



You are summoned to attend the following meeting of Wincham Parish Council to be held at The Community Centre, Wincham on Wednesday 20 March 2019 at 7.30 pm. Prior to the start of the meeting there will be a 15 minute public forum, if required.

1. To receive Apologies for Absence.
2. To receive disclosures of personal and prejudicial interests from Councillors on matters to be considered at the meeting.
The disclosure must include the nature of the interest. If you become aware, during the course of a meeting, of an interest that has not been disclosed under this item you must immediately disclose it. You may remain in the meeting and take part fully in discussion and voting unless the interest is prejudicial.
A personal interest is prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest and it relates to a financial or regulatory matter
3. To resolve that the minutes of the meeting of the Council held on the 27 February 2019 circulated to members be signed as a correct record
4. Matters Arising from Previous Meetings.
5. To receive reports from Unitary Councillors.
6. Planning:
 - i. To consider any applications received between the date of the last meeting and the date of this meeting.
 - ii. To note any approvals received since the last meeting.
 - iii. To note any refusals or withdrawals issued since the last Parish Council meeting. (Please see Appendix A).
7. To receive a report on CHAIN and on the proposed developments by TATA.
8. To receive a report from PCSO Wiggins.
9. Sub-Committees and Working Parties
 - i. To agree dates for any other sub-committees to be held before the next Council Meeting so that formal Notices may be published.
 - ii. To receive an update from the Grounds Maintenance Working Party, including arrangements for borrowing the snakes and ladders and draughts/chess pieces from the Spar and whether there is any need to protect the games picnic bench with anti graffiti paint.
 - iii. To receive an update from any additional Sub-Committees or Working Parties
10. Linnards Lane and Chapel Street Inspections
To note the rota for the responsibility for inspections:

16/3/2019	Cllr Makepeace
13/4/2019	Cllr Morgan
11/5/2019	Cllr Brown
15/6/2019	Cllr Powell
20/7/2019	Cllr Birbeck
17/8/2019	Cllr Barker
21/9/2019	Cllr Casson

Inspections sheets are required for each individual week. Inspection sheets may be scanned and sent to the clerk at winchampc@talktalk.net or sent by post to 22 Churchfields Bowdon WA14 3PJ.

11. To consider an offer by a resident at his expense to replace the chain link fence on the perimeter of the Linnards Lane Playing Field, to the rear of the War Memorial.

- 12. To review the current position along the boardwalk beside Pickmere Lake.**
- 13. To note with sadness the death of Frank Smith who was a Councillor on Wincham Parish Council for many years and served the village with distinction in many ways and to explore whether the Parish Council wishes to mark his life.**
- 14. To discuss:**
 - i. An event to unveil the Jet Commemorative Stone within the Community Centre on 4 May; to discuss arrangements and a budget for this; to discuss which Councillors are able to attend; to agree catering arrangements and responsibilities;**
 - ii. The legal paperwork necessary for the Jet Stone remaining in the Community Centre;**
 - iii. The dimensions of the information board and the arrangements for this to be created and installed.**
- 15. To note the present situation regarding the defibrillator.**
- 16. To note that Council Elections will take place in May 2019 and to explore what this will mean for Wincham Parish Council and its Councillors.**
- 17. To consider tree planting plans within the parish.**
- 18. To discuss arrangements, responsibilities and a budget for the Unsung Heroes event 11am to 2pm on 27 April, bearing in mind the restrictions of election purdah with regard to names of Councillors being associated with the event.**
- 19. To discuss arrangements, responsibilities and a budget for the Picnic in the Park and to note that Pickmere Parish Council does not have an event planned for 21 July 2019.**
- 20. To consider providing payment for those involved in producing and editing the newsletter but to note that no serving Councillor may be paid for editing a parish council newsletter.**
- 21. To consider re-appointing the same payroll provider, namely Cheshire Community Development Trust**
- 22. To consider adopting the new NALC model Standing Orders with or without the amendments suggested by the Clerk. (Please see Appendix J with proposed amendments highlighted in yellow.)**
- 23. To consider adopting the revised NALC Code of Conduct with one amendment highlighted by the Clerk. (Please see Appendix S.)**
- 24. To consider adopting the revised Wincham Parish Council Governance and Administration Document as a whole including the revised Standing Orders and Code of Conduct. (Appendix S).**
- 25. To note and consider the revised Wincham Parish Council Register of Fixed Assets to take account of the new benches and picnic benches (Appendix U)**
- 26. To consider:**
 - i. a denoted area for members of the public to sit if they declare they intend to record a parish council meeting.**
 - ii. To consider a Policy on filming, audio-recording or photographing a Parish Council or committee or sub-committee meeting. (Appendix G.)**
- 27. To consider the following policies and notices:**
 - i. General Privacy Policy (Appendix D)**
 - ii. General Privacy Notice (Appendix F)**
 - iii. Subject Access Policy (Appendix E)**
 - iv. ICO Model Publication Scheme which it is recommended should be adopted (Appendix I)**

- v. Wincham Parish Council Publication Scheme (Appendix M)
- vi. Freedom of Information Policy (Appendix R).

28. To consider the following optional policies:

- i. Policy clarification in relation to photographs displayed in the newsletter and on the website (Appendix H)
- ii. Complaints Procedure (Appendix K)
- iii. Policy on data protection and information security (Appendix L)
- iv. Policy on social media (Appendix N)
- v. Policy on the Parish Council website (Appendix O)
- vi. Policy on equality and diversity (Appendix P)
- vii. Policy on dealings with the press (Appendix Q)

29. To receive an update from events attended by Councillors or the clerk in an official capacity and to note all such events for the internal auditor.

30. To consider locating a cabinet in the PCSO room and using it for Parish Council storage.

31. Correspondence: to receive a report of letters and emails received by the Clerk since the last meeting and to consider any matters arising.

32. To receive a report on Village Communication.

- i. To receive a report on the newsletter.
- ii. To receive any changes or additions for the village website.
- iii. To receive a report on the village Facebook page and other social media
- iv. To receive an update on the arts and performance around the Wincham area.

33. Accounts:

- i. To authorise payments listed in Appendix B.
- ii. To note Current Net Balances

Current Account as at 4.1.2019	£200.00
Business Reserve Account 1. as at 4.1.2019	£40,473.07
Business Reserve Account 2. as at 4.1.2019	£12,011.46

34. Any Other Business.

AGENDA PART 2 The remainder of the agenda will be taken in closed session not open to the public or press and will relate to updating personnel matters.

Naomi Morris
14.3.2019

March 2019

APPENDIX A

A. APPLICATIONS

- a) Site Address: 37 Shores Green Drive Wincham Northwich CW9 6EE

Proposal: **Erection of first floor side extension and porch and garage conversion**

Reference Number: **19/00549/FUL**

Case Officer:

If you want to comment on this application or view all the application documents (including supporting documentation) please use our online Public Access system at <http://pa.cheshirewestandchester.gov.uk/online-applications/>.
Comments by:

27 March 2019.

B. APPROVALS/REFUSALS

None so far.

C. APPEALS

a) **Site Address:** Land To Rear of, 60 Church Street, Wincham, Northwich
Description of development: Demolish greyhound training facility and build one single storey dwelling with associated landscape works and driveway.
Application reference: 18/01674/FUL
Appellant's name: Curbishley Holdings
Planning Inspector ref: APP/A0665/W/19/3221572
Appeal reference: 19/00027/REF
Appeal start date: 1 March 2019

All representations must be received by 5 April 2019. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the reference APP/A0665/W/19/3221572.**

March 2019

APPENDIX B

Accounts to settle

1. Earth Anchors Ltd
Croydon
15 Campbell Road
CR0 2SQ

SAPT/ROUND/BLK SURREY ADULT ROUND PICNIC TABLE - ALL BLACK	
Date Promised: 14/02/2019	565.00
ADULT ACTIVITY TABLE - BLACK, TOP SPEC: CHESS/SNAKES & LADDERS	
AAPT/BLK	
Date Promised: 14/02/2019	510.00
EA2 ANCHORED FIXING KIT + TOOLS	
Date Promised: 14/02/2019	49.00
EA1 ANCHORED FIXING KIT	
Date Promised: 14/02/2019	34.00

	VAT:	251.20	
	Delivery:	98.00	
			£1,50
			7.20
2. Cheshire Community Development Trust			
Waterside House	payroll services for 2018/19	140.00	
Navigation Road			
NORTHWICH			
Cheshire			
CW8 1BE	VAT	28.00	
			£168.00
3. Northwich Town Council for works on Linnards Lane and Chapel Street;			
i.	Invoice 3365 dated 01/03/19	£171.50	
	VAT	34.30	£205.80
ii.	Invoice 3372 dated 07/03/19 (work on play equipment)		
	To install 1 picnic bench supplied by Wincham Parish Council to Linnards Lane Play	£220.50	
	To install 5 benches provided by Wincham Parish Council onto grass	£588.00	
	To install 3 picnic benches supplied by Wincham PC	£98.00	
	VAT	£181.30	£1087.80
			£1293.60
4. The Clerk			
i.	Reimbursement of Clerk for postage:		
	2 nd class large envelope	£0.79	
	24 x standard 2 nd class stamps	£13.92	£14.71
ii.	Clerk's salary for March 2019 35 hours @ £10.72/hour		£375.20
			£389.91

APPENDIX C Correspondence

1. Emails concerning the war memorial and its wreaths
2. Emails regarding grant applications
3. Emails regarding a property on Linnards Lane
4. Emails regarding NALC Standing Orders and Code of Conduct
5. Emails regarding the approach taken by other parishes to data protection and Freedom of Information and the policies required.
6. Emails regarding the installation of the roundabout.
7. Emails regarding the teen shelter.
8. Emails regarding the new benches and picnic benches.
9. An Email from a member of the public regarding the conduct of the Parish Council meeting and the filming thereof.
10. Emails regarding the election and the process thereof.
11. Emails regarding PAYE.
12. Emails from the internal auditor.
13. Emails regarding Pickmere Lake.
14. An email regarding the Mersey Forest offer to supply whips.
15. Emails to Witton Albion.

Appendix D

WINCHAM PARISH COUNCIL

GENERAL DATA PROTECTION REGULATION

GENERAL PRIVACY POLICY

Approved 20 March 2019

Who are we?

All public and organisations are legally obliged to protect any personal information they hold.

This General Privacy Policy is provided to you by the Wincham Parish Council which is the data controller for your data.

Wincham Parish Council is committed to protecting your privacy. Wincham Parish Council ("the Council") is registered as a data controller (ICO registration ZA125048).

Our contact details

Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be

directly using the data itself or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

What personal data is held?

The Wincham Parish Clerk (“the Clerk”) holds the following:

- A copy of the Electoral Register for the Parish.
- Planning Applications for the Parish and personal information held within them.
- Names, addresses, telephone numbers & email addresses which have been voluntarily given to the Council for communication purposes.
- Bank details for grant payments.
- Information volunteered to the Council in relation to a query or complaint.

Where is personal data stored?

- The Clerk holds information on a computer and laptop at the Clerk’s home. The laptop and the computer are password-protected and back-ups are stored in a locked cabinet.
- Paper documents are also stored and managed by the Clerk at their home address.

Other data controllers the Council works with:

- Other data controllers, such as local authorities, including other parish councils
- Community groups
- Charities
- Other not for profit entities
- Contractors and suppliers
- Other bodies, e.g. commercial bodies located within and outside the parish.

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

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

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

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where you pay for activities, financial identifiers such as bank account numbers;
- The Council does not possess or process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants; should it wish to do so, the Council will update this privacy notice to explain how any such data is stored and processed;

There is a further category of data - that is so-called sensitive personal data – which may include data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation; the Council does not possess any

such data at the present time; should it wish to do so, the Council will update this privacy notice to explain how any such data is stored and processed;

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

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

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

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, or telephone;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the Council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council;
- To allow the statistical analysis of data so we can plan the provision of services;

What is the legal basis for processing your personal data?

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

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

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

Sharing your personal data

- Your personal information will NOT be sold.
- It may be necessary for the Council to view certain personal data when considering planning applications.
- Information volunteered to us by you in relation to queries or complaints may be viewed by the Council.

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

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

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

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

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

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

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

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

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

3) The right to have your personal data erased

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

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

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

5) The right to data portability

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

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

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

7) The right to appeal to an Internal Review Process

You can appeal to the Wincham Parish Internal Review Process if you believe your request has not been handled within the stated time frame or if you have any other reason to complain. The right to appeal to the Wincham Parish Internal Review Process is in addition and does not affect your right to lodge a complaint with the Information Commissioner's Office (see below). In first instance, the appeal for an Internal Review by Wincham Parish Council shall be addressed to the Clerk (see Contact Details below) and the Clerk shall be responsible for communicating the request in a timely manner to Wincham Parish Council and the Council shall hold an Internal Review Process involving either the Chairman or the Vice Chairman and 2 other Councillors. Such Internal Review should normally be completed within the period of one month from the request for an Internal Review having been received by the Clerk.

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

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

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

Further processing

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

Changes to this Privacy Policy Statement

We keep this Privacy Policy Statement under regular review and we will place any updates on this web page This Notice was last updated on 20 March 2019.

Contact Details

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

The Data Controller,

Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

This policy was adopted by Wincham Parish Council on 20 March 2019

Approved by Council on 20 March 2019 (Item 27(i) of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Appendix E

WINCHAM PARISH COUNCIL

GENERAL DATA PROTECTION REGULATION SUBJECT ACCESS

POLICY

Adopted by the Council on 20 March 2019

This policy was adopted by Wincham Parish Council (“the Council”) in order to comply with the requirements of the General Data Protection Regulations (GDPR), in force on 25 May 2018

Data subjects have the right to access personal data held on them by the Council. Details are set out in the Privacy Notice on the Council’s website. This policy is in place to ensure that internal procedures on handling of SARs are accurate and complied with and includes:

- (1) Responsibilities (who, what)
- (2) Timing
- (3) Changes to data
- (4) Handling requests for rectification, erasure or restriction of processing.

The Council will ensure that personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.

1. Upon receipt of a SAR

- (a) The data subject will be informed who at the Council to contact, the Data Controller (the Clerk to the Parish Council).
- (b) The identity of the data subject will be verified and if needed, any further evidence on the identity of the data subject may be requested.
- (c) The access request will be verified; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not, additional information will be requested.
- (d) Requests will be verified as to them being unfounded or excessive (in particular because of their repetitive character); if so, the Council may refuse to act on the request or charge a reasonable fee.
- (e) Receipt of the SAR will be promptly acknowledged, and the data subject will be informed of any costs involved in the processing of the SAR.
- (f) Whether the Council processes the data requested will be verified. If the Council does not process any data, the data subject will be informed accordingly. At all times the internal SAR policy will be followed, and progress may be monitored.
- (g) Data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned may be permitted, including if the information is requested in a different form from which it is held by the Council.
- (h) The data requested will be verified to establish if it involves data on other data subjects. This data will be filtered before the requested data is supplied to the data subject; if data cannot be filtered, other data subjects will be contacted to give consent to the supply of their data as part of the SAR.

2. Responding to a SAR

- (a) The Council will respond to a SAR within one month after receipt of the request:

- (i) If more time is needed to respond to complex requests, an extension of another two months is permissible, and this will be communicated to the data subject in a timely manner within the first month;
 - (ii) if the council cannot provide the information requested, it will inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- (b) If a SAR is submitted in electronic form, any personal data will be preferably provided by electronic means as well.
- (c) If data on the data subject is processed, the Council will ensure as a minimum the following information in the SAR response:
 - (i) the purposes of the processing;
 - (ii) the categories of personal data concerned;
 - (iii) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
 - (iv) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (v) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - (vi) the right to lodge a complaint with the Information Commissioners Office (“ICO”);
 - (vii) if the data has not been collected from the data subject: the source of such data;
 - (viii) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- (d) Provide a copy of the personal data undergoing processing.

Implementing the Subject Access Requests Policy -

Checklist What must any Councillor or representative

of Wincham Parish Council do?

1. Upon receipt of a subject access request you must forward it immediately to the Clerk to the Parish Council; the Clerk will be responsible for the following stages:
 - Correctly identify whether a request has been made under the Data Protection legislation
 - Make a full exhaustive search of the records to which they have access.
 - Provide all the personal data that has been requested unless an exemption can be applied.
 - Respond within one calendar month after accepting the request as valid.

2. Undertake the provision free of charge to the requestor unless the legislation permits reasonable fees to be charged

How must I do it?

1. Notify the Clerk to the Parish Council upon receipt of a request. The Clerk will be responsible for the following stages:
2. The Council must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. The Clerk must clarify with the requestor what personal data they need. They must supply their address and valid evidence to prove their identity. The council accepts the following forms of identification (* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months):
 - Current UK/EEA Passport
 - UK Photocard Driving Licence (Full or Provisional)
 - Firearms Licence / Shotgun Certificate
 - EEA National Identity Card
 - Full UK Paper Driving Licence
 - State Benefits Entitlement Document*
 - State Pension Entitlement Document*
 - HMRC Tax Credit Document*
 - Local Authority Benefit Document*
 - State/Local Authority Educational Grant Document*
 - HMRC Tax Notification Document
 - Disabled Driver's Pass
 - Financial Statement issued by bank, building society or credit card company+
 - Judiciary Document such as a Notice of Hearing, Summons or Court Order
 - Utility bill for supply of gas, electric, water or telephone landline+
 - Most recent Mortgage Statement
 - Most recent council Tax Bill/Demand or Statement
 - Tenancy Agreement
 - Building Society Passbook which shows a transaction in the last 3 months and your address
3. Depending on the degree to which personal data is organised and structured, the Clerk should search emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.
4. The Council must not withhold personal data because it believes it will be misunderstood; instead, an explanation should be provided with the personal data. The personal data should be supplied in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. The Council may be able to agree with the requester that they will view the personal data on screen or inspect files at premises where Council work is done.
5. The Clerk must redact any exempt personal data from the released documents and explain

why that personal data is being withheld. When a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint.

3. When a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint.

The right to appeal to an Internal Review Process

A requestor can appeal to the Wincham Parish Internal Review Process if they believe their request has not been handled within the stated time frame or if they have any further reason to complain. The right to appeal to the Wincham Parish Internal Review Process is in addition and does not affect the right to lodge a complaint with the Information Commissioner’s Office (see below). In first instance, the appeal for an Internal Review by Wincham Parish Council shall be addressed to the Clerk (see Contact Details below) and the Clerk shall be responsible for communicating the request in a timely manner to Wincham Parish Council and the Council shall hold an Internal Review Process involving either the Chairman or Vice Chairman and 2 other Councillors. Such Internal Review should be completed within the period of one month from the request for an Internal Review having been received by the Clerk.

The right to lodge a complaint with the Information Commissioner’s Office.

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

Contact Details

Please contact us if you have any questions or to exercise all relevant rights, queries or complaints at:
Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

Approved by Council on 20 March 2019 (Item 27(iii) of the Agenda)

.....

Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

WINCHAM PARISH COUNCIL

GENERAL DATA PROTECTION REGULATION

GENERAL PRIVACY NOTICE

Approved 20 March 2019

Who are we?

All public and organisations are legally obliged to protect any personal information they hold.

This Privacy Notice is provided to you by the Wincham Parish Council which is the data controller for your data.

Wincham Parish Council is committed to protecting your privacy. Wincham Parish Council (“the Council”) is registered as a data controller (ICO registration ZA125048).

Our contact details

Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

What personal data is held?

The Wincham Parish Clerk (“the Clerk”) holds the following:

- A copy of the Electoral Register for the Parish.
- Planning Applications for the Parish and personal information held within them.
- Names, addresses, telephone numbers & email addresses which have been voluntarily given to the Council for communication purposes.
- Bank details for grant payments.
- Information volunteered to the Council in relation to a query or complaint.

Where is personal data stored?

- The Clerk holds information on a computer and laptop at the Clerk’s home. The laptop and the computer are password-protected and back-ups are stored in a locked cabinet.
- Paper documents are also stored and managed by the Clerk at their home address.

Other data controllers the council works with:

- Other data controllers, such as local authorities, including other parish councils
- Community groups
- Charities
- Other not for profit entities
- Contractors and suppliers
- Other bodies, e.g. commercial bodies located within and outside the parish.

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

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

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

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where you pay for activities, financial identifiers such as bank account numbers;
- The Council does not possess or process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants; should it wish to do so, the Council will update this privacy notice to explain how any such data is stored and processed;

There is a further category of data - that is so-called sensitive personal data – which may include data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation; the Council does not possess any such data at the present time; should it wish to do so, the Council will update this privacy notice to explain how any such data is stored and processed;

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

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

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

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;

- To contact you by post, email, or telephone;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the Council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council;
- To allow the statistical analysis of data so we can plan the provision of services;

What is the legal basis for processing your personal data?

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

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

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

Sharing your personal data

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

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

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other

records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

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

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

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

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

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

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

3) The right to have your personal data erased

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

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

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

5) The right to data portability

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

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

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

7) The right to appeal to an Internal Review Process

- You can appeal to the Wincham Parish Internal Review Process if you believe your request has not been handled within the stated time frame or if you have any other reason to complain. The right to appeal to the Wincham Parish Internal Review Process is in addition and does not affect your right to lodge a complaint with the Information Commissioner's Office (see below). In first instance, the appeal for an Internal Review by Wincham Parish Council shall be addressed to the Clerk (see Contact Details below) and the Clerk shall be responsible for communicating the request in a timely manner to Wincham Parish Council and the Council shall hold an Internal Review Process involving either the Chairman or Vice Chairman and 2 other Councillors. Such Internal Review should normally be completed within the period of one month from the request for an Internal Review having been received by the Clerk.

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

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

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

Further processing

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

Contact Details

Please contact us if you have any questions or to exercise all relevant rights, queries or complaints at: Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

Approved by Council on 20 March 2019 (Item 27(ii) of the Agenda)

.....

Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
.....20 March 2019.....

Appendix G

WINCHAM PARISH COUNCIL

Policy on Filming, Audio-Recording, Photographing and Reporting of Council and Committee Meetings

This policy applies to meetings of this council, its committees and sub-committees. "Recording" encompasses all filming, audio-recording and photographing.

The Openness of Local Government Bodies Regulations 2015 (2014 SI No. 2095)("the Regulations"), which came into force on 6th August 2014, require Parish Councils to allow any person to film, audio-record or take photographs of, and to report on, the proceedings of any part of a meeting which the public are entitled to attend by law. (The Regulations also contain provision requiring a written record to be kept of certain decisions made by officers).

Wincham Parish Council supports the principles of openness and transparency and encourages public interest and engagement in decision making therefore embraces the rights extended to members of the public by the Regulations.

1. The Department for Communities & Local Government published a 'plain English' guide to the Regulations (available at <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>)(“The DCLG guide”). Wincham Parish Council’s policy is based on this guide.
2. The Parish Council has no objection to quiet and inconspicuous filming, photography, tweeting and blogging using a hand-held device such as a mobile phone or tablet. Oral commentary in the meeting room during a meeting is not permitted by the Regulations.
3. The Parish Council will from time to time formally define an area from which recording may be carried out.
4. The Parish Council asks anyone proposing to use a device larger than a mobile phone or tablet to notify the Clerk prior to the start of the meeting so that proper facilities can, if possible, be provided.
5. All recording will be undertaken from a static point.
6. The use of flash photography and additional lighting is not permitted.
7. A person or persons making a recording has no right to interrupt a Council meeting by asking questions or making comments.
8. The Regulations apply to Councillors as they do to members of the public, but Councillors will wish to ensure that they are not distracted from the business of the meeting.
9. Members of the public who attend a meeting merely to observe it are not taking part in the proceedings and the Parish Council asks others not to film or photograph them without their consent. Children or vulnerable adults attending a meeting should not be filmed or photographed.
10. Anyone acting in a disruptive manner may be asked to leave by the Chairman to stop doing so and if they continue they may be asked to leave the meeting. The DCLG guide gives the following examples of disruptive activity: Moving to areas outside the areas designated for the public without the consent of the Chairman; Excessive noise in recording or setting up or re-siting equipment during the meeting; Intrusive lighting and use of flash photography; Asking people to repeat statements for the purposes of recording.
11. The Regulations do not require Parish Councils to allow filming, audio-recording, photographing or reporting of any part of a meeting where the public are excluded by reason

of the confidential nature of the business or where publicity would be prejudicial to the public interest. Exclusion of the public must be authorised by a resolution of the meeting and the reason for exclusion must be stated.

12. The Regulations apply only to formal, decision making meetings of the Council, a committee or a sub-committee and not to informal meetings or meetings of a working party without decision making powers. The "Public Forum" period prior to a Wincham Parish Council meeting is not part of the formal meeting and the Parish Council does not permit filming to take place during the Public Forum.
13. If the Parish Council proposes to record all of its own meetings that will not prevent any other person or persons from also recording.
14. If the Parish Council proposes to record all of its own meetings it will be bound by this policy.
15. If the Parish Council proposes to record all of its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. The Parish Council will include such recordings within its Scheme of Publication.
16. The Parish Council expresses the hope that where a person or persons makes a recording of a council meeting for the purpose of reproduction elsewhere, that any reproduction of the recording is made without alteration.
17. Those filming, audio-recording, photographing or reporting meetings are reminded that requirements of general law apply to their activities, for example: The requirements of the Data Protection Act 1998 may apply to personal information about living individuals including visual images; there may be legal liability for defamatory or offensive statements, including statements made by people being filmed that are 'published' by the person filming.
18. The Parish Council cannot advise on general law and accepts no liability for any material created by those filming, audio-recording, photographing or reporting a meeting.
19. A copy of this Policy will be available on the Parish Council web site.
20. The minutes of a Parish Council meeting, committee meeting or sub-committee meeting remain the statutory and legally binding formal record of Parish Council decisions.

This policy was adopted by Wincham Parish Council on 20 March 2019

Approved by Council on 20 March 2019 (Item 26(ii) of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Appendix H

WINCHAM PARISH COUNCIL

GENERAL DATA PROTECTION REGULATION

POLICY CLARIFICATION IN RELATION TO PHOTOGRAPHS DISPLAYED IN THE PARISH COUNCIL NEWSLETTER AND ON PARISH COUNCIL WEBSITE

Approved 20 March 2019

Newsletter and Website Photographs

Wincham Parish Council publishes a newsletter, the Wincham Word, which is freely distributed around the village and may be seen beyond the parish boundaries. Wincham Parish Council website contains copies of the village newsletter. Within each copy of the newsletter there are photographs of Wincham and of Councillors and members of the public, sometimes including children. The copies of the newsletter are produced and kept for purposes of informing the community and maintaining a social history of the village and are accessed by visitors to the website. In the case of photographs of a child, the prior permission of a parent or guardian will have been obtained wherever possible.

No complaint has ever been received by Wincham Council from a person displayed on any of these photographs. The Council considers that it is impractical to try to contact each adult so depicted to request their consent but is willing to delete any such photographs should the subject, or if a minor their parent or guardian, wish. In such a case, the Clerk to Wincham Parish Council should be contacted to effect such a deletion from the website in accordance with the Subject Access Request policy adopted by Wincham Parish Council. (Please see contact details below.)

Recordings of Parish Council Meetings, Committee or Sub-Committee Meetings

Should the Parish Council make an audio or film or digital recording of any of its Parish Council meetings or committee or sub-committee meetings, this Publication Scheme will apply to such recording. The recording will be kept in safe keeping by the Clerk in a locked filing cabinet and the Parish Council shall determine at its earliest convenient opportunity how long such recording should be retained.

Approved by Council on 20 March 2019 (Item 22 of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Appendix I

Model publication scheme

Model publication scheme Version 1.2 20151023 1

Model publication scheme

Freedom of Information Act

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

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority.

Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

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

authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

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

What we spend and how we spend it.

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

What our priorities are and how we are doing.

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

How we make decisions.

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

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

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

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases.

A description of the services offered.

The classes of information will not generally include:

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

The method by which information published under this scheme will be made available
The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

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

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

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

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

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

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

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

Charges may be made for actual disbursements incurred such as:

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

Approved by Council on 20 March 2019 (Item 27(i) of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public. Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

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

Written requests

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

Approved by Council on 20 March 2019 (Item 24 of the Agenda)

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Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
.....20 March 2019.....

Standing Orders: Wincham Parish Council

These Standing Orders were adopted by Wincham Parish Council at a meeting of the Council on 20 March 2019 and are based on the model standing orders update from the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC).

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INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

DRAFTING NOTES

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

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

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

1. **RULES OF DEBATE AT MEETINGS**

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

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

2. **DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve

their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed **15** minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than **5** minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public but not during the Public Forum prior to the start of the formal meeting. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

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

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

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

- v **No business may be transacted at a meeting unless three members of the Council are present.**

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

- x **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.
-

y 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 The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 8 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. **ORDINARY COUNCIL MEETINGS**

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

of the Council at the annual meeting, the business shall include:

- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

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

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

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 15 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. **VOTING ON APPOINTMENTS**

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;

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

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

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

12. **DRAFT MINUTES**

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
-
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

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

- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required **and at the discretion of the Chair may be made orally to the meeting.**
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a

councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.

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

15. **PROPER OFFICER**

- a The Proper Officer shall be the clerk or other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. subject to standing order 9, include on the agenda all motions received unless a councillor has given written notice at least **4** days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be executed;
(see also standing order 23);

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book or schedule for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Council to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor statements summarising:
 - i. the Council's receipts and payments (or income and expenditure);
 - ii. the Council's aggregate receipts and payments (or income and expenditure);
 - iii. the balances held and
 which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or

income and expenditure) for the last quarter and the year to date for information;
and

- ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of

works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of Council OR the relevant committee OR sub-committee is subject to standing order 11.

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

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b *If gross annual income or expenditure (whichever is higher) does not exceed £25,000*
The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

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

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

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

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

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

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

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

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

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

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

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

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Approved by Council on 20 March 2019 (Item 22 of the Agenda)

.....
Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
.....20 March 2019.....

Appendix K

Wincham Parish Council Complaints Procedure

This policy was adopted on 20 March 2019

1. Introduction

1. Wincham Parish Council is committed to providing its services efficiently and to as high a standard as possible. The Council takes all complaints very seriously.
2. An up-to-date copy of this Policy shall be maintained on Wincham Parish Council's website.

2. Scope

1. There are three main types of complaints; complaints relating to an employee, complaints relating to a Councillor and complaints relating to administration and procedures. This Policy sets out the procedures for dealing with complaints by members of the public about Wincham Parish Council.
2. Complaints relating to Council employees are dealt with internally, as an employment matter.
3. Complaints relating to the code of conduct of a Councillor should be referred immediately to the Monitoring Officer at Cheshire West and Chester Council.

3. Purpose

1. The purpose of this Policy is to ensure that Wincham Parish Council has a clear procedure for dealing with complaints in order to:
 - Have the opportunity to respond and resolve to any issues that arise
 - Learn from mistakes and prevent them from happening in the future
 - Review policies and procedures where necessary

4. The Complaint Process

1. Informing the Council of a Complaint

1. Complaints about procedures or administration should be discussed with the Clerk. Mistakes and misunderstandings are often resolved informally at this stage. If the Clerk cannot resolve the complainant informally the following steps should be followed.
2. The complainant will be asked to put any complaint about the Council's procedures or administration in writing to the Clerk, providing their name, address, and contact number, together with the nature of the complaint. If the complainant does not wish to put the complaint to the Clerk, the complaint may be put to the Chairman of the Council or nominated deputy.
3. The complaint shall be acknowledged in writing within fifteen working days and the complainant advised of when the matter will be considered by Wincham Parish Council's Internal Review Process consisting of the Chairman or Vice Chairman of the Council and two additional Councillors. Such Internal Review should normally be completed within the period of one month from the request for an Internal Review having been received by the Clerk.
4. The complainant shall be invited to attend the relevant meeting of the Internal Review where the complaint is to be considered and bring with them such representatives as they wish. Wincham Parish Council must be informed in advance of who will be attending the meeting and in what capacity.
5. At least seven working days before the meeting, the complainant will need to provide Wincham Parish Council with copies of any documentation or other evidence which may be referred to at the meeting. Wincham Parish Council will similarly provide the complainant

with copies if any documentation which it may refer to during the meeting.

2. At the Meeting

0. The Wincham Parish Council Internal Review shall proceed in accordance with the following procedure:
 - The Chairman will introduce everyone
 - The Chairman will explain the procedure
 - The complainant will be asked to outline the grounds of their complaint
 - If relevant, the Clerk will explain Wincham Parish Council's position
 - Councillors will then have the opportunity to ask questions
 - The complainant will then be offered the opportunity to provide a closing statement
 - The complainant will then be asked to leave the room whilst the Councillors decide whether or not there are grounds for a complaint to be upheld
 - The complainant will be invited back to hear the decision of the Wincham Parish Council's Internal Review, or to be advised when a decision will be made.

3. Following the Meeting

0. The decision made by Wincham Parish Council's Internal Review regarding the complaint will be confirmed in writing within seven working days of being made. Included with this will be details of any action to be taken.
1. The complainant will have seven working days following the written confirmation to appeal the decision.

4. Appeal Process

0. The complainant must inform Wincham Parish Council, in writing, if they wish to appeal against the decision.
1. The request for an appeal shall be acknowledged in writing and the complainant advised of when the matter will be re-considered by the full Wincham Parish Council.
2. The complainant shall be invited to attend the relevant meeting where the appeal is to be considered and bring with them such representatives as they wish.
3. The appeal process will follow the same procedure as that outlined in section 4.2.2, providing the complainant with the opportunity to explain their grounds for appeal.
4. Following the appeal, Wincham Parish Council will confirm its final decision in writing within seven working days, together with details of any action to be taken.

If following the appeal process, the complainant is still not satisfied with the action taken, or if the complainant feels as though they have been unfairly treated, then the complainant can pursue their complaint through the Ombudsman, who provides an independent national service to investigate complaints about councils or to the Information Commissioner's Office if the complaint relates to a Freedom of Information or data protection issue. If the matter does relate to a Freedom of Information or data protection issue, the complainant may appeal to the Information Commissioner's Office at any time before or during the complaint. You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information

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

5. The Local Government Ombudsman can be contacted on 0300 061 0614 and further information can be obtained from lgo.org.uk.

5. Policy Review

1. Wincham Parish Council will review this Policy as is necessary and appropriate, and at a minimum on an annual basis.

6. Contact Details

Please contact us if you have any questions about this Complaints Procedure at:
Wincham Parish Council c/o The Parish Clerk,

22 Churchfields, Cheshire WA14 3PJ.

winchampc@talktalk.net

0161 926 8645

This policy was adopted by Wincham Parish Council on 20 March 2019

Approved by Council on 20 March 2019 (Item 28 (ii) of the Agenda)

.....
Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
.....20 March 2019.....

Appendix L

Wincham Parish Council Data Protection & Information Security Policy

This policy was last updated on: **20 March 2019**

1. Introduction

1. Wincham Parish Council considers the security of electronic information to be very important.
2. This Policy sets out how the Council will establish and maintain the security and confidentiality of information held within its care and how it will ensure the lawful and correct treatment of personal data.
3. An up-to-date copy of this Policy shall be maintained on Wincham Parish Council's website.

2. Purpose

1. The purpose of this Policy is to ensure that as far as is reasonable practicable:
 - The public and all users of the Council's information systems are confident of the confidentiality, integrity, and availability of the information used and produced
 - Business damage and interruption caused by security incidents are minimised
 - All legislative and regulatory requirements are met
 - The Council's ICT equipment and facilities are used responsibly, securely and with integrity at all times
3. **Scope**
 1. This policy applies to all information held by employees, Members, and to any individual / organisation under contract to the Council.
 2. All Members and employees of Wincham Parish Council have a legal responsibility to maintain the confidentiality, integrity and security of data held.
 3. This policy applies throughout the lifecycle of the information, from creation, storage, use and disposal. It applies to all information including:
 - Information stored electronically on databases or applications e.g. e-mail
 - Information stored on computers, PDAs, mobile phones or removable media such as hard disks, CD ROM, memory sticks etc.
 - Information transmitted on networks
 - Information sent other communication methods
 - All paper records
 - Microfiche, visual and photographic materials including slides and photographs
 - Spoken, including face-to-face, voicemail and recorded conversation
4. **Legal and Regulatory Requirements**
 1. The General Data Protection Regulations 2018 and the Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights to privacy. It also regulates the ways in which personal information can be collected, handled and used.
 2. The Parish Council fully endorses and adheres to the principles of data protection as detailed in the General Data Protection Regulations 2018 and the Data Protection Act 1998 and all other relevant legislation. To this end, the Parish Council will ensure that personal data will be:-
 - processed fairly and lawfully
 - obtained only for lawful and specific purpose(s)
 - adequate, relevant and not excessive in relation to the purpose for which it was collected
 - accurate and where necessary kept up to date
 - kept for no longer than is necessary for the purpose for which it was collected
 - processed in accordance with the rights of the data subjects
 - kept securely
5. **Data Collection**
 1. When collecting personal data the Parish Council will ensure that people know:
 - who we are
 - what the data will be used for
 - to whom it will be disclosed.
 2. The Parish Council will ensure that no more data is collected than that which is required for the purpose for which it is being collected.
6. **Data Handling**
 1. When handling, collecting, processing or storing personal data the Parish Council will ensure that:
 - all personal data is both accurate and up to date
 - errors are corrected effectively and promptly
 - the data is deleted/destroyed when it is no longer needed,

- the personal data is kept secure and at all times (protecting from unauthorised disclosure or access)
 - the Data Protection Act is considered when setting up new systems or when considering use of the data for a new purpose
 - written contracts are used when external bodies process / handle the data explicitly specifying the above requirements with respect to the data.
2. Members or employees of the Parish Council will not:
- access personal data that is not needed for the work of the Parish Council
 - use the data for any purposes it was not explicitly obtained for
 - keep data that would embarrass or damage the Council if disclosed
- 7. Subject Access Requests**
1. Individuals, who the data relates to, have various rights:
- to receive on request details of the processing relating to themselves. This includes any information about themselves including information regarding the source of the data and about the topic of certain “fully automated decisions”,
 - to have any inaccurate data corrected or removed in a timely fashion
 - in certain circumstances to stop processing likely to cause “substantial damage or substantial distress
 - to prevent their data being used for advertising or marketing
2. The Parish Council will respond to a Subject Access Request within one month, in accordance with the Wincham Parish Council General Data Protection Regulation Subject Access Policy.
- 8. Information Security**
1. The Parish Council will ensure that all information whether stored electronically or as paper records will be stored securely to ensure that:
1. only authorised people can access, alter, disclose or destroy any personal data
 2. members and employees of the Parish Council only act within the scope of their authority
 3. if personal data is accidentally lost, altered or destroyed, it can be recovered to prevent any damage or distress to the individuals concerned.
2. All personal information held by the Parish Council will be kept in a secure location and not available for public access.
3. All data stored on a computer will be password protected.
- 9. Policy Review**

Wincham Parish Council will review this policy as is necessary and appropriate, and at a minimum on an annual basis.

Approved by Council on 20 March 2019 (Item 28(iii) of the Agenda)

.....
 Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
20 March 2019.....



Appendix M

Wincham Parish Council

PUBLICATION SCHEME

Introduction

The Freedom of Information Act 2000 (FOIA) and the General Data Protection Regulation 2018 deal with access to official documents and gives individuals or organisations the right to request information from any public authority.

The Information Commissioner's Office has produced a Model Publication on Scheme which has been adopted in full by Wincham Chapel Parish Council on 20 March 2019. The scheme sets out the classes of information which must be available to the public. The Model Publication Scheme can be viewed on the Parish website.

There is no specific requirement as to how the information is to be available and, as Wincham Parish Council has a website, the majority of the information is provided through this medium.

The Information Commissioner's Office website offers further guidance on the Freedom of Information Act www.ico.gov.uk. Classes of Information

1. Who we are and what we do

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

This will include names of Councillors, roles e.g. Chairman of the Council, Chairmen of committees of the Council; Council structure; staffing structure; locations and accessibility details and staff contact details. All are available on the website, or via the Clerk at winchampc@talktalk.net

2. What we spend and how we spend it

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

Financial Information and Financial Standing Orders and Regulations are available on the web site or via the Clerk. Viewing the annual return is available by appointment with the Clerk; details will be posted on the public notice board.

3. What are priorities are and how we are doing

Strategies and plans, performance indicators, audits and inspections and reviews.

These include policy statements issued by the Council and responses to consultation papers. These are available in the minutes and web site or via Clerk.

4. How we make decisions

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

Through the minutes and newsletter.

5. Our policies and procedures

Current written protocols for delivering our functions and responsibilities

All available on the website.

6. Lists and Registers

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

Any information held by the Parish Council has specific guidelines from the local authority.

7. The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases.

A description of the services offered. Through the website and newsletter.

Charges, further information or clarification can be sought by contacting the Clerk at winchampc@talktalk.net.

The table describes how charges have been arrived at:

Photocopying @ 10p per sheet (black and white)

Photocopying @ 15p per sheet (colour)

Postage Actual cost of Royal Mail 2nd Class

Further information or clarification can be sought by contacting the Clerk of the Council at

winchampc@talktalk.net

Approved by Council on 20 March 2019 (Item 27(v) of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Appendix N

Wincham Parish Council Social Media Policy

This policy was last updated on: **20 March 2019**

1. Introduction

The objective of this policy is to provide Councillor and staff an overview of Social Media and outline the Council's position on various aspects of their use. In addition, it includes guidelines on Officer and Councillor responsibilities when using such channels of communication.

2. Definition of Social Media

Social media is a term for websites based on user participation and user-generated content. They include social networking sites and other sites that are centred on user interaction. Social media has the following characteristics:

- o Covers a wide variety of formats, including text, video, photographs, audio
- o Allows messages to flow between many different types of device; PCs, phone and tablets (e.g. iPad)

- Involves different levels of engagement by participants who can create, comment or just view information
- Speeds and broadens the flow of information
- Provides one-to-one, one-to-many and many-to-many communications
- Lets communication take place in real time or intermittently

Examples of popular social media tools include: Twitter, Facebook, Wikipedia, You Tube, Pinterest, Snip.It, LinkedIn and Google Plus. Groupings of interest are a natural feature of the development of such systems with people with similar interests being attracted to share information.

3. **Pitfalls**

Whilst these are very useful to share information quickly with other people, there are some pitfalls to be aware of:

- The information in most cases is shared in the public domain and can be reviewed by anyone in the world. You do not even need to register in many cases to view the content. Registering is only required should you wish to participate and post to the site.
- Groups on specific themes can set up easily and posts then edited by the owners of that group to reflect their single interest, ensuring theirs is the only voice heard. There is no guarantee of truth and ill informed comment and gossip is as likely to be found there as useful information.
- The nature of these tools is that information is shared immediately and it is all too easy to respond instantaneously which can result in unintentionally inflaming a situation. Information can then be shared with other sites and be spread far beyond the intended audience. Friends of Friends may not be our Friends.

It is also very easy to spend a lot of time viewing and responding to messages that would outweigh the value gained in the first place.

4. **Purpose of the Policy**

Social media provides the Council with the opportunity to communicate to a wide audience instantaneously on a range of subjects relating to its activities, providing updates, news, information and retweeting relevant information from other sources. It also provides an opportunity to communicate with the younger age group, the business community and hopefully the harder to reach groups. The Council will make use of approved social media tools to quickly disseminate information but carefully control its use in order to minimise the risks as stated above. In the first instance this will include only Facebook.

5. **Aims and Objectives**

Social media can be used by the Council as an effective and measurable way to achieve resident engagement and attract publicity. The aim of this Policy is to ensure:

- Engagement with individuals and communities and successful promotion of Council-based services through the use of social media
- Engagement with individuals and communities and successful promotion of Council-based services through the use of social media
- A consistent approach is adopted and maintained in the use of social media
- That Council information remains secure and is not compromised through the use of social media
- That users operate within existing policies, guidelines and relevant legislation
- That the Council's reputation is upheld and improved rather than adversely affected
- That communication by use of social media is effective, timely, appropriate, useful, engages with a wider audience and utilities cross-promotion of other Council communication tools (e.g. website, quarterly newsletter etc.)

Social media activity isn't something that stands alone, to be effective it needs to integrate as part of the general communications mix. Any planned campaigns, promotions and activities can

be plugged in to social media platforms to increase reach and exposure. Refer to the Council's Communication Policy.

6. Policy Statement

It is acknowledged that there is considerable potential for using social media which can provide significant advantages. The responsible, corporate use of social media is actively encouraged. The following applies equally to Officers and Members. This policy provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks. Users must ensure that they use social media sensibly and responsibly, and ensure that its use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies. The following guidelines will apply to online participation and set out the standards of behaviour expected as a representative of Wincham Parish Council:

- Be aware of and recognise your responsibilities identified in the Social Media Policy
- Remember that you are personally responsible for the content you publish on any form of social media
- Never give out personal details of others such as home address and phone numbers
- Ensure that you handle any personal or sensitive information in line with the Data Protection Act
- Use a disclaimer. When using social media for personal purposes, you must not imply you are speaking for the Council. Avoid use of the Council email address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. Where possible, you should include a standard disclaimer, such as: "Statements and opinions here are my own and don't necessarily represent the Council's policies or opinions"
- Know your obligations: you must comply with other Council policies when using social media. For example, you should be careful not to breach Council confidentiality and propriety information policies.
- Show respect to all. You should be respectful of the authority and employees. Derogatory comments are always wrong
- Use of the Parish Council's Facebook account must always reflect the Council's position/decisions on a matter and in no circumstances must it be used to express personal opinion, particularly when used by a Councillor. If unsure, say nothing

Councillors are at liberty to set up accounts using any of the tools available but should ensure they are clearly identified as personal and do not in any way imply that they reflect the Council's view. Councillors should at all times present a professional image and not disclose anything of a confidential nature. Comments of a derogatory, proprietary or libellous nature should not be made and care should be taken to avoid guesswork, exaggeration and colourful language

7. Responsibilities

The Designated Member for the time being is designated 'Council' owner of the Council Social Media channels agreed by the Council. Councillors and Office Staff officially appointed by the Council may assist the Designated Member to disseminate information. However all must ensure they follow this policy. No account details may be changed without the permission of the Designated Member or the Clerk. Individual Councillors are at liberty to set up their own accounts but they should ensure they comply with this policy and ensure the 'personal view' disclaimer is used.

8. Guidance for Councillors – social media and meetings

The Council encourages Councillors to keep residents informed of Wincham issues and the use of social media can help with this, especially during official Council meetings. Below are some extra guidelines for Councillors to consider for the use of social media during meetings:

- Handheld devices and laptops are permitted (indeed encouraged) for use during meetings to allow environmentally friendly and effective communication. The use of such devices is intended to improve communication during meetings – not to interrupt

or distract anyone taking part. Ensure the volume on all electronic devices is turned to 'mute'

- Councillors' tweets/blogs during Council meetings should refer to the discussions which are taking place at the meeting – tweeting/blogging about other subjects will show the public and other attendees at the meeting that you are not engaging properly in the meeting
- Councillors have a responsibility to take Council business seriously and it is not appropriate for members to use social media to tease or insult other members. Wincham residents expect debate and to be informed about Council business, not witness petty arguments
- Remember that if you break the law using social media (for example by posting something defamatory), you will be personally responsible

9. Facebook Strategy

Social networks are rapidly growing in popularity and are used by all ages in society. The most popular social networks are web based, commercial, and not purposely designed for Parish Council use. They include sites like Facebook, MySpace, Bebo, and Xanga. For individuals, social networking sites provide tremendous opportunities for staying in touch with friends and family. For the Council the sites provide a modern alternative means to communicate with residents of the Parish. Facebook, for example, offers a rich platform allowing you to share unlimited content, including images and videos.

Example activity:

- Share articles / blog posts / expertise
- Start discussions and ask questions to encourage interaction
- Create surveys to encourage participation from visitors
- Upload images and videos
- Generic news – what's happening in the area

One of the hallmarks of online networking is the ability to "friend" others – creating a group of others that share interests and personal news. Care should be exercised when accepting invitations to friend others within personal social networking sites. Friends will gain access to the Council's network of contacts on the site.

Good practise guidelines for the use of Facebook by the Council as a body or Councillors as individuals are:

- As a Parish Council, we have a professional image to uphold and how we conduct ourselves online impacts this image
- Remember that people classified as "friends" have the ability to download and share your information with others
- Post only what you want the world to see. It is not like posting something to your website or blog and then realizing that a story or photo should be taken down. On a social networking site, basically once you post something it may continue to be available, even after it is removed from the site
- Do not disclose confidential matters or criticise Council policies or personnel
- Set your profile's security and privacy settings carefully. At a minimum, all privacy settings should be set to "only friends". "Friends of friends" and "Networks and Friends" open the content to large group of unknown people
- All activity on the Council Facebook page must follow the Council's agreed statement of purpose and outcomes for the use of the networking tool
- Do not post images that include young people without parental permission
- Pay close attention to the site's security settings and allow only approved personnel full access to the site
- Only add statements approved by either Full Council, the Designated Member or the Parish Clerk.
- Do not use commentary deemed to be defamatory, obscene, proprietary, or libellous. Exercise caution with regards to exaggeration, colourful languages, guesswork,

obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterisations

- Weigh whether a particular posting puts your effectiveness at Wincham Parish Council at risk
- To reduce security risks, do not install any external applications that work with the social networking site. Examples of these sites are calendar programs and games.
- Maintain updated antivirus and malware protection to avoid infections of spyware and adware that social networking sites might place on your computer
- Be careful not to fall for phishing scams that arrive via email or on your wall, providing a link for you to click, leading to a fake login page
- If you find information on the social networking site that falls under the mandatory reporting guidelines then you must report it as required by law

Please stay informed and cautious in the use of all new networking technologies.

10. Other Social Media

At this stage it is not intended to use any other form of social media for official use by Wincham Parish Council. However this could be open to review in the future. Councillors are entitled to use any form of social media they wish to but must abide by this policy at all times when so doing.

Approved by Council on 20 March 2019 (Item 28(iv) of the Agenda)

.....
Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

Appendix O

Wincham Parish Council Website Policy

This policy was last updated on: **20 March 2019**

1. Introduction

1. Wincham Parish Council is committed to providing and promoting access to local news and information relevant to the Wincham Parish. One of the ways in which Wincham Parish Council provides public access to this information is through Parish Council maintained website.

2. Purpose

- The purpose of this Policy is to ensure that:
- There is understanding around the aims of Wincham Parish Council's Website
- Responsibilities for maintaining the Council's website are clearly set out
- There is clarity around the type of content appropriate for the website

3. Scope

0. This Policy applies to the Wincham Parish Council maintained website,;
<http://www.winchamvillage.co.uk>.

4. Aims of the Parish Council Website

0. Wincham Parish Council’s website exists with the following aims
 1. To provide information useful to residents of the Parish, focused on services and events within the Parish.
 2. To provide information in a timely, accurate, fair and objective manner.
 3. To assist visibility of Parish Council matters to residents of the Parish, including agendas, minutes, directory of council members, and any other relevant Parish Council documents.
 4. To support engagement of residents of the Parish with the Parish Council – including providing contact details for members of the Parish to raise concerns or questions with the Parish Council, and providing a mechanism to promote surveys and/or consultations where appropriate.
5. **Responsibility for Maintaining Parish Council Website**
 0. Wincham Parish Council has ultimate decision making authority over the content, and indeed the continued existence of its website.
 1. The Council’s Clerk will be responsible for maintaining the Council’s website and ensuring that content remains up-to-date. This includes;
 - All agendas and approved minutes of meetings
 - Dates of future meetings and events
 - Local news items and consultations
 - All Councillor contact details
6. **Website Content**
 0. Wincham Parish Council’s website and associated content shall meet the following criteria;
 - Content provided on the website shall be factual.
 - Content will not generally express opinions, except where these are correctly approved opinions of the Parish Council, or where these opinions form a part of Parish Council business.
 - There shall be no open access ability for the public directly to publish content on the website. All content published to the websites must be done so by a person authorised to do so by the Parish Council.
 1. Wincham Parish Council will evaluate all potential content to ensure that it is appropriate for its website.
7. **Website Links**
 0. Wincham Parish Council’s website contains links to information created and maintained by other public sector and private organisations. These links add value to the site by providing visitors with additional information about topics and eliminating duplicate content.
 1. Since website content may change or disappear entirely without notice, the Council cannot be held responsible for the content or accuracy of external websites.
8. **Policy Review**
 0. Wincham Parish Council will review this Policy as is necessary and appropriate, and at a minimum on an annual basis.
 - 1.

Approved by Council on 20 March 2019 (Item 28(v) of the Agenda)

.....
 Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
20 March 2019.....

Appendix P

Wincham Parish Council Equality and Diversity Policy

1. Introduction

1. Wincham Parish Council is committed to providing and promoting equal opportunities, eliminating discrimination and encouraging diversity in the Community.
2. Wincham Parish Council aims to create a culture that respects and values each other's differences and which promotes dignity, equality and diversity.
3. An up-to-date copy of this Policy shall be maintained on the Wincham Parish Council's website.

2. Purpose

1. Wincham Parish Council recognises that supporting equality is of primary importance. This policy will help Councillors and employees of the Council to develop sound and effective policies that impact on the local community, whilst ensuring that the Council meets its duty under the Equality Act 2010.

3. Scope

1. This policy applies to all employees, volunteers, contractors and elected members of Wincham Parish Council.
2. It is the responsibility of every employee and Councillor of Wincham Parish Council to ensure that they do not discriminate in any way. All employees and Councillors have a duty to uphold equal opportunities principles. Any breach of this policy will be dealt with appropriately.

4. Equality Act 2010

1. The Equality Act 2010 applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by the activities, policies and services provided.
2. The Equality Act 2010 places a Public Sector Duty on Wincham Parish Council to work to:
 1. Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
 2. Advance equality of opportunity between persons who share a protected characteristic and persons who don't share it
 3. Foster good relations between persons who share a relevant protected characteristic and persons who don't share it
3. No individual will be discriminated against. This includes, but is not limited to the following characteristics (known as protected characteristics under the Act)
 - Age
 - Disability
 - Gender
 - Marital status and civil partnerships
 - Pregnancy and maternity
 - Race
 - Religion and beliefs
 - Sexual orientation
 - Ethnic origin
 - Nationality

5. Equality Commitments

1. Wincham Parish Council supports for the principles and practices of the Equality Act 2010 and recognises that it is the duty of all Councillors and employees to accept their personal responsibility for fostering a fully integrated community at work by respecting and adhering to the principles of equality for all.
 2. Wincham Parish Council will actively promote equality throughout the organisation through the application of policies which will ensure that individuals receive treatment that is fair and equitable and consistent with their relevant aptitudes, potential, skills, experiences and abilities.
 3. Wincham Parish Council is committed to:
 - Promoting equality opportunity for all persons
 - Promoting a good and harmonious environment in which all persons are treated with respect and valued
 - Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimization
 - Fulfilling its legal obligations under the Equality Act 2010
- 6. Policy Review**
1. Wincham Parish Council will review this Policy as is necessary and appropriate, and at a minimum on an annual basis.

Approved by Council on 20 March 2019 (Item 28(vi) of the Agenda)

.....
 Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
20 March 2019.....

Appendix Q

Wincham Parish Council Policy For Dealing With The Press And/OR Other Media

All dealings with the press and/or other media shall be as follows:

Matters relating to the Parish Council

The Parish Council Chairman or Vice Chairman in their absence, in their official capacity, shall provide oral or written statements or written articles to the press or other media.

Matters relating to Committees and Sub Committees

The relevant Committee or Sub Committee Chairman or Vice Chairman in their absence, in their official capacity, shall provide oral or written statements or written articles to the press or other media.

No other Parish Councillors, or Parish Council Employees, other than the Clerk, in their official capacity, shall provide oral or written statements or written articles to the press or other media.

The press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

For photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means please refer to the Parish Council's Policy on Filming, Audio-Recording, Photographing and Reporting of Council and Committee Meetings.

Approved by Council on 20 March 2019 (Item 28(vii) of the Agenda)

Chairman of Wincham Parish Council
Ian Parr

Clerk of Wincham Parish Council
Naomi Morris

Dated
.....20 March 2019.....

Appendix R

Wincham Parish Council

Freedom of Information Policy

Introduction

Under the Freedom of Information Act 2000 (FOIA), Wincham Parish Council (the Council) has a duty to adopt and maintain a Publication Scheme describing:

- The classes of information it publishes
- How and where such information is published (e.g. website, paper copy, etc.)
- Whether or not a charge is made for such information

The Council has adopted the ICO Model Scheme and has also produced its own Publication Scheme.

The purpose of the Council's Publication Scheme is to let everyone know what information will be automatically or routinely published by the Council and to ensure that a significant amount of information is available to the public, without the need for a specific request to be made.

Other information is of course available from the Council by individual request, under the FOIA and the Data Protection Act 1998 (DPA).

If there is any information required that does not appear in the Council's Publication Scheme or you have any comments or suggestions on how it can be improved, please contact:

Clerk to Wincham Parish Council
22 Churchfields, Cheshire WA14 3PJ
Email: winchampc@talktalk.net

Obtaining Information

Much of the information listed in the Council's Publication Scheme is supplied free of charge and can be downloaded from our website.

Where information is available only in paper format, this is stated in the Publication Scheme and can be viewed by appointment with the Council's Clerk or a copy can be requested.

Information not contained within the Publication Scheme and Exemptions

The FOIA created a general right of access to information, it also set out information that the Council does not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of the Council, its staff, systems, services or property or breached an individual's Data Protection rights.

If information is requested but is covered by an exemption the Clerk to the Council will tell the applicant in writing why the Council has refused the request and quote the relevant Exemptions. If the information requested is not disclosed the applicant can:

- ask the Information Commissioner to review the Council's decision. The Information Commissioner's Office is the Government department that oversees and enforces FOI. They can be contacted by the following link: www.ico.gov.uk or
- appeal to the Wincham Parish Internal Review Process if **the** request has not been handled within the stated time frame or **for** any other reason to complain. The right to appeal to the Wincham Parish Internal Review Process is in addition and does not affect **the** right to lodge a complaint with the Information Commissioner's Office (see below). In first instance, the appeal for an Internal Review by Wincham Parish Council shall be addressed to the Clerk (see Contact Details below) and the Clerk shall be responsible for communicating the request in a timely manner to Wincham Parish Council and the Council shall hold an Internal Review Process involving either the Chairman or the Vice Chairman and 2 other Councillors. Such Internal Review should normally be completed within the period of one month from the request for an Internal Review having been received by the Clerk.

Data

Protection

You have the right to request access to the information we have on you. You can do this by contacting our Data Information Officer at winchampc@talktalk.net

Charges

The Council's Fees and Charges are stated at the end of the Publications Scheme Unless otherwise stated, publications listed in our Publication Scheme are supplied free of charge.

If administration costs exceed £450, to enable a Freedom of Information request to be met, then the Council is able to charge the requestor for the administration costs in meeting the request.

A charge may be made for photocopies.

Management of the Council's Publication Scheme

The Council is responsible for the adoption and maintenance of this Policy and the Publication Scheme.

Review of the Freedom of Information Policy and Publication Scheme

The Council Freedom of Information Policy and Publication Scheme was approved on 20 March 2019 and will be amended periodically as necessary. The Scheme will be reviewed annually.

Approved by Council on 20 March 2019 (Item 27(vi) of the Agenda)

Chairman of Wincham Parish Council

Ian Parr

Clerk of Wincham Parish Council

Naomi Morris

Dated

.....20 March 2019.....

APPENDIX S

Wincham Parish Council

Governance and Administration

March 2018

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Five	Council Structure and Operation
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Seven	Retention of Documents

Wincham Parish Council

Governance and Administration

March 2018

SECTION ONE – STANDING ORDERS

Standing Orders: Wincham Parish Council

These Standing Orders were adopted by Wincham Parish Council at a meeting of the Council on 20 March 2019 and are based on the model standing orders update from the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC).

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INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

DRAFTING NOTES

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

27. RULES OF DEBATE AT MEETINGS

- s Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- t A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- u A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- v 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.
- w An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- x 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.
- y An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- z A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- aa If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- bb Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- cc One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- dd A councillor may not move more than one amendment to an original or substantive motion.
- ee The mover of an amendment has no right of reply at the end of debate on it.
- ff Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- gg Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - vi. to speak on an amendment moved by another councillor;
 - vii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - viii. to make a point of order;
 - ix. to give a personal explanation; or
 - x. to exercise a right of reply.

- hh During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- ii A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- jj When a motion is under debate, no other motion shall be moved except:
 - x. to amend the motion;
 - xi. to proceed to the next business;
 - xii. to adjourn the debate;
 - xiii. to put the motion to a vote;
 - xiv. to ask a person to be no longer heard or to leave the meeting;
 - xv. to refer a motion to a committee or sub-committee for consideration;
 - xvi. to exclude the public and press;
 - xvii. to adjourn the meeting; or
 - xviii. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- u Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- v Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

28. **DISORDERLY CONDUCT AT MEETINGS**

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

29. **MEETINGS GENERALLY**

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

- z **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.**
- aa **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- bb **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- cc **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.**
- dd 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.
- ee The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- ff Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- gg In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- hh A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- ii A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- jj Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- kk **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public but not during the Public Forum prior to the start of the formal meeting. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or**

to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

- ll **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 -
- mm **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.**
 -
- nn **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- oo **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- pp **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
 -
- qq **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
 -
- *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- rr **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- ss The minutes of a meeting shall include an accurate record of the following:
 - viii. the time and place of the meeting;
 - ix. the names of councillors who are present and the names of councillors who are absent;
 - x. interests that have been declared by councillors and non-councillors with voting rights;
 - xi. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - xii. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

xiii. if there was a public participation session; and

xiv. the resolutions made.

- tt **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- uu **No business may be transacted at a meeting unless three members of the Council are present.**
- vv *See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- ww **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.
-
-

xx A meeting shall not exceed a period of **3** hours.

30. COMMITTEES AND SUB-COMMITTEES

- e **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- f **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- g **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- h The Council may appoint standing committees or other committees as may be necessary, and:
 - xiii. shall determine their terms of reference;
 - xiv. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - xv. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - xvi. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - xvii. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 8 days before the meeting that they are unable to attend;
 - xviii. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - xix. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - xx. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - xxi. shall determine if the public may participate at a meeting of a committee;
 - xxii. 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;
 - xxiii. shall determine if the public may participate at a meeting of a sub-committee that they are

permitted to attend; and

xxiv. may dissolve a committee or a sub-committee.

31. **ORDINARY COUNCIL MEETINGS**

- k **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- l **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- m **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- n **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- o **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- p **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- q **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- r **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- s **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- t Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;

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

32. **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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

- h If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 15 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

33. PREVIOUS RESOLUTIONS

- c A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- d When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

34. VOTING ON APPOINTMENTS

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

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

- i 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.
- j No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- k The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- l If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.
- m If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- n The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

- o Motions received shall be recorded and numbered in the order that they are received.
- p Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

b The following motions may be moved at a meeting without written notice to the Proper Officer:

- xviii. to correct an inaccuracy in the draft minutes of a meeting;
- xix. to move to a vote;
- xx. to defer consideration of a motion;
- xxi. to refer a motion to a particular committee or sub-committee;
- xxii. to appoint a person to preside at a meeting;
- xxiii. to change the order of business on the agenda;
- xxiv. to proceed to the next business on the agenda;
- xxv. to require a written report;
- xxvi. to appoint a committee or sub-committee and their members;
- xxvii. to extend the time limits for speaking;
- xxviii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xxix. to not hear further from a councillor or a member of the public;
- xxx. to exclude a councillor or member of the public for disorderly conduct;
- xxxi. to temporarily suspend the meeting;
- xxxii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xxxiii. to adjourn the meeting; or
- xxxiv. to close the meeting.

37. **MANAGEMENT OF INFORMATION**

See also standing order 20.

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

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

38. **DRAFT MINUTES**

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

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

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

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

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

39. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- i All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- j Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- k Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- l **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 and at the discretion of the Chair may be made orally to the meeting.**
- m A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- n A dispensation request shall confirm:
 - v. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - vi. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - vii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - viii. an explanation as to why the dispensation is sought.
- o Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- p **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - iv. **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;**
 - v. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - vi. **it is otherwise appropriate to grant a dispensation.**

40. **CODE OF CONDUCT COMPLAINTS**

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

41. **PROPER OFFICER**

- c The Proper Officer shall be the clerk or other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- d The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - ii. subject to standing order 9, include on the agenda all motions received unless a councillor has given written notice at least 4 days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be executed;
(see also standing order 23);
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book or schedule for such purpose;

- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Council to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

42. **RESPONSIBLE FINANCIAL OFFICER**

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

43. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- f “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- g All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- h The Responsible Financial Officer shall supply to each councillor statements summarising:
 - i. the Council’s receipts and payments (or income and expenditure);
 - ii. the Council’s aggregate receipts and payments (or income and expenditure);
 - iii. the balances held andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- i As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - iii. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - iv. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- j The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement,

shall be presented to the Council for consideration and formal approval before 30 June.

44. FINANCIAL CONTROLS AND PROCUREMENT

- h. 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:
 - vi. the keeping of accounting records and systems of internal controls;
 - vii. the assessment and management of financial risks faced by the Council;
 - viii. 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;
 - ix. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - x. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- i. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- j. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- k. 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:
 - vii. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - viii. 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;
 - ix. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - x. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - xi. 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;
 - xii. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- l. Neither the Council, nor a committee or a sub-committee with delegated responsibility for

considering tenders, is bound to accept the lowest value tender.

- m. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- n. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

45. **HANDLING STAFF MATTERS**

- h A matter personal to a member of staff that is being considered by a meeting of Council OR the relevant committee OR sub-committee is subject to standing order 11.
- i Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the relevant committee OR sub-committee or, if he is not available, the vice-chairman (if there is one) of the relevant committee OR sub-committee of absence occasioned by illness or other reason and that person shall report such absence to the relevant committee OR the sub-committee at its next meeting.
- j The chairman of the relevant committee OR sub-committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the relevant committee OR sub-committee.
- k Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the relevant committee OR sub-committee or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the committee OR sub-committee.
- l 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 chairman or vice-chairman of the committee OR sub-committee, this shall be communicated to another member of the committee OR sub-committee, which shall be reported back and progressed by resolution of the committee OR the sub-committee.
- m Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- n In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

46. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- b In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b. ***If gross annual income or expenditure (whichever is higher) does not exceed £25,000 The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.***

OR

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

47. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

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

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

- b 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.

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

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

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

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

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

51. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

52. **STANDING ORDERS GENERALLY**

- e All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- f A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- g The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- h The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



Governance and Administration

March 2018

SECTION TWO – Financial Standing Orders/Regulations

FINANCIAL STANDING ORDERS/REGULATIONS

1. General

- a. These financial standing orders/regulations shall govern the conduct of financial transactions of the Council and may only be amended or varied by resolution of the Council.
- b. The Responsible Financial Officer (RFO) shall be responsible for the production of financial management information.

2. Annual estimates

- a. Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account shall be prepared each year by the RFO.
- b. The RFO shall submit them to the Council not later than the end of January in each year and shall advise the Council on the precept to be levied for the ensuing year. The RFO shall supply each member with a copy of the approved estimates.

3. Budgetary control

- a. The RFO shall periodically provide the Council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.

- b. 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.
- c. The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500 and approval by the Chairman. The Clerk shall report the action to the Council as soon as practicable thereafter.
- d. No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Council is satisfied that it is contained in the rolling capital programme and that the necessary funds are available, or the requisite borrowing approval can be obtained.
- e. All capital works shall be administered in accordance with the Council's standing orders and financial orders/regulations relating to contracts.

4. Accounting and audit

- a. All accounting procedures and financial records of the Council shall be determined by the RFO as required with the Accounts and Audit Regulations 2003.
- b. The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.

5. Banking arrangements and cheques

- a. The Council's banking arrangements shall be made by the RFO and approved by the Council.
- b. A schedule of the payment of money required shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order, payment be authorised by resolution of the Council.
- c. Cheques drawn on the bank account in accordance with the schedule referred to in the previous paragraph shall be signed by any three of the duly authorised officers or councillors.

6. Payment of accounts

- a. Apart from petty cash all payments shall be effected by cheque or other order drawn on the Council's bankers.
- b. All invoices for payment shall be examined, verified and certified by the RFO. Before certifying an invoice the RFO shall satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- c. The RFO shall examine all invoices in relation to arithmetic accuracy and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.

7. Payment of salaries and wages

- a. Arrangements for the proper payment of all salaries and wages shall be made by the RFO.

8. Loans and investments

- a. All loans and investments must be authorised by the Council prior to any negotiation by the RFO in the name of the Council and shall be for a set period of time approved by the Council. Changes to loans and investments must be approved by the Council.
- b. All investments of money under the control of the Council shall be in the name of the Council.
- c. All borrowings authorised by the Council shall be effected in the name of the Council.
- d. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9. Income

- a. The collection of all sums due to the Council shall be the responsibility of the RFO.
- b. Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- c. The Council will review all fees and charges annually, following a report of the RFO.
- d. All sums received on behalf of the Council shall be paid into the Council's authorised bank account by the RFO.
- e. Personal cheques shall not be cashed out of money held on behalf of the Council.
- f. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

10. Orders for work, goods and services

- a. An official order or letter shall be issued by the RFO for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate eg petty cash purchases. Copies of orders issued shall be maintained.

11. Contracts

- a. All contracts must be negotiated and approved by the Council. The RFO to be responsible for supervision of such contracts. Any amendment to any contract must be subject to the Council's approval.
- b. Where applicable the Council shall invite 3 tenders for all contracts to the specification agreed by the Council. Such Invitation to Tender shall state the general nature of the intended contract and the RFO 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 RFO and the last date by which such tenders shall reach the RFO.
- c. If less than three tenders are received for contracts valued above £250.00 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.
- d. When necessary a contract may be negotiated without competition, the reason shall be embodied in a recommendation to the Council.
- e. The Council shall not be obliged to accept the lowest or any tender.

Properties and estates

12.

- a. The RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned 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 property shall be sold, leased or otherwise disposed of without the authority of the Council.

Insurance

13.

- a. The RFO shall effect all insurances and negotiate all claims on the Council's insurers in consultation with the Council.
- b. The Council shall give prompt notification to the RFO of all new risks 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.
- e. All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

Risk management

14.

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

Revision of financial regulations

15.

- a. It shall be the duty of the Council to review the Financial Orders/Regulations of the Council from time to time.

Wincham Parish Council

Governance and Administration

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SECTION THREE – Contract Standing Orders

1. Contracts

1.1 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these Standing Orders, and no exceptions shall be made otherwise than in an emergency provided that these rules shall not apply to contracts which relate to items (i) to (vi) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £1,000 (in excess of this sum the Clerk and Financial Officer shall act after consultation with the Chairman and Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) When applications are made to waive Standing Orders relating to contracts to enable a price to be negotiated without competition the reasons shall be embodied in a full report to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tenderer shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of Council. Those present will initial and date each tender when opened.
- (f) If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 44 and 46. For the sake of clarity, any attempt to influence a decision on a tender by canvassing or offering any inducement, however minor, will disqualify.
- (h) When it is intended to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £100 the Clerk shall strive to obtain 3 estimates.
- (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate but where a tender other than the lowest is to be accepted a full report setting out the reasons therefor shall be made to the Council.

2. Payments under contracts for building or other construction works

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

Note 1: The values inserted in any of the paragraphs should be reviewed annually by the Council and updated as necessary to take account of changes in circumstances and inflation and the changes made formally confirmed.

Note 2: In cases where an approved list is needed or specified this can usually be sourced from the County Council where lists of contractors are maintained up-to-date (and after status checks) according to categories of work.

3. Appendices

3.1 APPENDIX 1 - EUROPEAN COMMUNITY REGULATIONS - PUBLIC PROCUREMENT

The following is a brief summary of the EC Directives on Public Procurement. The text is intended to give an overview of the regulations that apply and does not quote the regulations verbatim.

3.1.1 TYPES OF CONTRACT

- (a) **Public Supply Contracts** - Contracts for the purchase, lease, rental or hire purchase of products between a supplier and a contracting authority.
- (b) **Public Works Contracts** - Contracts for the carrying out of building or civil engineering works for a contracting authority.
- (c) **Public Services Contracts** - Contracts under which a contracting authority engages a person or persons to provide services. These services include Computing, Investment Services, Accounting, Management Consultancy and Cleaning.

3.1.2 THRESHOLDS

All contracts have a threshold at which the regulations come in to force. The thresholds are linked to ECU's and from April 2006 equate to the following amounts (before VAT):

Contract type	Threshold (£)
Supply	144,371
Works,	3,611,319
Services	144,371

These amounts are cumulative over 3 years.

3.1.3 TENDERING PROCEDURES

- (a) **Open Procedure** - All interested suppliers/contractors can tender.
- (b) **Restricted Procedure** - The restricted procedure is a two-stage process:
 - (i) Advertise for applicants who may be interested in tendering for a specific contract.
 - (ii) Vet applicants and draw up a short list of those who are to be invited to tender.Only suppliers/contractors invited by the contracting authority can tender.
- (c) **Negotiated Procedure** - A contracting authority may consult and negotiate with suppliers of its choice. This procedure is only used in limited circumstances - for technical/artistic reasons, goods only supplied by certain manufacturers, protection of exclusive rights and extreme emergencies.

Note:

- (1) In the open and restricted procedure post tender negotiations are prohibited.
- (2) Where contracts are awarded using the restricted or negotiated procedures the awarding authority must draw up a written report justifying the use of that procedure which may be called for by the EC Commission.

3.1.4 PUBLICATION AND ADVERTISEMENT

When a contract (or aggregated value of similar contracts) is valued at more than the relevant threshold it has to be advertised in the Official Journal of the European Communities.

The process is split into three stages:

(a) Prior Indicative/Information Notice

The contracting authority must advertise its intention to seek tenders as soon as it has decided to offer a contract. Indicative Notices for Supplies and Services requirements are usually published at the beginning of the financial year. Information Notices for Works are usually published when a decision to invite tenders has been approved by committee. The threshold for Indicative Notices for Supplies and Services from 1 April 2006 is £144,371. The threshold for works is the same as the contracts threshold, £ 3,611,319 from 1 April 2006.

(b) Tender Notice

This notice provides the specific details of a contract to be awarded and calls for

- the submissions of tenders (open procedure); or
- applications to be included in an invitation to tender (restricted procedure); or
- applications to enter into negotiations (negotiated procedure).

(c) Post Award Notice

The authority must publicise the outcome of the tender exercise not later than 48 days after the award of the contract.

3.1.5 TIME LIMITS

The regulations set out time limits which must be adhered to. These time limits may be accelerated in certain circumstances (eg in extreme emergencies caused by circumstances beyond the control of the authority). The time limits are:

Tender type	Receipt of requests to participate		Receipt of tenders	
	Normal	Urgent	Normal	Urgent
OPEN	-	-	52 days *	-
RESTRICTED	37 days	15 days	40 days **	10 days
NEGOTIATED	37 days	15 days	-	-

NOTE: All time limits are minimum requirements.

- * For Services and Works tenders, but not Supplies, 36 days if a prior indicative notice has been publicised.
- ** For Services and Works tenders, but not Supplies, 26 days if a prior indicative notice has been publicised.

3.1.6 CRITERIA FOR AWARD OF CONTRACT

Only two award criteria are permitted:

- (a) lowest price: or
- (b) economically most advantageous.

The criteria which a contracting authority may use to determine that an offer is the most economically advantageous may include, for example, price, period for completion, running cost, profitability, technical merit, etc. The criteria to be used must be publicised in the contract notice. If a criterion has not been publicised it cannot be used in the determination of the award no matter how fundamental it may be.

3.1.7 TECHNICAL STANDARDS

- (a) Specifications which refer to goods or supplies of a specific make or source or to a particular process or which favour or eliminate particular goods or supplies are prohibited.
- (b) Technical specifications (e.g. quality, performance or dimensions) must be stated in the Tender Notice and tender documents.

- (c) European standards must be used where they exist unless this would cause problems of compatibility with existing equipment.
- (d) In the absence of relevant European standards the following hierarchy of alternatives must be used:
 - national standard implementing international standards
 - any other national standards
 - any other standards

3.2 APPENDIX 2 - CONTRACTS PROCEDURES

3.2.1 *Every contract shall be in the form legally determined and shall include all necessary contract provisions. Contractual provisions are given in Section 1 and 2 of the CSO's and in Appendix 2.*

(a) *Every contract shall specify:*

- (i) the works to be performed or the supply or service to be provided,
- (ii) the price to be paid or received, and
- (iii) the time for performance for the contract.

(b) Every contract exceeding £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Council or its delegated sub-committee.

(c) Every contract below £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Clerk.

3.2.2 *In addition, every contract for the execution of works shall provide for:*

(a) the payment of liquidated damages by the contractor if the terms of the contract are not duly performed; and unless already provided for in the finally determined Form of Contract, shall contain the following provisions:

(b) The Contractor shall not transfer, assign or underlet, directly or indirectly, the Contract or any part, or share any interest therein without the written consent of the Council which may be given under the hand of the Clerk, or (so far only as consent to the appointment of any Sub-Contractor by the Contractor or the nomination of a Sub-Contractor by the Council is concerned) under the hand of the Chairman of the Council or the Finance Officer and in any case where such consent is given or such nomination is made, the Contractor shall be held responsible for all work done by any such Sub-Contractor and for it being carried out under the same conditions as if executed by the Contractor; and

(c) The Contractor shall not give, provide or offer any loan, fee, reward or gift or any emolument or advantage whatsoever to any Member, Officer or employee of the Council and in the event of any breach of this condition the Council may, without prejudice to any other right it may possess, forthwith cancel the contract and recover from the Contractor any loss or damage consequent upon such cancellation.

The Clerk shall be responsible for ensuring compliance by Contractors and Sub-Contractors with this Standing Order and shall comply with guidance issued from time to time by the Council's legal or other professional adviser in relation to the standard terms to be included in contracts valued at less than £20,000.

3.2.3 *Supplies Contracts*

The contract shall be signed either by the Clerk or by the Chairman of the

Council.

3.2.4 *Services Contracts*

The contract shall be signed either by the Clerk or by the Chairman of the Council.

3.2.5 *Works Contracts*

- (a) The Council's Seal (if available) shall be affixed to every contract for works where the contract amount is over £20,000. In all other cases, contracts shall be signed either by the RFO or a duly authorised signatory previously empowered by decision of the Council to fulfil that role.
- (b) The RFO shall keep a register of sealed contracts for works and shall provide the Internal Auditor and external auditors with an abstract of each contract as soon as possible after signature (or sealing). Abstracts shall show the date, name of contractor, work to be done and the amount to be paid.
- (c) Payments on account for contracts over £20,000 shall be authorised on a certificate signed by the appropriate professional contract supervisor, showing the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount being certified for payment.
- (d) Every variation to a contract shall be specifically authorised, in writing, by the appropriate professional contract supervisor after seeking the approval of the Clerk, indicating to him/her the estimated cost or saving arising from that variation.
- (e) No certificate shall be issued if the total payment so certified exceeds the approved expenditure unless and until this has been approved by the Finance Committee and Council.
- (f) The final certificate on contracts above £ 20,000 shall not be issued until the Finance Officer has had an opportunity to examine the Contractor's final account.
- (g) Where contracts are supervised on behalf of the Council by professional advisers, the Clerk shall ensure that those persons comply with Contract Standing Orders as if they were officers of the Council.

3.2.6 *In the event of any of the fundamental terms of an accepted tender not being observed by the successful tenderer or if any of the fundamental provisions of a contract are not complied with by the contractor, the Clerk shall report the matter to the full Council and agree the appropriate action to be taken.*

3.2.7 *Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions apply:*

- (a) Tenders or quotations shall be invited in accordance with the normal procedures, as if the tender or quotation were for a contract with the Council. The terms of the invitation shall require that the tenderer will enter into a contract with the main contractor;
- (b) The Clerk shall ensure the maintenance of a record of all such tenders received;
- (c) The Clerk shall have the power to nominate the successful tenderer to the main contractor from the Council's approved list.

3.2.8 ***Disclosure of interests in contracts***

If a Member of the Council or any Officer or employee of the Council who has received any money, loan or gift from a person holding or seeking to obtain a contract with or without any approval or consent from the Council remains present at any meeting of the Council or of any Committee of the Council (held within two years of the receipt by him/her of such money or gift or while such loan is still outstanding and in existence) at which such contract or other matter is the subject of consideration he/she shall at such Meeting and before taking part in any such consideration disclose the facts of such transaction. Further it is a breach of Standing Orders and Financial Regulations and an irregularity for any Member to use his/her vote or

influence or for any Officer to use his/her influence to affect a decision either in a Committee or the Council or when exercising delegated powers for his/her own gain, personal advantage or interest.

3.2.9 *If any Member or Officer has, to his/her knowledge a prejudicial or pecuniary interest, direct or indirect, in any contract or other matter with which the Council is concerned, he/she shall, as soon as possible, report the matter in writing to the Clerk and the Chairman of the Council who shall, if the contract or other matter becomes the subject of a report to the Council or a committee thereof, disclose such interest.*

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SECTION FOUR – The Code of Conduct

PART 1 - GENERAL PROVISIONS

NALC's template code of conduct for parish councils (final version)

Introduction

This Briefing updates L08-12 and it should be read in conjunction with Legal Topic Note 80 dated 21 June 2012. NALC's template code of conduct has been finalised and is attached.

NALC's template code of conduct incorporates a member's new mandatory obligations in the Localism Act 2011 ('the 2011 Act') concerning 'disclosable pecuniary interests' which come into force on 1 July 2012. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) and guidance about them is given in Legal Briefing L10-12. On 1 August 2012, the Department for Communities and Local Government (DCLG) issued a Guide for councillors on personal interests. On its website, DCLG say 'This guide gives basic practical information to councillors about how to be open and transparent about their personal interests.' Appendix A of NALC's template code of conduct has since been amended to incorporate DCLG's definition of disclosable pecuniary interests (set out in the annex to DCLG's Guide). Councils must **not** use NALC's template code of conduct issued on 29 June. Councils that have adopted the June version of NALC's template code of conduct must replace it with the August version attached.

Important information (explained in detail in LTN 80 and Legal Briefing L10- 12)

1. The code of conduct adopted by a parish council in satisfying its duties in s.51 of the Local Government Act 2000 **ceased** to have effect on 1 July 2012 (paragraph 56 of schedule 4 of the 2011 Act).
2. An undertaking to comply with a code of conduct given by a person under s.52 of the Local Government Act 2000 or as part of a declaration of acceptance of office in a form prescribed by order under s.83 of the Local Government Act 1972 ceases to have effect when the parish council's existing code **ceased** to have effect on 1 July 2012 (paragraph 56 of schedule 4 of the 2011 Act).
3. The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitional Provisions) Order 2012 ('the 2012 Regulations'), brought into force on 7 June 2012, confirms :-
 - a parish council must, pursuant to s.27 of the 2011 Act, adopt a new code of conduct which complies with the provisions of s. 28 of the 2011 Act **to take effect on or after 1 July 2012.**
 - the district/ unitary authority's Monitoring Officer must prepare a register of interests for members of parish councils in the principal authority's area **to take effect on or after 1 July 2012.**
4. The 2012 Regulations also confirm that on 1 July, a member of a parish council is at risk of prosecution for committing criminal offences in s.34 of the 2011 Act if:-
 - he/she, without a dispensation, participates or votes on a matter being considered at a meeting in which he/she has a 'disclosable pecuniary interest' (s.31(4) of the 2011 Act) or

- written notification of such disclosable pecuniary interest has not already been given to the Monitoring Officer, and the member does not disclose the disclosable pecuniary interest to the meeting and does not provide written notification of the interest to the Monitoring Officer within 28 days of the meeting (ss.31(2) and (3) of the 2011 Act) or
- he/she knowingly or recklessly provides false or misleading information about the above (s.34(2) of the 2011 Act).

Advice

A parish council has a duty to adopt a new code of conduct which may or may not be based on the NALC template code of conduct) to take effect as soon as possible. A member's mandatory obligations relating to prescribed disclosable pecuniary interests are incorporated in the NALC template code of conduct. If a parish council adopts the NALC template, its members are also required to register disclosable pecuniary interests within 28 days of adoption of the code.

For the period that a parish council has no code of conduct (because its code ceased to have effect on 1 July 2012 and it has not resolved to adopt a new code of conduct), members of the parish council are still subject to the mandatory obligations in the 2011 Act in relation to disclosable pecuniary interests (summarised above).

Useful reminders

The function of adopting, revising or replacing a code of conduct must be discharged by full council (s.28(13) of the 2011 Act). A parish council must publicise its adoption (and in future any revision or replacement) of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area (s. 28(12)).

Whilst members of a parish council may provide written notification of interests (including disclosable pecuniary interests) to the Monitoring Officer, most Monitoring Officers are likely to prepare a standard register of interests form for members of parish councils to complete. Members of parish councils should liaise directly with the Monitoring Officer about providing written notifications about their interests.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services

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Part 2

NALC template code of conduct for parish councils

Introduction

Pursuant to section 27 of the Localism Act 2011, X **Wincham Parish** 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 principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

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

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

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. 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 Appendices A and B.
7. 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 Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. 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

10. Where a matter arises at a meeting which relates to an interest in Appendix A 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.

11. Where a matter arises at a meeting which relates to an interest in Appendix A 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.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, 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.
13. A member only has to declare his/her interest in Appendix B 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 Appendix B 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.
14. 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 Appendix A), 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.

Dispensations

15. On a written request made to the Council's proper officer, 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 Appendices A and B 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.

Appendix A

Interests described in the table below.

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.

Appendix B

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;

- (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.

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PLEASE NOTE THAT THE NOTIFICATION OF MEMBERS' INTERESTS MAY BE VIEWED. PLEASE CONTACT THE CLERK OF WINCHAM PARISH COUNCIL, NAOMI MORRIS AT winchampc@talktalk.net or on 0161 926 8645 or at 22 Churchfields, Bowdon, Cheshire. WA14 3PJ.

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SECTION FIVE – Council Structure and Operation

1) Preparation of Agendas and Minutes

a) Agendas

- i) It is primarily the responsibility of the Clerk, in consultation with the Chairman of the Council or Committee, to prepare agendas and to ensure that they deal adequately with business the Council needs to consider. (see also ii below)
- ii) A Draft Agenda will be submitted to the Chairman of the Council or of the Committee for which the summons relates not less than five (5) days before said meeting takes place to allow the Chairman to review the proposed items and request any changes before issue to members. Issue of the summons to attend a meeting to members must take place at least three (3) days before the scheduled meeting date. It is imperative that the Chairman agrees the content of the Agenda to ensure that he/she is fully cognisant of the matters to be debated and resolutions to be determined.
- iii) The format of all Agendas must comply with statutory requirements and must meet the standards expected of a Quality Parish Council. They should also take into account Best Practice as recommended by the Local Association of Parish Councils.
- iv) It is every member's responsibility to ensure that items they wish to bring up or reports that should be submitted are prepared in a timely manner as only items on an Agenda can be debated and subsequently resolutions passed. (see relevant Standing Orders on Resolutions moved with and without Notice)

b) Minutes

- i) It is the responsibility of the Clerk to prepare the minutes of meetings and act on the decisions of the Council, conducting all correspondence and whatever other action is required that has been allocated to him/her.
- ii) Members must notify the Clerk and/or Chairman of the Council of matters which come to their attention, which need to go on an agenda and this should be done not less than 5 days before the appropriate meeting. To allow this to happen the Minutes of a previous meeting must be issued at least 10 days before the said meeting.
- iii) Members should also play their part in seeing that the Council's decisions are implemented and that the Council's business and the work of the Clerk are monitored.
- iv) The format of all minutes must comply with statutory requirements and must meet the standards expected as recommended by the Local Association of Parish Councils.
- v) Minutes of every meeting will be issued to all members but will only be received, approved and signed at the relevant Committee or Council.

c) General Guidelines

- i) All Agendas and Minutes are in the public domain and subject to public scrutiny.
- i) All pages of a set of minutes for a Committee must be numbered consecutively for the whole Council year.

- ii) Minutes must record by consecutive Reference number the resolutions passed by the council in each Council year.
- iii) Minutes should only record resolutions taken by the council and not the debate.
- iv) No item which is not on the Agenda can be discussed at a meeting if notice is required.
- v) The following items should not appear on the Agenda: Matters arising (this is dealt with as per 4(vi); Private & Confidential Business (this can only be deemed by the Council); Agendas for future meetings (this is also dealt with as per 4(vi) above).
- vi) All apologies for absence must be recorded with the reason for said absence.

5) Items for consideration on Agendas

- a) The following items are required on every Agenda (except the Annual Parish Meeting):

Apologies

Declarations of Interest

To receive the minutes, approve and sign (no discussion is allowed) and Matters arising

General correspondence

Member's items (remembering the rules of Notice)

Items for future meetings (no discussion will take place as the Chairman and Clerk will decide which meeting to place the item for consideration. If this is perceived to be too long a time then these items must be notified to the Clerk or Chairman before Agendas are issued)

Items to be considered under Private & Confidential Business (remembering the rules of Notice)

Wincham Parish Council

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SECTION SIX – Powers and Duties

The powers which have been vested in Parish and Town Councils and Acts of Parliament are summarised in this document as a guide to Councillors and others. Each description is brief and is intended to be a general indication. Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body. Local Councils must exercise their powers also subject to the provisions of the general law. Information on all these details should be in the hands of the Clerk to the Council.

The powers are listed below. Where a power is marked with an asterisk the council may, in addition to exercising the power itself, help another body to act by giving financial assistance.

This list is intended as a summary of the principle functions of Local Council. It is not intended to be a definitive list of such functions.

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Accounts	Duty to appoint a Responsible Financial Officer to manage the Council's accounts	Local Government Act 1972 s 151
Acceptance of Office	Duty to sign declaration of acceptance of office (councillors and chairman)	Local Government Act 1972 s 83
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
Allotments	Powers to provide allotments Duty to consider providing allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Archives	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
Burial Grounds, cemeteries and crematoria*	Power to acquire, provide and maintain shelters Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214 Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous) Act 1953 s.4 Parish Councils Act 1957, s 1
Bye Laws	Power to make byelaws for: Public walks and pleasure grounds Cycle Parks Swimming pools, bathing places baths and washhouses Open Spaces and Burial Grounds Mortuaries and post-mortem rooms Public Bathing Hiring of pleasure boats in parks and pleasure grounds Dogs and dog fouling in parks and open spaces	Public Health Act 1875, s 164 Road Traffic Regulation Act 1984 s.57 (7) Public Health Act 1936, s 223 Open Spaces Act 1906, s 15 Open Spaces Act 1906 ss 12 and 15 Public Health Act 1936 s. 198 Public Health Act 1936 s. 231 Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54 Public Health Act 1875, s 164 Open Spaces Act 1906 s 15
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
Christmas Lights	Power to provide to attract visitors	Local Government Act 1972, s 144
Citizens Advice Bureau	Power to support	Local Government Act 1972, s 142
Clocks*	Power to provide public clocks	Parish Councils Act 1957,s 2
Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	Powers in relation to enclosure as to regulation and management and as to providing common pasture Power to protect unclaimed common land from unlawful interference Power to manage commons and village greens under a district council scheme	Inclosure Act 1845; Local Government Act 1984, s8(4); Smallholding and Allotments Act 1908, s 34 Commons Registration Act.1965, s.9 Commons Act 1899, ss 4 & 5
Community Centres and Village Halls	Power to provide and equip community buildings Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government Act 1972, s 133 Local Government (Miscellaneous Provisions) Act 1976, s.19
Conference facilities*	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Consultation	Right to be consulted by principal councils if directed by Secretary of State	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A

Crime Prevention*	<p>Powers to spend money on various crime prevention measures</p> <p>Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime</p>	<p>Local Government and Rating Act 1997, s 31</p> <p>Local Government and Rating Act 1997, s 31</p>
Delegated Functions	<p>Power to assume a function delegated by another authority</p> <p>Power to ensure effective discharge of Council functions</p> <p>Power to employ someone to carry out Council functions</p>	Local Government Act 1972 ss. 101, 111 and 112
Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Education	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
Entertainment and the Arts*	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s 145
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972, ss 111 and 137
Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s 144
"Free Resource"	Power to incur expenditure not otherwise authorised on anything which in the council's opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972, s 137
Gifts	Power to accept	Local Government Act 1972 s 139
Highways	<p>Power to repair and maintain footpaths and bridleways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Power to provide parking places for vehicles, bicycles and motorcycles</p> <p>Power to make a dedication agreement for a new highway or widening of an existing highway</p> <p>Power to provide roadside seats and bus shelters</p> <p>Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to district councils regarding the protection of rights of way and roadside wastes</p> <p>Power to provide traffic signs and other notices</p> <p>Power to plant trees, etc., and to maintain roadside verges</p> <p>Power to prosecute for unlawful ploughing of a footpath or bridleway</p>	<p>Highways Act 1980, ss 43 and 50</p> <p>Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972, Sched. 14 para 27</p> <p>Litter Act 1983, ss 5 and 6</p> <p>Road Traffic Regulation Act 1984, s 57</p> <p>Highways Act 1980. ss 30 and 72</p> <p>Parish Councils Act 1957, s 1</p> <p>Highways Act, 1980 ss 47 and 116</p> <p>Highways Act 1980, s 130 (6)</p> <p>Road Traffic Regulation Act 1984, s 72; Countryside Act 1968</p> <p>Highways Act 1980, s 96</p> <p>Highways Act 1980, s 134</p>
Interests	Duty to declare an interest	Local Government Act 1972 s 94
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1962, s 11
Land	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127

	Power to accept gifts of land Power to acquire land by compulsory purchase Power to obtain particulars of persons interested in land Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Local Government Act 1972 s 139 Local Government Act 1972, s 125 Local Government (Miscellaneous Provisions) Act 1976, s 16 Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19
Lighting	Power to light roads and public places	Parish Councils Act 1957, s 3; Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles Obligated to keep own land free of litter and dog faeces Dogs and dog fouling in parks and open spaces	Litter Act 1983, ss 5 and 6 Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991 Public Health Act 1875 s 164; Open Spaces Act 1906 s 15
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Meetings	Duty to hold annual parish meeting Duty to hold annual parish council meeting Power to convene a parish meeting	Local Government Act 1972 Sch 12 para 23 Local Government Act 1972 Sch 12 para 7 Local Government Act 1972 Sch 12 para 14
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972 s 142
Nuisances*	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260; Public Health Act 1875, s 164
Open Spaces	Power to acquire land and maintain Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Open Spaces Act 1906, ss 9 and 10; Commons Act 1899 Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.
Parish Property, Records and Documents	Powers to direct as to their custody	Local Government Act 1972, s 226
Parking Facilities	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
Parks, pleasure ground	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Act 1890, s 44; Open Spaces Act 1906, ss 9 and 10
Planning	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
Postal and telecommunications facilities	Power to pay telecommunications operators any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1953, s 51; Telecommunications Act 1984, s 97
Public Buildings and Village Halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
Public Conveniences	Power to provide	Public Health Act 1936, s 87
Public Enquiries	Power to make representations at public enquiries	Local Government Act 1982, s 222

Publicity	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
Raising of Finances	Power to raise money through the precept	Local Government Act 1982, s 150
Records	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
Recreation*	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them. Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools Power to provide a wide range of recreational facilities	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899 -ditto- Public Health Act 1962, s 54 Public Health Act 1961, s 54
Seats and Shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
Telecommunications facilities	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
Tourism*	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
Town Status	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
Traffic Calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s 274a
Training	Power to train Councillors	Local Government Act 1972. s 175.
Transport*	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15; Inclosure Act 1857, s 12, Commons Act 1876, s 29
Village Signs	Power to use decorative signs to inform visitors	Local Government Act 1972 s 144
War Memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133.
Water Supply	Power to utilise any well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s 125

RETENTION OF DOCUMENTS POLICY

WINCHAM PARISH COUNCIL

1. Introduction

The Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council. This policy provides a framework through which this effective management and retention of public records can be achieved and properly audited.

It covers:-

Scope

Responsibilities

Retention Schedule

Scope of the policy

2. Scope

This policy applies to all records created, received or maintained by the Parish Council. Records are defined as all those documents which relate to the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its communications, transactions and activities. These records may be created, received or maintained in hard copy or electronically. Some of the Parish Council's records will be selected for permanent preservation as part of the Council's archives and for historical research.

3. Responsibilities

The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory requirements. The person with overall responsibility for the implementation of this policy is the Clerk to the Parish Council, and he/she is required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner. The Clerk must ensure that the records for which he/she is responsible are accurate, and are maintained and disposed of in accordance with the Parish Council's records management guidelines.

Individual Councillors may only hold working copies of records. All master records are to be held by the Clerk. On resigning from the Council Councillors should delete electronic records they hold and destroy hard copy documents. Councillors should be aware that records that they hold may be subject to the provisions of the Data

Protection Act 1998; the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and all other relevant legislation.

4. Retention Schedule

Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule listing the types of records which it creates or holds in the course of its business. The retention schedule lays down the length of time which the record needs to be retained for and the action which should be taken when it is of no further administrative use.

The Clerk is expected to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems.

General correspondence will be retained for as long as is relevant, maximum of 1 year. An annual review of all documentation should be carried out and items that have reached their deletion or destruction date being deleted/destroyed and the remainder being considered for archiving.

The retention schedule refers to all the Parish Council's records, irrespective of the media in which they are stored.

This policy will be reviewed annually by Wincham Parish Council to ensure that it is relevant to working practice.

Wincham Parish Council

Governance and Administration

March 2019

SECTION SEVEN - RETENTION OF DOCUMENTS

<u>DOCUMENT</u>	<u>PERIOD OF RETENTION</u>	<u>REASON</u>
Minute Books	Indefinite	Archive/Public Inspection
Scales of Fees and Charges	5 years	Management
Receipt and payment(s) accounts	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years/indefinite	Limitation Act
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Insurance certificates/Employers' Liability Certificates	Indefinite	Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Register/file of Members allowances	6 years	Income Tax, Limitation Act
For Halls, Centres, Recreation Grounds	1	

<ul style="list-style-type: none"> - applications to hire - lettings diaries - copies of bills to hirers - record of tickets issued 	6 years	VAT
Emails sent or received	Maximum of 1 year	Management

Note: References above to the Limitation Act are to the Limitation Act 1980 (as amended). The 1980 Act sets down time limits within which court action for breach of contract, to recover damages for tortious actions and to recover land (these are the main types of action covered by the Act which are likely to be of relevance to local councils) must be started. If not started within the relevant time limit (or during any extension the court might in its discretion grant), legal action is barred.

Approved by Council on 20 March 2019 (Items 23 and 24 of the Agenda)

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Chairman of Wincham Parish Council

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Clerk of Wincham Parish Council

Dated
20 March 2019

