



# EAST HUNTSPILL PARISH COUNCIL

Clerk to the Parish  
Mrs Jane Moreton  
86, Church Road, West Huntspill, Highbridge, Somerset TA9 3RY  
Tel 01278 787740  
[parishclerk@easthuntspillparishcouncil.gov.uk](mailto:parishclerk@easthuntspillparishcouncil.gov.uk)  
[www.easthuntspillparishcouncil.gov.uk](http://www.easthuntspillparishcouncil.gov.uk)

## **CORPORATE POLICY 2017**

**Confirmed at the Annual Meeting of the Parish Council  
On Tuesday 9<sup>th</sup> May 2017**

**TO BE REVIEWED AT THE ANNUAL PARISH COUNCIL MEETING IN MAY 2018**

## **Sections**

<b>Page 3</b>	<b>Councillors List</b>
<b>Page 4 - 21</b>	<b>Standing Orders</b>
<b>Page 22- 25</b>	<b>Financial Regulations</b>
<b>Page 26 - 27</b>	<b>Complaints Procedures</b>
<b>Page 28 - 29</b>	<b>Press &amp; Media Policy</b>
<b>Page 30 - 34</b>	<b>Vexatious Policy</b>
<b>Page 35 - 46</b>	<b>Grievance &amp; Discipline Procedure</b>
<b>Page 47 - 51</b>	<b>Bullying &amp; Harassment at Work Policy</b>
<b>Page 52 - 53</b>	<b>Grant Funding Policy</b>
<b>Page 54 - 57</b>	<b>Council Publication Scheme</b>
<b>Page 58 - 59</b>	<b>Delegated Powers</b>
<b>Page 60 - 65</b>	<b>Code of Conduct - Members</b>

## NAME ADDRESS E-MAIL & TELEPHONE NUMBERS

Mrs Liz Birt (Open spaces) 6, Nut Tree Close, East Huntspill Highbridge, Somerset TA9 3PN	01278 786327 <a href="mailto:councillorbirt@easthuntspillparishcouncil.gov.uk">councillorbirt@easthuntspillparishcouncil.gov.uk</a>
Mr Gordon Boyer (Chairman and Footpaths & Bridleways) Withy Farm Withy Grove East Huntspill Highbridge. Somerset, TA9 3NP	07752 429244 <a href="mailto:councillorboyer@easthuntspillparishcouncil.gov.uk">councillorboyer@easthuntspillparishcouncil.gov.uk</a>
Mr Nigel Litton (Vice Chairman and Roads & Transport) Sunnyside 46 Church Road, Bason Bridge Highbridge, Somerset, TA9 4RG	01278 785541 <a href="mailto:councillorlitton@easthuntspillparishcouncil.gov.uk">councillorlitton@easthuntspillparishcouncil.gov.uk</a>
Mrs Stacey Croll (Schools) 12 Church Road, East Huntspill Highbridge, Somerset, TA9 3PG	07725 748216 <a href="mailto:councillorcroll@easthuntspillparishcouncil.gov.uk">councillorcroll@easthuntspillparishcouncil.gov.uk</a>
Mrs Heather Dixon (Website) Withy Bank, Withy Road, East Huntspill Highbridge. Somerset, TA9 3NW	07986 760831 <a href="mailto:councillordixon@easthuntspillparishcouncil.gov.uk">councillordixon@easthuntspillparishcouncil.gov.uk</a>
Mr Francis Kidner (Personnel) 10 Mead Close, East Huntspill Highbridge. Somerset, TA9 3NF	07731 610590 <a href="mailto:councillorkidner@easthuntspillparishcouncil.gov.uk">councillorkidner@easthuntspillparishcouncil.gov.uk</a>
Mrs Fiona Wall (Newsletter) Withy Road, East Huntspill Highbridge, Somerset, TA9 3NW	07702 328866 <a href="mailto:councillorwall@easthuntspillparishcouncil.gov.uk">councillorwall@easthuntspillparishcouncil.gov.uk</a>
Mr Mark Williams (Planning) Kings Barn, Withy Road, East Huntspill, Highbridge. Somerset, TA9 3NW	07802 273546 <a href="mailto:councillorwilliams@easthuntspillparishcouncil.gov.uk">councillorwilliams@easthuntspillparishcouncil.gov.uk</a>
Mrs Claire Wright (Finance and Personnel) Windyridge Cottage, 99, Church Road, East Huntspill, Highbridge, Somerset TA9 4RL	07503 165245 <a href="mailto:councillorwright@easthuntspillparishcouncil.gov.uk">councillorwright@easthuntspillparishcouncil.gov.uk</a>
<b>SEDGEMOOR DISTRICT COUNCILLORS</b>	
Mr Bob Filmer (District Councillor) Wascelyn 48 Brent Street, Brent Knoll Somerset TA9 4DT	01278 760760 (H) 07802480760 (M) <a href="mailto:bob@flockman.com">bob@flockman.com</a>
Mr A Gilling (District Councillor) Ashlawn Farm, Rooksbridge Axbridge, Somerset TA9 3RY	01934 750580 (H) <a href="mailto:andrew.gilling@sedgemoor.gov.uk">andrew.gilling@sedgemoor.gov.uk</a>
<b>SOMERSET COUNTY COUNCILLOR</b>	
Mr M Healey (County Councillor) 31 Riverton Road, Puriton, Somerset, TA7 8BP	01278 685368 (H) 07970073084 (M) <a href="mailto:Markhstudiok@aol.com">Markhstudiok@aol.com</a>

# STANDING ORDERS

## Notes:

1. Local Government Act 1972 section 270 includes the following definitions and interpretations that are relevant.

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday.

“Easter break” means the periods beginning with the Thursday before and ending with the Tuesday after Easter Day.

2. The option at 3 (a) (i) shown in strikethrough font, for electronic service of Notices, is open to challenge at Audit and is currently not recommended for adoption. A test case or legislation is required to clarify the position.
3. Text in **bold** may not be suspended as these are statutory in origin.

## 1. Meetings

**Meetings of the Council shall normally be held at 7.00 pm in the Church Hall Church Lane East Huntspill on the second Tuesday in the month unless the council directs otherwise at a prior meeting**

- 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 When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.**
- c 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.**
- d Subject to standing order 1(c) above, members of the public may address the Parish Council immediately prior to any meetings of the Council set aside for public participation on the understanding that the Parish Clerk has been given notification of their wishing to do so 24 hours before the start. However the Chairman has discretion to allow Members of the Public to speak without prior notification**

- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 3 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A brief summary record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j 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 may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m In accordance with standing order 1(c) above, 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.**
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- o The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, 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.**
- p Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

- q** The Chairman 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 also standing orders 2 (i) and (j) below.)*
  
- r** Unless standing orders provide otherwise, voting on any 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 the vote is taken and before moving on to the next item of business on the agenda.
  
- s** The minutes of a meeting shall record the names of councillors present and absent.
  
- t** If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
  
- u** The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
  
- v** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. *(See also standing orders 7 and 8 below.)*
  
- w** No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
  
- x** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be automatically delegated to the Clerk in consultation with such members as may be available, unless specifically prohibited
  
- y** Meetings shall not exceed a period of 2 hours.

## **2 Ordinary Council meetings**

*See also standing order 1 above*

- a** In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
  
- b** In a year which is not an election year, the annual meeting of a

**Council shall be normally be held on the second Tuesday in May.**

- c If no other time is fixed, the annual meeting of the Council shall take place at 7pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on the second Tuesday in the month.**
- e The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting 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 any, 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 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 must 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 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 must 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 any) of the Council at the annual meeting of the Council, the order of business shall be as follows:**
  - i. In an election year, delivery by councillors of their declarations of acceptance of office, and any resolution to extend the statutory time limit for delivery.**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council**
  - iii. Arrangements for the review and adoption of appropriate standing orders and financial regulations.**
  - iv. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.**
  - v. Review of representation on or work with external bodies and arrangements for reporting back.**
  - vi. In a year of elections, if a Council's period of eligibility to exercise the**

power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

- vii. Make arrangements for the review of inventory of land and assets including buildings and office equipment.
  - viii. Make arrangements for the review of the Council's and/or employees' memberships of other bodies.
  - ix. **Make arrangements to review the Council's corporate policy - this covers the Standing orders and code of conduct.**
  - x. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
- I. In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chairman of Council, cancel any meeting of Council, a committee or a sub-committee and shall give immediate notice of such cancellation to as many members of council as is practicable.

### **3 Proper Officer**

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer
  - ii **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least ( 6 ) days before the meeting confirming his withdrawal of it.



- iv **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) (i) above.**
- v Make available for inspection the minutes of meetings.
- vi **Receive and retain copies of byelaws made by other local authorities.**
- vii **Receive and retain declarations of acceptance of office from councillors.**
- viii Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix Keep proper records required before and after meetings;
- x Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii Arrange for legal deeds to be signed by the Proper Officer and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv Record every planning application notified to the Council on the appropriate meeting agenda and the Council's response to the local planning authority in the minutes of the meeting when the decision was so made;
- xvi Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if any) of the Planning Committee within 3 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvii Retain the custody of the seal (if any) which shall not be used without a resolution to that effect.
- xviii Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xix Declare any casual vacancy arising in the office of councillor following resignation, ceasing to be qualified, disqualification or loss of office due to failure to attend; and then to carry out the necessary steps to proceed towards the filling of the vacancy as appropriate.

#### **4 Motions requiring written notice**

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 10 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 3 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

#### **5. Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-

committee or an employee.

- x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- xi. To receive nominations to a committee or sub-committee.
- xii. To dissolve a committee or sub-committee.
- xiii. To note the minutes of a meeting of a committee or sub-committee.
- xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds to be sealed by the Council's Proper Officer and witnessed.  
(See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to £500 .
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 6. Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's 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 silent or for him 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;
  - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

**7. Code of conduct** *See also model standing orders 1(d)–(i) above*

- a All councillors shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to**
  - (i) make representations,
  - (ii) answer questions and
  - (iii) give evidence relating to the business being transacted.
- d Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

**8. Questions**

- a A councillor may seek an answer to a question concerning any business of the Council provided 3 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion.

**9 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, 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 East Huntspill Parish Council held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the councillors and the minutes are confirmed as an accurate record of the proceedings.”

- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **10. Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11. Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12. Voting on appointments**

- a Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

## **13. Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

- b **The Council's financial regulations shall be reviewed once a year.**
- c **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

**14. Execution and sealing of legal deeds**

*See also standing order 5(a)(xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

**15. Committees** *See also standing order 1 above*

The Council may, at its annual meeting, appoint a staffing committee and other standing committees and may at any other time appoint such other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. may permit committees to determine the dates of their meetings;
- iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
- iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
- v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- vi. may in accordance with standing orders, dissolve a committee at any time.
- vii. The Chairman and Vice Chairman of Council may elect to be a voting member of any committee or sub-committee other than the Staffing Committee.

**16. Sub-committees -**

*See also standing order 1 above*

Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee

**17. Extraordinary meetings**

*See also standing order 1 above*

- 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 or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must 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 sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 councillors.

## **18. Advisory committees**

*See also standing order 1 above*

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

## **19. Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter.  
This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis of income and expenditure for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Accounting Statements of the Council (which are subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **20. Estimates/precepts**

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December

## **21. Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee,



directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **22. Inspection of documents**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **23. Unauthorised activities**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **24. Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature. A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council

## **25. Power of well-being**

- a **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

## **26. Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council and or the personnel committee has

decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above. It shall also consider whether other councillors shall be excluded to ensure proper process in any Appeal.

- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of personnel committee or, in his absence, the Vice-Chairman of the personnel committee of any absence occasioned by illness or urgency and that person shall report such absence to personnel committee at its next meeting.
- c The Chairman of the personnel committee or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the staffing committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the staffing committee or in his absence, the Vice-Chairman of the staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the staffing committee.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by Clerk relates to the Chairman or Vice-Chairman of the staffing committee, this shall be communicated to another member of the staffing committee, which shall be reported back and progressed by resolution of the staffing committee.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the Clerk and/or the Chairman of the Council or of the staffing committee.

## **27. Freedom of Information Act 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of

the Council. The Chairman of the Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b)(x) above.

## **28. Relations with the press/media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **29. Liaison 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 councillor of the District and County or Unitary Council representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor representing its electoral ward.

## **30. Financial matters**

- 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 accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. Procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than [£60,000].
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of

- works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

### **31. Allegations of breaches of the code of conduct**

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall notify the chairman of the Council.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council) shall take all steps considered necessary, to maintain confidentiality.
- e References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

### **32. Variation, revocation and suspension of standing orders**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless

two-thirds of the councillors at a meeting of the Council vote in favour of the same.

**33. Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

# FINANCIAL REGULATIONS

## 1. GENERAL

- 1.1. These financial regulations shall govern the conduct of the financial transactions of the council and may only be amended or varied by resolution of the council.
- 1.2. The Clerk shall be the responsible financial officer (RFO).
- 1.3. The responsible financial officer (RFO) under the policy direction of the council shall be responsible for the proper administration of the council's financial affairs.
- 1.4. The RFO shall be responsible for the production of financial management information.

## 2. ANNUAL ESTIMATES

- 2.1. Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO.
- 2.2. The Council shall review the estimates and recommend the precept to be levied for the ensuing financial year, not later than the end of January in each year. The RFO shall supply each member with a copy of the approved estimates.
- 2.3. The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

## 3. BUDGETARY CONTROL

- 3.1. Expenditure on the revenue account may be incurred up to the amounts included in each approved budget heading.
- 3.2. No expenditure may be incurred which cannot be met from the amount provided in the appropriate revenue budget heading unless a virement has been approved by the council.
- 3.3. 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.
- 3.4. 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 £250. The Clerk shall report the action to the council as soon as practicable thereafter.
- 3.5. Where expenditure is incurred in accordance with regulation 3.4 above and the sum required cannot be met from savings made elsewhere within the councils approved budget, it shall be subject to the provisions of a supplementary estimate approved by the council.
- 3.6. No expenditure shall be incurred in relation to any capital project, 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 capital funds are available, or the requisite borrowing approval can be obtained.

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

#### **4. ACCOUNTING AND AUDIT**

- 4.1. All accounting procedures and financial records of the council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 and The Accounts and Audit Regulations 2003.
- 4.2. 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.
- 4.3. The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with regulation 5 of the Accounts and Audit Regulations 1996. Any officer or member of the council shall, if the RFO requires, make available such documents of the council which relate to
- 4.4. Their accounting and other records, as appear to the RFO to be necessary for the purpose of the audit, and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

#### **5. BANKING ARRANGEMENTS AND CHEQUES**

- 5.1. The council's banking arrangements shall be made by the RFO and approved by the council. One current account and one deposit account shall be maintained at. **Co-operative Bank**
- 5.2. A schedule of the payment of money shall be prepared by the RFO and together with the relevant invoices etc presented to the council. If the schedule is in order it shall be proposed and seconded and authorised by a resolution of the council.
- 5.3. Cheques drawn on the current bank account in accordance with the schedule referred to in the previous paragraph shall be signed by the two members of the council who proposed and seconded that item.

#### **6. PAYMENT OF ACCOUNTS**

- 6.1. All payments shall be effected by cheque or other order drawn on the council's bankers.
- 6.2. All invoices for payment shall be examined, verified and certified by the RFO. Before certifying an invoice the RFO shall satisfy themselves that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3. Duly certified invoices shall be settled and which are in order within 30 days of their receipt.
- 6.4. When the RFO is satisfied that invoices are in order they shall raise an outgoing sheet and satisfy the audit trail.
- 6.5. All duly certified invoices will then be entered on the schedule referred to in 5.2 above.

## **7. PAYMENT OF SALARIES**

- 7.1. The payment of all salaries shall be made by Sedgemoor District Council via BACS which is distributed monthly out of the Precept adjustment half-yearly.
- 7.2. The review of salaries allowances and expenses shall be reviewed in February of each year.

## **8. LOANS AND INVESTMENTS**

- 8.1. All loans and investments shall be negotiated by the RFO in the name of the council, and shall be for a set period of time in accordance with council policy. Changes to loans and investments should be reported to the council at the earliest opportunity.
- 8.2. All investments of money under the control of the council shall be in the name of the council.
- 8.3. All borrowings shall be effected in the name of the council.
- 8.4. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. INCOME**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges annually, following a report of the clerk.
- 9.4. Any bad debts shall be reported to the council.
- 9.5. All sums received on behalf of the council shall be banked by the RFO.
- 9.6. A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying-in slip.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purchases. Copies of orders issued shall be maintained.
- 10.2. The RFO is responsible for obtaining value for money at all times and to ensure as far as reasonable and practicable that the best available terms are obtained in respect of cash transaction.

## **11. CONTRACTS**

- 11.1. Procedures as to contracts are laid down in the council's standing orders item 71



## **12. INSURANCE**

- 12.1. The RFO shall effect all insurance and negotiate all claims on the council's insurer.
- 12.2. The RFO shall insure that all new risks, properties which require to be insured are added to existing insurance.
- 12.3. The RFO shall keep a record of all insurance effected by the council and the property and risks covered thereby and annually review it.
- 12.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 12.5. All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance.

## **13. REVISION OF FINANCIAL REGULATIONS**

- 13.1. It shall be the duty of the council to review the financial regulations of the council from time to time and to make such changes as the council considers are required and reaffirmed at the APCM

# COMPLAINTS PROCEDURE

1. This complaints procedure is intended to ensure that complaints by members of the public about the Council's actions, or lack of action, or standard of service are dealt with promptly and effectively. The object of the procedure is to put things right when they have gone wrong and ensure that mistakes do not recur in the future.
2. This procedure does not apply to:
  - complaints about the substance of policy decisions made by the Council (although members of the public may make comments or ask questions during the public participation session during every Council and committee meeting);
  - complaints about the conduct of an individual councillor, which should be made to the Monitoring Officer at Sedgemoor District Council
  - complaints by an employee of the Council about the Council's actions as an employer, which should be dealt with under the Council's grievance procedure.
3. Complaints about the Council's administration and procedures should be made initially to the Clerk to the Council, and will be dealt with initially by the Clerk. If the complainant is unwilling to approach the Clerk a complaint may be made to the Chairman of the Council, who will refer the complaint either to the Clerk or to a specific committee set up to investigate the complaint. Complaints may be made in writing, by email, by phone or in person.
4. Complaints which cannot be dealt with immediately to the satisfaction of the complainant will be acknowledged in writing within 5 working days.
5. Complaints should be dealt with promptly. In general complaints will be dealt with within 20 working days of receipt, although this time limit may be extended with the agreement of the complainant, or where the Clerk feels it necessary to take legal or other advice.
6. Where it appears that the complaint includes an allegation that a criminal offence has been committed the Clerk may deal with the complaint by referring it to the police.
7. If a complainant is dissatisfied with the Clerk's decision on a complaint, or if the complaint is not dealt with to the satisfaction of the complainant within the time limit set out in the previous paragraph, the complainant may ask for the matter to be referred to a specific committee set up to investigate the complaint.
8. Where a complaint is referred to a specific committee set up to investigate the complaint the complainant will be informed of the date, time and place of the meeting. At least ten working days' notice will be given. The complainant will be invited to attend the meeting and also to submit any documents which s/he wishes to refer to. Any such documents must be received by the Clerk seven

working days before the meeting to enable them to be circulated to members. The Clerk will provide the complainant with any documents that s/he wishes to refer to the same timescale.

The Clerk will also inform the complainant whether it is likely that the meeting will be open to the press and public or whether the press and public are likely to be excluded (for example because the personal affairs of an individual may be discussed).

9. At the Committee meeting the Chairman should introduce everyone and explain the procedure. The complainant may outline the grounds of complaint and may then be questioned, first by the Clerk and then by Committee members. The Clerk may outline the Council's position and may be questioned, first by the complainant and then by Committee members. The Clerk and then the complainant may give a final summary of their position.
10. The complainant and the Clerk will then leave the room to allow the Committee to reach a decision on the complaint. They will be called back when the Committee has reached a decision.
11. If the Committee considers that a complaint alleges misconduct by an employee the decision on the complaint may be deferred until the allegation has been dealt with under the Council's disciplinary procedure.
12. Committee decisions on a complaint should normally be announced in public. The complainant should be notified of the decision in writing within seven working days, and notified also of what action will be taken.
13. Where a complaint is upheld the Clerk should report to a subsequent meeting of the Committee and of full Council what action has been taken to ensure that any mistake does not recur.

# **PRESS & MEDIA POLICY**

## **1 INTRODUCTION**

- 1.1 The purpose of this policy is to define the roles and responsibilities within the Council for working with the media and deals with the day-to-day relationship between the Council and the media.
- 1.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.

## **2 KEYS AIMS**

- 2.1 The Council is accountable to the local community for its actions and this can only be achieved through effective two-way communications. The media – press, radio, TV, internet – are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.
- 2.2 It is important that the press have access to the Clerk/ Members and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

## **3 THE LEGAL FRAMEWORK**

- 3.1 The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the governments Code of Recommended Practice on Local Authority Publicity.
- 3.2 The Parish Council's adopted Standing Orders should be adhered to.

## **4 CONTACT WITH THE MEDIA**

- 4.1 The Clerk and Members should always have due regard for the long-term reputation of the Council in all their dealings with the media.
- 4.2 Confidential documents, exempt Minutes, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who was responsible and appropriate action taken.

- 4.3 When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from the Council's solicitor before any response is made.
- 4.4 There are a number of personal privacy issues for the Clerk and Members that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Member contact details are in the public domain); disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Clerk before any response is made to the media.
- 4.5 When responding to approaches from the media, the Clerk, Chairman or the Chairman of Committees are authorised to make contact with the media.
- 4.6 Statements made by the Chairman or the Chairman of Committees and the Clerk should reflect the Council's opinion.
- 4.7 Other Councillors can talk to the media but must ensure that it is clear that the opinions given were their own and not necessarily those of the Council.
- 4.8 There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks. All correspondence must come from the Clerk.

## **5 ATTENDANCE OF MEDIA AT COUNCIL MEETINGS**

- 5.1 The Local Government Act 1972 requires that agendas, reports and minutes are sent to the media on request.
- 5.2 The media are encouraged to attend Council meetings and seating and workspace will be made available.
- 5.3 Any filming or taping of Council proceedings by the media must be with prior notice to the Clerk and Chairman of the meeting (see Standing Orders).

## **6 PRESS RELEASES**

- 6.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of the Clerk and Members to look for opportunities where the issuing of a press release may be beneficial.
- 6.2 The Clerk or any Member may draft a press release, however they must all be issued by the Clerk in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.
- 6.3 In accordance with the changes on recording of meetings in August 2014. Members of the public may record any meeting held in public by the council anyone so doing so should make it known.

# VEXATIOUS POLICY

## ACCESS TO COUNCIL SERVICES & DEALING WITH DIFFICULT & VEXATIOUS PERSONS

### 1. Rights of Public Access

- 1.1. The Council recognises that, in the absence of good reasons to the contrary, members of the public have a right of access to the Council to seek advice, help or services that the Council offers.
- 1.2. Criticism of, and complaints against, the Council or its employees are a welcome, legitimate and necessary part of the relationship between the Council and its local community. They are a valuable means of reflecting on the operations of the Council and improving both those operations and the quality of the Council's relationship with its local community.
- 1.3. Nobody, no matter how much time and effort is taken up in responding to their complaints and concerns, shall be unconditionally deprived of the right to have those complaints or concerns addressed.
- 1.4. However the Council also has an obligation to use its resources efficiently and effectively and has obligations to its members and, as an employer, to its employees.
- 1.5. Accordingly, the Council has decided that there are circumstances in which it will limit the nature and scope of its responses to difficult persons.

### 2. Difficult/Vexatious Persons

- 2.1. There are various types of difficult persons and this policy shall apply to them all, other than to those who are aggressive. See 3. Aggressive behaviour.
- 2.2. Categories of difficult and vexatious persons:
  - 2.2.1. Those **who cannot let go** – persons
    - make excessive phone calls, or
    - seek to exercise excessive personal contact, or
    - engage in lengthy correspondence
  - 2.2.2. Those **who cannot be satisfied** - persons who
    - cannot or will not accept that the Council is unable to assist them or
    - cannot or will not accept that the Council is unable to provide any
    - further level of service other than that provided already or

- disagree with the action the Council has taken in relation to that complaint or concerns

#### 2.2.3. Those **who make unreasonable demands** - persons who make

- unreasonable demands on the Council whether by
- The amount of information or
- The value and scale of services they seek or
- The number of approaches they make

#### 2.2.4. Those **who are rude and abusive** - persons who

- engage in personal abuse or
- make inflammatory statements or comments or
- make statements or comments clearly intended to intimidate.

### 3. **Aggressive behaviour**

The Council has a zero tolerance approach to violence and aggressive behaviour towards its employees. The Council has a duty to ensure that, as far as is practically possible, it reduces the risk of violence, aggressive or threatening behaviour towards its employees during the course of their work. The Council affords the same protection to its members.

Other sections in this policy cover the limiting of access and the way in which staff are instructed to deal with individuals who use inappropriate language and display abusive, aggressive or threatening behaviour.

### 4. **Guiding principles on limiting access**

The Council will limit the nature and scope of access in the following circumstances

- Where full access would be likely to compromise the Council's obligations as an employer
- Where full access would be likely to compromise any statutory obligations to which the Council is subject
- Where full access would be likely to be wasteful of the Council's resources whether through excessive contact or use of services
- Where full access would be likely to encourage or allow rude and abusive behaviour

### 5. **Limiting access in particular circumstances**

#### 5.1. Not replying to written communications

- ##### 5.1.1.
- Where the Council receives a written communication that contains substantial and clearly inappropriate content, such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication asking that they reframe the communication so as to exclude the inappropriate content.

The author of the communication will be advised that, in the event that a further substantial and clearly inappropriate communication is received by the Council, the Council will not give a substantive reply, other than to the extent that such communication provides evidence of,

or alerts the Council to, any criminal act, mal-administration, a failure to comply with a legal duty or other malpractice by, or on behalf of, the Council.

## 5.2. Terminating telephone calls

5.2.1. Where a caller uses inappropriate language such as abusive or threatening language or casting adverse personal reflections on individuals, then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller then continues to use inappropriate language the call may be terminated, provided that it is made clear that the caller may call back if the caller is then prepared to speak in a different way.

5.2.2. In cases of persistent callers using inappropriate language, a written notification shall be sent to the caller advising that, in the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that, for a specified period, all future business will only be transacted in writing or through a nominated and agreed intermediary.

5.2.3. Any written notification shall be given in accordance with the procedure set out in 5.1.1 above

## 5.3. Limiting face to face contact

5.3.1. When, during a personal attendance, a person uses inappropriate language or behaves inappropriately, the person will be notified that, unless the person is prepared to speak or behave in a different way, the personal attendance will be terminated. If the person then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if the person is prepared to speak or behave in a different way. Any further personal attendances shall be in the company of a member of the Council. Such arrangement shall be for such specified period as the Council thinks necessary, provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months and not less frequently than once every 6 months. The person shall be notified in writing accordingly.

5.3.2. In cases of persistent personal attendances where the person uses inappropriate language or behaves inappropriately, a written notification shall be sent to the person advising that, in the event that any further personal attendance takes place and the person uses inappropriate language or behaves inappropriately, not only will the personal attendance be terminated but that also, for a specified period, all future business will only be transacted in writing or through a nominated and agreed intermediary.



5.3.3. Any written notification shall be given in accordance with the procedure set out in 5.1.1 above

5.4. Excessive access

5.4.1. Where a person

- makes excessive phone calls or
- make excessive visits to Council Offices or
- engages in excessive written communications or
- raises the same issues with different staff

The Council may nominate a member of the Council to deal with all contact with the person for a specified period and shall inform the person in writing accordingly.

5.4.2. Where a person or a group contacts the Council on a wide range of issues all at once or in a selective way or in a constant stream, the Council may notify the person or group in writing either that only significant and serious issues will be addressed by the Council or that only a certain number of issues will be addressed by the Council in any given period, provided always that such arrangements shall not prevent the exercise of any statutory right of a person to access the Councils services.

5.5. Abusing the right to information

5.5.1. Individuals or groups might place excessive demands on the resources of the Council by making continual and extensive demands for information such as sending large numbers of letters, each containing detailed requests for information, or being unwilling to accept documented evidence to support an adequate response.

5.5.2. If the Council is satisfied that the resource demands in responding to such contacts are excessive it may place limits on the manner and/or degree to which the Council will respond to such demands (but not so as to prevent the exercise of any statutory rights of the public to information).

5.6. Declining to further investigate complaints

5.6.1. Where, having exhausted the Council's Complaints Procedure, a complainant remains dissatisfied with the outcome of a complaint, the Council will inform the complainant, in writing, that the Council will decline to respond to any further attempted contact or communication concerning the issues raised by the complainant unless significant new information or new issues are raised which, in the opinion of the Council, warrants action.

5.6.2. If the Council believes that a complainant is deliberately providing fresh information in a selective way, the Council will advise the complainant in writing immediately to pass on all relevant material to the Council and will also advise the complainant that, if such material is raised later, that the Council will, before agreeing to consider that material, require a satisfactory explanation as to why the material was not supplied earlier.

5.7. Miscellaneous

5.7.1. Other circumstances in which it may be appropriate to limit access include:

- Where a person is unwilling to accept that the matter raised by them is not within the remit of the Council
- Where a person displays unreasonable demands or expectations and fails to recognise that these are unreasonable, such as insisting on responses to be made more urgently than the Council's response time.

## **6. Persons under a disability**

6.1. Impaired mental capacity

6.1.1. Where it appears that a difficult person may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the person's freedom of action, such as securing continued access through a relative, friend, carer or other professional. However it should always be remembered that the person has a right to confidentiality and may not want certain persons to be involved.

## **7. Persons under the age of 18**

7.1. In the case of a difficult person who is under the age of 18, one form of contact - generally by means of written communication - must always be maintained. It may be possible to arrange to deal with such a person through their parent or guardian, provided that written consent of both the person and their parent or guardian is first obtained.

## **8. No Restrictions on Council's or its employees or its Members recourse to law**

Nothing in this policy shall operate so as to impede the right of the Council or an employee or a member to have recourse to the civil and/or criminal law where such recourse is available to the Council or employee or member in any particular case.

# GRIEVANCE & DISCIPLINE PROCEDURE

From 1st October 2004 all employers have been required to have in place a formal Grievance & Discipline Procedure.

**The previous exemption for an organisation with less than twenty employees has been withdrawn. (Employment Act 2002) Dispute Resolution Regulations 2004.**

The part of the Act (Dispute Resolution 3-Step & 2-Step process) that relates to this matter will also require that an employer goes through a careful internal process of investigation. Not specified anywhere in the Act is the hope that both sides makes every attempt at conciliation. Any Employment Tribunal that subsequently becomes involved will take this process into account. It is expected that minor lapses by an employee will be dealt with reasonably by internal processes.

## **CONCILIATION AND MEDIATION**

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

## **GRIEVANCE PROCEDURE**

The objective is to have in place a framework for dealing swiftly and in a fair and consistent manner with a complaint from an employee that has not been dealt with by the process of good management in the workplace.

Having a formal grievance procedure acknowledges the rights of employees in Employment Law to be treated fairly and to be able to seek redress for a grievance that is related to their employment.

The Procedure – 3-Step Grievance Procedure

- Step-1:** The employee sets down in writing and submits to the employer the alleged grievance;
- Step-2:** A meeting must be held with the employee for a discussion of the matter. Afterwards the employer must tell the employee the decision and that he/she has the right of appeal. Both the decision and the right of appeal must be confirmed in writing;
- Step-3:** If the employee exercises his/her right of appeal there must be another meeting to hear the appeal. The final decision must then be given and confirmed in writing.

Modified 2-Step Procedure after employment has ended

**Step-1:** The employee sets down in writing and submits to the employer the alleged grievance;

**Step-2:** The employer gives his response in writing.

The 3-Step process will not apply where it is clearly unreasonable to do so as the employee has left. In which case the modified 2-Step procedure will apply and it is agreed in writing by both parties. This is an agreement not to have a face-to-face meeting, perhaps for reasons of long travel times, or that the employee is now working elsewhere and time off to attend a meeting would be difficult.

A House of Lords ruling relating to a case of Discrimination has made it possible for a complaint of discrimination to be brought against a former employer after the employee has left.

### **KEY FEATURES**

- Should be part of the Terms and Conditions in the employees contract
- Must be seen to be fair and reasonable
- Matters must be quickly dealt with (3-5 Working Days)
- Must let the employee express his/her grievance to a/the senior person
- Given an opportunity to make clear the grievance
- Get (if possible) a swift resolution of the problem through conciliation
- Ensure that swift action matches swift promises - And are kept!
- Provide the employee with all information necessary for them to progress their grievance to an arbitrating body, if necessary
- Provides for an appeal

### **LACK OF PROCEDURE**

The results of a lack of a formal procedure can be several. Crucial are:

- Employment Tribunal Cases
- Damage to the Council
- Potentially expensive legal consequences
- Disciplinary Proceedings
- Needless loss of an employee

### **THE LAW & EMPLOYEE RIGHTS (Some of It!)**

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Dispute Resolution Regulations 2004
- Protection From Harassment Act 1997
- Health & Safety at Work Act 1974
- Management of Health and Safety at Work 1999
- The Sex Discrimination Act 1975
- The Race Relations Act 1976 (Amendment) Regulations 2003, SI 2003/1626 & as amended 2000
- Equal Pay Act 1970 (Amendment) Regulations 2003, SI 2003/1656
- Employment Equality (Sexual Orientation) Regulations 2003 SI 2003/166

- Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660
- Disability Discrimination Act 1995 (Amendment) Regulations 2003  
SI 2003/1673
- Working Time Regulations 1998 (SI 1998/1833)
- National Minimum Wage (Enforcement Notices) Act 2003
- Equal Pay Act 1970

### **REALLY IMPORTANT BITS**

The Employment Rights Act 1996 makes it mandatory for an employer to have a written statement of employment particulars that spells out the main terms and conditions of that employment. This must include directions to the person to whom the employee can apply for redress for any grievance related to his/her employment and appeal against any decision.

### **NB.**

An employer cannot get away through omitting this part of the written statement of particulars of employment (contract). The failure by an employer to indicate where the policy on discipline and grievance may be found and to operate the statutory procedures under the Dispute Regulations 2004 could offer the employee a case based on automatic unfair dismissal grounds if brought to an Employment Tribunal.

The Employment Relations Act 1999 s.10-15 requires employers to allow an employee to be accompanied by a person of their choice at a grievance meeting. Self-employed people are covered by this provision.

- The employee is protected against victimisation by the employer through seeking grievance procedures
- The chosen person may address the hearing on behalf of the employee, ask questions & be given time in private to confer with the employee
- The rights do not extend to answering questions on behalf of the employee
- Failure to allow an employee to be accompanied may result in a complaint to an Employment Tribunal and, possibly, a quite substantial award made against the Council

### **THE CONCEPT OF NATURAL JUSTICE**

The following are time-tested benchmarks that, if not followed, inevitably work to the disadvantage of an employer at the Employment Tribunal stage:

- Grievance procedures should be fair and seen to be fair
- A complete investigation of the matter should be carried out by a non-involved individual to establish the facts of the matter
- Every employee has a right to be heard
- It is the *facts* that matter
- Any employee who has any special needs requirements should be provided with all necessary assistance to permit them to have a fair and just hearing
- An employee who has brought a grievance should not subsequently be disadvantaged

### **THE PENALTY FOR NON-COMPLIANCE**

The employer that does not comply faces an almost certain breach of contract

claim by an employee. The employee will be entitled to resign and claim constructive unfair dismissal. In addition at an appearance before a Tribunal failure to comply with the steps set down will almost certainly result in a finding against the party who has failed to comply. Tribunals will also have the ability to, in effect, fine that party.

### **OTHER LEGISLATION**

- Data Protection Act 1998
- Freedom Of Information Act 2000
- Public Interest Disclosure Act 1998 (Whistle Blowers)

Both the Data Protection Act and the Freedom Of Information Act have implications in the area of record keeping and access. Records in relation to Grievance (and Disciplinary) matters are classified as confidential. Neither the public, *nor other members of the organisation without a specific need to know*, have access. A copy of the record of the proceedings and results must be given to the employee.

### **THE GRIEVANCE POLICY DOCUMENT**

**THE AIM OF OUR GRIEVANCE POLICY IS TO RESOLVE ANY GRIEVANCE AS SWIFTLY AND FAIRLY AS POSSIBLE WE WILL DEAL WITH ANY MATTER RELATING TO EMPLOYMENT WITH THE EXCEPTION OF MATTERS OF CONDUCT AND CAPABILITY AND THE OUTCOME OF DISCIPLINARY PROCEEDING**

**YOU HAVE THE RIGHT TO BE ACCOMPANIED BY A PERSON OF YOUR OWN CHOOSING WHO MAY SPEAK ON YOUR BEHALF, ASK QUESTIONS, BUT NOT ANSWER QUESTIONS PUT DIRECTLY TO YOU.**

**YOU AND YOUR COMPANION / REPRESENTATIVE WILL BE PROVIDED WITH ANY MATERIALS, PAPERS, etc. NECESSARY FOR YOU TO MAKE YOUR CASE WE WILL MAKE EVERY EFFORT TO ACCOMMODATE ANY PERSON WHO HAS SPECIAL NEEDS IF WE ARE ADVISED OF THE SITUATION YOU HAVE THE RIGHT TO APPEAL AGAINST A DECISION OF THE PANEL THE PROCEEDINGS**

- The time and place must be notified and agreed with adequate time to prepare and attend
- It should not be at some venue that is particularly inaccessible
- Provision should be made for any person with a disability or whose first language is not English
- The proceeding should not be interrupted for any reason (Health & Safety excepted)
- The person accompanying the employee should be notified.
- The person accompanying the employee must be given time off to attend
- A written record of the proceedings must be kept
- The procedure must be the same for all employees
- The proceedings should not be held in quasi-judicial language or process but be simple to follow and understand addressing the facts
- The proceedings should be timely. (Justice is not served by allowing the matter to hang-fire)
- Allow for the proceedings to be conducted by an impartial external; facilitator

Any employee who presents with a grievance should be encouraged in the first place to resolve the matter, if possible, by informal discussion with a colleague / senior employer representative. Wherever possible conciliation of the dispute should be sought, using the services of a skilled mediator and arbitrator if necessary. Where this matter is difficult then the services of an impartial mediator/arbitrator are recommended.

### **COLLECTIVE GRIEVANCES**

If the grievance is presented by a group of employee then this should be dealt with directly by the most senior management.

### **THE RACE RELATIONS (AMENDMENT) ACT 2000**

All employers should note the necessity of making every effort to ensure the equality of every aspect of the procedure for any person who is of ethnic origin other than English. Under the provisions of the Act all Local Councils have a General Duty to comply. As colleagues will be aware that extends to the collection of statistics and completing returns on an annual basis. Any employing Council that did not make every effort to comply with the Act would be in a potentially very serious breach. The possibility is a complaint either to an Employment Tribunal or to the Equal Opportunities Commission.

### **WHAT COMES NEXT?**

When every aspect has been explored the appropriate remedial action, if justified, should be taken. This may mean making changes to procedures, working practices or the behaviour of others.

It is essential that what is agreed to be done is seen to be done. So,

- Consider implications and costs
- Do not allow too much time to elapse before making clear what is expected
- Agree and publicise workable solutions
- Monitor the results
- Record and learn for the future

### **FINALLY**

Many people in positions of authority assume (quite wrongly) that they are managers competent in every field. Even basic interviewing is a learned skill. The process of dealing with people in a Grievance or Disciplinary situation requires even more skill and knowledge. Too fail to be adequately prepared and trained may well be a recipe for total disaster. The penalties for getting it wrong and range from embarrassing to disastrous for a Council. The maximum award for unfair/constructive dismissal could be as high as £55,000 (2004). Plus the damage to reputations. Further, even at the initial presentation stage at an Employment Tribunal could result in unnecessary cost. Under the Employment Act 2002 section relating to the powers of a Tribunal, a Tribunal will have the power to - in effect - fine an employer up to £5000 (or for that matter an employee) who does not bring their case properly prepared and presented. In

addition the new Act provides for the increase or decrease of the award made by between ten and fifty percent for failure to follow the statutory procedure.

### **NEW LAW - EMPLOYMENT ACT 2002 – DISPUTE RESOLUTION REGULATIONS 2004**

Within this Act is the provision for changes to the way in which Employment Tribunals work. A corollary of this is that a 3-Stage, or 2-Stage modified process

(after the employment has ended), of bringing a case to them is required of an employer/employee. Put simply, it is that a full internal *and if possible* conciliation process takes place within an organisation to try and sort out problems and reconcile issues before the matter reaches the stage of a Tribunal hearing.

#### The Procedure – 3-Step Dismissal Disciplinary Procedure

**Step-1 :** The employer sets down in writing and gives to them the complaint of the employee's conduct, capability or other matter that could result in disciplinary action or dismissal;

**Step-2:** A meeting must be held with the employee for a discussion of the matter. After the employer must tell the employee the decision and that he/she has the right of appeal. Both the decision and the right of appeal must be confirmed in writing;

**Step-3:** If the employee exercises his/her right of appeal there must be another meeting to hear the appeal. The final decision must then be given and confirmed in writing. Modified 2-Step Procedure after employment has ended

**Step-1:** The employer informs the ex-employee in writing details of the alleged misconduct that has led to his/her dismissal, what evidence there was for the decision to dismiss, and the right of appeal against the decision;

**Step-2:** If the employee wishes to exercise his/her right of appeal then a meeting must be convened. The final decision must then be given and confirmed in writing.

Disciplinary matters will come about in any work place from time-to-time. There will be a number of reasons why this occurs. One cause, amongst others, is where the relationship of mutual trust and respect between the employee and the employer has broken down, or been broken down. Employers should take every possible step through good management practices and procedures to ensure that this situation has not been reached by being ineffective in their management of work and employees. (See Grievance Procedures).

*Disciplinary proceedings are not to be considered as a first step (Excepting exceptional circumstances of Gross Misconduct), or purely as a means of imposing strictures on an employee, especially if the first thought is that it is a means of dismissing the person. This is bad management and might well be a fast track route to an Employment Tribunal with a case of Unfair Dismissal.*



## **COMMON PROBLEMS**

These often arise from a few situations:

- Failure to follow instructions
- Breaches of Council policy
- Breaches of regulations governing conduct in the workplace
  
- Behavioural & conduct problems
- Breaches of confidentiality
- Failure to comply with lawful requirement of the employer
- Unauthorised absence
- Misuse of Council property/facilities
- Failure to comply with workplace targets

However, a distinction should be drawn between the conduct of an employee and their capability. In the case of a problem due to capability there needs to be a very careful consideration of the factors. These may be lack of skill or knowledge; illness or some unrecognised disabling factor, or some external factors non-workplace based having an influence on performance in the workplace (Serious home-based problems). An employer should always explore the factors with care and sensitivity. If the matter is based in lack of skill or knowledge then the employer has a duty to ensure that by training, mentoring, guidance, the employee has an opportunity to improve. The matter can then be re-assessed after a reasonable interval.

## **WHY HAVE A DISCIPLINARY PROCEDURE?**

Put simply it gives everyone a firm base to know where they stand. Bear in mind that the failure to have any standards not only means a sloppy organisation, it inevitably means that if an employee is challenged on an issue she/he might justifiably reply:

“I wasn't told that and it doesn't say that anywhere. (So, Ya boo sucks!)” It means that an employer is on shaky ground when it comes to trying to make discipline stick – unless it is for obvious gross misconduct.

## **THREE IMPORTANT ACTS**

Employment Rights Act 1996 - Employment Relations Act 1999 – Employment Act 2002

If you end up in front of an Employment Tribunal because you have dismissed someone they will expect you as the employer to be able to show under the first that:

- You have a clear reason for dismissal related to the employees conduct
  
- That you have acted reasonably and fairly in treating this as a sufficient reason to dismiss the person. The second Act requires that you will have made every effort to ensure that the employee is aware that someone may accompany them to the disciplinary hearing. This applies even if you are classed as Self-employed.

- The Act enshrines the principle that no person will be victimised as a result of acting as a representative of the person before the disciplinary hearing
- The employer must postpone the hearing for up to five working days from the day after the hearing was called for if the chosen representative is not available
- The representative may ask questions of the hearing panel and speak on behalf of the employee brought before the panel, but may not answer questions put to the employee

As soon as the provisions of the Employment Act 2002 – Dispute Resolution Regulations 2004 are in place on the 1st October 2004 you will have to have in place a formal internal process with a policy laying down procedures that is made known to all employees.

## **CONTRACTS**

The disciplinary procedures and appeals process should be incorporated into the wording of a current contract and the stages of the disciplinary process must be spelled out (or specific reference made to where the employee may access

the policy document or staff handbook). If this is not adhered to exactly then an employee may be able to bring a case of breach-of-contract.

There should always be reference to whom an appeal can be made against a disciplinary decision. Where this is not included a letter setting out the matter should be given to the employee and a signed copy kept by both parties.

## **DISCIPLINARY PROCEDURES – LINKS TO GRIEVANCE PROCEDURES**

It is likely that most Council's will have both sets of procedures built into the contracts of their employees. Both should be carefully followed for the reasons given above. However, if as the result of a disciplinary hearing an employee decides to bring a grievance about the conduct of any person handling the disciplinary matter, they are entitled to use the grievance procedure to do so.

## **DISCRIMINATION**

It is essential to carefully observe the principles of the legislation that applies to matters of discrimination. This is a particularly sensitive area where there may be circumstances of disability, learning difficulties, or relating to a person who

does not have English as a first language, or gender. Every effort must be made to ensure that all steps are taken to provide whatever assistance is need to the person concerned in the interest of natural justice. (See Grievance Procedure). Under the Disability Discrimination Act requirements implemented in 2004

relating to employing bodies all reasonable adjustments to the workplace must be made to permit an employee with a disability to perform the functions of a job. This extends to any place in which they may be required to attend a disciplinary/grievance/appeals hearing.

## **NATURAL JUSTICE**

No disciplinary hearing or the decision of a disciplinary hearing will be found to be safe if the following main principles are not observed:

- The employee must be informed fully of the matter in writing that is considered to warrant a disciplinary hearing
- The matter must be investigated fully and thoroughly by an unbiased Investigator
- The employee must be given reasonable time to prepare a defence (5-7 days)
- The precise allegations should be read out at the start of the hearing
- The employee must be given adequate time to answer the allegations
- The employees representative/friend should be in possession of all the documentation that has been given to the employee
- The employee (or representative) should be allowed to challenge any matters that will be used by the employer to make their decision
- The panel hearing the matter must keep an open mind and not pre-judge the matter
- There must be the opportunity for the employee to appeal any decision to a non-involved third party
- Wherever possible the panel hearing the matter should have a gender and racial balance of members

It is worth remembering that the proof required in a disciplinary matter is not that of the Courts where the standard is: Beyond All Reasonable Doubt. The standard before a disciplinary hearing, or indeed an Employment Tribunal is: On The Balance Of Probabilities.

## **PENALTIES**

The range of situations that bring people before a disciplinary hearing can be many. They can vary from the vexatious to the extremes of damage to the Council or other employees. Penalties should therefore be graded: 'Let the Punishment Fit the Crime!

In general it is also a matter of natural justice and good management that will apply what is appropriate. Do not go over the top! This will at least sour relationships – perhaps not only of the employee before the hearing, but other who do not see 'fair play' being used. At worst it is almost certain to bring you before an Employment Tribunal

## **SANCTIONS**

So, grade sanctions to what is appropriate, and taking into account the employee track record.

The following is suggested as a guideline:

First problem & a minor one <> Verbal Warning given by Chairman  
Second time & minor <> Further Verbal Warning from Chairman  
More serious matter <> First Written Warning from Council  
Second time & serious <> Final Written Warning from the Council  
Gross misconduct <> Suspension on full pay & Hearing

It is not, of course, necessary to proceed through each level to the top, as it were. Depending on the severity of the matter the procedure can, after proper consideration, go to any higher stage immediately.

## **DISMISSAL**

The statutory procedure will apply to:

- Conduct
- Capability
- Redundancy
- Expiry of a Fixed-Term Contract

## **EXEMPTIONS**

1. Where the dismissal is in circumstances ie. Loss of a qualification to continue the job such as the loss of a licence;
2. Where the employers business ceases abruptly.
3. Long-term illness

The government expects these occurrences to be rare.

## **GROSS MISCONDUCT**

This will be a substantial matter and is usually clearly recognised as such ie. Theft, deliberate harm to or misuse of/to Council property, causing harm to a fellow employee, etc. In a case of this nature and after the usual proper preliminary investigation an employee should immediately be suspended on FULL PAY. They should not be sacked out of hand! To suspend without pay or

Dismiss summarily could rebound with a claim for unfair dismissal on the grounds that the matter was pre-judged and unfair. (Particularly if, on investigation the employee is exonerated). Even if an employee is found guilty in a criminal court of an offence the matter (unless a prison sentence follows) is not one of automatic dismissal. The employer should convene a Disciplinary Hearing in the normal manner to consider the implications and facts in relation to the possibility of continuing employment.

## **APPEALS**

A feature of natural justice and also inherent in the new requirements under the Dispute Resolution Regulations 2004 is that insofar as is possible the matter giving rise to discipline and grievance procedures should be manifestly seen to be fair. To ensure fairness a Council should form a separate Grievance and Discipline Hearing Panel and an Appeals Panel. Naturally the members of the Appeals Panel should not be contaminated by being part of any of the proceedings of the Grievance and Discipline Panels. *Part 3 of Schedule 3 of the Act requires that in an Appeals Panel the employer should, as far as it is reasonably practical, be represented by a more senior manager than attended the first meeting.*

This may be difficult for a local council and makes the segregation of the members of the Appeals Panel from those of the Disciplinary and Grievance Panel more crucial to a manifestly fair and reasonable decision.

In some cases with very small local councils it might be wise to ask an independent member from a neighbouring local council to sit on the panel.

In addition; to ensure fairness, any serious matter should be investigated by an independent investigator competent in such work and whose report should be sent to both parties in the matter for consideration before further proceedings. This will be an option that an Employment Tribunal might well ask questions about, should a case reach them, where the internal processes of an organisation (possibly a number of local councils) do not have the knowledge and skills to conduct a procedure in a manner that will ensure that its is seen to act fairly and reasonably and comply with the law. Failure on either party to follow the law and spirit of the Act, the presentation of a facetious or vexatious case, or even a badly presented case can result in the imposition of fines on either party to a maximum of £5000 under the Act, or, as stated previously, seriously affect the amount of the award made for or against either party.

### **PAPERWORK**

It is a requirement that all paperwork associated with the matter of a Disciplinary or Grievance hearing is kept under the Confidential Information classes of both the Data Protection Act 1998 and the Freedom of Information Act 2000.

First Written Warning. This should be kept on file for 6-months then destroyed and the employee advised of the fact.

Final Written Warning. This should be kept on file for 12-months then destroyed and the employee advised of the fact.

### **TIME LIMITS**

An employee cannot submit an employment tribunal application unless they have sent their employer a Step-1 letter and waited 28-days for a response. This procedure applies to both current and former employees. Time limits may be extended to allow procedures to be completed. Where the employer fails to meet the statutory requirements an employment tribunal may increase or decrease the awards made as previously stated.

### **ABANDONMENT OF PROCEDURES UNDER THE ACT**

It will be recognised as reasonable to discontinue proceedings where one party has made all reasonable attempts to comply but has been prevented from doing so.

The exemptions are specified:

- Unacceptable behaviour by one party through violence or abuse

The test will be that of a reasonable belief that harm would result to one party, their goods and property or another person through actual, or threat of, assault; or that one party has subjected the other party to harassment (See Society Advice Note on Harassment). The definition that will be used is that one party creates a hostile, intimidatory, humiliating or degrading and offensive set of conditions.

**NB .**

Given changes in the reduction in emphasis given to stress in cases brought before the courts where stress is put forward as a major detriment then stress or anxiety engendered in one party will not usually be regarded as a sufficient cause to warrant exemption from the laid down procedure.

**FAULT**

If the statutory procedure is abandoned because of a reason outlined in the exception above, then the fault of either party will be taken into account by an Employment Tribunal. Where the case is that of dismissal and the employer is at fault, then the dismissal will automatically be considered unfair.

**FINALLY**

Be seen to follow procedures and act fairly and reasonably.

# **POLICY ON BULLYING AND HARASSMENT AT WORK**

## **1. INTRODUCTION**

Bullying and Harassment at work is acknowledged as a workplace stressor by the Health and Safety Executive (HSE) and this Council state that it will **not tolerate** such unacceptable behaviour.

East Huntspill Parish Council will, so far as is reasonably practicable, ensure that people are treated fairly and that bullying and harassment of those who seem not to “fit in” will not be allowed.

The true size of the problem will remain hidden until Management recognise that it is an issue which needs to be managed; until working people feel confident that their grievances will be addressed fairly.

Where it has been established when an individual has been bullying or harassing a colleague or colleagues, it shall be recognised as a **gross misconduct** offence as part of the Council’s Disciplinary Procedures.

## **2. DEFINING BULLYING AND HARASSMENT**

The Oxford Dictionary defines a bully as “a persons using strength or power to coerce others by fear”, and harassment as “to distress, wear out; to annoy, pester”.

UNISON has defined workplace bullying as “pressure on subordinates beyond that necessary to achieve objectives”.

Bullying and harassment is when there is prolonged conflict between individuals, where staff is treated with contempt or indifference.

## **3. RECOGNISING A BULLY OR HARASSER**

Bullying and harassment can occur in a number of different ways. Some are obvious and easy to identify. Others are subtle and difficult to explain. Bullies and harassers include anyone who:

- Makes life difficult for those who have the potential to do the bully’s job better than the bully.
- Punishes others for being too competent by constant criticism, or by removing their responsibilities, often giving them trivial tasks to do instead.

- Refuse to delegate because they feel they can't trust anyone but themselves.
- Persistently picks on people in front of others.
- Insists their way of doing things is always right.
- Keeps individuals in their place by blocking their promotion.
- If someone challenges their authority, they overload them with work and reduce the deadlines, hoping that they will fail at what they do.
- If they feel envious of another's professional or social ability, they set out to make them appear incompetent or make their lives miserable, in the hope that this ever-present reminder of their own inadequacy will either give cause for dismissal or simply resign.
- Discrimination against an individual on the grounds of colour, race, nationality, ethnic or national origin, sex, being married, or disability.

The bully or harasser can be a woman or a man, and bullying or harassment happen to men and women almost equally.

#### **4. EFFECT ON HEALTH**

Stress and ill health become part of the daily life of the bullied and harassed. Symptoms are:-

- anxiety
- sleeplessness
- skin rashes
- ulcers
- various other illnesses or organs such as the kidney and so on
- loss of self confidence
- suicide etc.

People find themselves in positions where they feel they have no choice but to leave their jobs and in this current economic climate that means they are probably giving up their income security. Others become totally indecisive and less competent and therefore vulnerable to discipline.

#### **5. MANAGEMENT RESPONSIBILITY**

- 5.1 EAST HUNTSPILL Parish Council recognises the seriousness of the issue and the detrimental effect on the staff of the Authority. Members and Managers will have responsibility to ensure that bullying and harassment does not occur in the area of work for which they are responsible.
- 5.2 Members and Managers will, with the involvement and advice of external bodies, be responsive and supportive to any member of staff who have grievances about bullying or harassment. They will seek and provide full and clear advice on the procedures to be adopted, maintain confidentiality, and



5.3 ensure that no further problem of bullying or harassment will occur after the complaint has been received, whilst being investigated, or when resolved.

5.4 **Council will set up:**

**(a) Procedures for:-**

**(i) Reporting and recording incidents;**

(a) when approached by an employee, all initial discussions will be treated in strict **confidence** until the employee requests that further action be taken once all evidence and statements have been collated.

(b) keep a written record of incidences and approaches made by individuals who have been bullied. Liaise with the Personnel Section for guidance on procedures to follow in instigating grievance and/or disciplinary procedures.

**(ii) Dealing with incidents.**

(a) informally interview work colleagues to establish evidence and facts on what/where/with whom are the problems with prior to proceeding with the investigation.

(b) write to the bully/harasser inviting him/her/them to an informal meeting to discuss the allegations. Any reply received will be added as evidence, as will a refusal to respond. Keep copies of all correspondence.

(c) always stick to the facts to avoid any hint of character assassination which might be interpreted as ill feeling, malice or envy.

(d) where there are substantive grounds of a case of bullying or harassment, the bully or harasser may be moved, or, may be suspended in accordance with the Councils' Disciplinary Procedure.

(e) encourage the bullied person to speak to colleagues. This person may not be the only person suffering bullying from an individual. A group complaint could carry more weight.

(f) consider a change of duties which may erase the problem of bullying/harassment, or instigate disciplinary procedures once it has been established that bullying/harassment has occurred.

(g) employees bringing forward grievances of bullying or harassment will be protected against consequent victimisation and retaliation.

(h) instances of subsequent intimidation and victimisation by the bully or his/her colleagues will also be disciplinary offences.

- (i) Perpetrators of bullying and harassment may be dismissed where misconduct is serious. Certain types of bullying and harassment are also criminal offences (e.g. assault).

**(b) Members will authorise and request their Manager to undertake audits within their Sections on:**

- Moral levels;
- Sickness absence levels;
- Sickness presence (i.e. when people come to work sick because they feel their job security would be at risk if they did not);
- Any unexpected changes of behaviour;
- Patterns of turnover of staff, etc.

**(c) The cost of bullying/harassment to the Council.**

It is important to understand that there are high costs of failing to carry out these actions. Directly the Council could lose in terms of:

- Lost time because staff are ill;
- Lost incentive because morale is low;
- Lost resources (trained and experienced) because people leave;
- Culture of the Council; and
- Financial losses as a result of employees taking legal action.

## **6. EMPLOYEES RESPONSIBILITY**

6.1 Employees have a duty themselves under Section 7 and 8 of the Health and Safety at Work etc. Act 1974:

- *to take reasonable care for their own health and safety and that of others who may be affected by what they do or do not do;*
- *co-operate with their employer on health and safety; and*
- *not interfere with or misuse anything provided for their health, safety and welfare.*

6.2 Any employee/s who are aware that a colleague or colleagues are being harassed or bullied, have a duty under Section 7 and 8 above, to bring it to the attention of their supervisor/manager. This may be done secretly or formally, and such information will be treated confidentially at all times.

6.3 Instances of subsequent intimidation and victimisation by the bully or his/her colleagues against the informer are disciplinary offences. Any such behaviour will be dealt with under the Council's Grievance and Disciplinary Procedures.

6.4 Where any member of staff who feels that he/she is bullied/harassed, they should be encouraged to:

- (i) keep a written record or diary of all incidents when they have felt bullied/harassed or threatened, or of any attacks made on their character or personal competence. This should include dates and time,
- (ii) details of what happened and named of witness/es, if any. This will be important when the bully/harasser is confronted.

- (iii) informally approach your Manager, your Trade Union Representative or even a colleague initially, who will speak on your behalf. All reports of bullying/harassment shall be treated **confidentially** until the individual is ready to proceed on a formal basis.
- (iv) Try speaking initially and/or write to the bully or harasser following any incident, denying or correcting their remarks. Any reply will add to the
- (v) evidence, as will a refusal to respond. Keep copies of all correspondence.
- (vi) Where formal grievances are made, all allegations will be investigated swiftly, fairly, and confidentially under the Council's grievance and disciplinary procedures.
- (vii) discuss the issue with colleagues. You may not be the only person suffering bullying/harassment from this person. A group complaint should carry more weight, and support from fellow workers is important in challenging a bully.

## **7. COUNSELLING**

The Council recognises the special roles of counselling services for those who have problems within the workplace, and confidential and impartial counselling is available from professional organisations. Departments must consider how they will help employees to make use of counselling services should the need arise.

## **8. CONCLUSION**

The operation of this policy will be periodically reviewed, if amendments are considered necessary and after consultation with Trade unions recognised by the Council, all relevant external bodies and employees will be advised of the amendments and the date when they will come into effect.

A copy of this Policy will be displayed permanently on all notices boards within the workplace.

# GRANT FUNDING POLICY

## What is Parish Funding?

East Huntspill Parish Council will consider financial grants of up to a maximum of £2000 to provide financial support for projects/schemes benefiting the residents of the village of East Huntspill.

## Who can Apply?

Applications are welcome from Groups within the Village offering a service/facility for the benefit of the residents. Applications are also welcome from those Groups located outside the village who would offer a similar benefit. Applicants would be required to show :

- Has its own bank account (with two authorised signatories)
- Is properly constituted
- Has up-to-date accounts

## What can you apply for?

Grants will be awarded if they broadly fit into one of the following themes:

- Community Development - Whole Life Learning & Healthy Living
- Housing - Crime & Community Safety
- Encouraging Sustainable Prosperity

All eligible applications are considered on merit

## When can you apply?

The Council would normally consider all such applications at its February Council Meeting – the second Tuesday in the month.

## Making an application

You will need to complete an application form. Please remember to include with your application:

- Your group's most recent accounts or financial information
- Details of your management committee and/or constitution

## What happens next?

Once the application has been received it will be assessed and you may be contacted for further information. You will receive a response to your application within 14 days of the February Parish Council meeting. If it is successful you will receive a letter advising you of the amount to be granted. If you are unable to use the grant for the purpose it was intended then we will withdraw the offer or ask for the grant to be returned.

## Monitoring and Evaluation

Within three months of the grants being made the Parish Council would welcome a report on how the grant has been used and what outcomes have been achieved.

### Need more Information

If you would like to discuss your project/scheme then do please contact the Parish Clerk - Mrs Jane Moreton 01278 787740.

Email [parishclerk@easthuntspillparishcouncil.gov.uk](mailto:parishclerk@easthuntspillparishcouncil.gov.uk)

<b>1. Name of group</b>	
<b>2. Address of group</b>	<b>Name of Contact</b>
	<b>Contact Telephone Number (s)</b>
<b>3. Name of project</b>	
<b>4. Amount requested</b>	
<b>5. Briefly describe the project/scheme</b>	
<b>6. How will the project/scheme benefit the residents of East Huntspill?</b>	
<b>7. Signature of Applicant (named in section 2)</b>	

## PUBLICATION SCHEME

**All items marked hard copy are available at a cost of 10p per sheet, e-mail or website items are free. Items marked website also available by e-mail**

Information to be published	How the information can be obtained	Cost
<b>Class 1 - Who we are and what we do</b> This will be current information only	The clerk	See costs below
Who's who on the Council and its Committees	The Clerk, Website, & Notice Boards	“
Contact details for Parish Clerk and Council members	Clerk to the Council Mrs Jane Moreton 86, Church Road, West Huntspill, Highbridge Somerset TA9 3RY 01278787740 parishclerk@easthuntspillparishcouncil.gov.uk	“
Staffing structure	Parish Clerk only	“
<b>Class 2 – What we spend and how we spend it</b> Current and previous financial year	Available by e-mail or hard copy  The Clerk website	“  “
Annual return form and report by auditor	The Clerk - WEBSITE	“
Finalised budget	The Clerk	“
Precept	The Clerk – Minutes – hard copy	“
Borrowing Approval letter	None	“
Financial Standing Orders and Regulations	The Clerk - hard copy - website	“
Grants given and received	The Clerk – hard copy website	“
List of current contracts awarded and value of contract	On request to the clerk	“

Information to be published	How the information can be obtained	Cost
Members' allowances and expenses	Not paid	"
<b>Class 3 – What our priorities are and how we are doing</b>	The Clerk - hard copy	"
Parish Plan (current and previous year as a minimum)	Village Appraisal prepared 2005	"
Annual Report to Parish Meeting (current and previous year as a minimum)	Minutes and Annual Report The Clerk	" "
Quality status - Foundation Level	NOV 2016	"
<b>Class 4 – How we make decisions</b>	The Clerk – hard copy	"
Current and previous council year as a minimum		
Timetable of meetings	The Clerk- Website- notice boards	"
Agendas of meetings (as above)	Notice boards - Website	"
Minutes of meetings (as above)	3 clear days before meeting free e-mail service apply via clerk	"
Note - this will exclude information that is properly regarded as private to the meeting.	The Clerk - available by e-mail and hard copy	" "
Reports presented to council meetings	Available with chairman or vice chairman three clear days before meeting or at the meeting	"
Note - this will exclude information that is properly regarded as private to the meeting.		
Responses to consultation papers	See Minutes	"
Responses to planning applications	See Minutes	"
Bye-laws	None currently	"
<b>Class 5 – Our policies and procedures</b>	The Clerk - Hard copy – e-mail from clerk Website	"
Current information only		
Policies and procedures for the conduct of council business:  Procedural standing orders* Delegated authority in respect of officers* Code of Conduct Policy statements	The Clerk - Hard copy or e-mail from clerk Website	"
Information security policy	Back up of computer details, important docs in fireproof box	"
Records management policies (records retention, destruction and archive)	Paper copies of Minutes kept forever and archived with Somerset Records	"

Information to be published	How the information can be obtained	Cost
	Website Finance details 6 years Only important documents kept longer than 3 months	
Data protection policies	No data not in public domain	“
Schedule of charges (for the publication of information)	On this document	“
<b>Class 6 – Lists and Registers</b>	None Currently held	“
Assets Register	E-mail or hard copy	“
Disclosure log	Apply to the clerk	“
Register of members' interests	Apply to clerk- Website	“
Register of gifts and hospitality	Apply to clerk	“
<b>Class 7 – The services we offer</b> Current information only	The Clerk - Hard Copy ; some information may only be available by inspection)	“
Allotments	None	“
Burial grounds – Churchyard	Parochial Church Council	“
Village Hall	Operated by Trustees own Management Committee	“
Parks, playing fields and recreational facilities	Operated by Parish Council	“
Seating, litter bins, clocks, memorials	East Huntspill Parish Council	“
Bus shelters – Church Road - Cornmoor	Owned by the Parish Council	“
Markets & Public Conveniences	None	“
Agency agreements	None	“
A summary of services for which the council is entitled to recover a fee	None	“
Street Lighting	Somerset County Council	“
<b>Additional Information</b>	None	“

**Contact details:**

Clerk as above

Website

E-Mail [parishclerk@easthuntspillparishcouncil.gov.uk](mailto:parishclerk@easthuntspillparishcouncil.gov.uk)



## SCHEDULE OF CHARGES

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

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying @ .10.p per sheet (black & white)	Actual cost based on computer printing
	Photocopying @ .20.p per sheet (colour)	Actual cost inc computer use
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class, recorded if requested
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

# Delegated Powers

ADOPTED BY THE PARISH COUNCIL – 9<sup>th</sup> May 2017

## 1. Full Council (9 Members)

The full Council can take all decisions on behalf of East Huntspill Parish Council or it may appoint one or more committees or sub committees for the purpose of discharging an of its functions. It may also delegate some of its functions to the officer (s) of the Parish Council. This document sets out the agreed delegation to committees and the Council's Proper Officer and Responsible Financial Officer.

Any arrangements made by the Parish Council or its committees for the discharge of its duties do not prevent the Council or parent delegating committee from continuing to exercise those functions.

The following powers may only be exercised by the full Parish Council:

- 1.1 Power of fixing the Parish Precept and borrowing and lending money
- 1.2 Determining the Council's annual budget and approval of expenditure outside the approved estimates
- 1.3 The power to approve schemes for local lotteries
- 1.4 The duty to consider an auditor's report under S11 of the Audit Commission Act 1998
- 1.5 Approval of the Council's Corporate Policy
- 1.6 Adoption of new policies
- 1.7 Making amending revoking re-enacting or adopting bye laws and promoting or opposing the making of local legislation.
- 1.8 Appointment of members to serve on committees and outside bodies
- 1.9 All other matters which must by law be reserved to the full Council

## 2 Delegation to the Parish Clerk

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

The Parish Clerk is authorised to undertake the following functions:

- (i) To sign documents on behalf of the Council
- (ii) To institute and appear in any legal proceedings authorised by the Council
- (iii) To manage the Council staff in accordance with the Council's policies procedures and budget
  - (a) staff performance and discipline

- (b) payments of expenses and allowances in accordance with the Council's scheme
  - (c) the approval of increments
  - (d) implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement
  - (e) the establishment of new posts and any changes to posts or terms and conditions which would have implications for the budget shall be subject to approval by the Finance and Personnel Committee
- (iv) To manage all the Parish Council's services and property in line with the budgets and policies approved by the members
  - (v) To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000
  - (vi) To act as the Responsible Financial Officer of the Parish Council and be authorised to undertake all the financial and contractual functions designated within Financial Procedural Rules
  - (vii) To authorise expenditure up to a maximum £500.00 on any item for which provision is made in the appropriate revenue budget provided
  - (viii) that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations

## 2.2 Urgency Matters

Subject to consultation with the Chairman and/or Vice Chairman of the Parish Council the Parish Clerk is authorised to act on behalf of the Council on any matter **where urgent action is needed to protect the interests of the Parish Council**. Any such action to be reported to the next meeting of the Parish Council

## 2.3 Absence of the Parish Clerk

In the absence of the Parish Clerk the role may be undertaken temporarily by a member of the Council (unpaid) or a locum Clerk from a neighbouring parish council with the approval of the Chairman/vice Chairman



EAST HUNTSPILL PARISH COUNCIL

## **MEMBERS' CODE OF CONDUCT**

*(NALC Based)*

As adopted at the Meeting held on 9<sup>th</sup> May 2017

This Code is based on the Model supplied by the National Association of Local Councils and the Somerset Association of Local Councils.

Text in strikethrough font is retained for comparison with the codes adopted by the principal authorities, and to retain consistent numbering of paragraphs, but is not applicable to this Parish Council.

Text in Bold is required by statute.

Some further guidance may be found in the Standing Orders adopted by the Council.

Clerk to the Parish Council:

Mrs Jane Moreton

86, Church Road, West Huntspill, Highbridge Somerset TA9 3RY

## **EAST HUNTSPILL PARISH COUNCIL**

### **MEMBERS' CODE OF CONDUCT**

**Adopted 15<sup>th</sup> October 2012**

**Re affirmed 9<sup>th</sup> May 2017**

#### **Introduction**

Pursuant to section 27 of the Localism Act 2011, East 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 set out in Appendix C.**

#### **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 all 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 any interests in Appendices A (Disclosable Pecuniary Interests) and B (Other Interests).
8. **A member shall register 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 on the public register of interests 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**

10. **Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest) 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 (disclosable pecuniary interest) 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 (other interests), the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing 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 (other interests) 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 before withdrawing. 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, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing 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 (disclosable pecuniary interest) and B (other interests) 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 – Disclosable Pecuniary Interest

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vocation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council ) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contract	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

“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 – Other Interests**

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any 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 in a position of general control or management;



## **Appendix C - THE SEVEN PRINCIPLES OF PUBLIC LIFE**

### **SELFLESSNESS**

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

### **INTEGRITY**

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

### **OBJECTIVITY**

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

### **ACCOUNTABILITY**

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

### **OPENNESS**

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

### **HONESTY**

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

### **LEADERSHIP**

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