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**Highley Parish Council**

**Standing Orders**

**Adopted September 2024**

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[Rules of debate at meetings 3](#_Toc509571990)

[Disorderly conduct at meetings 6](#_Toc509571991)

[Meetings generally 6](#_Toc509571992)

[Committees and Working Groups 9](#_Toc509571993)

[Ordinary council meetings 10](#_Toc509571994)

[Extraordinary meetings of the council, committees and sub-committees 12](#_Toc509571995)

**Parishioners Attendance at Meetings…………………………………………………………………………….12**

[Previous resolutions 12](#_Toc509571996)

[Voting on appointments 12](#_Toc509571997)

[Motions for a meeting that require written notice to be given to the proper officer 13](#_Toc509571998)

[Motions at a meeting that do not require written notice 13](#_Toc509571999)

[Management of information 14](#_Toc509572000)

[Draft minutes 15](#_Toc509572001)

[Code of conduct and dispensations 15](#_Toc509572002)

[Code of conduct complaints 17](#_Toc509572003)

[Proper officer 18](#_Toc509572004)

[Responsible financial officer 19](#_Toc509572005)

[Accounts and accounting statements 19](#_Toc509572006)

[Financial controls and procurement 20](#_Toc509572007)

[Handling staff matters 22](#_Toc509572008)

[Responsibilities to provide information 22](#_Toc509572009)

[Responsibilities under data protection legislation 23](#_Toc509572010)

[Relations with the press/media 23](#_Toc509572011)

[Execution and sealing of legal deeds 23](#_Toc509572012)

[Communicating with district and county or unitary councillors 24](#_Toc509572013)

[Restrictions on councillor activities 24](#_Toc509572014)

[Standing orders generally 24](#_Toc509572015)

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# **RULES OF DEBATE AT MEETINGS**

Procedure for a member of the public to speak or raise issues at Council meetings?

If possible or feasible, make a call prior to the meeting to the Clerk to inform you wish to speak or raise an issue at a forthcoming Council meeting.  This is because, if there is information the Clerk can bring along to the meeting or research before the meeting which may help with the query or the Councillors – the Clerk will be able to do this.

Members of the council are always willing to discuss topics put forward by the public. Our agenda is prepared about a week before the next council meeting so you will need to inform the Clerk about 10 days prior to the meeting.  Although this might seem a long time in advance, the council is required by law to publicise its agenda at least three clear days before each meeting. Only business contained within the agenda can be considered at the meeting.

When the meeting reaches the agenda item of ‘public participation’, the Chairman will suspend the meeting and members of the public will be allowed to speak. At this point Councillors should not interrupt or debate issues with the public, but sometimes, if it is counter-productive not to, they may respond, but debate or long discussions should not take place between the public and the Council as this is the ‘public’ section.

The time for the public to speak is limited to 15 minutes. If more than one member of the public wishes to speak on the same topic then they should nominate one person to speak on their behalf. This will avoid duplication and make the best use of the public participation period.

A question raised by a member of the public during a public speaking session shall not require a response and there should be no debate or discussion between the Council and the public. The Chairman has the right to say that any question or statement is inappropriate and will not be accepted.

Neither Councillors nor the Clerk should be put under pressure to respond immediately to comments made under public participation. Members of the public do not have a right to force items onto the council agenda nor to insist on how matters are recorded in the minutes.  A brief record of topics raised at public participation will be included in the minutes of that meeting. But libellous, offensive and discriminatory comments will not be minuted.

When all the members of the public have spoken in the public participation section, the Chairman will resume the meeting.  At this point the Council may discuss the item(s) raised by the public, and consider:

1. a) if it is a matter the Parish Council can legally consider and make any decisions on.
2. b) if it is matter which can be referred by the Clerk to another authority, or.
3. c) if it is an item which will need a Council decision or expenditure and so would need to go onto a future agenda. The item will then be referred to a future agenda.

If the issue is on the agenda, then it will be discussed under the appropriate item. Members of the public are therefore requested to leave their contact details with the Clerk before leaving the Council meeting if they wish to receive a reply to their query.

*No legal decisions or expenditure can be made on any item raised at a meeting (by public or Councillor) because the item would not have been legally notified on an agenda in advance to the electorate or the Council.*

Members of the public are welcome to stay for the Council meeting after the public session as observers but will not be able to join in the discussion unless invited to do so by the Chairman. Members of the public may be excluded by a resolution of the meeting for specific items which need to be discussed in confidence (e.g. staffing matters, tenders for contracts, some legal issues).

1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair. Otherwise, the original proposal stands.
8. A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
10. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
11. One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
12. A councillor may not move more than one amendment to an original or substantive motion.
13. The mover of an amendment has no right of reply at the end of debate on it.
14. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
15. Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
16. to speak on an amendment moved by another councillor.
17. to move or speak on another amendment if the motion has been amended since he/she/they last spoke.
18. to make a point of order.
19. to give a personal explanation; or
20. to exercise a right of reply.
21. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
22. A point of order shall be decided by the chair of the meeting and their decision shall be final.
23. When a motion is under debate, no other motion shall be moved except:
24. to amend the motion.
25. to proceed to the next business.
26. to adjourn the debate.
27. to put the motion to a vote.
28. to ask a person to be no longer heard or to leave the meeting.
29. to refer a motion to a committee or sub-committee for consideration.
30. to exclude the public and press.
31. to adjourn the meeting; or
32. to suspend standing order(s) excepting those which reflect mandatory statutory or legal requirements.
33. Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
34. Excluding motions moved understanding order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chair of the meeting.

# **2 DISORDERLY CONDUCT AT MEETINGS**

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

Attention to our code of Conduct should be adhered to at all times (appendix 1)

# **3 MEETINGS GENERALLY inc. Committees and Working Groups**

Full Council meetings ●

Committee meetings ●

Working Groups ●

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| --- | --- |
| ● | 1. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
 |
| ● | 1. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
 |
| ● | 1. The minimum three clear days’ public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice
 |
| ●● | 1. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.
 |
|  | 1. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, where appropriate to the agenda or invited by the Chair.
 |
|  | 1. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.
 |
|  | 1. Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
 |
|  | 1. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given at a later time.
 |
|  | 1. A person shall raise their hand when requesting to speak.
 |
|  | 1. A person who speaks at a meeting shall direct their comments to the chair of the meeting.
 |
|  | 1. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
 |
| ●● | 1. Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public ONLY. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
 |
| ●● | 1. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
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| ●● | 1. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
 |
| ● | 1. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.
 |
| ● | 1. The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the Chair and Vice-Chair prior to the meeting shall preside at the meeting.
 |
| ●●● | 1. Subject to a meeting being quorate, all questions at a meeting or committee shall be decided by a majority of the councillors.
 |
| ●●● | 1. The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote irrespective of what vote they gave originally.
 |
| ● | 1. Voting on a question shall be by a show of hands.
 |
|  | 1. The minutes of a meeting shall include an accurate record of the following:
2. the time and place of the meeting.
3. the names of councillors who are present and the names of councillors who are absent and the apologies sent.
4. interests that have been declared by councillors with voting rights.
5. the grant of dispensations (if any) to councillors with voting rights.
6. whether a councillor or non-councillor left the meeting when matters that they held interests in were being considered.
7. if there was a public participation session; and
8. the resolutions made.
 |
| ●●● | 1. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council’s code of conduct (appendix 1) in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.
 |
| ● | 1. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
 |
| ●●● | 1. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
 |
|  | 1. A meeting shall not exceed a period of 2 hours.
 |

# **3 COMMITTEES and Working Groups**

1. Unless the Council determines otherwise, a committee and a working group whose terms of reference and members shall be determined by the council.
2. The members of a working group may include non-councillors unless it is a committee which regulates and controls the finances of the Council (Revenue and Resources).
3. Unless the Council determines otherwise, all the members of an advisory committee may be non-councillors.
4. The Council may appoint standing committees or working groups as is necessary, and:
5. shall determine their terms of reference (appendix 2)
6. shall permit a committee or working group, to determine the dates and time of its meetings as the final item discussed each meeting;
7. may appoint and determine the terms of office of the substitute members to a committee or working group whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer at least 3 days before the meeting that they are unable to attend;
8. shall permit each committee and working group to appoint its own Chair and note-taker (at committee meetings, the Clerk will take notes where possible or appoint the RFO if necessary)
9. shall determine the place, notice requirements and quorum for a meeting of a committee or working group which, in both cases, shall be no less than three.
10. shall permit committees or working groups to determine if the public or guest speakers may participate at a meeting.
11. shall permit committees and working groups to determine if the public and press are permitted to attend the meetings and also the advance public notice requirements, required for the meetings of a committee eg Planning Committee and Revenue & Resources;
12. may dissolve a committee or a working group.

The terms of reference for the committees and working groups are found in appendix 2

# **4 ORDINARY COUNCIL MEETINGS and ANNUAL MEETING**

1. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
2. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
3. If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
4. In addition to the annual meeting of the Council, at least ten other ordinary meetings shall be held in each year on the first Tuesday each month with a summer recess in August.
5. The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council for the coming year.
6. The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
7. The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
8. In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
9. In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
10. Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
	* 1. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done later. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date.
		2. Confirmation of the accuracy of the minutes of the last meeting of the Council, and the last minutes of the annual meeting from the previous year.
		3. Annual completion of DPI and emergency contact information from all members of the council.
		4. Review of the terms of reference for committees (appendix 2).
		5. Appointment of members to existing committees.
		6. Review and adoption of appropriate standing orders and financial regulations.
		7. Review of inventory of land and other assets including buildings and office equipment in preparation for the AGAR.
		8. Confirmation of arrangements for insurance cover in respect of all insurable risks.
		9. Review of the amount of spending for the Clerk/RFO without seeking permission up to £150 itemised at the discretion of the RFO.
		10. Review of the Council’s and/or staff subscriptions to other bodies.
		11. Review and approval of regular payments (inc salary, HMRC, mobile phone, SVCP, St Marys, Severn Centre, flower watering, contracts with providers)
		12. Review of the Council’s complaints procedure. (Appendix 3)
		13. Review of the Council’s policy for dealing with the press/social media (Appendix 4)
		14. Review of the Council’s annual expenditure incurred under section 137 of the Local Government Act 1972 or the general power of competence.
		15. Review of the budget following Revenue & Resources committee approval and completion of the AGAR.

# **5 EXTRAORDINARY MEETINGS OF THE COUNCIL**

1. The Chair or Clerk of the Council may convene an extraordinary meeting of the Council at any time.
2. If the Chair or the Clerk of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors and follow the guidance set in standing order 2b

**6 Parishioners attendance at meetings.**

Procedure for a member of the public to speak or raise issues at Council meetings?

When the meeting reaches the agenda item of ‘public participation’, the Chairman will suspend the meeting and members of the public will be allowed to speak. At this point Councillors should not interrupt or debate issues with the public, but sometimes, if it is counter-productive not to, they may respond, but debate or long discussions should not take place between the public and the Council as this is the ‘public’ section.

The time for the public to speak is limited to 15 minutes. If more than one member of the public wishes to speak on the same topic then they should nominate one person to speak on their behalf. This will avoid duplication and make the best use of the public participation period.

A question raised by a member of the public during a public speaking session shall not require a response and there should be no debate or discussion between the Council and the public. The Chairman has the right to say that any question or statement is inappropriate and will not be accepted.

Neither Councillors nor the Clerk should be put under pressure to respond immediately to comments made under public participation. Members of the public do not have a right to force items onto the council agenda nor to insist on how matters are recorded in the minutes.  A brief record of topics raised at public participation will be included in the minutes of that meeting. But libellous, offensive and discriminatory comments will not be minuted.

When all the members of the public have spoken in the public participation section, the Chairman will resume the meeting.  At this point the Council may discuss the item(s) raised by the public, and consider:

1. a) if it is matter the Parish Council can legally consider and make any decisions on;
2. b) if it is matter which can be referred by the Clerk to another authority, or;
3. c) if it is an item which will need a Council decision or expenditure and so would need to go onto a future agenda. The item will then be referred to a future agenda.

*No legal decisions or expenditure can be made on any item raised at a meeting (by public or Councillor) because the item would not have been legally notified on an agenda in advance to the electorate or the Council.*

Members of the public are welcome to stay for the Council meeting after the public session as observers but will not be able to join in the discussion unless invited to do so by the Chair.

**7 PREVIOUS RESOLUTIONS**A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 8 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

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

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

1. A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council’s statutory functions, powers and obligations or an issue which specifically affects the Council’s area or its residents.

1. The Proper Officer may, before including a motion on the agenda, correct obvious grammatical or typographical errors in the wording of the motion.
2. If the Proper Officer considers the wording of a motion is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
3. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
4. The decision of the Proper Officer as to whether to include the motion on the agenda shall be final.
5. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

1. The following motions may be moved at a meeting without written notice to the Proper Officer:
	1. to move to a vote.
	2. to defer consideration of a motion.
	3. to refer a motion to a particular committee or working group.
	4. to appoint a person to preside at a meeting.
	5. to change the order of business on the agenda.
	6. to proceed to the next business on the agenda.
	7. to request a written report.
	8. to appoint a committee or working group and their members.
	9. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest.
	10. to not hear further from a councillor or a member of the public.
	11. to exclude a councillor or member of the public for disorderly conduct.
	12. to temporarily suspend the meeting.
	13. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
	14. to adjourn the meeting; or
	15. to close the meeting.

# **11 MANAGEMENT OF INFORMATION**

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

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

# **12 DRAFT MINUTES**

Full Council meetings ●

Committee meetings ●

Working Groups ●

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|  | 1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
 |
|  | 1. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
 |
|  | 1. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
 |
|  | 1. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.” |
| ●●● | 1. If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
 |
|  | 1. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
 |

# **13 CODE OF CONDUCT AND DISPENSATIONS**

1. All councillors with voting rights shall observe the code of conduct adopted by the Council (Appendix 1) and the Clerk/Councillor Protocol (Appendix 6)
2. Unless they have been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
3. Unless they have been granted a dispensation, a councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest, if so required by the Council’s code of conduct (Appendix 1) They may return to the meeting after it has considered the matter in which they had the interest.
4. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
5. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or working group for which the dispensation is required, and that decision is final.
6. A dispensation request shall confirm:
	* 1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
		2. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
		3. an explanation as to why the dispensation is sought.
7. A dispensation request shall be considered by the Clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required OR at the beginning of the meeting of the Council, or committee or working group for which the dispensation is required.
8. A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
	1. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business.
	2. granting the dispensation is in the interests of persons living in the Council’s area; or
	3. it is otherwise appropriate to grant a dispensation.

# **14 CODE OF CONDUCT COMPLAINTS**

1. Upon notification by the District Council that it is dealing with a complaint that a councillor with voting rights has breached the Council’s code of conduct (Appendix 7) the Clerk shall report this to the Chair.
2. Where the notification relates to a complaint made by the Clerk, they shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Clerk in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take.
3. The Council may:
	1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement.
	2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
4. Upon notification by the District Council that a councillor with voting rights has breached the Council’s code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.

# **15 PROPER OFFICER**

1. The Proper Officer shall be either the Clerk or the RFO nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
2. The Proper Officer shall:
	1. at least three clear days before a meeting of the council, a committee or a sub-committee,
* serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and
* Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
	1. Include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming their withdrawal of it;
	2. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office.
	3. facilitate inspection of the minute book by local government electors.
	4. hold acceptance of office forms from councillors.
	5. hold a copy of every councillor’s register of interests.
	6. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council’s relevant GDPR policy (Appendix 5)
	7. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
	8. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
	9. record every planning application notified to the Council and the Council’s response to the local planning authority in a book for such purpose.
	10. refer a planning application received by the Council to the Planning Committee within two working days of receipt to facilitate an emergency committee meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council

# **16 RESPONSIBLE FINANCIAL OFFICER**

1. The Council shall appointa Responsible Financial Officer and when the Responsible Financial Officer is absent, the Clerk will deal with any emergencies that arise or cannot wait for the RFO to return.
2. The finance Officer should follow the Financial regulations laid out separately and also The Good Councillors Guide to Finance and Transparency (NALC publication)

# **17 ACCOUNTS AND ACCOUNTING STATEMENTS**

1. “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
2. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
3. The Responsible Financial Officer shall supply to Revenue and Resources Committee every quarterly (or six-monthly) a review statement to summarise:
	* 1. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date.
		2. The balances held at the end of the period being reported and which includes a comparison with budget for the financial year and highlights actual or potential overspends.
4. As soon as possible after the financial year end 31 March, the Responsible Financial Officer shall provide:
	* 1. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the year to date for information; and
		2. to the full Council at the annual meeting the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
5. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

# **18 FINANCIAL CONTROLS AND PROCUREMENT**

1. 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:
2. the keeping of accounting records and systems of internal controls.
3. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually.
4. Financial regulations shall be reviewed annually for fitness of purpose.
5. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
6. a specification for the goods, materials, services or the execution of works shall be drawn up.
7. an invitation to tender shall be drawn up to confirm (i) the Council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council’s written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process.
8. the invitation to tender shall be advertised in local press and media and any other manner that is appropriate.
9. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
10. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed.
11. tenders are to be reported to and considered by the appropriate meeting of the Council or committee with delegated responsibility.
12. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC’s procurement guidance contains further details.
13. Neither the Council, nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

# **19 HANDLING STAFF MATTERS**

1. A matter personal to a member of staff that is being considered by a meeting of is subject to standing order 11.
2. Subject to the Council’s policy regarding absences from work, the Clerk or RFO must report to the Chair of the Council OR the Vice Chair, if they are not available, of absence occasioned by illness or other reason and that person shall report such absence on the first day.
3. The chair of the council or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk and the RFO. The reviews and annual appraisal shall be reported in writing and are subject to approval by resolution by the Council.
4. Subject to the Council’s policy regarding the complaints procedure, if an informal or formal grievance matter raised by the Parish Clerk relates to the Chair or Vice-Chair of Council, this shall be communicated to another member of Council, which shall be reported back and progressed by resolution of Council.
5. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

See Appendix 8 Equality & Diversity Policy and Dignity at Work

# **20 RESPONSIBILITIES TO PROVIDE INFORMATION**

1. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council. The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

# **21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

1. The Clerk will act as the appointed Data Protection Officer.
2. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data. (see GDPR Policy Appendix 5)
3. The Council shall have a written policy in place for responding to and managing a personal data breach.
4. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken in reporting to the ICO.
5. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available and kept up to date.
6. The Council shall maintain a written record of its processing activities.

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

1. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council’s policy in respect of dealing with the press and/or other media. (Appendix 4)

# **23 COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

1. An invitation to attend the monthly meeting of Full Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
2. A report will be requested from the Councillor to present to the Parish Council in the event of absence.

# **24 RESTRICTIONS ON COUNCILLOR ACTIVITIES**

* 1. Unless duly authorised no councillor shall:
1. inspect any land and/or premises which the Council has a right or duty to inspect; or
2. issue orders, instructions or directions without approval of the Proper Officer.

# **25 STANDING ORDERS GENERALLY**

1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
2. The Proper Officer shall provide a copy of the Council’s standing orders to a councillor as soon as possible.
3. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

**Appendix 1 Code of Conduct:**

As a member or co-opted member of Highley Parish Council you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity you are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS**: Holders of public office should act solely in terms of the public interest. They should not do so 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.

**Appendix 2 Terms of Reference to be confirmed**

**Revenue and Resources Committee:**

**Planning Committee:**

**Village Maintenance and Allotment Working Group:**

**Communications and Events Working Group:**

**Footpaths Working Group:**

**Environmental Working Group:**

**Youth Working Group:**

**Police Working Group:**

**Seven Centre Advisory Board:**

**St Mary’s Churchyard Advisors:**

**Appendix 3 Complaints Procedure:**

1. The following procedure will be adopted for dealing with complaints about the Council’s administration or its procedures. Complaints about a policy decision made by the Council will be referred to the Council, or relevant Committee, as appropriate, for consideration.

2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.

3. If a complaint about procedures, administration or the actions of any of the Council’s employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

4. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Highley Parish Council, The Severn Centre, Highley WV16 6GJ. The complaint will be dealt with within 28 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) they should be advised to write to the Chair.

6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about their own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk’s actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

7. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council in the Clerks update.

8. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint to the Council orally.

9. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.

10. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

11. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.

**Appendix 4 PRESS and SOCIAL MEDIA POLICY**

**Introduction**

1. Highley Parish Council (“the Council”) is committed to the provision of accurate information about its governance, decisions and activities.

2. The Council shall, where possible, co‐operate with those whose work involves gathering material for publication in any form including use of the internet (“the media”).

**Legal requirements and restrictions**

3. This policy is subject to the Council’s obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the Freedom of Information Act 2000, the Data Protection Act 1998, other legislation which may apply and the Council’s standing orders and financial regulations. The Council’s financial regulations and relevant standing orders referenced in this policy are available via the Council’s publication scheme.

4. The Council cannot disclose confidential information or information the disclosure of which is prohibited by law. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council’s standing orders, under contract or by common law. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the code of conduct adopted by the Council, a copy of which is available via the Council’s publication scheme.

**Meetings**

5. A meeting of the Council and its committees is open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the public interest due to the confidential nature of the business or other special reason(s) stated in the resolution. In accordance with the Council’s standing orders, persons may be required to leave a meeting of the Council and its committees, if their disorderly behaviour obstructs the business of the meeting.

6. Where a meeting of the Council and its committees include an opportunity for public participation, the media may speak and ask questions. Public participation is regulated by the Council’s standing orders.

7. The photographing, recording, filming or other reporting of a meeting of the Council and its committees (which includes e.g. using a mobile phone or tablet, recording for a TV/radio broadcast, providing commentary on blogs, web forums, or social networking sites such as Twitter, Facebook and YouTube) which enable a person not at the meeting to see, hear or be given commentary about the meeting is permitted unless (i) the meeting has resolved to hold all or part of the meeting without the public present or (ii) such activities disrupt the proceedings or (iii) paragraphs 8 and 9 below apply.

8. The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council or committee meeting is not permitted unless an adult responsible for them has given permission.

9. Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.

10. The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or committee meeting.

11. The Council’s standing orders will confirm if attendance by the public, their participation,

photographing, recording, filming or other reporting is permitted at a meeting of a sub‐committee.

**Other communications with the media**

13. The Council’s communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council’s corporate position and views, they will make this clear.

14. The Clerk may contact the media if the Council wants to provide information, a statement or other material about the Council.

15. Subject to the obligations on councillors not to disclose information referred to in paragraph 5 above and not to misrepresent the Council’s position, councillors are free to communicate their position and views.

**Social Media Policy** The Parish Council realise that social media and networking websites have become a regular part of everyday life and that many people enjoy membership to sites such as Facebook and X (formerly Twitter) This policy is to provide councillors and staff with guidelines on responsibilities of use.

**Why are the Parish Council using social media?** The Parish Council’s aim is to inform members of the community and the wider local area, through as many communication channels as possible, about what is happening within the Parish and local area and share important news and information.

The Parish Council’s social media channels supplement the information published on their website.

* The Parish Council can remind people of important events and alert followers instantly to breaking news.
* The Parish Council can link to interesting and useful information about the Parish and local area published by other people.
* The Parish Council can better communicate with those using mobile devices.

**3. Use of Official Accounts**

Highley Parish Council operate a Facebook account for the promotion of activities and events and as a communication and broadcast tool.

**Examples of acceptable corporate content are:**

• Marketing campaigns

• Consultation documents

• News feed & emergency information

• Event listings

• Key dates

• Short debates & quick comments on hot topics and relevant news (discussion board)

• Polls and information gathering

• Useful links and local information

**The following outlines the limits of their use:**

* An official account on any social media website may only be set-up with consent from the Parish Council.
* Once approved, each account will be set up by the Parish Clerk or Chair.
* Only authorised staff may use these accounts to post online and access to the account is strictly limited. The Parish Council’s social media accounts are managed and monitored daily by the Parish Clerk/RFO. Only the Clerk/RFO is allowed to post links to the corporate website, partner websites, ‘Useful’ links for example local transport sites etc, links to other Facebook pages, local media e.g. Shropshire Star, National organisations
* All information published on the internet must comply with the Parish Council’s confidentiality policy and data protection.
* Social media accounts will primarily be used to promote the ‘good news’ and information, supplementing content already published on the Parish Council’s website.
* Any employee, Councillor or member of the public who becomes aware of social networking activity that would be deemed distasteful should make the Parish Clerk/RFO aware as soon as possible.

**Facebook** The Parish Clerk/RFO manages the Council’s Facebook page. Facebook pages are used to highlight news, make announcements, engage with the community, and share information.

Comments posted on and messages received on the Facebook page are views of individuals and do not represent the views of the Parish Council.

Request for something to be posted on the Parish Council’s Facebook page, should be directed to the Parish Clerk.

**Social media moderation policy** The Parish Council Facebook page is reactively moderated. The Council cannot accept responsibility for the content of any comment.

The Council reserve the right to remove comments received on Facebook that:

* Contain abusive, obscene, indecent or offensive language, or link to obscene or offensive material
* Contain swear words or other sorts of profanity
* Are completely removed from the topic of conversation or are not relevant to the item posted on the wall
* Contain abusive language towards an individual involved in the thread, other organisations or the page administrator
* Constitute spam or promote or advertise products, except where it is for an event, publication or similar item that has direct relevance to the subject of discussion. Information about locating and sharing knowledge and expertise is welcomed, but within the specific discussion
* Are designed to cause nuisance to the page administrator or other users

For serious and/or persistent breaches of the moderation policy, we reserve the right to prevent users from posting further comments.

**Use of Photos and Video**

Only The Parish Clerk has permission to upload photos and videos. The appropriate permissions must be obtained for all imagery

**Personal Accounts on Social Media**

Councillors and staff need to use social networking in a way that does not conflict with the terms of their contract of employment or code of conduct. Councillors and employees should use their professional judgment and take the most prudent action possible. If the Parish Council is referred to in a way that is deemed defamatory or confidential information is disclosed, it reserves the right to report the comment and request that it be removed.

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

**Purdah**

In the six-week run up to an election – local, general or European – councils must not to do or say anything that could viewed in any way to support any political party or candidate. The period is known as purdah. The Council will continue to publish important service announcements using social media but will monitor and potentially must remove responses if they are overtly party political.

**Will the Parish Council respond to direct messages posted on social networking sites?**

If appropriate, the Clerk/RFO will endeavour to respond as quickly as possible to all questions received via social networking sites. All formal requests, comments, enquiries, or complaints should be emailed to the Parish Council using the contact form on the website.

The Parish Council may monitor forums and blogs to gain indirect feedback. The Parish Council may post replies on forums or blogs to answer queries or address factual corrections but would generally take a cautious approach before getting involved in contentious issues.

The Parish Council reserves the right to take any necessary steps to protect members of the Parish community and will delete any comments referencing the Parish Council, which are deemed abusive or offensive in anyway.

**Appendix 5 GDPR POLICY and CCTV**

“Personal data” is any information about a living individual, which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information, which helps to identify a living individual (e.g., a list of staff may contain personnel ID numbers rather than names or both). The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

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

**The council works together with:**

* Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
* Staff pension providers
* Former and prospective employers
* DBS services suppliers
* Payroll services providers
* Recruitment Agencies
* Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organsations referred to above will sometimes be “joint data controllers”. This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

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

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

**What data do we process?**

* Names, titles, and aliases, photographs.
* Start date / leaving date
* Contact details such as telephone numbers, addresses, and email addresses.
* Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependents.
* Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
* Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
* Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
* Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
* Next of kin and emergency contact information
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
* Location of employment or workplace.
* Other staff data (not covered above) including level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
* CCTV footage and other information obtained through electronic means such as swipe card records.
* Information about your use of our information and communications systems.

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

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

* Making a decision about your recruitment or appointment.
* Determining the terms on which you work for us.
* Checking you are legally entitled to work in the UK.
* Paying you and, if you are an employee, deducting tax and National Insurance contributions.
* Providing any contractual benefits to you
* Liaising with your pension provider.
* Administering the contract we have entered with you.
* Management and planning, including accounting and auditing.
* Conducting performance reviews, managing performance and determining performance requirements.
* Making decisions about salary reviews and compensation.
* Assessing qualifications for a particular job or task, including decisions about promotions.
* Conducting grievance or disciplinary proceedings.
* Making decisions about your continued employment or engagement.
* Making arrangements for the termination of our working relationship.
* Education, training and development requirements.
* Dealing with legal disputes involving you, including accidents at work.
* Ascertaining your fitness to work.
* Managing sickness absence.
* Complying with health and safety obligations.
* To prevent fraud.
* To monitor your use of our information and communication systems to ensure compliance with our IT policies.
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
* To conduct data analytics studies to review and better understand employee retention and attrition rates.
* Equal opportunities monitoring.
* To undertake activity consistent with our statutory functions and powers including any delegated functions.
* To maintain our own accounts and records.
* To seek your views or comments.
* To process a job application.
* To administer councillors’ interests
* To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

* Where we need to perform the contract, we have entered with you.
* Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

* Where we need to protect your interests (or someone else’s interests).
* Where it is needed in the public interest (or for official purposes).

**How we use sensitive personal data**

* We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
	+ information about your physical or mental health or condition to monitor sick leave and take decisions on your fitness for work.
	+ your racial or ethnic origin or religious or similar information to monitor compliance with equal opportunities legislation.
	+ to comply with legal requirements and obligations to third parties.
* These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
* We may process special categories of personal data in the following circumstances:
	+ In limited circumstances, with your explicit written consent.
	+ Where we need to carry out our legal obligations.
	+ Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
	+ Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
* Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

**Do we need your consent to process your sensitive personal data?**

* We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
* In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
* You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

**Information about criminal convictions**

* We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided, we do so in line with our data protection policy.
* Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.
* We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

**What is the legal basis for processing your personal data?**

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter a contract.

We will also process your data to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

**Sharing your personal data**

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers’ tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

* Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software.
* Other persons or organisations operating within local community.
* Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
* Staff pension providers
* Former and prospective employers
* DBS services suppliers
* Payroll services providers
* Recruitment Agencies
* Credit reference agencies
* Professional advisors
* Trade unions or employee representatives

**How long do we keep your personal data?**

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

**Your responsibilities**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

**Your rights in connection with personal data**

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

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

* 1. **The right to access personal data we hold on you**
* At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
* There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
	1. **The right to correct and update the personal data we hold on you**
* If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
	1. **The right to have your personal data erased**
* If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
* When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
	1. **The right to object to processing of your personal data or to restrict it to certain purposes only**
* You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
	1. **The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**
* You can withdraw your consent easily by telephone, email, or by post.
	1. **The right to lodge a complaint with the Information Commissioner’s Office.**
* You can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us/email/ or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

**Transfer of Data Abroad**

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

**Further processing**

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

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

 **Highley Parish Council CCTV Policy**

**1. Policy:**

1.1 Highley Parish Council has in place Closed-Circuit television (CCTV) and Automatic Number Plate Recognition (ANPR) cameras. This policy details the purpose, use and management of the systems, and details and procedures to be followed in order to ensure HPC complies with relevant legislation and Codes of Practice where necessary.

1.2 This policy and the procedures therein detailed, applies to all of HPC’s CCTV and surveillance systems, capturing images of identifiable individuals for the purpose of viewing and/or recording the activities of such individuals and property.

1.3 CCTV and surveillance system images are monitored and recorded in strict accordance with this policy.

**2. Introduction:**

2.1 The Council uses CCTV and surveillance system images for the prevention and detection of crime and public safety, to monitor the Council property to provide a safe and secure environment for staff, volunteers, contractors, visitors and members of the public, and to prevent the loss of or damage to persons or property.

2.2 The CCTV and surveillance systems within Highley village are owned by the Council and managed by the Council, the Police and/or its appointed agents. The Council is the system operator and data controller for the images produced by the CCTV and surveillance systems and is registered with the Information Commissioners Office (ICO) Registration Number: ZA267339 2.3 This policy applies to CCTV and other surveillance systems that view or record individuals and covers other information that relates to individuals, for example vehicle registration marks captured by ANPR equipment.

**3. Purpose:**

3.1 This policy governs the installation and operation of all CCTV and surveillance systems owned by the Council.

3.2 CCTV surveillance is used to monitor and collect visual images for the purpose of:

3.2.1 help reduce fear of crime and provide a safe environment for residents and visitors to the areas covered by the scheme.

3.2.2 help deter and detect crime and provide evidential material for court proceedings.

3.2.3 assist in overall management of the Council.

3.2.4 enhance community safety including prevention and detection of harassment and assist in developing economic well-being of the Parish area.

3.2.5 assist local authority in enforcement and regulatory functions.

3.2.6 assist in traffic management and encourage safer and more sustainable use of all modes of transport and provide travel information if required.

3.2.7 assist in supporting civil proceedings.

3.2.8 monitor all modes of travel enabling improvement and better management of the public highways within the Parish.

**4. Scope:**

4.1 This policy applies to all CCTV and related CCTV systems operated by the Council.

4.2 Where a system is jointly owned or jointly operated, the governance and accountability arrangements are agreed between the partners and documented so that each partner organisation has clear responsibilities with clarity over obligations and expectations and procedures for the resolution of any differences between the parties or change of circumstances.

4.3 This policy is applicable to and must be followed by all staff including consultants, contractors and the Police. Failure to comply could result in disciplinary action, including dismissal. This policy also applies to volunteers and Council members.

4.4 All Council members will be made aware of this policy and will only be authorised to use the CCTV system in a way that is consistent with the purposes and procedures contained therein.

4.5 All system users with responsibility for accessing, recording, disclosing or otherwise processing CCTV images will have relevant skills and training on the operational, technical and privacy considerations and fully understand the policies and procedures.

**5. Policy Statement:**

5.1 The Council will operate the CCTV systems in a manner that is consistent with respect for the individual's privacy.

5.2 The Council complies with the Information Commissioners Office (ICO) CCTV Code of Practice https://ico.org.uk/for-organisations/uk-gdpr-guidance-andresources/cctv-and-video-surveillance/guidance-on-video-surveillanceincluding-cctv/ The Surveillance Camera Commissioners Surveillance Code of Practice https://assets.publishing.service.gov.uk/government/uploads/system/u ploads/attachment\_data/file/1035067/Surveillance\_Camera\_CoP\_Acce ssible\_PDF.pdf to ensure CCTV is used responsibly and safeguards both trust and confidence in its continued use.

5.3 The CCTV systems will be used to observe the areas under surveillance in order to identify incidents requiring a response. Any response should be proportionate to the incident being witnessed.

5.4 The use of the CCTV systems will be conducted in a professional, ethical and legal manner and any diversion of the use of CCTV security technologies for other purposes is prohibited by this policy.

**6 Location and Signage:**

6.1 Cameras are sited to ensure that they cover the relevant areas as far as is possible. Cameras are installed throughout the Parish including roadways, car parks, buildings, premises and externally in public facing areas.

6.2 The location of equipment is carefully considered to ensure that images captured comply with data protection requirements. Every effort is made to position cameras so that their coverage is restricted to the relevant area, which may include public outdoor spaces.

**7. Monitoring and Recoding**

7.1 Cameras are monitored in a secure private office within the Police area of The Severn Centre.

7.2 System administrators (The Council Chairperson, The ViceChairperson, the Council Clerk and any Councillors appointed to administer the CCTV system) can view and access footage for the purpose for which the CCTV system is in operation. Before any further disclosure is made (e.g., to an external organisation or another internal department) The Police must instruct the administrators to carry this out in emergency situations where they are unable to access the cameras themselves. All system administrators must have a recent DBS check or equivalent and are compliant with GDPR regulations and data protection before they are permitted to access the CCTV system.

7.3 Images are recorded on secure servers and are viewable by the Police and the system administrators in an emergency when the Police are unable to access.

7.4 Recorded material will be stored in a way that maintains the integrity of the image and information to ensure that metadata (e.g., time, date, location) is recorded reliably and compression of data does not reduce its quality.

7.5 Viewing monitors should be password protected and switched off with doors locked when not in use to prevent unauthorised use or viewing.

7.6 The cameras installed provide images that are of suitable quality for the specified purposes for which they are installed, and all cameras are checked regularly to ensure the images remain fit for purpose, and that the date and time stamp recorded on the image is accurate.

**8. Subject Access Requests:**

8.1 Requests by individual data subjects for images relating to themselves via a Subject Access Request should be made directly to the Police and if in emergency when the Police are unavailable, to The Parish Clerk in writing clerk@highleyparish.co.uk

8.2 Where the council is unable to comply with a Subject Access Request without disclosing the personal data of another individual who is identifiable from that information, it is not obliged to comply with the request unless satisfied that the individual has provided their express consent to the disclosure.

8.3 A search request should specify reasonable accuracy (e.g., within 30 minutes)

**9. Third Party Disclosures:**

9.1 In limited circumstances, it may be appropriate to disclose images to a third party, such as when a disclosure is required by law in relation to the prevention or detection of crime or in other circumstances where an exemption applies under relevant legislation.

9.2 Such disclosures will be made at the discretion of the system administrators, with reference to relevant legislation and following advice from the Police.

9.3 Where information is disclosed, the disclosing officer must ensure information is transferred securely and consideration given to whether images of third parties should be obscured to prevent unnecessary disclosure.

**10. Retention:**

10.1 Unless required for evidentiary purposes, the investigation of an offence or as required by law, CCTV images will be retained for no longer than 31 calendar days from the date of recording (or for some systems, until storage limitations requires that footage needs to be over written) Images will be automatically overwritten or destroyed at this time.

11. Complaints Procedure:

11.1 Complaints concerning the Councils use of CCTV systems to the disclosure of CCTV images should be made in the first instance to The Parish Clerk for further investigation.

11.2 Depending on the nature of the complaint, it will be processed under Parish Council Complaints Procedure or (more likely) treated as a data protection concern

**Appendix 6 Clerk/Councillor Protocol)**

**Aim:** A Council’s reputation and integrity is often and significantly influenced by the way in which Councillors, the Clerk (and other staff) work together to support each other’s roles. The overall aim is effective and professional working relationships based upon mutual trust, respect and courtesy where close personal familiarity is avoided.

This Protocol is intended to assist both Councillors and the Clerk in their working relationships, particularly in approaching matters that may arise which may be of a sensitive nature.

**Roles and Responsibilities**

In summary:

Councillors and employees both serve the public and are indispensable to one another. Their responsibilities are different. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors should promote the highest standards of conduct and ethics. They act collectively as employer. Officers are responsible to the Council. Their role is to give advice to Councillors and to the Council and to carry out the work and decisions of the Council under the direction and control of the Council (and its Committees).

**Councillors**

Councillors’ four main areas of responsibility are:

* To determine council policy and provide community leadership
* To monitor and review Council performance in delivering services
* To represent the Council externally
* To act as advocates for their residents

Councillors have the same rights and obligations in their relationship with the Clerk (and any other employees), regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the Council, as this is the Clerk’s responsibility. The Clerk acts on instructions from the Council (or its committees) within an agreed Job Description. The Council may delegate some of its statutory functions and powers to the Clerk where no statutory prohibition applies (for example approving the Council’s annual accounts). These are set out in Standing Orders/Financial Regulations (or a separate Scheme of Delegation).

**Chairman (Chairmen and Vice Chairmen of Committees)**

The Chairman (and Committee Chairs and Vice Chairs) have additional responsibilities meaning that their relationships with the Clerk may be different and more complex than those of other Councillors. However, they must still respect the impartiality of the Clerk and must not ask them to undertake anything, which would prejudice their impartiality.

**Clerk**

The role of the Clerk is to provide advice and information to Councillors and to implement the policies and decisions determined by the Council.

In giving advice and in preparing and presenting reports, it is the responsibility of the Clerk to express their professional views and recommendations. If a Councillor wishes to express a contrary view, the Councillor should not pressurise the Clerk to make a recommendation contrary to the Clerk’s professional view. Councillors should not victimise the Clerk for discharging their responsibilities.

**Expectations**

All Councillors can expect from the Clerk:

* A commitment to the Council as a whole, and not to any individual Councillor, group of Councillors or a political group
* A professional working relationship
* An understanding and support of respective roles, pressures and workloads
* A timely response to enquiries
* Professional advice not influenced by personal preferences, political views or personality
* Up to date, timely information on matters that can reasonably considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions held
* Awareness and sensitivity to the public and political environment locally
* Respect, courtesy, integrity and appropriate confidentiality
* Information on training and development opportunities to help them carry out their role effectively
* Not to have personal issues raised outside the Council’s agreed procedures
* Not to use their contact with Councillors to advance their personal interests or to influence decision improperly

The Clerk can expect from Councillors:

* A working partnership
* An understanding and support of respective roles, pressures and workloads
* Leadership and direction
* Respect, courtesy, integrity and appropriate confidentiality
* Not to be bullied or put under pressure
* Not to have issues raised about them in public
* Not to use their position or relationship with the Clerk/Officers to advance their personal interests or those of others or to influence decisions improperly
* To comply at all times with the Council’s adopted Code of Conduct

General Principles:

* Equality and Diversity should be positively promoted
* Close personal familiarity should be avoided
* Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor of Officer is getting preferential treatment
* Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

***Note on Political Groups***

*Parish councillors serve their local community as members of the community. It is the National Association of Local Councils’ policy that party politics should have no place in parish councils. NALC provides advice or guidance on matters relating to party groups and operating within a political environment.*

**When things go wrong**

Procedure for Officers

The relationship between Councillors and the Clerk does not always run smoothly. Should such relationship break down or become strained efforts should be made to resolve matters informally if this can be achieved. If not, then the formal grievance procedure should be followed which allows the Clerk to raise concerns, problems or complaints about their employment in an open and fair way. Within this procedure, a small group of Councillors has delegated authority to hear the grievance. The Chairman should not attempt to deal with grievances on their own.

For Councillors

If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council’s disciplinary procedure.

**Appendix 7 Complaints Procedure**

1. The following procedure will be adopted for dealing with complaints about the Council’s administration or its procedures. Complaints about a policy decision made by the Council will be referred to the Council, or relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
3. If a complaint about procedures, administration or the actions of any of the Council’s employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
4. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Highley Parish Council, The Severn Centre, Highley WV16 6GJ. The complaint will be dealt with within 28 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

 (b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk’s actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

1. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
2. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
3. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council’s grievance and disciplinary procedures.
4. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
5. The Council may consider in the circumstances of any complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council’s maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council’s auditor on the propriety of such a payment.
6. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
7. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.

**Appendix 8 Equality and Diversity Policy and Dignity At Work**

**Our commitment**

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

**The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics”.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

**Types of unlawful discrimination**

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

**Equal opportunities in employment**

The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council’s privacy notices.

**People not employed by the council**

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

**Training**

The council will [provide training in/raise awareness of] equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will [provide training to/raise awareness of] all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. [The council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.]

**Your responsibilities**

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council’s disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

**Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the council’s grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

**Dignity at Work - Bullying and Harassment Policy**

1. Purpose and Scope

1.1 Statement: In support of our value to respect others the Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council’s policies on Grievance and Discipline and the Elected Members Code of Conduct.

1.2 Definitions

· Bullying “Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”

· Harassment is unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are from ACAS guidance and are behaviours unwanted by the recipient.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, damage to the Council’s reputation and ultimately, legal proceedings against the Council incurring legal fees and compensation.

1.3 Examples of unacceptable behaviour are as follows (this list is not exhaustive):

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during working hours or non-work time.

1.4 Penalties: Bullying and harassment by any employed persons can be considered examples of serious misconduct, which will be dealt with through the Disciplinary Procedure. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral as a contravention of the Member’s Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party, the Council will act reasonably in upholding its duty of care towards its employees. In extreme cases, harassment can constitute a criminal offence and the council should take appropriate legal advice.

1.5 The Legal position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim ‘constructive dismissal’ at an Employment Tribunal. Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the Council.

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

2. Process for dealing with complaints of Bullying and Harassment

2.1 Informal approach – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

2.2 Formal approach

2.2.1 Employees: Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Clerk, or if the complaint is about the Clerk, the Chairman or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining. A meeting will be arranged to discuss the complaint with the complainant, normally within 5 working days of receipt of the written complaint. Refer to the Council’s Grievance Policy. Following a Grievance Hearing or investigations into allegations of bullying or harassment, a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

2.2.2 Others: Any other party to the Council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the Council, (or the Monitoring Officer where a member is directly involved in bullying or harassment), if an informal notification has been unsuccessful at eliminating the problem. The complaint should then be investigated and a meeting held to discuss the facts and recommend the way forward. It is important that any Member about which the complaint is against does not prevent the Council operating impartially in its investigation and decision-making in this regard.

2.2.3 Members who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of sanctions available to the council, where a member has been involved in bullying/harassment are limited. They include admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from any committees of the Council and representation on any outside bodies, and a referral under the Code of Conduct. There may also be a referral to the Police under the Protection from Harassment Act 1997 or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in extreme cases. This list is not exhaustive.

Note: False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

3. Responsibilities

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

The Council undertakes to share its policy with all members and employees and to review its policy as appropriate.

4. Useful contacts

· Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614

· Equalities and Human Rights Commission www.equalityhumanrights.com

· SLCC www.slcc.co.uk

· DirectGov website www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/DG\_10026670

· ACAS www.acas.org.uk tel: 0845 7 47 47 47

**Appendix 9 Healthy and Safety Policy and Risk Management Procedure:**

Highley Parish Council recognises its responsibilities as an employer to ensure, so far as is reasonably practicable, a healthy and safety environment for its employees, and any others who may be affected by its activities as a local authority.

The Council will make every effort to meet its responsibilities under the Health and Safety at Work Act 1974 and if appropriate, the Council will seek expert technical advice.

The Council will take all reasonable and practicable measures to meet this responsibility, paying particular attention to the provision and maintenance of:-

1. Systems of work that are safe.
2. Equipment is safe, properly maintained and correctly used.
3. Safe arrangements for the use, handling, storage and transport of articles and substances.
4. Sufficient information, instruction, training and supervision to enable employees to identify and avoid hazards, and to be able to contribute positively to their own safety and health at work, and that of others.

**ARRANGEMENTS/RESPONSIBILITIES FOR CARRYING OUT HEALTH AND SAFETY AT WORK:**

**The Clerk will:**

1. Keep informed of relevant Health and Safety Policy legislation and inform the Council accordingly.
2. Make effective arrangements to implement the Health and Safety at Work Policy.
3. Ensure that matters of Health and Safety are regularly discussed at meetings of the Parish Council.
4. Ensure that regular risk assessments are carried out of working practices and assets and maintain record of risk assessments.
5. Make effective arrangements to ensure that contractors or voluntary helpers working for the council comply with all reasonable Health and Safety at Work requirements. Contractors are expected to have their own Health & Safety Policy and to carry out a risk assessment prior to the commencement of work.
6. Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.
7. Maintain a central record of notified accidents.
8. When an accident or hazardous incident occurs take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedures.

**All employees, contractors and voluntary helpers will:**

1. Cooperate fully with the aims and requirements of the Health and Safety at Work Policy and comply with Codes of Practice or work instructions for Health and Safety.
2. Take reasonable care of their own Health and Safety, use appropriate personal protective clothing and, where appropriate, ensure the appropriate First Aid materials are available.
3. Take reasonable care for the Health and Safety of other people who may be affected by their activities.
4. Not intentionally interfere with or remove safety guards, safety devices or other equipment provided for Health and Safety.
5. Not misuse any plant, equipment, tools or materials so as to cause risks to Health and Safety.
6. Report any accidents or hazardous incidents to the Clerk.

Council recognises the importance of Risk Management in order to maintain the ability to deliver the activities/services expected of the Council. Risk Management is a factor that enables the Council to satisfy its objective to deliver high quality services.

**Risk Management Policy**

The Council is fully committed to effective Risk Management, adopting best practices in the identification, evaluation and control of risks, in order to:

• Integrate risk management into the culture of the Council

• Eliminate or reduce risks to an acceptable level

• Anticipate and respond to changing social, environmental and legislative requirements

• Prevent injury and damage and reduce the cost of risk

• Raise awareness of the need for Risk Management

Approach to Risk Management

The Council’s approach to Risk Management requires that all risks should be systemically identified and assessed. Risks should be managed in the most cost effective manner within the overall resources available. The Council will review its risks annually via its risk assessment schedule in consultation with its insurers, prior to renewal date.

The Council will:

• Identify and update the record of key risks facing the Council

• Assess and identify risks associated with Council activities

• Evaluate the potential consequences to the Council if an event identified as a risk takes place

• Decide upon appropriate measures to avoid, reduce or control the risk or its consequences

• Record any conclusions or decisions reached

• Include risk assessments in individual event planning

• Promote and ensure risk management is included in works contracted out

Reducing the Level of Risk

Once identified the Council will take steps to avoid, reduce or control risks. Examples include:

• Providing and recording appropriate training for employees and volunteers

• Providing protective clothing and appropriate equipment

• Insuring all equipment is regularly assessed and recorded

• Work with others to help manage the risk

• Liaise with its insurers to adequately cover the risk