in withholding it.
8. We will pro-actively publish and make information readily available in accordance with the Publication Scheme.
9. We will review complaints about the release or otherwise of information by referring them to the Town Clerk and remind requestors that they can appeal such decisions to the Information Commissioner.
10. Ensure that all permanent and contract staff and elected members are aware of their obligations under FOI and will include FOI education in the induction of all new staff and elected members.
11. Charge for information requests in line with the FOI Fees Regulations or other applicable regulations, including the Data Protection Act 1998²⁰.
12. We will apply the "appropriate limit" in the regulations. Where the cost of complying with the request exceeds this, we will issue a refusal notice inviting the requestor to refine their request.

4. Responsibilities

The Council has a responsibility to make its recorded information available in accordance with the Act.

All Staff and Members

1. Must ensure that all such data are handled properly and confidentially at all times, irrespective of whether these are held on paper or by electronic means.
2. Should familiarise themselves with this policy and the Freedom of Information Act guidance which is available on the web.
3. Comply with all the conditions set out within the Act.
4. Ensure that Data Protection is not breached.

²⁰ Currently, the cost limit for complying with a request or a linked series of requests from the same person or group is set at £600 for central government, Parliament and the armed forces and £450 for all other public authorities. You can refuse a request if you estimate that the cost of compliance would exceed this limit. This provision is found at section 12 of the Act.

You can refuse a request if deciding whether you hold the information would mean you exceed the cost limit, for example, because it would require an extensive search in a number of locations. Otherwise, you should say whether you hold the information, even if you cannot provide the information itself under the cost ceiling.

When calculating the costs of complying, you can aggregate (total) the costs of all related requests you receive within 60 working days from the same person or from people who seem to be working together.

The Town Clerk

1. Is responsible for ensuring that all staff and Members are aware of the Freedom of Information Act and that they adhere to the guidelines within.
2. Has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.
3. Will assist other staff and elected members with advice and complex requests.
4. Will oversee the gathering and disseminating of information and issues relating to information security, the Data Protection Act and other related legislation.

14. Data Protection Policy

1. Introduction

An essential activity within the Council is the requirement to gather and process information about its elected members, employees and people in the community in order to operate effectively. This will be done in accordance with the Data Protection Act 1998 (the Act), and other related government legislation.

The Data Protection Act 1998 regulates the way in which certain information about employees and the public is held and used. The Town Council considers that many of the principles in the Act represent good practice, hence the need to comply with the Act.

2. Aims and Scope of this Policy

This policy is intended to:

- Ensure all are aware of their responsibility regarding the Data Protection Act 1998.
- Set out the basic guidelines for employees and elected members.
- Provide a list of definitions to assist in the understanding of the Act.

3. Guidelines and Principles

Non adherence or disregard to any of the points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in a staff dismissal or prosecution.

To ensure compliance with the Data Protection Act 1998, the Council will:

1. Acknowledge the rights of individuals to whom personal data relate, and ensure that these rights may be exercised in accordance with the Act;
2. Ensure that both the collection and use of personal data is done fairly and lawfully;
3. Ensure that personal data will only be obtained and processed for the purposes specified;
4. Collect and process personal data on a need to know basis, ensuring that such data are fit for the purpose, are not excessive, and are disposed of at a time appropriate to their purpose;
5. Ensure that adequate steps are taken to ensure the accuracy and currency of data;

6. Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse;
7. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and that suitable safeguards exist at all times.
8. All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons.
9. Treat all employee and elected member data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals.
10. Respond to any information requests under the Data Protection Act within the 40 calendar day time frame.
11. Provide details of exemptions if they apply to a specific request.
12. Destroy or amend inaccurate information when it is brought to light and share this with others as appropriate in line with established procedure.
13. Charge an administration fee of £10 for each request under the Data Protection Act 1998.

4. General Responsibilities

The Council requires all elected members and employees to comply with the Data Protection Act in relation to the information about other employees, elected members and service users.

The Council, acting as custodians of personal data, recognises its moral duty to ensure that all such data are handled properly and confidentially at all times, irrespective of whether held on paper or by electronic means. This covers the whole lifecycle, including:

- the obtaining of personal data;
- the storage and security of personal data;
- the use of personal data; and
- the disposal / destruction of personal data.

5. Specific Responsibilities

The Town Clerk ensures that any third party processing such information on Barnard Castle Town Council's behalf is contractually obliged to put in place similar measures.

Has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.

Will oversee the gathering and disseminating of information and issues relating to information security, the Data Protection Act and other related legislation and ensuring that all staff comply with current and future legislation.

Members are bound by this policy and must adhere to the guidelines. In law, each member is a data controller for any records kept and maintained by them on their own computer equipment or kept by them as a structured manual record, which is held by them in relation to 'case work' on behalf of constituents or in connection to canvassing, unless covered by a party-political registration.

6. Definitions

Personal Data

Data relating to a living individual who can be identified from that information or from those data and other information in possession of the data controller. This includes name, address and telephone number.

Sensitive Data

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

Data Controllers

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

Data Subject

Any living individual who is the subject of personal data held by an organisation.

Processing

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, accessing, altering, adding to, merging, deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

Third Party

Any individual/organisation other than the data subject, the data controller or its agents.

Relevant Filing System

Personal data as defined, and covered, by the Act can be held in any format, (including but not limited to) electronic (including websites and emails), paper-based, photographic, audio, CCTV, from which the individual's information can be readily extracted.

7. Data Types

The Council will ensure that information is not kept for longer than is necessary, and will only retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements. Documents and information will be stored and disposed of in line with the Council's Document Retention Policy.

Any information held within the Council is kept in the strictest confidence.

Service User Information

The Town Council will need to keep information for purposes connected with service users' access to services and correspondence with the council. This information will be kept throughout the period during which the service is provided and for as long as is necessary following the completion.

These records may include:

- General correspondence
- Complaints
- Competition entrants
- Allotment tenancies
- Poppy Appeal and Remembrance Sunday volunteers

Employee Information

The Town Council will need to keep information for purposes connected with an employee's employment, including recruitment and termination information. This information will be kept throughout the period of employment and for as long as is necessary following the termination of employment.

These records may include:

- Information gathered about an employee and any references obtained during recruitment;
- Details of terms of employment;
- Payroll, tax and National Insurance information;
- Performance information;
- Details of grade and job duties;
- Health records;

- Absence records, including holiday records and self-certification forms;
- Details of any disciplinary investigations and proceedings;
- Training records;
- Contact names and addresses; and
- Correspondence with the organisation and other information provided to the organisation.

The Council believes these uses are consistent with our employment relationship and with the principles of the Act.

Member Information

The Town Council will need to keep information for purposes connected with a member's election and period of office. This information will be kept throughout the member's term of office and for as long as is necessary following the end of that term.

These records may include:

- Correspondence
- Declaration of interests
- Training information
- Code of conduct complaints.
-

15. Media Policy and Procedure

1. Scope

Barnard Castle Town Council's relationship with its community is vital to its work and to the decisions it takes. Encouraging dialogue is an important requirement for influencing and developing services, identifying needs and measuring satisfaction. Disseminating effective information, through news and social media is an essential part of that dialogue.

This policy does not set out to be comprehensive, but is to guide Town Council Members, employees and contractors in their relations with the news media and through social media.

The term 'media' encompasses many different means of communicating information to a wide audience and, whilst not exhaustive, includes the following: newspapers, radio, internet, television, magazines, leaflets, posters and promotional material.

Online communications, collectively referred to as social media, describe methods of publishing and communicating on the internet. This Policy covers all forms of social media and social networking sites which include (but are not limited to):

- Facebook and other social networking sites
- Twitter and other micro blogging sites
- YouTube and other video clips and podcast sites
- LinkedIn
- Blogs and discussion forums, including commercial news sites
- Emails, Whatsapp, Facebook Messenger and other messaging media.

2. Policy

The Town Council is a 'body corporate'. The 'view' of the Town Council can only be expressed with specific reference to a prior resolution of the Town Council.

The principles of the policy apply to Town Councillors and to the council's employees. It is also intended for guidance for others communicating with the Council. The policy sits alongside relevant existing policies²¹ which need to be taken into consideration.

Members and officers of the Town Council may comment to the press and other media based on the resolved view of the Town Council and on the operation of established (and agreed) procedure.

²¹ Including (but not limited to) Standing Orders, Financial Regulations and the Members' Code of Conduct

Individual members may act independently and hold personal views; it is legitimate for these to be independently expressed. There should always be a distinction drawn between the views of the individual and the views of the organisation.

Members have an obligation to respect Council policy once made; while it may be valid for a Councillor to make clear that he or she disagreed with a policy and voted against it (if this took place in an open session), he or she should not seek to undermine that decision through the news media.

The use of social media is not to replace existing forms of communication. The website and other forms of social media are used to enhance communication. Therefore existing means of communication should continue with social media being an additional option.

Aspects of the Members' Code of Conduct apply to online activity in the same way it does to other written or verbal communication. Online content should be objective, balanced, informative and accurate. What you write on the internet is permanent. It is not uncommon for 'private' correspondence, using messaging for example, to be republished, either as 'screen shots' or otherwise.

In the main, councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using their websites for electoral campaigning and extra care needs to be taken when writing on planning matters, see further notes below.

Employees have a duty to accurately represent the views of the Town Council in all official correspondence and postings and to ensure that their personal views are not associated with the Town Council, do not breach any duty of confidence and do not bring it into disrepute.

3. Procedure

Media enquiries will be coordinated through the office. If a Councillor receives an approach or enquiry from the media about any matter relating to the Town Council this must be referred as speedily as practicable to the Clerk, who will keep a record of this. It is entirely appropriate for all Councillors to reiterate the Town Council's established position in response to any such enquiry. Where this is a matter where no Council Policy has yet been made the matter should be considered by the full Council at the next scheduled meeting or, if of sufficient import, at an extraordinary meeting; **before** a formal reply is given.

The Council will make every effort to respond promptly to requests for information. However, enquiries or requests for statements of opinion or policy, which go beyond factual and procedural matters, will only be responded to by the Clerk after consultation with the Town Mayor, or appropriate Committee Chair, if an appropriate Council Policy exists, or after discussion with the full Council, if a Policy or position needs to be agreed.

No information of a confidential nature will be disclosed.

No matter relating to the conduct or capability of a Councillor at a Meeting will be disclosed, unless mandated by the full Council.

Nothing is contained in these guidelines that seeks to prevent any individual from expressing a personal opinion, for example by writing to a newspaper or posting an item on the internet.

If a Councillor speaks to the media on the telephone, it should be clarified in what capacity information is being given i.e. as a representative of the Town Council or as an individual (in which case the title 'Councillor' should not be used). If possible, any conversation with the media should be confirmed in writing to ensure accuracy.

Where personal views expressed differ from Council policy this must be made clear. Care must be taken not to misrepresent or bring the Town Council into disrepute or undermine any decision made and must take account of the role and responsibilities under the Local Government Code of Conduct.

When in attendance at any public meeting as a representative of the Town Council an individual is required to act with integrity at all times and ensure that any comments made are entirely accurate and reflect the views of the Town Council as a whole or, if not, that this is made known.

4. Guidance When Using Social Media

All social media sites in use should be checked and updated on a regular basis and care should be taken that appropriate security settings are in place.

When participating in any online communication;

- Be responsible and respectful; be direct, informative, brief and transparent.
- Always disclose your identity and affiliation to the Town Council. Never make false or misleading statements.
- Councillors should not present themselves in a way that might cause embarrassment. All Town Councillors need to be mindful of the information they post on sites and make sure personal opinions are not published as being that of the Council or bring the Council into disrepute or is contrary to the Council's Code of Conduct or any other Policies.
- The tone of comments should be respectful and informative, never condescending or 'loud'. Use sentence case format, not capital letters, or write in red to emphasise points.
- Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or beliefs should not be published on any social media site.
- Avoid personal attacks, online fights and hostile communications.

- Permission to publish photographs or videos on social media sites should be sought from the person or organisations in the video or photograph before being uploaded.
 - Respect the privacy of other Councillors and residents.
 - Do not post information or conduct any online activity that may violate laws or regulations, see below libel and copyright.
 - Residents and councillors should note that not all comments on social media require a response.
 - Spell and grammar check everything. Correct any errors promptly
- Councillors or parishioners who have any concerns regarding content placed on social media sites should report them to the Town Clerk. Misuse of such sites in a manner that is contrary to this and other policies could result in action being taken.

For any page maintained on behalf of the Town Council, The Town Clerk shall remove any negative posts which may contain personal and inflammatory remarks, libellous or defamatory information without further comment or notification.

5. Recording of Meetings

Anyone is able to film, tweet and blog meetings. Recording²² the proceedings of the Town Council and its committees is allowed subject only to:

- Compliance with the requirements of *Public Bodies (Admission to Meetings) Act 1960(2)*, as amended by *The Openness of Local Government Bodies Regulations 2014*;
- Deference to the Chair of the meeting regarding procedure and conduct at the meeting.

Whilst a person cannot provide a verbal running commentary at the meeting he or she can provide a commentary after the meeting but will need to be mindful about this not giving rise to a libel claim.

Whilst the regulations allow filming, there is an expectation that any reporting will focus on the proceedings of the meeting and those who participate in it (probably councillors, members of the public who are permitted to speak during the meeting, the clerk and those invited by councillors to speak at a meeting and officers) rather than those simply attending.

Those recording the meeting must respect the rights of others observing the meeting and, in particular, should avoid filming, photographing or recording:

- anyone (other than a Member or officer) who objects to the same;
- children and vulnerable adults.

²² Including, but not limited to, photography, filming, videoing and audio recording. Nothing herein should be read to preclude written or typed notes.

Whilst those who attend public meetings should acknowledge they are in a public place subject to these provisions, filming, recording, photographing or other reporting of children and the vulnerable should only take place with the consent of a responsible adult, which in the case of a vulnerable adult is a medical professional, their carer or legal guardian, and in the case of a child, their parent, legal guardian or teacher.

A notice will be displayed prominently whenever the Town Council or one of its committees meets referring to the right to record the proceedings and the right for those not participating to not be recorded.

The following paragraph is added to all agendas to reinforce these points:

Under the Openness of Local Government Bodies Regulations 2014, recording of the meeting by any person is permitted. Those filming or otherwise recording the meeting should respect the rights of other members of the public attending and should not disrupt the meeting.

At the start of each meeting the Chair will remind those wishing to film, record, photograph or otherwise report on the proceedings of a meeting about the restrictions which apply in respect of a vulnerable adult or child.

The Chair will also remind everyone in attendance and who will be participating that subject to the fact that a verbal commentary cannot be made at the meeting and that subject to the above regarding vulnerable adults and children, they may be filmed recorded photographed or otherwise reported about.

Where possible, the council will designate a separate area in the meeting venue to accommodate members of the public who are present at the meeting and do not wish to participate in the meeting but who object to being filmed etc. and children and vulnerable adults where the relevant responsible adult has not given consent for them to be filmed, recorded, photographed or otherwise reported about. The Chair will remind those who wish to film to avoid those who are sitting in this area. Even where individuals are sitting in these areas, they should be reminded that those recording meetings may wish to record the entirety of the meeting through panning or panoramic shots which could inevitably include members of the public sitting in the designated area.

Where a meeting includes a public participation section, either the public question time or through the discretionary opportunity to participate at the Chair's discretion, then subject to the fact that a verbal commentary cannot be made at the meeting and subject to the above regarding vulnerable adults and children, a person is free to film, record, photograph or otherwise report about individuals participating in such a session whether they are sitting in a designated area or not. Therefore if someone sitting in the designated area identified as not to be recorded starts to participate in the meeting they can be recorded.

Standing Orders enable Chairs to control behaviour or activities arising from a person's recording of the meeting if this disrupts the meeting or obstructs the transaction of the business.

Persons filming meetings etc. are likely to record personal data of individuals. These persons must take care to ensure that personal data is used in accordance with the Data Protection Act 1998.

Following the passing of an exclusion resolution under the provisions of the *Public Bodies (Admission to Meetings) Act 1960(2)* all those who are not Members or officers of the council, or otherwise co-opted to membership must leave the meeting and all recording by the press and public must cease. Recording equipment belonging to the press and public may not be left to run unattended during any part of the meeting from which they are excluded.

Standing Orders may not otherwise undermine or restrict a person's statutory rights to film, record, photograph or otherwise report on the proceedings of a meeting.

16. Equality Policy

1. Equality Statement

We are proud to live in a diverse and tolerant society. Racism, gender prejudice, xenophobia, homophobia, religious intolerance and hate crimes have no place in our county. Barnard Castle Town Council condemns all such intolerance and hate crimes unequivocally.

We will not allow hate to become acceptable and will work with the Police Victims and Crime Commissioner and others to fight prejudice and hate crimes. We reassure all people living in the area that they are valued members of our communities.

The Town Council...

1. Is committed to tackling discrimination and promoting equality and diversity in all aspects of employment and service provision.
2. Will comply with current equality legislation, primarily the Equality Act 2010 and will work within other current and future equality laws.
3. Aims to create a working environment in which there is no bullying or harassment.
4. Will treat all job applicants, employees, members, service users, volunteers and the public equally and fairly, with dignity and respect.
5. Will take action to remove barriers to services and tackle discrimination and inequality when delivering services.
6. Will ensure that others providing services on behalf of the Town Council comply with this policy.
7. Will not discriminate, harass or victimise another person because they have one or more protected characteristics under the Equality Act 2010.
8. Will make decisions about appointments, training, developments and promotion on the basis of merit or ability.
9. Will review this policy regularly and amend in line with future legislation.

2. Responsibilities

Equality and compliance with the Equality Act, is the responsibility of **all** staff, members, volunteers, contractors and anyone else who represents, or acts on behalf of, the Town Council.

All Staff and Members are bound by this policy when representing the Town Council in any capacity and should

1. Familiarise themselves with this policy and the Equality Act 2010 guidance, available from the Equality and Human Rights Commission.
2. Comply with the conditions set out within the Act.
3. Treat any individual fairly and with dignity and respect.
4. Provide reasonable adjustments for disabled people.

3. Complaints

1. Any employee, member, service user, contractor or member of the public, who believes he or she may have been unfairly discriminated against, harassed or victimised, is encouraged to make a formal complaint to the Clerk.
2. Any complaints will be dealt with in line with the Town Council's complaints policy, with relevant action taken to remedy or improve any situation which is found to be discriminatory and in breach of equality laws.
3. Any employee or member who discriminates, harasses or victimises another person because of age, disability, gender reassignment, race, sex, sexual orientation, religion and belief, pregnancy and maternity, marriage and civil partnership, will be guilty of gross misconduct and will be subject to disciplinary action.

4. Definitions

Direct Discrimination - treating one person worse than another because of a protected characteristic.

Indirect Discrimination - putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.

Harassment - includes unwanted conduct related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment for someone with a protected characteristic.

Victimisation - treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

Protected Characteristics – the grounds upon which discrimination is unlawful. The characteristics are:

- age,
- disability,
- race,
- sex,
- gender reassignment,
- sexual orientation,
- religion and belief,
- marriage and civil partnership,
- pregnancy and maternity.

Duty to make reasonable adjustments – where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by:

- changing provision, criteria or practices,
- altering, removing or providing a reasonable alternative means of avoiding physical features and
- providing auxiliary aids.

17. Ordering Procedure for Works, Goods and Services

1. When ordering works, goods or services that have been approved by a specific Council or Committee Minute, or under a specific delegation as required to administer the Council on a day-to-day basis, the order is placed with a supplier by means of a purchase order and may be accompanied by a letter, an e-mail or telephone call.
2. When completed, the office copy of the purchase order is filed within the purchase order file.
3. A copy of the purchase order is also filed with the associated budgetary documentation, e.g. an allotment order is filed in the relevant Allotment folder. A copy of the Committee Minute that approved the works, goods or services is attached, referencing the specific Financial Regulation under which the procurement is authorised.
4. When an invoice is received, it is matched to the purchase order copy retained in the purchase order file with relevant checks made to the goods or services supplied and the amounts charged.
5. A copy of the invoice is then filed with the relevant purchase order (in numerical order) under the 'Complete Orders' section of the purchase order file.

18. Financial Donations Policy

1. Barnard Castle Town Council may budget each year (using the provisions of Section 137 of the Local Government Act 1972) a sum of money for donations to organisations and activities which contribute constructively to the life and wellbeing of Barnard Castle and benefit some or all of the people of the town. The donations are limited and only made available to those organisations which can demonstrate a need for assistance. In 2017/18 the relevant budget is £0 (zero) and the provisions of this policy are dormant.
2. The Financial Donations Policy criteria are as follows:-
 - (a) Applications will only be accepted from charitable, voluntary and/or non-profit-making organisations.
 - (b) Applications from individuals will not be considered.
 - (c) Applications from national or regional organisations will be considered, provided that their activities relate in some way to Barnard Castle and are of direct benefit to all or some of its inhabitants.
 - (d) Retrospective applications will not be considered.
 - (e) Applications for specific projects or purchases of equipment will be particularly favoured but applications regarding general support needs will also be considered.
 - (f) Applicants should submit:
 - an application form (explaining fully the reasons for the application), itemising any other support, either confirmed or promised,
 - an audited or inspected set of accounts (which should be as up-to-date as possible),
 - its constitution and a declaration that two signatures are required to approve expenditure or obtain other finance,
 - income and expenditure details, if in relation to any specific project.
 - (g) Other than in exceptional circumstances, applications will be considered at three Partnership Committee meetings during the year, i.e. the meetings in July, October and February.
 - (h) All decisions by the Partnership Committee will be made under delegated powers.

- (i) All applications (with full documentation as in (f) above) should be submitted at least one month in advance of the relevant Partnership Committee meeting.
- (j) There are no official upper or lower limits as to the size of the donations given to any organisation.
- (k) Organisations are restricted to one application in any one financial year. The history of applications in previous years will be considered as part of the decision-making process.
- (l) Any positive donation decision does not set a precedent for the future.
- (m) If an organisation dissolves or a particular project does not go ahead, it is expected that the donation will be returned.
- (n) Organisations will be requested to supply (if practical) information as to how the donation was used.
- (o) The policy will be advertised widely throughout Barnard Castle by use of noticeboards, the Council's website etc.
- (p) An annual review of this policy will be carried out by the Resources Committee.

19. Health and Safety Policy

1. Policy Statement

The Council recognises and accepts its responsibility as an employer for providing a safe and healthy working and operating environment and for taking all due care to protect the safety of its employees, elected members and members of the public who use its facilities. Accordingly, it will, so far as is reasonable and practicable, take steps to meet this responsibility, paying particular attention to the provision and maintenance of:

- a) plant, equipment and systems of work that are safe;
- b) safe arrangements for the use, handling, storage and transport of articles and substances;
- c) sufficient information, instruction, training and supervision as is necessary to ensure the health and safety at work of all employees;
- d) safe places of work and safe access to them, together with safe public areas where these are under Town Council control;
- e) a safe and healthy working and operating environment; and
- f) adequate facilities for welfare at work.

The Town Clerk is appointed as the responsible person for managing compliance with the terms of this policy, under the direction of the town council's Resources Committee, and ensuring appropriate procedures are in place and are followed.

2. Responsibilities of Employees, Councillors, Licensees and Members of the Public

All employees, other organisations with a licence to occupy Council premises, and members of the public are reminded of their duty to take reasonable care for the safety of themselves and others who may be affected by their acts or omissions, to co-operate with others who may be affected by their acts or omissions and to co-operate with Council staff to secure compliance with statutory duties placed upon them. This is in addition to the responsibility of the Council, its elected members and its staff for ensuring generally safe conditions of work. You must not do anything that could threaten the health or safety of yourself, employees, elected members or members of the public.

Employees and elected members shall at all times:-

- i) make full use of appropriate safety equipment, devices and protective clothing and report any accidents, unsafe practices, systems of work and damage to equipment to the Town Clerk;
- ii) refrain from smoking on the Council's premises;

- iii) refrain from alcohol or drugs on the Council's premises, other than those drugs medically prescribed; and
- iv) familiarise themselves with the Health and Safety Executive's health and safety policies and your health and safety duties and responsibilities, details of which are available in the Council's office at Woodleigh.

3. Welfare and Hygiene

Protective clothing and other items issued for your protection because of the nature of your job must be worn at all times. Failure to do so may contravene the Health and Safety at Work Act.

Once issued, you should wear this protective wear on any and all relevant occasions, as not to do so may jeopardise your welfare and breach a condition of the Council's insurance policy.

Any cut or burn on the hand or arm must be covered with a suitable approved dressing.

If you are suffering from an infectious or contagious disease or illness, you must not report to work without clearance from your doctor. In these circumstances even after obtaining clearance from your doctor, you must obtain clearance from the Town Clerk.

4. Arrangements

Copies of health and safety guidance provided by the Health and Safety Executive are held at the Council's office at Woodleigh. These are the primary reference for Health and Safety matters.

Periodically, health and safety reviews will take place. Risk Assessment forms will be completed and, where appropriate, improvements implemented to minimise significant risks.

Safety instruction (where necessary) will primarily be provided on the job but will be supplemented by more formal tuition when required.

5. Accident Reporting

All accidents should be reported to the Town Clerk using the appropriate Accident Report Form. The Town Clerk will ensure that the Council's Accident Record is updated accordingly. This includes accidents within all Council premises and accidents involving occasional hirers of rooms or space i.e. mini golf course.

6. First Aid

A first aid kit is maintained within the Council's premises at Woodleigh and mini golf. Where appropriate, first aid will be applied by a competent person. Where more serious injury is sustained, professional help will be sought as soon as possible.

7. Fire

Fire procedures are posted within the Council's premises at Woodleigh.

8. Policy Review

An annual health and safety risk assessment will be completed. This policy will be reviewed from time to time and may be updated at any time as a result.

20. Public Participation Procedure

1. Policy Statement

Barnard Castle Town Council wishes to encourage public participation during its meetings in order to use this as one means of consulting with the public. However, the Council recognises that rules must control the manner of participation in order that the Council Meeting may continue to operate effectively.

Public participation is an opportunity to ask questions, not to make statements. Accordingly the following rules must be observed for public participation at meetings.

- a) **General** – Members of the Public may ask questions of elected Members at Ordinary Meetings of the Council.
- b) **Time** – 15 minutes will be made available for questions at the commencement of Ordinary Meetings of the Council with each member of the public being allowed a maximum of 3 minutes to ask their question.²³
- c) **Order of Questions** – Questions will be asked in the order that they were received, except that the Town Mayor may group together similar questions.
- d) **Notice of Questions** – A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk not later than noon on the Wednesday preceding the Council meeting. The name and address of the questioner must be provided.
- e) **Number of Questions** – At any one meeting, no person may submit more than one question and not more than one such question may be asked on behalf of one organisation
- f) **Scope of Questions** – Questions will be rejected by the Town Clerk if they:-
 - (i) are not about a matter for which the Council has a responsibility or which affects the Town;
 - (ii) are defamatory, frivolous or offensive;
 - (iii) are substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (iv) require the disclosure of confidential or exempt information.

²³ Standing Order 3f

- g) **Record of Questions** – The Town Clerk will record each question and it will be retained for public inspection and will immediately provide the Member to whom the question is to be put with a copy. If a specific Member is not named, the question will be deemed to be addressed to the Town Mayor. Rejected questions will include reasons for rejection. Copies of questions will be circulated to all Members with the agenda for the meeting and will be made available to the public attending the meeting.
- h) **Asking the Question at the Meeting** – The Town Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Town Mayor to put the question on their behalf. The Town Mayor may ask the question on behalf of the questioner, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- i) **Supplementary Question** – A questioner who has put a question in person may also put one supplementary question without notice following the reply from the named Member. A supplementary question must arise directly out of the original question or the reply. The Town Mayor may reject a supplementary question on the grounds referred to above.
- j) **Written Answers** – Any question which cannot be dealt with during public question time due to lack of time or due to the absence of the named Member, will be dealt with by a written answer to the questioner within five working days of the meeting.

21. Complaints Procedure

1. Scope

This procedure covers complaints about the administration or procedures of the Council.

Complaints about individuals are a separate matter: complaints about an employee are dealt with as an employment issue, as outlined in section 6, below, and complaints about (or involving the conduct of) a Councillor are considered against the agreed Code of Conduct²⁴, for which local resolution will be sought by the Council, in the first instance. Thereafter, unresolved complaints of this type should be made to the Standards Committee at Durham County Council. Complaints against policy decisions made by the Council shall be referred back to the Council.

A complaint is defined as:

Any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its employees affecting an individual customer or group of customers.

2. Policy

Barnard Castle Town Council takes the views of local people seriously and needs to be aware when there is dissatisfaction in the delivery of its services. The outcome of a complaint will assist the Council in reviewing and, where necessary, changing the way in which services are delivered.

A complaint can be discussed with a member of staff, and most complaints are successfully dealt with by doing this. However, if a complainant is not satisfied with the response he or she receives, the complainant can use the formal complaints procedure.

The Complaints Committee is established as a sub-committee of the Resources Committee with delegated authority to determine, on behalf of the Town Council, individual cases of appeal under the Council's complaints procedures and such other matters relating to complaints made by members of the public as require determination by the Town Council. It shall

²⁴ Members' Code of Conduct

meet as and when circumstances require, and comprise three members of the Resources Committee, as agreed by the Town Mayor.

The complaints committee shall report its conclusions to the next Council meeting following any hearing.

3. Procedure

The Council's complaints procedure comprises three stages:

- Making a complaint, which may include direct resolution by the Clerk (Section 4.) or referral to committee for resolution.
- The proceedings of the Complaints Committee meeting (Section 5.)
- What happens after the meeting (Section 6.)

The timescales and processes at each stage are outlined diagrammatically (**Appendix A**).

4. Making a Complaint

Complainants should make complaints about the Council's procedures or administration **in writing** to the Clerk.

Within five working days of receipt of a complaint, the Clerk shall acknowledge the receipt of the complaint in writing to the complainant and try to settle the complaint directly. Where no evidence to substantiate the complaint is available, the complainant shall be thusly informed by the Clerk.

The Clerk (or other officer) shall report to the next meeting of the Resources Committee any written complaint disposed of by direct action with the complainant, including those that are not substantiated by evidence.

Where a complaint cannot be settled directly, within fifteen working days of receipt of a complaint, a date shall be set for a complaints committee meeting, giving (at least) ten working days' notice, and the complainant advised in writing of this date and the date by which evidence should be submitted (see below).

The complainant shall be invited to attend the relevant meeting and bring with her/him a representative if (s)he so wishes.

Not less than five clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which (s)he wishes to refer to at the meeting. Only documentation or other evidence submitted by this deadline may be referred to in the meeting. Failure to submit any documentation or other

evidence by the due date will void the meeting, which will be cancelled and the complaint will be summarily dismissed.

The Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting. Failure by the Council to submit documentation or other evidence by the due date will void the meeting, which will be cancelled and the complaint will be automatically resolved in the complainant's favour.

5. The Complaints Committee Meeting

If a Complaints Committee is convened, it will comprise three members of the council's Resources Committee. The remit of the Complaints Committee is to objectively and independently review the evidence submitted by the complainant and by the Clerk (or other officer) acting on behalf of the Council. The Committee shall be advised by an officer other than the Clerk (or other officer) acting on behalf of the Council, in this instance. The Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. The Committee has delegated authority to decide the outcome of the complaint and to resolve in favour of the complainant, or in favour of the Council, or in favour of a compromise. Any decision on a complaint shall be announced at the next Full Council meeting in public.

- The Chairman of the meeting shall introduce everyone.
- The Chairman of the meeting shall explain the steps (a-h, below) in the procedure followed by the committee.
 - a) The complainant (or his/her representative) shall outline the grounds for complaint, based on the evidence submitted by the complainant.
 - b) The members of the committee may ask any question of the complainant.
 - c) If relevant, the Clerk (or other officer) shall explain the Council's position, based on the evidence submitted by the council.
 - d) Members may ask any question of the Clerk (or other officer).
 - e) The Clerk (or other officer) shall make a final statement on behalf of the Council.
 - f) The complainant shall be offered the opportunity of last word.
 - g) The Clerk (or other officer) and complainant shall be asked to leave the room while Members decide whether, or not, the grounds for the complaint have been made. (If a point of clarification is necessary, both parties shall be invited back).

- h) The Clerk (or other officer) and the complainant shall return to hear decision, or to be advised when decision shall be made.

6. After the Meeting

The decision shall be confirmed in writing within five working days together with details of any action to be taken.

7. Complaints about a member of staff

Complaints about a member of staff are considered under the Council's disciplinary procedure (see the Staff Handbook Appendix 3).

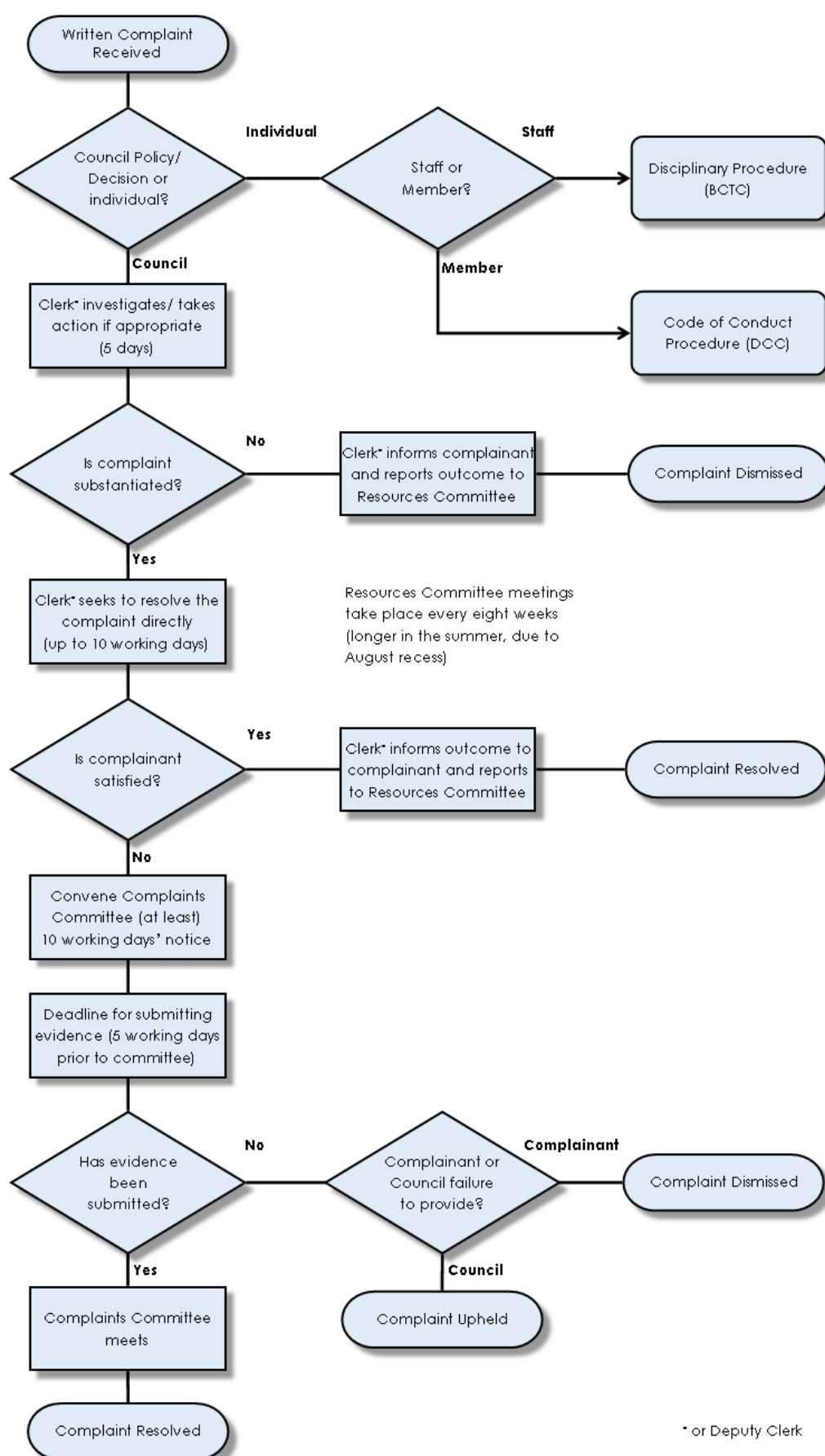
If it is determined that a complaint about an individual member of staff relates to that individual properly implementing a decision or policy of the council, then the complaint shall subsequently be considered under Section 3, above.

In keeping with the Council's disciplinary policy; "Before resorting to formal procedures from the employee or from the council it is the policy of the council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Where necessary the council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute"²⁵.

This process will be carried out by the Clerk (or Deputy Clerk) and, where this is not possible, by the Vice Chair of the Resources Committee, or, where this is not possible, by another member appointed for that purpose by the Resources Committee.

²⁵ BCTC Staff Handbook s10.1

Appendix A



22. Community Events Policy

1. Purpose

- 1.1. Barnard Castle Town Council aims to promote a vibrant community spirit. The council may allocate funds each year for a regular and wide-ranging programme of events to encourage residents and visitors into the town and thus support the local economy²⁶.

2. Policy Objectives

Barnard Castle Town Council has defined the following objectives for its community events programme; the Council will evaluate the relative merits of any new or existing event against these to inform its spending priorities.

- 2.2. The Council will promote and support community events in Barnard Castle which:
- a) Maintain and enhance some traditional town-focused festivities
 - b) Indirectly support local charities by supporting charitable events
 - c) Create a better sense of community, bringing Barnard Castle's residents together on a regular basis
 - d) Enhance Barnard Castle as an attractive visitor destination.
 - e) Bring more people into Barnard Castle and indirectly support our local businesses and retailers.
 - f) Shape a programme to ensure high quality and creativity in events.

3. Potential Benefits

- 3.1. Barnard Castle Town Council seeks to promote and support community events which bring benefits to the town, to those who live and work there and to those who visit. The relative success of community events will be judged against the benefits that these bring, including, but not limited to, the following:
- a) Activities, events and projects associated with arts, culture and heritage have the potential to make a major contribution to a wider agenda of building community cohesion and well-being.
 - b) Participation can tap potential, increase life-chances, raise aspirations as well as providing positive activities that contribute to the community. Well-designed projects can contribute to

²⁶ Scheme of Delegation, page 5

educational attainment and also contribute to health through feelings of worth and well-being.

- c) Events release cultural and artistic expression, as well as offering a simple celebration of life and should continue to be supported and used as a way of celebrating arts, culture and heritage.
- d) Events should celebrate and enhance Barnard Castle and its history, support the council's priorities, target priority groups and celebrate the Town's diversity.
- e) Events should promote Barnard Castle as a lively and welcoming place for the enjoyment of residents and visitors.

4. Financial Support to Events

4.1. As part of its overall Community Events Budget, the Town Council makes available a sum of money to support organisations and activities which promote community events and which benefit some or all of the people of the town. The financial sums are limited by the funds committed by the Town Council to the events which it promotes directly, develops in partnership or procures from third parties and are only made available to those organisations which can demonstrate a need for assistance.

4.2. The Community Events Financial Support Policy criteria are as follows:-

- a) Priority will be given to those events which meet the objectives of this policy, which can deliver the benefits described in Section 3, above, and which can demonstrate a rate of return on the grant awarded, either in the form of added-value to the event or in a return on the sum invested to the Community Events budget.
- b) Applications will only be accepted from charitable, voluntary and/or non-profit-making organisations.
- c) Applications from individuals will not be considered.
- d) Applications from national or regional organisations will be considered, provided that the event takes place in Barnard Castle and is of direct benefit to all or some of its inhabitants.
- e) Retrospective applications will not be considered.
- f) Applications for unique events will be particularly favoured but applications regarding general support for recurring events will also be considered.
- g) Applicants should submit:

- an application form describing the event, its expected outcomes and itemising any other support, either confirmed or promised,
 - an audited or inspected set of accounts (which should be as up-to-date as possible),
 - its constitution and a declaration that two signatures are required to approve expenditure or obtain other finance.
- h) Applications will be considered at meetings of the Partnership Committee during the year.
- i) All decisions by the Partnership Committee will be made under delegated powers.
- j) All applications (with full documentation described above) should be submitted at least one month in advance of the relevant Partnership Committee meeting.
- k) There are no official upper or lower limits as to the size of the donations given to any organisation.
- l) Organisations are restricted to one application in any one financial year. The history of applications in previous years will be considered as part of the decision-making process.
- m) Any positive decision to support an event does not set a precedent for the future.
- n) If an organisation dissolves or a particular event does not go ahead, it is expected that the donation will be returned.
- o) Organisations must supply information as to how the grant was used, its costings and outcomes as described in the funding application.
- p) The policy will be advertised widely throughout Barnard Castle by use of noticeboards, the Council's website etc.
- q) An annual review of this policy will be carried out by the Resources Committee.

5. Implementation

- 5.1. Barnard Castle Town Council's community events programme will be approved and monitored by the Partnership Committee within an annual budget set by the Council.

23. Medium Term Financial Plan

1. Purpose of a Plan

1.1. A Medium-Term Financial Plan fulfils three objectives:

- It identifies expenditure trends over a three year period;
- It estimates the sources of income available over that period and identifies funding gaps and opportunities;
- It establishes a budget strategy which the council can use to programme service changes over more than one financial year.

2. Expenditure Trends

2.1. Appendix A uses the following broad assumptions to model expenditure demand for a static suite of council services. Non-pay inflation, affecting all bought-in goods and services has been estimated at 2% per annum. Pay-inflation has been estimated at 1% per annum and adjusted for progression. Council controlled budgets have been estimated at zero growth and one-off items have been discounted in future years.

2.2. The model begins by assuming growth in line with the envisaged transfer of services from Durham County Council. These have been partially built into the 2017/18 base budget with provision to balance implementation during the year by use of reserves. This will have to be fully funded from 2018/19 onwards. No additional change in the current pattern of services delivered by the Town Council is assumed. Once projected income changes are factored into the model (Appendix), it is possible to examine the capacity of the Town Council to provide additional services within its income or to, alternatively adjust its expenditure to reflect changed service priorities.

2.3. The consequent effect of this is to project growth in expenditure as follows:

Financial Year	2017/18	2018/19	2019/20
Gross Expenditure (£)	219,120	222,676	226,068
Year on Year Growth (%)		1.62%	1.52%

3. Expenditure Profiled over Three Years

3.1. The Town Council has taken the opportunity, in reviewing its expenditure since 2013, to profile periodic spending over a three-year cycle to even-out expenditure on items, such as IT replacement, which happen only periodically.

3.2. The following budget headings are currently profiled over three years, starting in the financial year indicated:

- War Memorials (2013/14)
- Christmas Lights (2014/15)
- Replacement IT (2014/15)
- Play Areas (2015/16)

4. Ring-fenced Budgets

4.1. A small number of budget headings are ring-fenced on the basis that expenditure is matched to income generated by the service. These services are not subsidised from precept income:

- Allotments
- Mini Golf
- Public Seats
- Wednesday Market

5. Income Trends

5.1. Durham County Council has resolved to pass on the Local Council Tax Reduction Scheme Grant (LCTRSG) which it receives as part of its block grant allocation pro rata based on the year-on-year reduction seen in its settlement. It is currently reviewing the interaction of changes in grant modelled against projected changes in tax base across the county.

5.2. In 2017/18 the reduction year-on-year in LCTRSG was 30% (£2,757), bringing this sum down to £6,348. For Barnard Castle Town Council, it would be prudent to assume that this sum will reduce to zero over the next two years:

	£	Year on Year Reduction (£)
Final LCTRSG 2017/18	6,348	
Forecast LCTRSG 2018/19	3,000	3,348
Forecast LCTRSG 2019/20	0	3,000

5.3. The cumulative loss in income over these three years would be £6,348 or approximately 2.9% of the gross 2017/18 budget.

- 5.4. Over the same period, it is anticipated that the notional annual increase in budget and/or precept may be capped at 2%, but that this might only be for those local councils levying a precept in excess of £150 on a Band D property. Nevertheless, at present it is advisable to assume that non-hypothecated increases should be held within this 2% growth figure, if possible.
- 5.5. The net effect of this is to project growth in income as follows:

Financial Year	2017/18	2018/19	2019/20
Gross Income (£)	219,120	219,370	220,339
Year on Year Growth (%)		0.11%	0.30%

6. Net Position

- 6.1. Projecting from the 2017/18 budget, the implication is that, based on existing services, the Town Council has a potential shortfall of £3,306 in 2018/19 and of £6,030 in 2019/20.
- 6.2. For comparison, if the precept were to increase to match the predicted growth in expenditure, allowing for the presumed decrease in LCTRSG, the gross precept would increase to £182,325 in 2018/19 (3.88%) and to £188,627 in 2019/20 (3.46%).
- 6.3. In assembling the model, no assumption has been made about changes in the council tax base either through new building within the town boundary or as the result of any changes in the town boundary. Should any such significant change arise, this would reduce the commensurate increase in Band D equivalent precept (currently £98.52) and the medium term budget projection would need to be adjusted accordingly.

7. Strategy

- 7.1. It is proposed that the Town Council considers the following principles as part of its Medium-Term Financial Plan:
- That opportunities to realise in-year and year-on-year expenditure savings are prioritised as a mechanism for addressing the potential for a medium-term financial shortfall;
 - That, for planning purposes, it is assumed that the precept demand will rise by 2% per annum to address the shortfall in LCTRSG and the managed demand for inflation in expenditure.

8. Conclusion

- 8.1. This plan is an outline projection of the council's income and expenditure position over the next three years. In considering its future budgets, the Town Council should use this plan to assess the sustainability of new or changed services over the medium-term.

Appendix A – Three-year Budget Model

EXPENDITURE	Approved Budget	Projected Budget	
	2017/18	2018/19	2019/20
	(£)	(£)	(£)
Mayoral Allowance	1,200	1,200	1,200
Training	750	750	750
Audit Fees	1,460	1,460	1,460
Bank Charges	800	800	800
Insurance	2,000	2,000	2,000
Society of Local Council Clerks	225	230	234
Co Durham Association	715	729	744
Accounts Software Support	240	245	250
Travel Allowance	300	300	300
Chairs of Office	50	50	50
Salaries	91,002	93,175	95,369
Local Government Pension	17,381	17,796	18,215
Employer On Costs	8,080	8,380	8,683
Office Rental	8,000	8,000	8,000
Business Rates & Water Rates	2,500	2,550	2,601
Trade Refuse Collection	-	-	-
Routine Maintenance	400	400	400
Planned Preventative Maintenance	2,120	2,120	2,120
Compliance Services SLA	1,830	1,867	1,904
Buildings Insurance Recharge	635	635	635
Building Cleaning	1,807	1,843	1,880
Electricity & Gas	5,000	5,100	5,202
Telephone & Broadband	1,000	1,020	1,040
Office Equipment	1,575	1,575	1,575
Stationery & Office Goods	650	650	650
Postage	450	450	450
Books & Publications	100	100	100
Employee Eye Tests	25	25	25
Communication	400	400	400
Wayfinding Units	100	100	100
Allotments	4,090	4,180	4,270
Mini Golf	10,000	10,000	10,000
Christmas Lights	5,500	5,500	5,500
Play Areas	11,500	11,500	11,500
Bede Road Bus Shelter	50	50	50
Dog Fouling	300	300	300
Civic Fund	500	500	500
Floral and Open Spaces	11,700	13,900	13,900
Castle & Market Floodlighting	700	714	728
War Memorials	710	710	710
Public Seats	-	-	-
Community Events	9,000	7,000	7,000
Contingencies	-	-	-
Market Place Public Toilets	4,924	5,022	5,123
Replacement IT & Software	850	850	850
Miscellaneous Expenditure	-	-	-
Blue Plaque	-	-	-
Wednesday Market	3,000	3,000	3,000
Youth Project	500	500	500
Elections	5,000	5,000	5,000
TOTAL EXPENDITURE	219,120	222,676 1.62%	226,068 1.52%
INCOME			
Fees and Charges (recreation)	- 14,211	- 14,301	- 14,391
Fees and Charges (other)	- 9,500	- 9,500	- 9,500
Woodleigh Rental Income	- 12,750	- 12,750	- 12,750
Bank Interest	- 800	- 800	- 800
Grants	-	-	-
Donations	-	-	-
Sponsorship	-	-	-
Miscellaneous	-	-	-
Cumulative Fund	-	-	-
Precept	- 175,511	- 182,325 3.88%	- 188,627 3.46%
LCTSG	- 6,348	- 3,000	-
TOTAL INCOME	- 219,120	- 222,676	- 226,068

24. Risk Management Policy

1. Introduction

Barnard Castle Town Council regularly monitors all plans, policies and strategies as part of the drive to achieve excellence in the planning and delivery of its services.

The Council is committed to ensuring that it provides good governance, service provision and that it works in partnership, listening to and speaking up for the community, to bring efficient, value for money services to Barnard Castle.

This document forms the Town Council's Risk Management Strategy. It provides an overview of risk management, how we will be dealing with risk and what to expect from the risk management process. The Risk Management Strategy is only one of a number of strategic documents which form its constitution and which will help achieve the Council's mission set out above.

2. Risk Management Policy Statement

Barnard Castle Town Council

- is committed to providing services to the community, which are of a high quality in the most efficient and cost effective way;
- recognises that it is accountable to its stakeholders for its decision-making and management;
- is committed to the highest standards of corporate governance, including best practice management of business risks;
- recognises that it has a duty of care to be efficient, transparent and accountable to its residents, customers, local people, employees and partners.

The Risk Management Strategy and Policy supports the aims of the Council which are:

1. To provide good quality governance and management of the council
2. To manage the council's finances and assets in a responsible manner to provide local tax payers with value for money
3. To enrich the town with opportunities and community facilities for residents and visitors
4. To contribute to the environmental improvement of Barnard Castle by managing and developing parks, play areas and green spaces

5. To help and encourage partnership working to improve the services and facilities for the residents of Barnard Castle
6. To encourage the residents of Barnard Castle to become involved in local democracy
7. To research information, to represent and make the case for Barnard Castle

This document seeks to enforce the commitment shown by the Council to deliver its aims. The Town Council's policy for better risk management is to:

1. **Adopt an effective and transparent approach to proactive risk management in order to:**
 - Identify, evaluate and manage risks so as to minimise the costs and disruption to services caused by undesirable events.
 - Integrate risk management into the planning and decision making process.
 - Make better informed decisions and adapt to the changing social, environment and legislative conditions.
 - Encourage innovation and improvement through taking calculated and well managed risks to improve service delivery.
 - Minimise risk of injury, damage or loss to residents, service users, members and employees connected to the provision of Barnard Castle Town Council services.
2. **Develop a better awareness of business risk management and promote a risk aware culture through promotion, training, performance management and monitoring.**

The Council's strategy and policy recognises that risk management is an inclusive proactive process that requires the participation of all councillors, employees and partners. It also recognises that it is a continuous and dynamic process.

It is the responsibility of each committee and all employees to manage risks in their own work environment. Risk management is not about being 'risk averse' it's about being 'risk aware'. Risk management is about making the most of opportunities and lessening the impact of threats. Being risk aware and taking a proactive approach puts the council in a better position to deal with any risks that arise.

The Risk Management Strategy and Policy has therefore been developed as a common sense approach, with a view to eliminating risk as far as possible, and to minimise risk when a risk is identified. It is designed to bring risk assessment and risk management to the forefront of decision-making, and to require members and employees to consider potential risks in formulating

Council policies, projects and programmes. It will inform a review of the Council's insurance arrangements.

3. What is Risk?

Barnard Castle Town Council defines risk as:

“the threat that an event or action may adversely affect the Council’s ability to achieve its aims of successfully delivering services for the benefit of its residents, community and visitors.”

Risks can be classified into various types but it is important to recognise that for all categories the direct financial losses may have less impact than the indirect costs such as disruption of normal working hours or loss of reputation. It is central to this strategy that risk is understood in this wider scope: it is not limited to physical hazards, financial or insurable risks.

Barnard Castle Town Council has agreed four types of risk, which are:

1. **Strategic** risks are those which need to be taken into account in any judgement about the medium and long term goals and objectives of the Council. Risks that may ultimately damage the reputation of the Council and lead to a loss of public confidence.
2. **Operational** risks are those associated with the particular nature of the day to day delivery of Council's services.
3. **Financial** risks such as fraud and corruption, but also include any other issues which will impact significantly on the Council's resources.
4. **Health & Safety** risks are those physical risks relating to fire, security, buildings and plant, accident prevention and personal safety. These are covered in detail under the Council's Health & Safety Policy.

There are two aspects of risk which must be considered in any risk assessment.

1. **Threats** or events which could lead to a failure to achieve the council objectives and targets and
2. (Potentially Lost) **Opportunities** which if exploited could offer an improved way of achieving the council's objectives and targets.

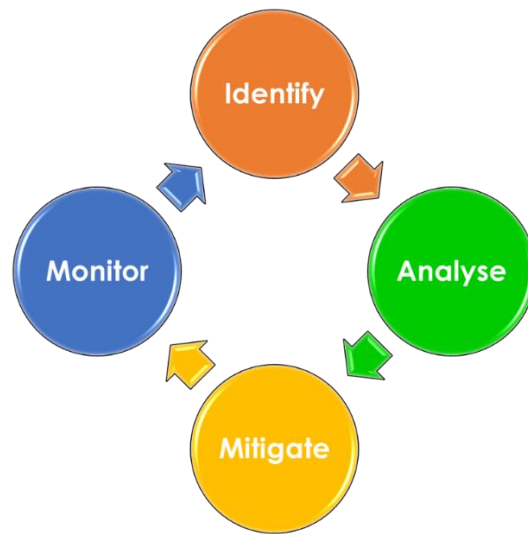
It is recognised and accepted that risk management is not a one-off exercise, but a continuous and cyclical process.

4. Links

The Council recognises that risk is simply the reverse side of reward and so is an essential part of effective decision-making and management. It helps us to achieve our objectives and commitments. By better managing risks, we can avoid failing to provide best value.

5. The Process

The Council has adopted a continuous and cyclical, process to business risk management consisting of four stages.



In addition, **Appendix 1** sets out the approach when considering business risks to be undertaken when completing risk assessments for committee reports.

Identifying Risks

We identify the potential risks that may arise in order to make informed decisions about policies and service delivery methods. The key element of this stage is that all appropriate categories of risk are considered in relation to the specific objectives of the option or decision. Our aim is to capture all the major risks that arise from the following categories:



Analysing Risk

These will then be placed into the corporate risk register which is monitored and reported to Resources Committee and Members on a regular basis.

Available data are used to provide information to help assess the likelihood of any risk occurring and the impact it may have if it does arise.

A risk assessment matrix (**Appendix 2**) should be completed for risks which have been identified through the committee reporting cycle.

Controlling the Risks

Risk control is the process of taking action to mitigate or minimise the risks identified. There are a number of options available for controlling risks

- **Control and Reduction** – introduce new internal systems/practices, physical risk improvements, staff training, continued assessments & monitoring
- **Avoid or Eliminate** - take away the risk by implementing alternative systems/practices or discontinuing the operation
- **Acceptance** – taking an informed decision to accept and tolerate the risk but continue to monitor
- **Transfer** – pass on to others through outsourcing, insurance cover or alternative contractual arrangements
- **Sharing** – with another party

Part of the review process includes actions which are developed to lessen the impact of the risks as part of the management of risks. Each risk details the person or group responsible, current and review score, any comments or actions and the next review date. The Council is aware that some risks will always exist; the aim is that, over time, the risk becomes one that can be acceptable.

Monitoring & Managing Risks

Progress on managing risks are monitored and reported on a regular basis.

As risk management is dynamic, the identification phase is done continuously, so that new risks are captured. It is also important to consider whether the nature of any previously identified risks has changed to ensure that risks previously considered acceptable do not become unacceptable.

Managing risks supports the achievement of the Council's strategic aims. Once appropriate action is decided, the management or control process starts. This involves taking the action determined to minimise the likelihood of the risk occurring and / or reducing the severity or impact of the consequences should it occur.

This strategy seeks to assist the process of continuous improvement. It must therefore itself be subject to regular review and assessed on its contribution to the improvement process. The annual review of the mechanisms and their effectiveness in practice will therefore also consider whether the strategy itself still meets best practice and will recommend changes over time.

The risk profile and monitoring reports arising from the formal processes will be subject to a quarterly review of high risks; a six monthly review of medium risks and an annual review of all other risks by the Town Clerk and the Full Council.

6. Roles and Responsibilities

The Resources Committee will meet regularly and undertake a strategic risk assessment exercise, which ensures better control of the Council's key risks. The key findings from this exercise are considered by Full Council at least once a year.

The strategic risk register and the risk management strategy is agreed by Council annually.

Precise roles, responsibilities and reporting mechanisms are outlined in **Appendix 3.**

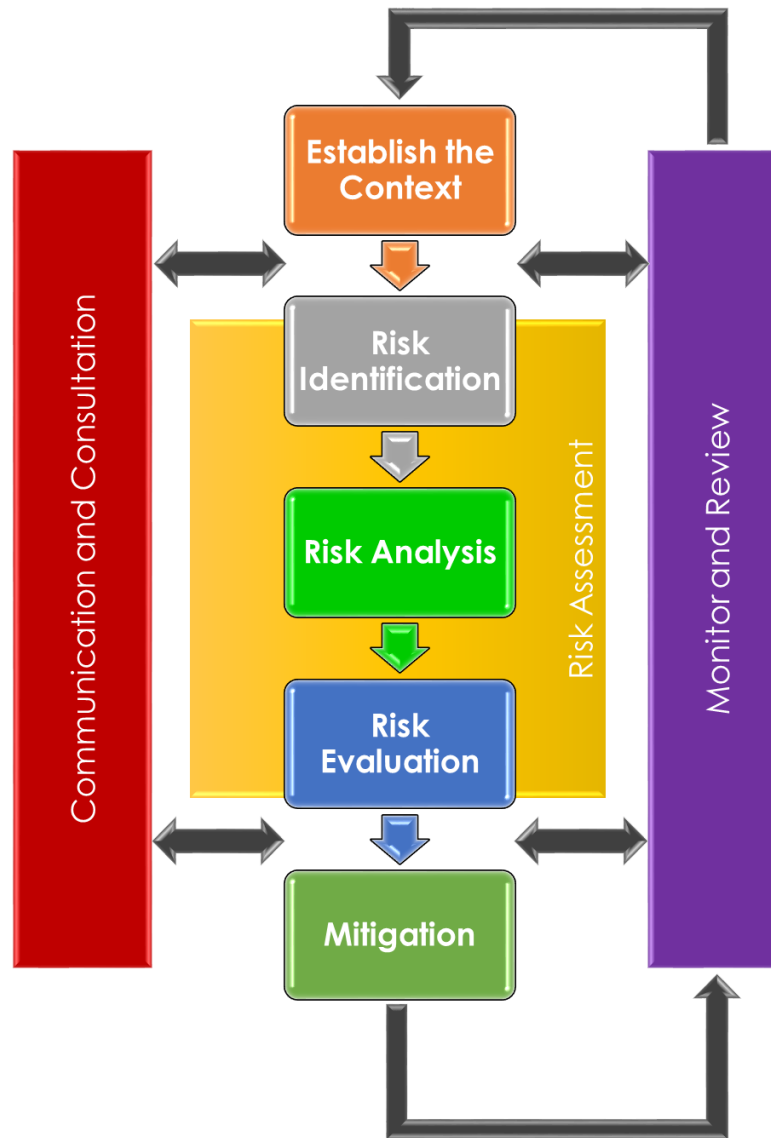
7. Communication

The importance of risk and risk management will be communicated to employees and members. Information will be made available on the Council's website.

Templates will be provided to ensure the consistent application of investigating and assessing risks.

RISK MANAGEMENT PROCESS MAP

To be undertaken annually as part of the council's budget cycle and when preparing business risk assessments for committee reports on new and revised activities (from ISO 31000:2009).

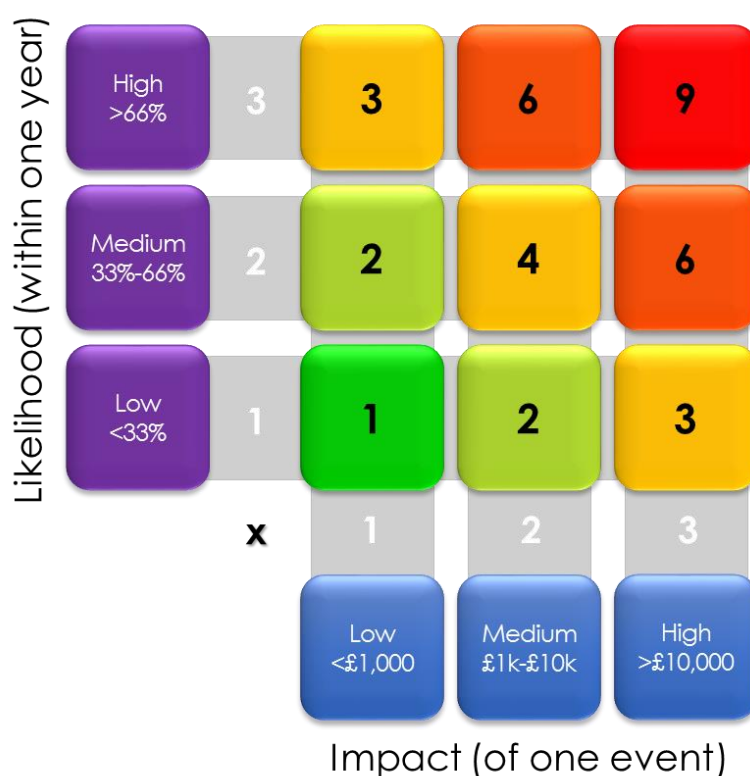


The Risk Register is reviewed by the Resources Committee in the October/November cycle and approved by Full Council annually in November.

BUSINESS RISK ASSESSMENT

Proposal	Provide details of the proposal to be considered (as per committee report)
Risk	The actual thing we are reviewing

RISK ASSESSMENT MATRIX



RED: HIGH Priority
AMBER: MEDIUM Priority
GREEN: LOW Priority

1. Assess the risks below and score them.
2. Enter the risk number from the left hand column below into the relevant box in the matrix.
3. **Note any actions or comments to deal with the risk in the right hand column below.**

No	Assessment Criteria	If 'YES'			Actions or comments to minimise the risk
		L'hood	Impact	Score	
1	Does (NOT) undertaking this proposal present a potential risk to the Council finances?				
2	Does (NOT) undertaking this proposal present a potential risk to staff or health and safety?				
3	Does (NOT) undertaking this proposal present a potential risk to the public?				
4	Does (NOT) undertaking this proposal present a potential risk to the Council's reputation?				
5	Will (NOT) undertaking the proposal create adverse publicity?				
6	Does (NOT) undertaking the proposal leave the Council open to claims?				
7	Will (NOT) undertaking the proposal have a negative impact on Service Quality / complaints or audit reports?				
8	Does (NOT) undertaking this proposal present a potential risk that the Council may fail to comply with any duty?				
	Overall Assessment of the proposal/ situation or risk outline above	HIGH / MEDIUM / LOW			
Expected Outcomes		a) POSITIVE b) NEGATIVE			
Financial Implications		Provide details of any potential cost or savings to the Council			

Summary/Comments or further supporting information

(anything not covered elsewhere)

Recommendation of Responsible Financial officer

This recommendation is given after analysing the situation as far as I am able to do so and is made subject to Financial Regulations or after a request by the responsible committee that I carry out a risk assessment on the proposal outlined in this report, and on assurance given by Barnard Castle Town Council that I will bear no personal responsibility for any decision taken by the Council which takes into account my recommendation.

Signed **Date**
(Town Clerk)

Refer to Committee YES/NO

COMMITTEE MEETING

DATE: MINUTE NO

Roles and Responsibilities

Group / Individual	Roles and Responsibilities
Full Council	Understands risk management and its benefits. Receives the risk reports and annual review. Receives business risk assessments from committee reports.
Resources Services Partnership Committee(s)	Understand risk management and its benefits. Receives business risk assessments for consideration and recommendation to full Council. In addition Policy & Resources Committee receive the risk reports and annual review via Audit Sub-Committee.
Town Clerk	Signs the annual governance statement which provides "an objective, balanced and understandable statement and assessment of the authority's risk management and internal control mechanisms and their effectiveness in practice". Promote and oversee the implementation of the strategy across the Council. Monitor and review the effectiveness of the risk management strategy. Understand risk management and its benefits. Feed into the development of the corporate risk management strategy from a service specific perspective. Identify any service issues relating to risk management.
Town Mayor	Understand risk management and its benefits. Signs the annual governance statement which provides "an objective, balanced and understandable statement and assessment of the authority's risk management and internal control mechanisms and their effectiveness in practice".

Resources	Undertake an annual review of internal audit as part of the preparation of the annual governance statement. Receives business risk assessments from committee reports via Full Council for review and comment. Receives all appropriate risk reports and annual review.
Employees	Understand risk management and its benefits. Liaise with their line manager to assess areas of risk. Report to their line manager any new risk or changes to current risks and any failures in the control mechanisms.
Partners/ Contractors/ Suppliers	Understand risk management and its benefits. Responsible for aspects of the risk management process that are assigned to them.

25. Lone Working Policy

1. Introduction

The purpose of this policy is to ensure that there are adequate systems in place to ensure the health, safety and welfare of lone workers in order to reduce the risks of lone working as far as is reasonably possible and practicable.

This policy is designed to protect those Council employees who are expected to work alone because of the nature of their jobs. Whilst working alone is not in itself unsafe there may be circumstances where lone working can increase risk to an employee.

This policy applies to employees and, by exception, members, undertaking official duties, and for the purposes of this policy lone working is defined as anyone who works in isolation from their colleagues without close or direct supervision.

Employee examples include:

- office staff alone in Woodleigh;
- Mini golf attendants;
- Staff supervising the Wednesday market

Examples of lone working include:

- Allotment inspections;
- Premises inspections;
- Meeting with contractors on site
- General site inspections and meetings

2. Organisation and Arrangements

Barnard Castle Town Council is responsible for:

- The lone working arrangements of employees and members;
- Determining the contents of this policy;
- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working;
- Ensuring compliance with the policy and providing resources for putting the policy into practice;
- Making sure that employees and councillors are aware of this policy;
- Making sure that support is given to employees and councillors involved in any incident.

The Town Clerk is responsible for:

- Making sure that risk assessments are carried out;
- Reporting any incidents to the Council.

All employees and councillors are responsible for:

- Taking reasonable care of themselves and other people who may be affected by their actions;
- Following rules and regulations laid down by the Council;
- Reporting incidents that may affect the health and safety of themselves or others;
- Receiving training designed to meet the requirements of this policy;
- Reporting dangers or concerns they may have;
- Recognising potentially high risk activities and putting in place arrangements to mitigate risk associated with working alone;

3. Lone Worker Guidance

The town council maintains procedural guidance for staff working in and away from the office, which manages the specific risks associated with the times and venues at which the work is carried out. These do not form part of this (public) policy to maintain the safety of staff. However, the following principles are applied to these procedures:

- Staff will carry a mobile phone with them and may take the office mobile phone if necessary;
- Staff will be provided with an audible alarm, for use in emergencies;
- Staff will not put themselves at undue risk. Staff will discuss any concerns with the Clerk;
- Any non-routine visit will be planned and documented – including the time of leaving, the destination and the estimated time of return;
- Staff will try to avoid confrontation. If violence is threatened staff will withdraw from the situation or call for help;
- Staff will ensure that the outer doors of Woodleigh are locked when the office is occupied and one member of staff is working alone in the building;
- Whilst it is appreciated that the Clerk has to be available to meet members of the public, this should be during office opening hours only when other people are in the building.

26. Staff Handbook

1. Probationary Period

You have joined the Council on an initial probationary period of twelve weeks. This does not prejudice the Council's right to dismiss, in accordance with the clause contained in your written statement of particulars of employment, or matters arising from issues of discipline.

During your probationary period, your work performance and general suitability will be assessed and, if satisfactory, your employment with us will continue.

If your work performance is not up to the required standard we will review the position with you to seek a solution, possibly extend the probationary period with a further review or terminate your employment.

At the end of your probationary period, if satisfactory, you will become a member of our permanent staff and will receive a contract of employment.

2. General Employment Policy

The Council seeks to act as a responsible employer, using as far as is possible for a Local Council, all reasonable and contemporary personnel practices and compliance in all respects with employment law and other legislation applying at the time. In doing so it will have reference to National Local Authority and Public Sector Organisations normative practice. Terms and conditions will be kept under review and National Agreements (see below) honoured.

The Council's Employment policy is geared to encourage and reward dedicated staff who take a professional attitude to work. The council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the people of the administrative area.

This handbook provides details of the Council's Personnel policies and procedures and how they will be implemented. It is for use by all staff (where the Town Clerk is not the sole employee), and the Council and its Committees in making decisions with respect to personnel matters. All day to day staff management decisions on personnel matters are delegated to the Town Clerk. Day to day matters relating to the Town Clerk will be dealt with by the Town Mayor or the Vice Chair of the Resources Committee on the Council's behalf. Procedures in law also exist for the review of problem cases for all staff by the Council and its committees. These procedures are detailed within this handbook.

The Handbook is supplementary to your contract of employment. The contract of employment indicates the *specific provisions* relating to your post

particularly where there are a variety of contracts in operation simultaneously.

3. National Agreement on Pay and Conditions of Service

The Council accepts the provisions of the National Agreement on Terms and Conditions agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Town Clerks (SLCC). This is agreed after reference to the Joint Council for Local Government Services agreement. A National Agreement on Pay and Conditions of Service (The Green Book) is negotiated between Principal Local Authority Employers and Unions and this forms the basis of Pay and Conditions for the Council. The Green Book sets the framework by which Local Authorities establish terms and conditions. Local councils may negotiate terms and conditions, but it is the strong advice of NALC and SLCC jointly that the national terms and conditions are adhered to and in so doing must honour all the relevant provisions of employment legislation and any other legislation applying at the time. Wherever the National Agreement makes provision for changes in the structure of Local Government Pay and conditions the Council will implement them.

4. Salary

4a) Structure

This is based on the externally evaluated and benchmarked agreement as reviewed and then jointly agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Town Clerks (SLCC). The salary table is published to all councils annually. Copies may be obtained from the offices of the Society.

4b) Salary Settlements

The Council undertakes to implement the agreements reached in the National Agreement as a reasonable settlement. Any changes agreed are usually, although not exclusively, implemented from 1 April of each year.

4c) Incremental Progression

The Town Clerk to the Council and other staff should progress automatically up the salary scale to the top of their designated grade provided their performance is satisfactory. They will normally be entitled to an increment, payable on the 1st April of each year along with the salary settlement figure. Once the top of the scale is reached any additional increments are at the sole discretion of the council. Accelerated increments within the grade of the post may be given on the grounds of exceptional merit or ability.

4d) Additional Incremental Awards

Additional incremental awards over and above the scale are also made for staff achieving, or holding, the following qualifications:

- Certificate in Local Council Administration
- or
- Year One of the HN Certificate in Local Policy Studies

then

- Year Two HN Certificate
- Diploma in Local Policy Studies
- BA(Hons) Degree Local Policy Studies (University of Gloucestershire).

If the Town Clerk to the Council is also appointed as the Responsible Financial officer then this post should also attract the award of an incremental point over and above the scale.

4e) Overtime and Time off in Lieu

Overtime is not generally paid. In general employees will be expected to manage overtime worked with time off in lieu. Staff who are on fixed hours will also be expected to take time off in lieu for occasional overtime requests as part of the flexible working approach required of all employees. Time off in lieu should also be taken if there is a requirement to work on a public or bank holiday. Certain ongoing jobs however, do unavoidably require to be worked outside normal working hours, and where this is the case employees who are asked to do overtime on a regular or semi regular basis will also be granted time off in lieu.

4f) Standby

Certain employees may have a contractual requirement to be on standby outside normal working hours. A recent ruling requires that these hours are calculated as part of the total normal hours of work (excepting excluded occupations). Where this is the case any hours exceeding the standard working hours for the local council sector will be paid as overtime.

4g) Flexible Working – Rights

Under the provisions of the Employment Act 2002 you have the right if you are a parent, partner, adopter, guardian or foster parent to request in writing flexible working arrangements if you have a child up to six years of age, or if you have a child with a disability up to eighteen years of age. Your employer may refuse, but must give you reasons in writing that you may challenge the decision at the appeals panel of the council or at an Employment Tribunal if you do not agree.

4h) Reimbursable Expenses

Where an employee is required to travel as a requirement of their job the Council will reimburse actual expense and subsistence incurred in accordance with the scale laid down and published in the annual salaries and allowances notification.

4i) Sole Employment / Declaration of Other Employment

Whilst the Council would prefer that The Town Clerk to the Council is exclusively employed by the Council, it does realise that such an exclusive contract may not be possible. In circumstances where the Town Clerk has other employment, it is a condition of this Contract of Employment that the Council is informed of the essential details of such alternative employment in

order to ensure that no tax or insurance liabilities will accrue to the Council. The Council does however, reserve the right to require that any other employment that is undertaken by the Town Clerk or Deputy Town Clerk does not conflict with the role or standards required to be undertaken in the public office of the Clerk to the Town Council.

4j) Declaration in relation to deduction from wages

The following provision is an express written term of your contract of employment in accordance with Section 13 Employment Rights Act 1996.

If you have taken more holiday than you have earned at the termination of your employment on a pro rata basis the appropriate deduction will be made from any final payment due to you from us.

5. Benefits

5a) Pension

The Council is a member of the Local Government Pension Scheme, which operates a contributory pension scheme, which you are entitled to join. You have been provided with details in the booklet provided. There is in force a contracting out certificate for the purposes of the Pensions Scheme Act 1993 stating that the employment is contracted-out employment.

5b) Death in Service

You should notify your council of the name of your nominated next-of-kin. In the event of your death in service any salary, pension or gratuities due to you will be paid to the person nominated.

5c) Injury or Assault

In the event of death or permanent disablement, arising from a violent or criminal assault suffered in the course of employment, all insurance payments will be made in accordance with paragraph 7 of Part 3 of the Green Book.

5d) Annual Leave

The holiday year runs from 1 April to 31 March.

As a small organisation, leave planning is very important for the smooth running of the Council. It is Council policy that sufficient staff should be available to provide an appropriate level of service with appropriate cover in place. Leave will be granted strictly on a first come first served basis, so it follows that leave planned well in advance has the best chance of being granted.

All leave must be agreed in advance, be recorded and authorised on the staff members leave record. Up to five days annual leave, which is not taken before the end of the financial year, may be carried over to the following year by arrangement.

The calculation of your annual leave commences from the first day of your

employment. You are entitled, in addition to the normal bank and public holidays, to take twenty one working days in each leave year and you will be paid your normal agreed remuneration during such annual leave.

In addition to normal bank and public holidays, you will be entitled to two extra statutory days.

The minimum annual leave entitlement will increase to twenty five working days when you have completed not less than five years of continuous service immediately prior to the commencement of the leave year.

If you join the council from another authority your previous service will be taken into account in calculating your holiday entitlement.

If your employment commenced or terminates part way through the leave year, your holidays during that year will be assessed on a pro rata basis. Deductions from final salary due to you on termination of employment will be made in respect of any leave taken in excess of entitlement.

Holidays must be taken at times agreed with the Town Clerk. By mutual agreement no more than five days leave may be carried forward to the next leave year.

NB: 1) *The number of hours is based on a 7.4 hour standard working day.*

2) *Part -time and job share employees receive a pro rata leave entitlement and depending on their work pattern, it may be allocated on an annual hours basis.*

5e) Sickness During Annual Leave

If an employee is certified sick when on annual leave, the time off will be considered as sick leave from the date of a medical certificate and further annual leave shall be suspended from that date. However, if an employee goes away from home to enjoy a holiday while on certificated sick leave, the annual leave will not be reinstated. If the claim of sicknesses not supported by a medical certificate then the absence is counted as annual leave.

5f) Public Holidays

There are 8 days public holidays each year.

Part Time Employees who do not work every day of the week or who work an irregular number of hours each day receive the entitlement to public holidays by way of an addition to their leave. (Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000). The entitlement is based on the number of contractual hours and, for example, an employee who works 20 hours per week on a Monday, Wednesday and Friday would be entitled to:-

$20/37 \times 7.4 = 4$ hours. For job sharers public holidays will be divided between job sharers pro rata to the number of hours worked.

5g) Working on a public holiday

You may be required to work on any or all of the above public holidays.

If you work on one of the above days, you will be paid as normal and entitled to take one day off in lieu at a mutually agreed date.

5h) Special Leave

The Town Clerk is authorised to grant up to five days special leave with pay on each occasion on compassionate grounds (close family bereavement, family illness).

5i) Public Duties

In accordance with section 29 of the Employment Protection (Consolidation) Act 1978, the Council has agreed to allow reasonable time off during working hours to carry out public duties as follows:-

- **School Governor** paid leave of absence to attend meetings of the governing body of a school but not of any sub-committees or working parties set up by that body.
- **Justice of the Peace** paid leave of absence in order to serve as a Justice of the Peace provided that the service does not interfere with normal office duties.
- **Councillor** up to 18 days paid leave of absence to any employee who is elected as a councillor for another authority. No more than three days may be taken in any one month

5j) Maternity/Paternity/Adoption Leave (Employment Act 2002)

In the event that an eligible employee is seeking to take maternity leave they should, at the earliest opportunity, discuss their plans with the Council/Town Clerk who will advise on leave entitlements and pay rates which are current at the time.

Your entitlement to maternity/paternity/adoption leave is as set out in the relevant legislation.

Unfair Dismissal

- It is automatically an unfair dismissal if an employee is dismissed for matters related to pregnancy

5k) Sickness

Provided that you comply with the Council's sickness absence policy, you will receive sick pay when you are absent from work because of sickness, as follows:

During 1st year of service	One month's full pay and (after completing 4 months' service) 2 months' half pay
During 2nd year of service	2 months' full pay and 2 months' half pay

During 3rd year of service	4 months' full pay and 4 months' half pay
During 4th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

N.B. For the purposes of calculating 'half' pay, the rate of pay for the agreed salary month will be used.

If you fall ill you should notify the Council/Town Clerk or have someone do so on your behalf.

First Day If you are unable to attend work you must notify the Town Clerk as soon as possible on the first day of absence. A telephone call from you, a relative or friend will be sufficient.

Fourth Day If you are still unable to return to work you must notify the Town Clerk of your continuing ill health, giving a diagnosis and expected date of return.

Eighth Day If you are sick for more than seven consecutive days (including Saturday and Sunday) you must submit a doctor's medical certificate to the council.

5l) Absence through continued sickness

The council may request that you be medically examined by an Occupational Physician of its choice, and at its expense, in the event of a period of continuous long term certified sickness in excesses of three months duration.

5m) Insurance Premiums

If any employee is required to use their car for council business purposes then the council will reimburse the amount of the difference between the ordinary social and domestic amount and that required by the insurer for business purposes.

6. Conditions of Employment

6a) Your written statement of particulars of employment must include the following:

- a) The names of the employer and employee;
- b) Either the place of work or, where the employee is required or permitted to work at various places, an indication of that and of the address of the employer;
- c) The date on which the employment began;
- d) The date on which the employee's period of continuous employment began (Which may differ from the date in (c) – taking into account any employment with a previous employer that counts towards that period;

- e) The title of the job that the employee is employed to do or brief description of the work which the employee has been employed to do;
- f) The scale or rate of remuneration (wages, salary, etc.) expressed as an hourly, weekly, monthly or annual figure, or the method to be used for calculating remuneration;
- g) The intervals at which wages or salary are to be paid (e.g. Weekly or monthly);
- h) Any terms and conditions relating to hours of work (including any terms and conditions relating to normal working hours);
- i) Any terms and conditions relating to the employees entitlement to holidays, including public holidays, special holidays and holiday pay (the particulars given being sufficient to enable the employee's entitlement, including any entitlement to accrued holiday pay on the termination of employment to be precisely calculated;
- j) Any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay;
- k) Any terms and conditions relating to pensions and pension schemes, plus a note stating whether there is in force a contracting-out certificate (Issued in accordance with Chapter 1 of Part III of the Pension Schemes Act 1993) stating that the employment is contracted-out employment (for the purposes of that part of the Act);
- l) The length of notice that an employee is give and receive to terminate his/her contract of employment;
- m) Where the employment is not intended to be permanent, the period for which it is expected to continue, or if it is for a fixed terms, the date when it is to end; and
- n) Particulars of any collective agreement that directly affects the terms and conditions of employment, including (Where the employer is not a party to such an agreement) the names of the parties by whom the agreement was made.

6b) Working Hours

The standard working week is one of 37 hours excluding meal breaks. Individual employees' specific hours will be dependent on contractual arrangements and will be detailed in their Contract of Employment. Employees on part time contracts working less than 37 hours will have such benefits as pay and leave calculated pro rata to the standard working week.

6c) Flexible Working – Parental Rights to Request

The council recognises that its success depends on a partnership between Council and staff and that in order to accommodate both the needs of the operation and the needs of individuals and depending on an individual's position certain types of flexible working scheme may be appropriate. You have the right to request this under the Flexible Working Arrangements legislation if you have a child up to age six or a disabled child up to age 18. The council may refuse for objective business reasons and must give them to you in writing. You may appeal to an Employment Tribunal against that decision.

6d) Annualised hours

Annualised hours contracts are appropriate where the requirements of the job are seasonal in nature. Working hours are agreed for the whole year rather than for a week. In "High Season" more than the standard weekly hours are worked while this is offset by less than standard hours in the off season.

6e) Fixed Hours

Due to the nature of their roles some employees will have contracts which specify fixed hours. While these hours will be those normally worked there may on some occasions be a requirement for some flexibility due to a requirement for additional working. Except where covered by overtime provisions outlined above any additional hours worked will be compensated by Time off in Lieu.

6f) Time off

Time off may be required for medical or dental appointments. Where such time off is required it will only be granted at the discretion of the Town Clerk.

Where possible, such appointments should be outside normal working hours.

6g) Time off for Dependants

Under the Employment Rights Act 1996 s.57A, all employees are entitled to be granted reasonable time off during working hours in order to take action necessary in circumstances of the:

- illness of a dependant, a birth, injury or assault;
- to make arrangements for the provision of care for a dependant;
- in consequence of the death of a dependant
- because of an unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves an employee's child which occurs unexpectedly during school/college hours

6h) Leave Without Pay

Any request for leave without pay will only be granted under exceptional circumstances and at the discretion of the Town Clerk or, in the case of the Town Clerk, at the discretion of the Council.

7. Termination of employment

7a) Notice

The minimum periods of notice to which you are entitled are:-

<i>Period of continuous employment</i>	<i>Minimum notice</i>
One month or more, but less than four years	4 weeks;
Four years or more, but less than twelve years	1 week for each year of continuous employment;
Twelve years or more	12 weeks.

The minimum period of notice of termination of your employment which you are required to give is not less than four weeks.

7b) Redundancy Arrangements

If circumstances arise where redundancy may be a possibility the first steps will be to consult with all employees with a view to seeking an agreed solution:

- Reduce overtime to a workable minimum.
- Restrict recruitment.

If redundancies are unavoidable, consideration will first be given to the retirement of employees over the normal retirement age and any applications for voluntary redundancy, where acceptable.

If selecting employees for redundancy is necessary, the criteria for selection will be discussed with you at the time. A fair procedure will be applied. At all times the overriding consideration will be the future operation of the council.

The council will make efforts on your behalf to find you another suitable position with the same status and remuneration in so far as may be reasonable to do so.

7c) Retirement

Default retirement age (formerly 65) has been phased out - most people can now work for as long as they want to. Retirement age is when an employee chooses to retire. The Town Council does not set a compulsory retirement age for its employees.

It is your responsibility to discuss when and how to retire with the Town Council as your employer. This may include phasing retirement by working flexibly.

If you are a member of the local government pension scheme, you must discuss your plans with the scheme managers to understand what impact a change in working hours or income might have on your pension, whether the scheme supports phased retirement and working beyond the scheme's normal pension age.

Retirement is a form of resignation – you and the Town Council will be bound by the procedures for this (see 7a, above).

7d) Termination of employment by employee without giving notice

If you terminate your employment without either giving or working the required period of notice as indicated in your employment contract, you will have an amount equal to the balance of notice period not worked deducted from any termination pay which may be due to you.

This is an express written term of your employment contract in accordance with the Employment Rights Act 1996 s.13.

7e) Performance

A satisfactory performance is a basic contractual requirement. You have a duty to monitor your own performance and to take advantage of appropriate training opportunities as they arise. You should also seek opportunities to improve the way things are done either on your own initiative, if appropriate or in conjunction with your colleagues and management. This will help to maintain the overall quality and cost effectiveness of the services offered and to ensure the continued viability of the employment the council offers Annual Development Review (Appraisal).

The council will ask you to take part in an annual development review. We do this both to build on your strengths for your future development and that of the council; and at the same time offer support/training in the case of any weaknesses.

The reviews should be seen as a positive process, which we believe are beneficial to both the employee and the council.

7f) Conduct Guidelines

There is a code of conduct based on guidelines issued by local government that should be observed:

Behaviour at Work

We must all behave with civility towards others.

Rudeness or abuse of any description cannot be tolerated from or towards other members of staff, councillors or members of the public.

Everyone must all use our best endeavours to promote the interest of the council.

Involvement in activities, which could be construed as being inappropriate to the position of a person working in the public sector will be the subject of discussion with you and may lead to disciplinary proceedings.

Confidential information regarding the councils business must not be disclosed to anybody either during or after the termination of your employment.

All reasonable instructions from your line-manager are to be carried out.

Intoxication at work either as a result of alcohol or drugs will result in disciplinary action.

Any incidence of harassment, abuse, victimisation or intimidation will be investigated and sanctions imposed on the perpetrator(s) through the proceedings open to the council by its internal processes or in law.

Standards

Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

Smoking, Alcohol & Drugs

You should not at any time bring onto the council premises any alcohol or drugs (other than those prescribed by your doctor).

Safety & Risk Management

Both with regard to safety and appearance work areas must be kept clean and tidy at all times.

Documents should not be kept on desks and should be filed and locked away as appropriate.

Disclosure of Information

It is generally accepted that open government is best. Legislation requires that certain types of information must be available to members, auditors, government department, service users and the public. Generally the council will only restrict discussion about Confidential Personal and Commercial matters (Data Protection Act 1998 & the Freedom of Information Act 2000) and be open about all other matters in the course of conducting its business.

Statements to the Press/Media

You must not make any statements to the press or media without the prior clearance and authority of the council.

Confidentiality

Any information which:

- Is or has been acquired by you during or in the course of your employment, or has otherwise been acquired by you in confidence ;

- Has not been made public by the council's, or you have been authorised to disclose:-

shall be confidential and, unless required by law, you shall not, either before or after the termination of your employment disclose such information to any person without the prior written consent.

You shall exercise reasonable care to keep safe all documents or other material containing confidential information, and on the termination of your employment, or at any other time, upon demand return to us any such material in your possession.

Political Neutrality

Employees serve the authority as a whole. It follows they must serve all councillors equally, and must ensure that the individual rights of all councillors are respected.

Subject to the council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

Relationships

Employees are responsible to the Council as a whole. For some, their role is to give advice to councillors and managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individual within that community as defined by the policies of the authority.

Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Town Clerk. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the Town Clerk

Appointment and other employment matters

Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

Intellectual Property

Employees should take advice on the ownership of intellectual property or copyright created during their employment.

Trade union membership

You are under no obligation to join a Trade Union.

You are free to join or not join any Trade Union of your choice.

An employee who is an official of an independent Trade union recognised by the employer must be granted time off to attend to duties

An employee who a learning representative of the trade union recognised by the employer must be granted time off under TULRCA 1992 s.168A, as inserted by s.43 of the Employment Act 2002 for the purpose of analysis of learning and training needs, the provision of information and advice on learning and training matters, the promotion of the values of learning and training. The employers obligation to allow time off is subject to a reasonable test.

Personal interests

Employees must declare to the council or an appropriate officer any financial interests which could conflict with the council's interests.

Employees should also declare to an appropriate officer membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

Discrimination and Equality issues

All council employees should ensure that policies relating to equality issues as agreed by the council are complied with in the spirit as well as the letter of the law. All members of the local community, customers

and other employees have a right to be treated with fairness and equity.

Separation of Roles – Tendering

Employees involved with tendering processes must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employees to demonstrate that any such rewards have not been corruptly obtained and such allegations, if proven, will be treated as instances of gross misconduct.

Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community.

Council Property

Use of council property for a purpose other than normal duties is not permitted. No property is to be taken away from council premises without prior explicit permission. You must notify the Town Clerk of any damage to the property or premises immediately.

Hospitality

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local council in the community. offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded.

When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the council.

Employees should not accept significant personal gifts from contractors and outside suppliers, although you may keep insignificant items of token value such as pens, diaries, etc.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the council gives consent to attendance in advance and where purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that council meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the council through sponsorship, grants, aid, or by other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

8. Harassment, Bullying, Abuse & Intimidation Policy & Procedure

8.1) Introduction

Many people in our society are victimised and harassed, abused, bullied & intimidated as a result of their race, creed, colour, nationality, sex, age, disability or gender re-assignment.

Harassment, abuse, bullying & intimidation can take many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, harassment, abuse, bullying & intimidation is always serious and is totally unacceptable.

The council recognises that personal harassment, abuse, bullying & intimidation can exist in the workplace as well as outside and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

8.2) Policy

The council deplores all forms of personal harassment, abuse, bullying & intimidation deriving from whatever source and seek to ensure that the working environment is sympathetic to all the council's employees.

The council has published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

The council recognises that it has a duty to implement this policy and all employees and councillors are expected to comply with it. Failure to comply by whomsoever will result in the most vigorous action, including reporting the person to the appropriate agency, or taking legal action against the offender(s).

8.3) Examples of harassment, bullying & intimidation

Harassment, abuse, bullying & intimidation can take many forms and members of staff or councillors may not always realise that their behaviour constitutes harassment. Harassment, abuse, bullying & intimidation is unwanted behaviour by one member of staff towards another, or a councillor(s) towards a member of staff, and examples of harassment, abuse, bullying & intimidation include:-

- Insensitive jokes and pranks
- Lewd or abusive comments about appearance
- Deliberate exclusion from conversations
- Displaying of abusive or offensive writing or material
- Unwelcome touching
- Remarks concerning race, religion, gender, sexual-orientation, age, disability

8.4) Complaining about personal harassment

Abusive, threatening, intimidating or insulting words or behaviour.

i) Informal Complaint

The council recognises that complaints of harassment, abuse, bullying & intimidation and particularly of sexual harassment can sometimes be of a sensitive nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure.

In these circumstances you are encouraged to raise such issues with a senior member of staff of your choice, whether or not that person has a direct supervisory responsibility for you.

If you are the victim of minor harassment, abuse, bullying & intimidation you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop.

If you feel unable to do this verbally, then you should hand a written request to the harasser - or the senior member of staff noted above, who will assist you in the matter.

ii) Formal Complaint

Where the informal approach fails or if the harassment, abuse, bullying & intimidation are more serious, you should bring the matter to the attention of the most senior appropriate person as a formal written complaint and again, the senior member of staff noted above will assist you in this. You should keep diary notes of the cause of your complaint so that the written complaint can include:-

- The name of the alleged harasser, abuser, bully
- The nature of the alleged harassment, abuse, bullying & intimidation
- The dates and times when the alleged incident(s) occurred
- The names of any witnesses
- Any action already taken by you to stop the alleged incident(s)

On receipt of a formal complaint the council will take action to separate you from the alleged harasser, abuser, and bully to enable an uninterrupted investigation to take place. This may involve a temporary transfer of your duties or exceptional leave with full salary until the matter has been resolved.

The person dealing with the complaint will carry out a thorough investigation in accordance with the council's disciplinary procedure. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

When the investigation has been concluded a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser, abuser, and bully. If you or the alleged harasser, abuser, bully are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered before the final report is sent, in writing, to you and the alleged harasser.

General notes about Harassment, Abuse, Bullying & Intimidation

If the report concludes that the allegation is well founded, the person(s) complained of will be subject to disciplinary action in accordance with the council's internal disciplinary procedure. If the matter is of such a serious nature that the powers of the council are deemed inadequate to deal with the matter satisfactorily then the council will take legal advice.

An employee who receives a formal warning or who is dismissed for harassment may appeal against the disciplinary action by using our disciplinary appeal procedure.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint

is untrue and has been brought with malicious intent, disciplinary action will be taken against you.

If the matter involves a councillor the council will use its internal complaints procedure to deal with the matter, or if the matter is of such a serious nature that the powers of the council are deemed inadequate to deal with the matter satisfactorily then the council will take legal advice.

9. Whistle Blowing

If an employee suspects that malpractice or a wrongdoing may be taking place, then they should report the matter to the Town Mayor or Town Clerk. The employee is protected in certain ways under the Public Interest Disclosure Act 1998. Such breaches of malpractice could be one or more of the following:-

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate covering up of information tending to show any of the above

Employees who 'blow the whistle' on wrongdoing in the workplace can complain to an employment tribunal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure.

10. Grievance and Discipline – Dispute Resolution

10.1) Conciliation and Mediation

Before resorting to formal procedures from the employee or from the council it is the policy of the council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Where necessary the council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute.

10.2) Policy and Procedure

The Council's relevant policies and procedures are set out in Appendix 2 (Grievance) and Appendix 3 (Discipline).

11) Health and Safety

11.1) Policy Statement

The council recognises and accepts its responsibility as an employer for providing a safe and healthy working and operating environment and for taking all due care to protect the safety of its employees and members of the public who use its facilities. Accordingly it will, so far as is reasonable and practicable, take steps to meet this responsibility paying particular attention to the provision and maintenance of:-

- a) Plant, equipment and systems of work that are safe.
- b) Safe arrangements for the use, handling, storage and transport of articles and substances.
- c) Sufficient information, instruction, training and supervision as is necessary to ensure the health and safety at work of all employees.
- d) Safe places of work and safe access to them. Safe public areas where these are under Town Council control.
- e) A safe and healthy working and operating environment.
- f) Adequate facilities for welfare at work.

All employees and members of the public are reminded of their duty to take reasonable care for the safety of themselves and others who may be affected by their acts or omissions and to co-operate with others who may be affected by their acts or omissions and to co-operate with council staff to secure compliance with statutory duties placed upon them. This is in addition to the responsibility of the council and its managers/ supervisors for ensuring generally safe conditions of work. You must not do anything that could threaten the health or safety of yourself, fellow employees, customers or members of the public. (Health & Safety Act 1974 and the Management of Health and Safety at Work Regulations 1999.

Employees shall at all times make full use of appropriate safety equipment, devices and protective clothing and report any accidents, unsafe practices, systems of work and damage to equipment to the Town Clerk.

Employees shall at all times:-

- i) make full use of appropriate safety equipment, devices and protective clothing and report any accidents, unsafe practices, systems of work and damage to equipment to the Town Clerk;
- ii) refrain from smoking on the Council's premises;
- iii) refrain from alcohol or drugs on the Council's premises, other than those drugs medically prescribed; and
- iii) familiarise themselves with the Health and Safety Executive's health and safety policies and your health and safety duties and responsibilities, details of which are available in the Council's office

The policy will be reviewed from time to time and may be updated.

Make yourself familiar with the HSE health and safety policies and your health and safety duties and responsibilities, details of which are available in the council's office.

11.2) Welfare and Hygiene

Protective clothing and items

Protective clothing and other items issued for your protection because of the nature of your job must be worn at all times. Failure to do so may contravene the Health and Safety at Work Act.

Once issued you should wear this protective wear on any and all relevant occasions, as not to do so may jeopardise your welfare and breach a condition of the council's insurance policy.

11.3) Hygiene – As applied to posts in particular circumstances

Any caps, other head coverings and overalls or uniforms where provided must be worn at all times.

You should not wear excessive amounts of make up or perfume and no nail varnish should be worn.

Any cut or burn on the hand or arm must be covered with a suitable approved dressing.

If you are suffering from an infectious or contagious disease or illness, or if you are suffering from a bowel disorder, boils, skin or mouth infection, you must not report to work without clearance from your doctor.

In these circumstances even after obtaining clearance from your doctor you must get clearance from the Town Clerk.

Any contact with a person suffering from an infectious or contagious disease must be reported to the Town Clerk before commencing work.

If working with or near foodstuffs, you must get clearance from your own doctor.

11.4) Arrangements

Health and Safety Information

Copies of health and safety guides provided by the HSE are held by the Town Clerk. These are the primary reference for Health and Safety matters

Risk Assessments

Periodically, health and safety reviews will take place. Risk Assessment forms will be completed and copies held by the Town Clerk who will implement improvements to minimise significant risks.

Safety Instruction

Safety instruction will primarily be provided "on the job" but will be supplemented by more formal tuition when required.

Accident Reporting

An Accident Report Form is available from the Council office and also online at www.hse.gov.uk/forms/incident/index.htm. All accidents should be reported to the Town Clerk. They will ensure that the Council Accident

Record is updated. Where the accident is notifiable as defined in the local council health and safety guide (part 2 section 8) the Town Clerk will be informed and will notify the appropriate authorities.

First Aid

First aid kits are maintained in each work location operated by the council. Where appropriate first aid will be applied preferably by the council First Aider or by a competent person. Where more serious injury is sustained professional help will be sought as soon as possible.

Fire

Fire procedures will be posted at any council work location.

12. Information Technology

Virus Protection Procedures

In order to prevent the introduction of virus contamination into the computer software and computer hardware system, the following procedures must be observed:

- a) Unauthorised software must not be used.
- b) All software must be virus checked using standard testing procedures before being used.

Software Copyright (To ensure the Council complies with the law)

- a) The Council will observe its obligations under software copyright agreements.
- b) Employees have a duty of care in respect of software copyright i.e. they must ensure that only properly licensed/purchased software is in use on their pc and they must not condone or permit the copying of software from any other Council pc.

Computer Misuse (to ensure the efficiency of staff and computers)

- a) Computers should be used for the tasks for which they have been purchased i.e. to assist staff in the execution of their duties. Game playing (unless 'business game' or 'planning game' type of activities approved by the Town Clerk) will not be permitted.
- b) The use of computers for activities not connected with the Council's business, especially where the work is undertaken for reward, is strictly forbidden.

Penalty for Non-Compliance

The disciplinary procedure, as adopted by the Council, will apply in respect of any breaches of this policy by employees.

13. General Matters

13.1) Changes in personal details

You must notify us of any change of address, next-of-kin etc, so the council can maintain accurate information on its records and make contact with you in an emergency. Such changes should be advised to the Town Clerk.

13.2) Payment of Salaries and Wages

The Employment Rights Act 1996 requires that you will receive a pay slip showing how the total amount of your salary/wages has been calculated. This must show all the deductions made and the reasons for them, e.g. Income Tax, National Insurance Contributions etc. Any queries that you may have should be raised initially with the Town Clerk.

13.3) Indemnity

The council undertakes to indemnify you from any acts of omission or commission that are carried out by you while acting in good faith on the councils business.

APPENDIX 1

Equalities Statement

- The council is an equal opportunities employer. Equal opportunity is about treating people fairly, openly and honestly.
- All employees and job applicants will be treated equally.
- No employee or potential employee will receive less favourable treatment on the grounds of sex, gender, sexual-orientation, race, colour, religion, and nationality, ethnic origin, age, disability or on the basis of gender re-assignment.
- No employee or potential employee will be disadvantaged by any conditions of employment or requirements that cannot be justified as necessary on operational grounds.
- Decisions about appointments, training, developments and promotion will be made on the basis of merit or ability.
- All employees have a personal responsibility for the application of this equal opportunity policy, which extends to the treatment of both fellow employees and customers.
- Everyone involved in recruiting, selecting, promoting and training employees has a special responsibility for the practical application of this equal opportunity policy.
- Any employee who believes he or she may have been unfairly discriminated against is encouraged to use our grievance procedure.
- Any employee who conducts himself in a discriminatory manner (whether on the grounds of sex, race, colour, religion, nationality, ethnic origin, marital status, age, disability or gender re-assignment) towards another employee, customer or member of the public will be guilty of gross misconduct and will be subject to disciplinary action.
- Any individual seeking the services of the Council should be treated fairly and without bias.
- Any complaints will be dealt with appropriately with relevant action taken to remedy or improve any situation which is found to be discriminatory.

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APPENDIX 2

Grievance Policy & Procedure

INTRODUCTION

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work.

It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager,

This policy confirms:

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits must be agreed by the employee and the Council
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998
- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition

- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

INFORMAL GRIEVANCE PROCEDURE

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Vice Chair of the Resources Committee or, if appropriate, another member of the Resources Committee.

FORMAL GRIEVANCE PROCEDURE

If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Vice Chair of the Resources Committee.

The Resources committee will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a Chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the subcommittee.

Investigation

The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public) .

Notification

Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee's letter will include the following:

- the names of its Chair and other members
- a summary of the employee's grievance based on his/her written submission
- the date, time and place for the meeting. The employee will be given reasonable notice of the -meeting which will be within 25 working days of when the Council received the grievance ,

- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

THE GRIEVANCE MEETING

At the grievance meeting:

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

THE APPEAL

If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Vice Chair of the Resources committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds, eg:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

The Appeal will be heard by a panel of three members of the Resources committee who have not previously been involved in the case. There may be insufficient members of the Resources committee who have not

previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Resources committee. The appeal panel will appoint a Chair from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chair will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- explain the action that the appeal panel may take.

The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.

The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Resources Committee or substitute its own decision.

The decision of the appeal panel is final.

APPENDIX 3

Discipline Policy & Procedure

INTRODUCTION

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work the policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms:

- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used to when performance management proves ineffective. For more information see the ACAS publication "How to manage performance".
- employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission
- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential

to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 1998

- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

Examples of misconduct

Misconduct is employee behaviour that Can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and Internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

Examples of gross misconduct

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination

- serious breaches of health and safety rules
- serious and deliberate damage to property
- use of the Internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Examples of unsatisfactory work performance

The following list contains some examples of unsatisfactory work performance:

- inadequate application of office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

DISCIPLINARY INVESTIGATION

The Council's Resources Committee will appoint an Investigator who will be responsible for undertaking the investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the Resources Committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Resources Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

- what the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).

The Resources Committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

If there are other persons (eg employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Resources Committee whether or not disciplinary action should be taken.

The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
- the employee has a case to answer and there should be action under the Council's disciplinary procedure.

The Investigator will submit the report to the Resources Committee which will decide whether further action will be taken.

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

THE DISCIPLINARY MEETING

If the Resources Committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chair from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The subcommittee's letter will confirm the following:

- the names of its Chair and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting
- that the employee and the Council will provide each other with all

supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing

- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The disciplinary meeting will be conducted as follows:

- the Chair will introduce the members of the sub-committee to the employee
- the Investigator will present the findings of the investigation report
- the Chair will set out the Council's case and present supporting evidence (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or the companion) will have the opportunity to sum up his/her case
- the Chair will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chair will also notify the employee of the right to appeal the decision
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

DISCIPLINARY ACTION

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

Oral warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

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

Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if

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

Final written warning

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

Dismissal

The Council may dismiss:

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

The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

THE APPEAL

An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy

- the sub-committee's decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

The Appeal will be heard by a panel of three members of the staff committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Resources Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chair from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chair will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- explain the action that the appeal panel may take.

The employee (or his companion) will be asked to explain the grounds for appeal.

The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.

The appeal panel may decide to uphold the decision of the Resources Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

The appeal panel's decision is final.

27. Travel Allowance Policy

1. A Travel Allowance is payable to Members and officers of the Town Council in respect of expenditure incurred in the performance of approved duties outside the boundaries of Barnard Castle.

The definition of an approved duty is as follows:-

- (a) attendance at a meeting of the Town Council or any of its subsidiary bodies or a meeting of a body to which appointments or nominations are made (including Committees or Sub-Committees of that body);
 - (b) attendance at a meeting of any association of authorities of which the Town Council is a member; and
 - (c) the performance of any other duty approved by the Council (including training) for the purpose of, or in connection with, the discharge of the functions of the Council or any of its subsidiary bodies.
2. A Travel Allowance is payable when travel is undertaken by private car, motorcycle, taxi, rail and air. The most economical mode of transport must be used and Members and officers are encouraged to share transport wherever possible.
 3. A supplementary allowance will be paid for each passenger carried on an approved journey by the principal claimant.
 4. The Travel Allowance payable for private car use is the current rate agreed by HMRC for mileage rates, including provision for passenger mileage.
 5. A Mileage Claim form (Appendix) must be completed and submitted before a Travel Allowance can be reimbursed.
 6. The Clerk or Deputy Clerk will determine the appropriate allocation of Travel Allowance payments from the Training and Travel Allowance budgets.

Appendix – Mileage Claim Form



Barnard Castle
Town Council

EXPENSES CLAIM FORM	
Claim for Travel Expenses	☒
Please give details including reason for journey and date(s) of travel.	
Amount Claimed Car Travel - please refer to Car Allowance guidance notes attached Rail Travel - paid at standard second class rate	A. Miles Travelled B. Normal travel to work (if applicable) C. Relevant HMRC rate (p/mile) D. Passenger Miles (5p/mile/passenger) E. Amount claimed (A-B)x C plus D (or fare)
Name and Address of claimant	
Date	
Signed	
Approved	

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