

# WELWYN PARISH COUNCIL

## POLICIES AND PROCEDURES MANUAL

### Revision & Review dates

- ▶ 28<sup>th</sup> September 2004
- ▶ 29<sup>th</sup> November 2005
- ▶ 29<sup>th</sup> May 2007
- ▶ NEW CODE OF CONDUCT ADOPTED – 28<sup>TH</sup> August 2007
- ▶ TEN GENERAL PRINCIPLES – ADOPTED 28<sup>TH</sup> August 2007
- ▶ COUNCILLOR AND CLERK COMPLAINT PROCEDURE – ADOPTED 28<sup>TH</sup> August 2007
- ▶ POLICY AND RESOURCES COMMITTEE(Addition) – ADOPTED 26<sup>TH</sup> August 2007
- ▶ DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY – ADOPTED 29<sup>TH</sup> April 2008
- ▶ ATTENDANCE AT STANDING/OTHER COMMITTEES & WORKING PARTIES – REVISED 30<sup>th</sup> September 2008
- ▶ CO-OPTION OF MEMBERS OF THE PUBLIC ONTO COMMITTEES – ADDITION 28<sup>TH</sup> October 2008

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# WELWYN PARISH COUNCIL

## AMENDMENTS AND ADDITIONS TO STANDING ORDERS. (Shown in shaded boxes)

- **Introduced:** at Appendix B1 – *Delegation of Powers, Sub-section B1 paragraph (h) Agreed at the Full Council meeting of 28 September 2004.*
- **Addition:** Voting. Standing Order 8. *Agreed at the Full Council meeting of 29/11/05*
- **Introduced:** Standing Order 9a. *Agreed at the Full Council meeting of 29/11/05*
- **Addition:** Voting. Standing Order 12 *Agreed at the Full Council meeting of 29/11/05*
- **Amendment:** August Recess Standing Order 2 *Agreed at the Full Council meeting of 13/12/05*

**NOTE:** For clarification purposes, some of the text has been underlined to show which is the additional text.

- **Addition:** Meeting of the Council Standing Order 2 *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Closure or Suspension of Business  
Standing Order 45 *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Standing and Other Committees  
and Bodies Standing Order 53 *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Standing and Other Committees  
and Bodies Standing Order 54 *Agreed at the Full Council meeting of 29/05/07*
- **Addition:** Public Participation/Public Question Time  
Standing Order 64 *Agreed at the Full Council meeting of 29/05/07*
- **Deletion:** Public Participation/Notification & Circulation *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Standing Committees of the Council  
and Terms of Reference: A1 *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Standing Committees of the Council  
and Terms of Reference:  
Planning Committee – Title Change *Agreed at the Full Council meeting of 29/05/07*
- **Amendment:** Standing Committees of the Council  
and Terms of Reference  
Leisure Committee – Title Change *Agreed at the Full Council meeting of 29/05/07*
- **Deleted:** Standing Committees of the Council and Terms of Reference:  
Allotment, Cemetery & General Purpose Committee. (Incorporated into the Leisure Facilities & Open Spaces  
Committee) *Agreed at the Full Council meeting of 29/05/07*
- **Addition & Amendment:** To Leisure Facilities & Open Spaces Committee's Terms of Reference.  
(c) Addition. (e) Part deleted *Agreed at the Full Council meeting of 29/05/07*
- **Standards relating to Contracts (C8):**  
(a) & (b)) deleted. (c) Addition. *Agreed at the Full Council meeting of 29/05/07*

- **Standards relating to Contracts (C10):**  
*Deletion and Amendment.* *Agreed at the Full Council meeting of 29/05/07*
- **Financial Regulations – Budgetary Controls (D3):**  
*3.4 Addition. 6.2 Addition.* *Agreed at the Full Council meeting of 29/05/07*
- **Addition: Code of Conduct for Councillors:**  
*General Obligations: No.7* *Agreed at the Full Council meeting of 29/05/07*
- **Revised: CODE OF CONDUCT**  
*Standing orders No. 67 & 68* *Agreed at the Full Council meeting of 28/08/07*
- **Addition: TEN PRINCIPLES** *Agreed at the Full Council meeting of 28/08/07*
- **Addition: Councillor & Clerk Complaint Procedure:** *Agreed at the Full Council meeting of 28/08/07*
- **Addition: Policy and Resources Committee:**  
*Membership:* *Agreed at the Full Council meeting of 26/02/08*
- **Addition: Policy and Resources Committee:**  
*(c) Addition:* *Agreed at the Full Council meeting of 26/02/08*
- **Addition: Dignity At Work/Bullying And Harassment:**  
*(c) Addition:* *Agreed at the Full Council meeting of 29/04/08*
- **Addition: Attendance at Standing/Other Committees & Working Parties:**  
*(56a) Addition:* *Agreed at the Full Council meeting of 30/09/08*
- **Addition: Co-option of members of the public onto a Committee:**  
*(54a) Addition* *Agreed at the Full Council meeting of 28/10/08*

Cllr. John Blackburn 2008/2009  
**Chairman**

Rebecca Findlay  
**Clerk to the Council & Responsible Financial Officer**

# **STANDING ORDERS**

## **For the regulation of the proceedings and business of the Council, Standing Committees, and Working Parties**

(Standing Orders indicated in italics are required by statute whilst those asterisked shall also apply to Standing Committees, and such other designated bodies appointed from time to time)

### **MEETINGS OF THE COUNCIL:**

1. The statutory annual meeting of the Council shall be the May meeting which, in the year of an ordinary election, will be held not sooner than 5 days and not later than 14 days from the election.
2. Meetings of the Council shall be held at the Welwyn Parish Centre on the last Tuesday in every month, commencing 7.30 pm. ~~excepting August when there shall be no meeting, unless the Council otherwise decides at a previous meeting.~~  
  
The Council's December meeting shall take place on the Tuesday falling within 17<sup>th</sup> – 23<sup>rd</sup>  
  
The Council may change the date and/or time of any month's meeting, but only by decision of the Council at a previous meeting.
3. *The Council must hold a minimum of 3 meetings in each year in addition to the statutory annual meeting.*

### **CHAIRMAN OF MEETING:**

- 4.\* *The person presiding at a meeting of the Council or a Council Committee, Sub-Committee or other body may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.*
- 5.\* The person presiding at a meeting of the Council or of a Council Committee, Sub-Committee or other body as Chairman, shall have a second, or casting vote.

### **QUORUM:**

- 6.\* The quorum for any meeting of the Council or of any Committee, Sub-Committee or other body of the Council shall be one-third of the membership of that body, with fractions being rounded up to the nearest whole number, provided that in no case shall the quorum of a Committee be less than three Members nor the quorum of a Sub-Committee or other body be less than two Members.
- 7.\* Where a quorum is not present at the start of a meeting, or where at any time during such meetings the number present falls below the quorum, then no further business may be transacted and the remaining items of business shall be rolled forward to the next scheduled meeting or, at the discretion of the Chairman, to a special meeting convened for this purpose.

## VOTING:

- 8.\* Except as provided in Standing Order 9a, voting shall be by show of hands or, where the majority of members present request, by signed ballot.
- 9.\* *If a member requests, either before or after a vote has been taken, the Clerk shall record the names of the members who voted for and against the proposal or abstained.*
- 9a Where the decision before the meeting is to choose between persons for any position or office to be filled by the Council, then, if the Chairman of the meeting so directs or a majority of members present so request, the choice shall be made by secret ballot and Standing Order 9 shall not apply.
10. Subject to Standing Order 11, the Chairman may not have an original vote in the election of the Chairman on any occasion when he/she will, immediately after such election, retire from the Council.
- 11.\* *In case of an equality of votes, the Chairman may have a second, or casting vote.*
- 12.\* In determining the appointments, where more than two persons have been nominated for any position or office to be filled by the Council and where on voting there is not an absolute majority in favour of one person, then the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This procedure shall be repeated until a majority of votes is given in favour of one person.

Where the meeting has to choose a number of persons (two or more) for the same position or office, than each Councillor shall have that number of votes. The name of the person receiving the fewest votes shall be struck off the list and a fresh vote taken. This procedure shall be repeated until the list is down to that number.

## ORDER OF BUSINESS:

13. In an election year members must execute Declarations of Acceptance of Office in each other's presence, or in the presence of the Clerk to the Council, before the annual meeting of the Council commences.
14. At each annual meeting of the Council the first items of business shall be:
- (a) to elect a Chairman;
  - (b) to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be.
  - (c) to elect a Vice Chairman;
  - (d) to appoint representatives on outside bodies;
  - (e) to appoint statutory or other standing committees;  
**(See addition to standing orders No. 56a dated 30/09/08)**
  - (f) to consider the payment of any annual subscriptions;
  - (g) to inspect any deeds and trust instruments in the custody of the Council, and then to follow the order of business set out in Standing Order 16
15. *At every meeting of the Council, other than the annual meeting, the first item of business shall be to appoint a Chairman if both the Chairman and Vice Chairman be absent.*
16. After the first business has been completed, items of business shall be taken in the following order unless, with the exception of (a), the Council agrees to a variation on the grounds of the urgency of a particular item or items;
- (a) To approve, or consider and record amendments to, the minutes of the last meeting and to signature thereof by the Chairman as a correct record;
  - (b) to deal with any business expressly required by statute to be determined;
  - (c) to dispose of items of business, if any, remaining from the last

- (d) meeting;  
to receive and consider reports and minutes of Standing or Special Committees;
  - (e) to receive and consider reports from officers of the Council;
  - (f) to authorise the sealing of documents, if any;
  - (g) to consider motions or recommendations in the order in which they have been notified;
  - (h) any other business specified in the summons.
- 17.\* A motion to vary the order of business on the grounds of urgency may be proposed by the Chairman or by any other member and, when proposed by the former, may be put to the vote without being seconded. In all cases such motion shall be put to the vote without discussion.

#### **RESOLUTIONS MOVED ON NOTICE:**

18. Except as provided in Standing Order 25, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk to the Council at least seven clear days before the next meeting of the Council.
19. The Clerk to the Council shall date every notice of motion or recommendation when received by him; shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of all members of the Council.
20. The Clerk to the Council shall insert in the summons for every meeting of the Council all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he/she withdraws it.
21. If a resolution or recommendation specified in the summons is not moved, it shall, unless postponed by the Council, be treated as withdrawn, and shall not be moved without fresh notice.
22. If the subject matter of a resolution comes within the province of a Standing Committee of the Council, it shall upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chairman of the Council, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
23. Every resolution or recommendation shall be relevant to some question over which the Council has power to act or which is of direct pertinence to the Council's interests.

#### **RESOLUTIONS MOVED WITHOUT NOTICE:**

24. Resolutions dealing with the following matters may be moved without notice:
- (a) To appoint a Chairman of the meeting;
  - (b) to correct or approve the minutes;
  - (c) to vary the order of business;
  - (d) to proceed to next business;
  - (e) to close or adjourn the debate;
  - (f) to refer a matter to a Standing or other Committee;
  - (g) to appoint a Standing or other Committee and determine membership;
  - (h) to adopt a report of a Standing or other Committee;
  - (i) to amend a motion or allow withdrawal of a motion or amendment;
  - (j) to authorise the sealing or execution of documents;
  - (k) to exclude the press and public for items of business involving the likely disclosure of exempt information;
  - (i) to silence or exclude from the meeting any Member or other present at the meeting named for misconduct, and

- (j) to invite a Member having declared an interest in the subject matter under debate, to remain during discussion of such item.

**RESOLUTIONS ON EXPENDITURE:**

- 25. Any motion which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another Standing or other Committee of the Council after recommendation by the Finance Committee and which, if carried, would in the opinion of the Chairman, substantially increase expenditure on a service, reduce revenue or involve capital expenditure, shall, when proposed, stand adjourned without discussion, to the next ordinary meeting of the Council. The Committee concerned shall then consider whether to report to the Council thereon and the Finance Committee shall, in all cases, report on the financial implications of the proposal.

**QUESTIONS:**

- 26. A Member may ask of the Chairman any question concerning the business of the Council.
- 27. A Member with or without notice may ask of the Chairman of a Standing or other Committee any question upon the proceedings of that Committee then before the Council, subject to the question being put before the Council's consideration of those proceedings is finished.
- 28. A person to whom a question has been put may decline to answer or may provide a written answer at a later date.

**RULES FOR DEBATE:**

**Minutes:**

- 29.\* No discussion shall take place upon the Minutes, save upon their accuracy. Corrections shall be made by resolution, recorded in those minutes by the Clerk and initialed by the Chairman.

**Chairman:**

- 30.\* At all times Members shall address the Chairman.
- 31.\* The ruling of the Chairman on a point of order, on the relevance of a resolution or recommendation or on the admissibility of a personal explanation shall be final and shall not be challenged or discussed.

**Resolutions and Amendments:**

- 32.\* No resolution or amendment shall be discussed unless it has been proposed and/or proper notice given. It shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- 33.\* A Member shall direct his speech to the question under discussion, to a personal explanation or to a question of order.
- 34.\* Any amendment put shall be either to delete, substitute or add words to a resolution or recommendation.
- 35.\* An amendment shall not have the effect of negating the motion before the Council.
- 36.\* If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- 37.\* No further amendment may be moved until the Council has disposed of every amendment

previously moved.

- 38.\* The mover of a resolution or amendment shall have a right of reply immediately before voting thereon. In exercising this right of reply a Member may not introduce any new matter and once that right has been exercised, or waived, the vote shall be taken without further discussion.
- 39.\* A Member may move amendments to his/her own resolution.
- 40.\* A Member may rise to make a point of order or a personal explanation, such personal explanation being confined to clarification of some material part of the former speech by him/her.
- 41.\* A resolution or amendment may be withdrawn by the proposer with the unanimous consent of the Council. Such consent shall be signified without discussion and shall preclude any further discussion thereon.
- 42.\* When a resolution is under debate, no other resolution may be moved, other than:
- (a) To amend the resolution;
  - (b) to proceed to next business;
  - (c) to adjourn the debate;
  - (d) that the question be now put;
  - (e) that a Member named for misconduct be not further heard;
  - (f) that a Member named for misconduct be excluded from the meeting;
  - (g) that the resolution be referred to a Committee of the Council;
  - (h) that the press and public be excluded from the meeting, or
  - (i) that the meeting be adjourned.
- 43.\* If any question arises at a meeting of the Council (or of a Committee, or any other body of the Council to which the public are admitted), as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be discussed in public session unless the Council or Committee, as the case may be, shall by resolution so decide.

#### **CLOSURE AND/OR SUSPENSION OF BUSINESS:**

- 44.\* At the end of any speech a Member may, without comment, move the following:  
'That the question be now put.'  
'That the debate be now adjourned.' or  
'That the meeting does now adjourn.'

If the Chairman is satisfied that the question before the meeting has been sufficiently debated (but not otherwise), he shall immediately put forward the motion for determination. If the motion 'that the question be now put' is carried he/she shall call upon the Member speaking to exercise or waive his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of the debate or of the meeting shall not prejudice the right of the Member speaking to exercise or waive his/her right of reply upon resumption.

45\* ~~Except as indicated below: no business at any meeting of the Council, Standing or other Committee or any other body, shall be transacted after two hours and thirty minutes from commencement of that meeting and any business transacted after that time shall be null and void.~~

All meetings of the Council shall commence at 19.45 hrs. All meetings of Standing Committees and Working Parties shall commence at 19.30 hrs.

No business shall be transacted after 22.00 hrs, after 22.00 any business transacted shall be null and void. At 21.55hrs the Chairman shall immediately put any motion or amendment, which has been formally moved and seconded, to the vote.

Provided that:

~~Any time spent in presentations or other representations prior to the commencement of the meeting proper shall be disregarded in the calculation of the duration of the meeting for this purpose;~~

~~After the elapse of two hours and thirty minutes from commencement of the meeting, the Chairman shall immediately put any motion or amendment, which has been formally moved and seconded, to the vote.~~

This standing order shall not apply to meetings of the Council's Appeals Committee or to any Committee which may be established for the purpose of the appointment of staff.

#### **THE SIX MONTHS RULE:**

46. No decision of the Council (whether affirmative or negative), may be reversed within six months unless by special resolution, the written notice of which must be signed by a minimum of six Members. When any such special resolution has been determined, no similar resolution may be moved within a further six-month period.
47. Standing Order 46 shall not apply to resolutions moved on a report or recommendation of a Committee.

#### **STANDING OR OTHER COMMITTEES, AND WORKING PARTIES:**

##### *GENERAL PROVISIONS:*

48. At the Annual Meeting of the Council, the Council shall appoint Standing Committees as set out in Appendix A to these standing orders and such Working Parties as may be required for statutory purposes.
49. The Council may also appoint other Committees or bodies for such purposes as it may from time to time consider expedient for the discharge of its business.
- 50.\* No Standing or other Committee shall give instructions for action to be taken unless under powers delegated to it by the Council.
- 51.\* The period of continuance of each Standing Committee shall be from the date of its appointment until the next Annual Meeting of the Council. No retiring Councillor shall be entitled to remain a member of such body after ceasing to be a member of the Council.
- 52.\* Standing Order 51 shall apply to any other Committee or body appointed by the Council save that where appointed for a specific purpose, such body shall cease to operate once its function has been fulfilled unless its continuance is authorised by resolution of the Council.
- 53.\* A report of a Sub Committee or ~~other such body~~ Working Party on its proceedings shall be submitted to the parent Standing Committee and not direct to the Council.
- 54.\* ~~The Clerk shall report the result of each Standing or other Committee's deliberations in writing to the Council.~~

Minutes and/or notes from Standing Committees and Working Parties shall be reported to Full Council

#### **54a CO-OPTION OF MEMBERS OF THE PUBLIC ONTO A COMMITTEE:**

No more than four members of the public can be co-opted onto a Committee.

The period of continuance of a co-opted member of the public shall be from the date of its appointment by the Council/Committee until the next Annual Meeting of the Council. No

retiring co-opted member of the public shall be entitled to remain a member of such body unless determined by the Council at their Annual meeting.

Co-opted members of the public shall have the right to attend and speak subject to the consent of the Chairman, but not to vote in any circumstances. Co-opted members must not remain present when the press and public are excluded from the meeting.

#### **ATTENDANCE AT STANDING/OTHER COMMITTEES, AND WORKING PARTIES:**

- 55.\* Members of the Council may attend any meetings of any Standing or other Committee or of any of the Working Parties of which they are not appointed members. They may speak, subject to the consent of the Chairman and may remain present whenever the press and public are excluded from the meeting, but may not vote in any circumstances. This Standing Order shall apply equally to the Chairman and Vice-Chairman of the Council where they are not members of the Committee in question.
- 56.\* Where not an appointed member, the Chairman and Vice Chairman of a Standing or other Committee shall have the right to attend and speak, but not to vote, at all meetings of Working Parties of their parent Committee.
- 56a No more than six Councillors shall be members of any of the Council's Committees and Working Parties.

#### **GENERAL PROVISIONS RELATING TO MEETINGS:**

##### *PROCEEDINGS TO BE CONFIDENTIAL:*

- 57.\* All agenda, reports, minutes and other documents relating to proceedings of the Council, Standing or other Committees of the Council and Working Parties held in private session, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

##### *ADMISSION OF THE PUBLIC AND PRESS:*

- 58.\* Subject to Standing Orders 59 and 60 below, members of the public and representatives of the press shall be permitted to attend in those parts of the meeting place provided for their accommodation at all meetings of the Council, its Standing or other Committees or Working Parties.
- 59.\* The Council, any Standing or other Committee, or other body may, by resolution, exclude members of the public (including representatives of the press), from a meeting as often as may be desirable whenever items of business are being considered which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 or confidential information as defined Section 100 (A) (3) of that Act or any relevant subsequent legislation as may be enacted.
- 60.\* The admission of the public and representative of the press in accordance with Standing Orders 58 and 59 above, shall be upon the following conditions:
- (a) That the admission be upon the understanding that all such persons continue at all time to be seated and that no expression of opinion or noise of any kind shall be allowed from them.
  - (b) That if a member of the public (including representatives of the press) interrupts the proceedings at any meeting, the Chairman shall warn him/her. If the person warned continues the interruption the Chairman shall order his/her removal from

the meeting place. In the case of a general disturbance in any part of the meeting place open to the public, the Chairman shall order that part to be cleared or, if of the opinion that the disturbance renders the due and orderly dispatch of business impossible, may, without question put, adjourn the meeting.

- 61.\* The Clerk will prepare the agenda and complementary papers setting out the business to be discussed at any meeting open to the public and representatives of the press in such a way as to segregate on the agenda those matters considered appropriate for consideration only after the exclusion of the public and press.

#### **PUBLIC PARTICIPATION:**

##### **DEPUTATIONS:**

62. The Council and its standing Committees shall be entitled to receive deputations on matters within their terms of reference, subject to the following provisions:
- (a) The subject matter must be relevant to the Council's powers and duties, within the specific Committee's terms of reference and not have been the subject of an earlier deputation, petition, a question or a decision of the Council or any standing Committee within the previous six months unless there has been a significant change in circumstances.
  - (b) A deputation will not be received and heard on any matter where there is a right of appeal against an existing relevant decision of the Council or its standing Committees, whether to a Council appeal panel, the courts, a tribunal, a review body or a government minister.
  - (c) A written request containing brief details of the matter on which the deputation wishes to make representations shall be sent to the Clerk to the Council who shall then submit such request to the Council or to the relevant Committee for decision.
  - (d) If the Council or standing Committee agrees to such a request, the deputation will normally be received and heard at the next scheduled meeting subject always to the deputation having the opportunity to be heard before a decision is reached on the substantive issue of their concern.
  - (e) A deputation shall not exceed four in number and shall be allowed a total of 20 minutes to speak, excluding replies to questions put by Councillors, following which the deputation shall withdraw or return to the area set aside for the public.
  - (f)

##### **PETITIONS AND JOINT LETTERS:**

63. Any petition or joint letter signed by not less than 12 people, received by a Councillor shall be passed to the Clerk to the Council. The Clerk to the Council will then arrange to submit the petition, together, if appropriate, with a report, to the next scheduled meeting of the Council or relevant standing Committee.

##### **PUBLIC QUESTION TIME:**

64. The Council will allow 15 minutes for Public Participation before the commencement of a Council meeting.

Any Parishioner or any business person having premises within the Parish may ask the Chairman of the Council or the Chairmen of any Standing Committee a question on any matter subject to the following provisions:

##### *Matters Allowed:*

- (a) The subject matter must be relevant to the Council's powers and duties, fall within the

terms of reference of the standing Committee and relate to the Parish.

Questions will not be accepted:

- (i) From a political party or in connection with the aims and activities of such a party;
- (ii) About any matter where there is a right of appeal against any decision of the Council or its Standing Committees whether to a Council appeal panel, the courts, a tribunal, a review body or a government minister;
- (iii) Any matter which has been the subject of a deputation, a petition, a question or a decision by the Council or any standing Committee in the previous six months and there has been no significant change in circumstances;
- (iv) Which are defamatory, abusive or offensive.

~~Notification and Circulation:~~

- ~~(b) The question shall be delivered to the Clerk to the Council by 10.00 am on the 7<sup>th</sup> working day before the date of the meeting. Questions will be dealt with in the order in which they are received.~~
- ~~(c) Questions to be asked will not be set out on the agenda but the Clerk to the Council will circulate details to all Councillors and place copies on deposit for public inspection 3 clear working days before the meeting.~~

Procedure:

- (b) The time allowed at meetings for questions notified in accordance with this standing order to ask of and replied to by the Chairman shall be ~~20~~ 15 minutes. ~~or a maximum of 10 questions, whichever occurs first.~~
- (c) Questions ~~beyond this maximum number, or~~ not answered at the meeting, will be replied to in writing within 7 days from the date of the meeting.
- (d) Questions shall be put and answered without discussion but the Chairman may decline to answer a question and their decision will be final. Supplementary questions will not be accepted.
- (e) The Chairman will normally decline to answer any question which relates to an individual or to an individual's circumstances or which relate to negotiations or litigation to which the Council is party.
- (f) An answer may take the form of a direct oral answer or, where information is contained in a publication or where a reply cannot be given orally, a written answer to the questioner.

**DISORDERLY CONDUCT BY MEMBERS:**

65\*. If at a meeting any Member of the Council, in the opinion of the Chairman and named by him/her to the other Members present, misconduct himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business to be conducted, the Chairmen or any other Member present may move 'That the Member named be not further heard', and the motion if seconded, shall be put and determined without discussion.  
A Member who is the subject of a motion moved in accordance with this Standing Order shall be entitled to vote on any remaining matters but not otherwise to speak.

66.\* If the Member named continues his/her misconduct after a motion under Standing Order 65 has been carried, the Chairman shall either: (a) move that the Member named leave the meeting (in which case the motion shall be put and determined without seconding or discussion), or (b) adjourn the meeting.

**Note:** A Member excluded from a meeting by virtue of a motion passed in accordance with this Standing Order will not be entitled to return to the meeting in order to vote on any particular item.

**INTERESTS OF MEMBERS, GIFTS AND HOSPITALITY AND RIGHT**

**TO INSPECT DOCUMENTS:**

*PREJUDICIAL PERSONAL INTERESTS OF MEMBERS:*

- 67.\* If any Member has any prejudicial personal interest, direct or indirect, within the meaning of The Parish Councils (Model Code of Conduct) Order 2001, or any other relevant subsequent legislation as may be enacted, in any matter affecting the work of the Council, that Member shall:
- (a) Declare such interest and withdraw from the meeting while the matter is under consideration, unless he/she has obtained a dispensation from the local Standards Committee, and,
  - (b) not seek improperly to influence a decision about this matter.

*NON-PREJUDICIAL PERSONAL INTERESTS OF MEMBERS:*

- 68.\* Any Member who has a personal interest which is not prejudicial within the meaning of The Parish Councils (Model Code of Conduct) Order 2001, or any other relevant subsequent legislation as may from time to time apply, in any matter affecting the work of the Council shall declare that interest but may remain in the meeting, speak and vote on the matter.

*REGISTRATION OF FINANCIAL AND OTHER INTERESTS OF MEMBERS:*

- 69.\* The Clerk to the Council shall record in a book to be kept for the purpose, particulars of any notice required to be given by any Member under Section 81(1) of the Local Government Act 2000, or any other relevant subsequent legislation as may from time to time apply, of financial and other relevant interests.
- 70.\* Particulars of any gift or hospitality over the value of £25 (or such other limits as may be set in legislation from time to time), received by any Member must be immediately notified in writing to the Clerk to the Council.

*CANVASSING AND RECOMMENDATIONS INVOLVING MEMBERS:*

- 71.\* Canvassing of Members of the Council or any Committee, Sub-Committee or other body of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this Standing Order shall be made known to every candidate for appointment.
- 72.\* A Member of the Council shall not solicit for any person any appointment under the Council but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 73.\* If a candidate for any appointment under the Council is to his/her knowledge related to any Member of or the holder of any office under the Council, he/she and the person to whom related, shall disclose such relationship in writing to the Clerk. Any person failing to make such disclosure shall be disqualified from the appointment and, if appointed, may be dismissed without notice.
- 74.\* Standing Orders 71, 72 and 73 shall apply to tenders as if the person submitting the tender were a candidate for appointment.

**INTERESTS OF MEMBERS, GIFTS AND HOSPITALITY AND RIGHT TO INSPECT DOCUMENTS:**

*PREJUDICIAL PERSONAL INTERESTS OF MEMBERS:*

- 67.\* If any Member has any prejudicial personal interest, direct or indirect, within the meaning of

The Parish Councils (Model Code of Conduct) Order 2001, or any other relevant subsequent legislation as may be enacted, in any matter affecting the work of the Council, that Member shall:

(b) Declare such interest and withdraw from the meeting while the matter is under consideration, unless he/she has obtained a dispensation from the local Standards Committee, and,

(b) not seek improperly to influence a decision about this matter.

76.\* A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any personal prejudicial interest within the meaning of The Parish Councils (Model Code of Conduct) Order 2001, or any other relevant subsequent legislation as may be enacted.

77.\* All reports made or minutes kept by any Committee, Sub-Committee or other body of the Council shall, as soon as action has been concluded on the matter to which the reports or minutes relate, be open for the inspection of any Member of the Council.

#### **UNAUTHORISED ACTIVITIES BY MEMBERS:**

78.\* No Member of the Council shall in the name of or on behalf of the Council inspect any lands or premises which the Council has a right or duty to inspect or issue any orders or instructions unless specifically authorised to do so by the Council or the relevant Committee, Sub-Committee or other body.

#### **SUSPENSION, AMENDMENT, APPLICATION AND INTERPRETATION OF STANDING ORDERS:**

79. Any of these Standing Orders or of the Appendices thereto may, upon motion made on a notice duly given, or in the case of urgency with the approval of the Council be suspended at any meeting of the Council so far as regards any business at such meeting, provided that the motion which shall be moved and put without discussion be carried by a majority of the Members of the Council present and voting.

80. No new Standing Order, or the amendment or repeal of an existing Standing Order or any Appendix thereto, shall be considered at any meeting unless notice shall have been given in the summons for such meeting

81.\* For the avoidance of doubt, Standing Orders shown asterisked shall apply in their entirety to Standing and other Committees and such Working Parties appointed from time to time by the Council.

82.\* The ruling of the Chairman of any meeting of the Council or any Standing or Special Committee or other body of the Council as to the construction or application of any of these Standing Orders shall be final and shall not be challenged or discussed.

#### **APPENDICES TO STANDING ORDERS:**

##### *STANDING COMMITTEES AND TERMS OF REFERENCE:*

83.\* The Standing Committees of the Council and their Terms of Reference is set out at Appendix A

##### *DELEGATION OF POWERS:*

84.\* The powers delegated to Standing Committees and to Chairmen of Committees is set out at Appendix B .

*STANDING ORDERS RELATING TO CONTRACTS:*

- 85.\* The Council's Standing Orders relating to contracts is set out in Appendix C.

*FINANCIAL REGULATIONS:*

- 86.\* The Financial Regulations of the Council is set out in Appendix D.

*ANNUAL PARISH MEETING:*

- 87 The Standing Orders for the regulation of Business at the Annual Parish Meeting is set out in Appendix E.

88 **CODE OF CONDUCT FOR COUNCILLORS:**

The current Code of Conduct recommended and adopted by the Council, is reproduced at Appendix I .

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## APPENDIX A

### STANDING COMMITTEES OF THE COUNCIL AND TERMS OF REFERENCE

#### **POLICY AND RESOURCES COMMITTEE:**

##### *Membership:*

Membership of the Policy and Resources Committee will comprise only the Chairmen of the Councils Standing Committees. Vice-Chairmen may deputise for their Chairmen.

The Policy & Resources Committee are authorised to undertake negotiations with the Borough Council over the future of the Civic Centre and that any provisional agreements reached are reported to Full Council for approval.

##### *Terms of Reference:*

- (a) To consider and make recommendations on any area of dispute between Standing Committees.
- (b) To decide in case of doubt or potential overlap, which Standing or Special Committee shall have competence over and item of business.
- (c) Subject to Council approval, to negotiate on behalf of the Council.

#### **FINANCE COMMITTEE:**

##### *Membership:*

The Finance Committee will comprise such number of Members as shall be determined by the Council at the annual meeting (**See addition to standing orders No. 56a dated 30/09/08**).

##### *Terms of Reference:*

- (a) To deal with all revenue and any capital financing, including borrowing policy.
- (b) To deal with the forward forecasting of resource availability.
- (c) To monitor revenue and capital budgets.
- (d) To deal with all other financial aspects relating to the work of the Council.

#### **PLANNING & LICENSING COMMITTEE:**

##### *Membership:*

The Planning Committee will comprise such number of Members as shall be determined by the Council at the annual meeting. (**See addition to standing orders No. 56a dated 30/09/08**). The Council shall have regard to the desirability of appointing Members from all wards of the Parish

##### *Terms of Reference:*

- (a) To deal with all matters relating to town and country planning and the control of building works.

- (b) To determine the Council's response to all applications submitted by the local planning authority under the agreed consultation arrangements.
- (c) To seek planning permission and any other necessary consents for all Council development proposals or for development on Council land.

**LEISURE FACILITIES & OPEN SPACES COMMITTEE:**

*Membership:*

The Leisure Facilities Committee will comprise such number of Members as shall be determined by the Council at the annual meeting (**See addition to standing orders No. 56a dated 30/09/08.**)

Terms of Reference:

- (a) To deal with all matters relating to the provision and promotion of recreation, leisure, arts and tourism within the Parish.
- (b) To oversee the management of all land and buildings held or otherwise used by the Council for these purposes.

***Incorporated into Leisure Facilities and Open Spaces Committee***

**~~ALLOTMENTS, CEMETERY AND GENERAL PURPOSES COMMITTEE:~~**

~~*Membership:*~~

~~The Allotments, Cemetery and General Purposes Committee will comprise such number of Members as shall be determined by the Council at the annual meeting.~~

~~*Terms of reference:*~~

- (c) To deal with all matters relating to the provision and promotion of allotments and cemeteries, closed churchyard (St. Mary's), and the war memorial.
- (d) To oversee the management of all land and buildings held or otherwise used by the Council for these purposes.
- (e) To deal with public lavatories and with buildings used by the Council for its own domestic purposes. ~~not included in the Leisure Committee's terms of reference.~~
- (f) To deal with all matters relating to the upkeep of St Mary's Churchyard.
- (g) To deal with any other matters which are not specifically reserved to the Council for decision and are not included in the terms of reference of any other Committee.

**APPEALS COMMITTEE:**

*Membership:*

Membership of the Appeals Committee will comprise the Chairman of Standing Committees of the Council. Each Vice-Chairman may deputise for his/her Chairman.

The Chairman and Vice-Chairman of the Council (where they are not otherwise Chairmen of a Standing Committee), shall also be members of the Appeals Committee but shall take no part in any appeal where they have previously been involved in consideration of a particular case.

**TERMS OF REFERENCE:**

To hear cases and make determinations in accordance with the Council's Grievance and Disciplinary procedures as set out at Appendix F to Standing Orders.

## APPENDIX B

### DELEGATION OF POWERS

#### **MATTERS RESERVED FOR DECISION BY THE COUNCIL:**

##### **B.1 The under mentioned matters shall be reserved for decision by the Council itself:**

- (a) All matters for which the approval of the Council itself is required by statute;
- (b) The appointment of Standing or Special Committees and of other ad hoc bodies, excluding Sub-Committees, which shall be a matter for decision by the Standing Committees themselves;
- (c) The promotion of or opposition to legislation including byelaws;
- (d) The making, alteration or revocation of Standing Orders and the waiver or modification thereof;
- (e) The giving of evidence before Commissions, Inquiries and similar bodies and the formal expression of views on the reports of such bodies;
- (f) The appointment or dismissal of the Clerk to the Council;
- (g) All major policy matters.
- (h) The consideration of Commemorative Scrolls to a past Chairman shall be the joint decision of the council. Any past Chairman will be eligible, who has served at least four years on the Council.

#### **POWERS DELEGATED TO ALL STANDING COMMITTEES:**

##### **B.2 All Standing Committees may take decisions in the Council's name, provided that:**

- (a) Such decisions are within the Council's powers and are not matters specifically reserved for the Council itself;
- (b) Such decisions are within their terms of reference, do not fall within the terms of reference of any other Council body, are in accordance with Standing Orders and do not conflict with the overall policy direction of the Council;
- (c) Expenditure incurred is provided for in the approved estimates or is wholly reimbursable;
- (d) There is no conflict with a decision of another Council body. In cases where there is conflict the matter shall be referred for consideration by the Policy and Resources and then to the Council for determination.
- (e) Given that no other provision is made within Standing Orders, all Standing Committees shall elect, annually, a Chairman and a Vice-Chairman

**POWERS DELEGATED TO THE CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL:**

- B.3 The Chairman and Vice-Chairman of the Council may take decisions in the Council's name on any matters, including those otherwise specifically reserved for the Council, which are certified by the Clerk as urgent matters. Such action, including the reason for urgency, must be reported to the next ordinary meeting of the Council.

**POWERS DELEGATED TO THE CHAIRMEN AND VICE-CHAIRMEN OF ALL STANDING COMMITTEES:**

- B.4 Chairmen and Vice-Chairmen of all Standing Committees of the Council may, on report from the Clerk, take decisions:
- (a) to cancel or, vary the date of or convene additional meetings of their Committees.
  - (b) In individual cases, and where exceptional circumstances apply, waive or vary a charge normally levied for a service provided by the Council.
  - (c) To approve, in cases of urgency, the terms of any formal response required of the Council to any outside body.
  - (d) To approve the terms of any press release on matters within the terms of reference of their Committee.

**POWERS DELEGATED TO CHAIRMEN AND VICE-CHAIRMEN OF CERTAIN STANDING COMMITTEES:**

- B.5 In addition to the delegated powers referred to in Standing Order B.4 above, the Chairmen and Vice Chairmen of the following standing Committees of the Council may take decisions on those matters indicated:

**PLANNING AND LICENSING COMMITTEE:**

To approve the Council's response to planning applications which, by reason of consultation deadlines, cannot be first reported to the Planning Committee

**PROPER OFFICER:**

- B.6. The Clerk to the Council shall be deemed the proper officer of the Council to discharge the following statutory functions:
- (a) to receive declarations of acceptance of office;
  - (b) to receive and record notices disclosing pecuniary interests;
  - (c) to receive and retain plans and documents;
  - (d) to sign notices and other documents on behalf of the Council;
  - (e) to receive copies of byelaws made by a District Council;
  - (f) to certify copies of byelaws made by the Council and
  - (g) to sign summonses to attend meetings of the Council.
  - (h) to authenticate any document required in legal proceedings on behalf of the Council.

In addition the Clerk to the Council shall be deemed the proper officer of the Council in any other matters for which the Council has not specifically nominated another person.

**RESPONSIBLE FINANCIAL OFFICER:**

- B.7 Where the Council has not specifically so designated another officer, the Clerk to the Council shall be deemed the responsible financial officer for the purposes of the Accounts and Audit Regulations, 1996 or any successor legislation.

**APPENDIX C**  
**STANDING ORDERS**  
**RELATING TO CONTRACTS**

**GENERAL**

- C.1** Every contract made by the Council shall comply with these Standing Orders and no exception shall be made otherwise than by direction of the Council or by the Chairman and Vice-Chairman of the Council for reasons of urgency.

**SELECTING CONTRACTORS:**

*Where neither quotations nor tenders are required:*

- C.2** If a contract is one of the following, neither quotations nor tenders are required:
- (a) A contract whose estimated cost is less than £2,000;
  - (b) A contract for urgent works necessary to protect life or property;
  - (c) A contract for the purchase of goods or services or for the execution of works, where another local authority, public body or consortium or the Parish Council itself has secured more beneficial terms than could ordinarily be obtained;
  - (d) An additional contract, that is to say a further contract negotiated on the basis of an earlier contract, but distinct from it provided that the earlier contract was based on competitive tender or quotation;
  - (e) The provision of works and services by specialist contractors, statutory undertakers or public utilities where there is no other reasonable source of supply;
  - (d) Contracts with financial institutions to finance the purchase of goods and capital equipment by leasing or otherwise, and
  - (g) For specialist professional services such as provided by solicitors, accountants, surveyors and planning consultants etc.

*Where competitive tenders or quotations must be sought:*

- C.3** If the estimated cost of the contract is less than £7,000 and is not covered by Standing Order C.2 above, then at least 3 competitive tenders or quotations must be sought. Where less than 2 such tenders are received, or if all received are identical then the Council may make such arrangements as it thinks fit for procuring the goods or services or executing the works.
- C.4** If the estimated cost of a contract is £7,000 or more and is not covered by Standing Order C.2 above, then five or more tenders must be sought by giving public notice under Standing Order 5. If less than 3 tenders are received or if all received are identical, the Council may make such arrangements as it thinks fit for procuring the goods or services or executing the works.
- C.5** Notwithstanding Standing Orders 74 and 75, the specific monetary limits stated in Standing Orders C.2, C.3, C.4, and D.8.3 and D.10.2 may be revised by simple resolution of the Council.

**SEEKING TENDERS BY GIVING PUBLIC NOTICE:**

- C.6** A public notice must be placed in at least one newspaper circulating in the locality or by public

display in a prominent location within the Parish for a period of not less than 7 days and must state the general nature of the intended contract and the period in which expressions of interest must be received.

- C.7** The Clerk to the Council and at least one Member of the Council shall be authorised to select the tenderers and shall, in a register to be kept by the Clerk, record their selection and their reasons.

#### **INVITING AND OPENING TENDERS:**

- C.8** Tenderers must be told that no tender will be considered unless:

~~(a) It is contained in a plain inner envelope securely sealed and self-addressed by the tenderer.~~

~~(b) The inner envelope is contained in a plain outer envelope, securely sealed, bearing only the word 'tender' followed by the subject matter of the contract and not bearing any distinguishing matter indicating the identity of the tenderer.~~

(c) The outer envelope is addressed impersonally to the Clerk to the Council. Marked "PRIVATE & CONFIDENTIAL – TENDER"

- C.9** Each tender must contain:

- (a) An undertaking signed by the tenderer that they have not done, and will not do before the time and date specified for the return of their tender, any of the following things:
- (i) communicate to a person other than the person calling for the tenders the amount or approximate amount of the proposed tender;
  - (ii) enter into an agreement or arrangement with any other person that either of them shall refrain from tendering or any agreement or arrangement as to the amount of tender to be submitted;
  - (iii) offer, pay, give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or causing to be done and act of the sort described above.
- (b) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders nor be bound neither to accept the lowest or any tenders submitted nor to give reasons for the rejection of any tender.

- C.10** ~~Tenders shall be only opened on one single occasion. by the Clerk and at least one Member of the Council and they shall complete and sign a register of the tenders received. The Clerk shall open the envelopes and sign a register of the Tenders received at the appropriate meeting of the Council or Standing Committee, following the official closing date for Tenders.~~

#### **ACCEPTANCE OF TENDERS:**

- C.11** The results of tenders shall be reported to the appropriate Committee of the Council who shall be authorised to accept such tender as it thinks fit or not to accept any.
- C.12** The lowest tender (when the Council is to make payment) or the highest tender (when the Council is to receive payments) shall normally be accepted.
- C.13** It shall not be an exception to these Standing Orders relating to contracts, to accept a tender other than the lowest, (or highest as the case may be) subject to the reasons for such decision being recorded in the minutes of the Committee concerned and reported to the Council.

**INVALID TENDERS:**

**C.14** Tenders received, even if they would otherwise have been the lowest (or highest) shall be deemed invalid and rejected if the tender:

- (a) is received after the specified time and date set out in the invitation to tender;
- (b) does not confirm to the requirements of the specifications, or
- (c) the tenderer has not otherwise conformed to the requirements of these Standing Orders.

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## APPENDIX D

### FINANCIAL REGULATIONS

#### D.1. GENERAL:

- 1.2 All references within these Regulations to Responsible Financial Officer (RFO) means the Clerk to the Council or such other officer as the Council may, from time to time, specifically designate as such.
- 1.2 These financial regulations shall govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.3 The RFO, under the policy direction of the Council will be responsible for the proper administration of the Council's financial affairs.
- 1.4 The RFO will be responsible for the production and circulation of financial management information.

#### D.2. ANNUAL ESTIMATES:

- 2.1 Each Committee shall formulate and submit proposals to the Finance Committee in respect of revenue services and capital projects for inclusion in the capital programme not later than the end of November each year.
- 2.2 Detailed estimates of income and expenditure on revenue services and of capital expenditure will be prepared by the RFO each year.
- 2.3 The Finance Committee will review the estimates and submit them to the Council not later than the end of January in each year and shall recommend the precept to be levied for the ensuing financial year.
- 2.4 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

#### D.3. BUDGETARY CONTROL

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in each approved budget head.
- 3.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate budget head unless a virement has been approved by the Finance Committee or by the Council.
- 3.3 The RFO will provide the Finance Committee with a quarterly statement of income and expenditure to date under each main budget head.
- 3.4 The RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,000. This action must be reported to the Chairman of the Finance Committee as soon as reasonably possible and also to the Finance Committee at the next meeting. ~~as soon as is practicable.~~

#### D.4. ACCOUNTING AND AUDIT:

- 4.1 All accounting procedures and financial records of the Council will be determined by the RFO.

4.2 The RFO will complete the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit these for approval to the Finance Committee and to the Council.

4.3 The RFO will maintain an adequate and effective system of internal audit of the Council's accounting, financial and other operations.

**D.5. BANKING ARRANGEMENTS AND CHEQUES:**

5.1 The Council's banking arrangements will be made by the RFO and approved by the Finance Committee.

5.2 Schedules of the payment and receipt of money will be prepared by the Clerk and presented to each meeting of the Finance Committee.

5.3 Cheques drawn on the Council's bank accounts shall be signed by the RFO and at least two Members of the Council.

**D.6. PAYMENT OF ACCOUNTS:**

6.1 Apart from petty cash payments all payments will be effected by cheque or other order, including company credit card, drawn on the Council's bankers.

6.2 All invoices for payment will be examined, verified and certified by the RFO. The invoices for payment will also be examined, verified and certified by initialing the invoices by the two Councillors who sign the cheques

6.3 The RFO will maintain a petty cash float for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate payments. Payments to maintain the petty cash float shall be clearly identified in the schedule of the payment of money submitted to each meeting of the Finance Committee.

**D.7. LOANS AND INVESTMENTS:**

7.1 All loans and investments will be negotiated by the RFO in the name of the Council and will be for a set period of time in accordance with Council policy. Changes to loans and investments must be reported to the Finance Committee at the earliest opportunity.

7.2 All investments of money under the control of the Council and all borrowings will be in the name of the Council.

7.3 All investment certificates and other related documents will be retained in the custody of the RFO.

**D.8. INCOME:**

8.1 The collection of all sums due to the Council will be the responsibility of the RFO.

8.2 The Council will review all fees and charges annually and any decisions thereon shall be recorded in the minutes.

8.3 The RFO is authorised to write off debts as irrecoverable up to a limit of £100 in any individual case and will periodically report on such action to the Finance Committee.

8.4 Sums received on behalf of the Council will be passed to the Clerk who will deposit all receipts with the Council's bankers.

8.5 Personal cheques must not be cashed out of money held on behalf of the Council.

**D.9. ORDERS FOR WORKS, GOODS OR SERVICES;**

9.1 Orders for works, goods or services will only be issued by the RFO or by such other member of staff specifically authorised by the RFO to do so.

9.2 As far as is practicable an official order or letter shall be issued for all work, goods or services.

9.3 The RFO will be responsible for obtaining value for money at all times in the placing of orders.

**D.10. PROPERTY, STORES AND EQUIPMENT:**

10.1 The RFO will be responsible for the care and custody of property, stores and will maintain an up to date asset register and inventories.

10.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council save where the estimated value of any one item does not exceed £250.

10.3 Stocks shall be maintained generally at the minimum consistent with purchasing economy and operational requirements.

**D.11. LAND AND BUILDINGS:**

11.1 The RFO will make appropriate arrangements for the safe custody of all title deeds of properties owned by the Council.

11.2 The RFO will ensure a record is maintained of all properties owned by the Council recording the location, extent, purchase details, nature of other interest tenancies granted and rents payable.

**D.12. INSURANCE:**

12.1 The RFO will effect all insurances and negotiate all claims on the Council's insurers.

12.2 The RFO will keep a record of all insurances effected by the Council and the property and risks covered and will annually review this and effect any necessary revisions.

12.3 The RFO must be notified of any loss liability or damage or of any event likely to lead to a claim against the Council.

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## APPENDIX E

### STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AT THE ANNUAL PARISH MEETING

#### **E.1. NOTICE OF MEETING**

- 1.1 Notice of the annual meeting must be given by affixing notice in some conspicuous place in the Parish and in any other manner thought desirable.
- 1.2 A minimum of seven clear days notice must be given.

#### **E.2. CHAIRMAN**

- 2.1 The Chairman of the Parish Council will preside at the annual meeting. In the absence of the Chairman, the Vice Chairman will preside. In the absence of the Chairman and the Vice-Chairman, the meeting must appoint a chairman before it proceeds to consider any business.

#### **E.3. MINUTES**

- 3.1 The Clerk to the Council will record the proceedings of the annual meeting. In the absence of the Clerk, the person presiding at the annual meeting may record the proceedings or may appoint another to do so.
- 3.2 As soon as the chair has been filled and provision made for recording the proceedings, the minutes of the previous annual meeting will be considered and, if correct, signed by the person presiding at the current annual meeting.

#### **E.4. ORDER OF BUSINESS**

- 4.1 After any apologies for absence have been received and the minutes signed, the order of business at the annual meeting will be as follows:
  1. To receive the report of the Chairman of the Parish Council
  2. To receive the reports of Chairmen of the Parish Council's Standing Committees.
  3. To receive the report of the Clerk to the Council on the Parish Council's latest audited accounts and budget for the current year.
  4. To consider any resolution of which 7 days written notice has been given.
  5. To deal with any other business.

#### **E.5 CONDUCT OF MEETING AND RULES FOR DEBATE**

- 5.1 Whilst no detailed provisions are to be set down for the conduct of the meeting and rules for debate, the generally accepted conventions covering meetings will apply.

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## APPENDIX F

### DISCIPLINARY/GRIEVANCE & COMPLAINTS PROCEDURES:

#### STAFF CODE OF PRACTICE

##### F.1 GRIEVANCE PROCEDURE

###### F.1.1. OBJECTIVE:

The object of this procedure is to enable an employee to raise a matter about which he/she feels aggrieved. The intention is to resolve the grievance, if possible, in a constructive and harmonious manner which will foster and maintain good staff relationships. A separate procedure exists to resolve disciplinary matters.

In many, if not the majority of cases, grievances will be capable of resolution by informal discussion with your immediate manager. In other cases, the procedure is as follows:

###### F.1.2 PROCEDURE:

- (1) You should set out your grievance in writing to the Clerk to the Council within seven working days from the date the grievance arises. You should state the grounds for your grievance and the measures you believe necessary to resolve it.
- (2) The Clerk to the Council will then investigate your grievance and will provide you with written confirmation of the outcome of his/her investigation within 21 working days.
- (3) If you believe your grievance to be still unresolved, you may, within the next 7 - working days, require the Clerk to the Council to refer the matter in writing to the Chairman and Vice-Chairman of the Council.
- (4) The Chairman and Vice-Chairman of the Council may, as they see fit, call for any papers relating to your grievance and may interview any of the parties involved. Their conclusions will be notified to you in writing within 28 working days.
- (5) If you are dissatisfied with the conclusions reached by the Chairman and Vice-Chairman, you may, within 7 working days, request that your grievance be referred to the Council's Appeals Committee. At the meeting of the Appeals Committee you may be accompanied by a Trade Union representative or other person of your choice. You and/or your representative may be asked to leave the meeting once you have presented your case. The decision of the Appeals Committee shall be notified to you in writing within 7 working days and shall be final.

##### F.2 DISCIPLINARY PROCEDURE

###### F.2.1 OBJECTIVE:

The object of this procedure is to improve the performance, behaviour and working practices of employees without necessarily involving dismissal.

###### F.2.2 AUTHORITY TO TAKE DISCIPLINARY ACTION:

The Clerk to the Council as proper officer and head of the Council's paid service is authorised to issue verbal, written and final warnings to staff; to suspend staff on full pay pending an investigation and to dismiss them. The Clerk to the Council will normally only take a decision to suspend or dismiss a member of staff following prior consultation with the Chairman and Vice-Chairman of the Council.

Where the Clerk to the Council is himself/herself the subject of disciplinary action, then the Council's Appeals Committee, acting as a Disciplinary Panel, shall be authorised to hear the

case and to issue verbal, written and final warnings as appropriate. Any decision to suspend or to dismiss the Clerk to the Council shall require a majority decision of the full Council. No decision to dismiss the Clerk may be taken without the Council having first received and considered a report on the outcome of an independent investigation by the ACAS arbitration service or other independent body which the Council may appoint for that purpose.

### **F.2.3 PROCEDURE:**

Where there has been a failure to meet the required standard of work, or a breach of the conditions of service or an employee has been otherwise guilty of misconduct, the disciplinary action to be taken will be determined by the circumstances, but will normally follow the procedure set out below:

#### **(a) Misconduct:**

May be defined as being conduct, behaviour or performance of a member of staff which constitutes a breach of contract or obligation. This will include such issues as absenteeism or lateness; failure to work effectively, efficiently or according to instructions; failure to observe statutory requirements or Council procedures and actions prejudicial to the morale and well being of colleagues. This list is illustrative and not exhaustive.

#### **(b) Gross Misconduct:**

If an employee is guilty of gross misconduct this may result in summary dismissal without notice.

Gross misconduct may include, but is not limited to, such offences as theft, fraud or embezzlement; malicious damage to or unauthorised or illegal use of Council property; serious breaches of conditions of employment; insubordination or refusal to carry out reasonable instructions; drunkenness; insulting or threatening behavior; assault or actions which bring the Council into disrepute, including the acceptance or soliciting of bribes or inducements.

#### **(c) Verbal Warning:**

If an employee breaches the terms of employment or fails to work satisfactorily or is otherwise guilty of misconduct the normal course of action (other than in cases of gross misconduct), will be a verbal warning.

The employee must be given advance notification of the nature of the complaint against him/her and be given the opportunity to respond. It must be made clear to the employee that this warning constitutes the first stage of the disciplinary procedure and that further breaches could lead to more serious disciplinary action being taken. A timescale will be agreed in which the employee must seek to improve his/her performance or conduct.

The employee must be advised that he/she has a right to appeal against the issue of a verbal warning by giving notice within 7 days. Arrangements will then be made for this appeal to be heard by the Council's Appeals Committee.

A note will be made on the employee's personal file detailing the nature of the warning given. This note shall remain on file for twelve months then be removed subject to there having been no further need for any disciplinary action within this time.

#### **(d) Written Warning:**

If a verbal warning does not achieve the desired result within the agreed timescale, and there is no improvement in conduct or performance, or in the event of serious or further misconduct, a formal written warning will be given.

Before such a warning is issued, the employee must be given advance written notice of the nature of the complaint against him/her. The employee must be interviewed and given the opportunity to state their case before a final decision is made. The employee must be advised that they have a right to be accompanied at the interview by a friend, colleague or Trade Union representative.

The written warning will give an account of the circumstances giving rise to the complaint and must indicate the likely action which will follow if the employee fails to rectify the position or improve performance or conduct within a specified timescale. If the misconduct is of a serious

nature, then the formal written warning may be given as a final warning, to be followed in the event of further misconduct by dismissal.

The employee must be advised that he/she has a right to appeal against the issue of a written or final warning by giving notice within 7 days. Arrangements will then be made for this appeal to be heard by the Council's Appeals Committee.

The written or final warning will be entered on the employee's personal file. This will remain on file for twenty four months then be removed subject to there having been no further need for any disciplinary action within this time.

**(e) Subsequent Warnings and/or Dismissal:**

If an employee continues to fail to comply with the required standards, or be guilty of further misconduct (not necessarily the same) then, depending upon the seriousness of the circumstances, a further and final written warning may be given or the employee may be dismissed

**(f) Suspension:**

An employee may be suspended on full pay, or without pay, while dismissal is being considered. The authority for suspension and for dismissal rests with the Clerk to the Council but, unless exceptional circumstances apply, such decision will not normally be taken without prior consultation with the Chairman and Vice-Chairman of the Council.

**(g) Dismissal:**

An employee who is dismissed must be notified in writing of the reasons for dismissal and of his/her right to appeal against such decision. An employee wishing to exercise that right may do so by giving written notice, stating the grounds of their appeal, within 7 days of the date the decision is notified to them. Arrangements will then be made for the appeal to be heard by the Council's Appeals Committee. The employee must be notified that he/she has the right to attend and be heard by the Appeals Committee and may be accompanied by a colleague, friend or Trade Union representative. The decision of the Appeals Committee shall be final.

### **F.3 THE APPEALS COMMITTEE**

#### **F.3.1 TERMS OF REFERENCE:**

The Appeals Committee will meet as and when required to hear appeals lodged by staff in accordance with the provisions of the Council's Grievance Procedure and the Disciplinary Procedure. The Committee will also sit as a Disciplinary Panel where the Clerk to the Council is the subject of disciplinary action.

The decision of the Appeals Committee shall be final.

#### **F.3.2 MEMBERSHIP:**

The Appeals Committee will comprise the Chairmen of the standing Committees of the Council, (with Vice Chairmen being able to substitute for Chairmen). The Chairman and Vice-Chairman of the Council (where they are not otherwise Chairmen of any standing Committee) shall also be members of the Appeals Committee but shall take no part in any appeal where they have previously been involved in consideration of a particular case.

#### **F.3.3 PROCEDURE AT MEETINGS:**

A summary of the procedure to be followed at meetings of the Appeals Committee will be provided to every appellant and/or their representative.

- (1) The Chairman will open the meeting by briefly summarising the case which the Committee has been convened to decide.
- (2) The Clerk to the Council will present the case to the Committee.
- (3) The appellant (or his/her representative) will be invited by the Chairman to put any questions they may have to the Clerk.

- (4) The Committee will then put any questions they have to the Clerk.
- (5) The appellant (or his/her representative) will then put their case.
- (6) The Chairman will invite the Clerk to put any questions he/she may have to the appellant (or his/her representative).
- (7) The Committee will then put any questions members may have to the appellant (or his/her representative)
- (8) The Chairman will then ask the appellant (or representative) if they have any final points they wish to make (the appellant should always be given the last word).
- (9) The Clerk to the Council and the appellant (and representative) will then be excluded from the meeting whilst the Committee deliberates and reaches a decision.  
  
If it is felt necessary that the Clerk should remain in the meeting, then the appellant (and representative) should also be invited to remain present.
- (10) The Committee reaches a decision.
- (11) The Committee's formal decision is conveyed in writing to the appellant the following working day.

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**CODE OF PRACTICE**

*It remains the position that the Local Government Ombudsman has no jurisdiction over parish, town and community councils. The question therefore arises as to what should happen if complaints are received about administration or procedures?*

*Complaints about an employee of the council (i.e. the clerk) should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required. In Wales, a code of conduct is incorporated into the contract of employment. Similar provisions are due to be introduced in England.*

*Complaints about a Councillor are now subject to the jurisdiction of the Standards Board or the Commissioner for Wales. Complainants should be advised to contact the Monitoring Officer for further information.*

*The code of practice within this guidance is therefore aimed at those situations where a complaint has been made about the administration of the council or about its procedures.*

*Under the Local Government Act 2000, the standards committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of the parish council. Whilst this does not necessarily affect complaints about maladministration and procedure, the local council may consider it good practice to notify the standards committee that a local code for such complaints has been adopted. **Every effort must be made not to confuse this procedure with that available for complaints against individual members.***

*The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk or other proper officer or Chairman.*

*It may be that the clerk or other proper officer at the meeting represents the position of the council.*

*If the clerk or other proper officer is putting forward the justification for the action or procedure complained of, he or she should not advise the council or committee.*

*At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.*

**CODE OF PRACTICE**

**BEFORE THE MEETING**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Clerk/Proper Officer or Chairman.
2. If the complainant does not wish to put the complaint to the Clerk/Proper officer, they may be advised to put it to the Chairman of the council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

## **AT THE MEETING**

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the Public and the Press. **Any decision on a complaint shall be announced at the Council meeting in public.**
7. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, Clerk /Proper Officer to explain the Council's position.
12. Members to ask any question of the Clerk /Proper Officer.
13. Clerk /Proper Officer and complainant to be offered opportunity of last word (in this order).
14. Clerk /Proper Officer and complainant to be asked to leave room while Council decide whether or not the grounds for the complaint have been made. *(If a point of clarification is necessary, **both** parties to be invited back).*
15. Clerk /Proper Officer and complainant return to hear decision, or to be advised when decision will be made.

## **AFTER THE MEETING**

16. Decision confirmed in writing within seven working days together with details of any action to be taken.

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## OTHER AGENCIES/ORGANISATIONS

### CODE OF PRACTICE

Welwyn Parish Council complaints procedure will consider complaints from members of the public and other complaints that have been received from other agencies/organisations.

A Complaints Committee will be established to include a Chairman and four other Council Members, to deal with any complaints and will assemble as and when needed. The Clerk will be present at the Welwyn Parish Council's Complaints Committee meetings to represent the position of the council unless, it is the Clerk who is the complainant or a complaint is made against the Clerk.

#### **BEFORE THE MEETING:**

The complainant will be asked to put the complaint about the council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk they will be advised to put it in writing to the Chairman of the Council.

The Clerk will then acknowledge receipt of the complaint and advise the complainant when the matter is to be considered by Welwyn Parish Council's Complaints Committee.

The complainant will then be invited to attend Welwyn Parish Council's Complaints Committee meeting and to bring with them such representation as they so wish.

**Seven** clear days prior to the meeting, the claimant shall provide Welwyn Parish Council's Complaints Committee with any documentation or other evidence that they wish to refer to at the meeting. Welwyn Parish Council's Complaints Committee shall similarly provide the complainant with copies of any documentation upon which they wish to rely on at the meeting.

#### **AT THE MEETING:**

Welwyn Parish Council's Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of Press and Public under the Public Bodies (Admission to Meetings) Act 1960.

The Chairman of the Committee will introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting will be as informal and friendly as possible, without prejudicing the need to properly consider the matter under discussion.

The complainant (or representative) will be invited by the Chairman, to outline the grounds for the complaint and give all Members of the Committee the opportunity to ask any questions of the complainant.

If relevant, the Clerk will explain the Council's position and Members can ask any question of the Clerk.

The Clerk and complainant are to be offered the opportunity of last word as a means of summing up their position.

The Clerk and complainant will then be asked to leave the room while Members decide whether or not the grounds for the complaint have been made and if a point of clarification is necessary. If a point of clarification is necessary then the Clerk and the complainant will be invited back into the room.

#### **THE DECISION:**

The parties return to hear the decision, **or**, will be advised when the decision will be made.

Should members of the Complaints Committee wish to suspend the decision, the Chairman will reconvene the meeting with **Seven Working Days**.

**THE DECISION SHOULD BE MADE IN PUBLIC.**

**FOLLOWING THE MEETING:**

**If a decision has been made**, it should be confirmed to the complainant in writing within **SEVEN WORKING DAYS**, together with the details of any action to be taken.

**If the decision is suspended to a later date**, the decision will be confirmed to the complainant in writing within **THREE WORKING DAYS** together with the details of any action to be taken.

*All documentation will be kept by the Clerk and will be treated as **Confidential** and stored for a minimum of three years unless, Welwyn Parish Council's Complaints Committee have given alternate instruction.*

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APPENDIX G

HEALTH AND SAFETY POLICY

**G.1 Statement of General Policy**

- \* To provide adequate control of the health and safety risks arising from the Council's work activities
- \* To consult with employees on matters affecting their health and safety;
- \* To provide and maintain safe plant and equipment;
- \* To ensure safe handling and use of substances;
- \* To provide information, instruction and where necessary, supervision to employees
- \* To ensure all employees are competent to perform their tasks and to provide them with adequate training where necessary
- \* To prevent accidents and cases of work-related ill health;
- \* To maintain safe and healthy working conditions, and
- \* To review and revise this policy at regular intervals.



(Signed) Rebecca Findlay  
Clerk to the Council

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## APPENDIX H

### HEALTH AND SAFETY POLICY

#### **Responsibilities**

1. Overall and final responsibility for health and safety is that of the Council.
2. Day to day responsibility for effecting this policy is delegated to the Clerk to the Council.
3. The Council's Head Groundsman will be responsible for maintenance and safety of plant and equipment under his control.
4. All employees are required to co-operate on health and safety matters and to take reasonable care of their own health and safety.
5. All health and safety concerns must be reported to the Clerk to the Council.

#### **G.3 Risk Assessments**

1. Risk assessments will be undertaken by the Clerk to the Council.
2. The Clerk to the Council will be responsible for ensuring action identified in risk assessments is taken and will check that such action has removed or reduced such risks to an acceptable level.
3. Risk assessments will be reviewed every 12 months or sooner if significant changes occur.

#### **G.4 Consultation**

1. Consultation with employees will be undertaken by the Clerk to the Council.

#### **G.5 Safe Vehicles, Plant and Equipment**

1. The Council's Groundsman will be responsible for identifying vehicles, plant and equipment requiring maintenance or repair.
2. Vehicles and mechanised plant and equipment will be serviced at least annually by the Council's approved contractors.
3. Any problems identified with vehicles, plant and equipment must be reported to the Clerk to the Council.
4. The Clerk to the Council and Groundsman will check that new vehicles, plant and equipment meet health and safety standards, prior to acquisition.

#### **G.6 Handling and Use of Chemicals or Substances Hazardous to Health (COSHH)**

1. The Clerk to the Council, in consultation with the Head Groundsman will be responsible for:
  - (a) undertaking COSHH assessments and for ensuring that any actions identified are implemented;
  - (b) checking, prior to purchase, that any new substances can be used safely, and

- (c) Ensuring that COSHH assessments are reviewed every 12 months or sooner if there are significant changes.

#### **G.7 Information and Instruction**

1. Health and Safety information and advice is available from the Clerk to the Council.
2. The Clerk to the Council will be responsible for ensuring that arrangements for supervision of trainee employees are in place should the Council's establishment be amended to include any such post(s).

#### **G.8 Competency and Training**

1. Induction training to employees will be provided by the Clerk to the Council.
2. Job specific training will be provided by either the Clerk to the Council or the Groundsman according to the tasks concerned and these officers shall be responsible for identifying training needs.
3. Specific tasks requiring special training are:
  - (a) Operation of the Council's vehicles;
  - (b) Operation of any weed spraying equipment, and
  - (c) Operation of chain saw equipment.
4. Training records are kept by the Clerk to the Council.

#### **G.9 Accidents, First Aid and Work Related ill Health**

1. First aid boxes shall be kept in each of the Council's buildings and in each of the Council's vehicles.
2. All accidents and cases of work related ill health shall be reported to the Clerk to the Council who shall record these in the Council's accident log
3. The Clerk to the Council shall be responsible for reporting accidents, diseases and dangerous occurrences to the enforcing authorities.

#### **G.10 Personal Protective Equipment (PPE)**

1. The Council will provide to all appropriate employees PPE for:
  - (a) Respiratory protection;
  - (b) Head protection;
  - (c) Eye and/or facial protection;
  - (d) Hand and foot protection;
  - (e) Hearing protection
  - (f) High visibility clothing, and
  - (g) Other appropriate protective clothing for specific tasks, e.g. Chain saw operation.
2. All employees are required to make use of such equipment, appropriate to the tasks being undertaken.
3. The Groundsman will be responsible for ensuring that PPE in use is in good serviceable condition and that there are adequate stocks of disposable items such as face masks, ear plugs etc. Any requirements, including new requirements shall be reported to the Clerk to the Council.

### **G.11 Emergency Procedures**

1. The Clerk to the Council will be responsible for ensuring that fire risk assessment is undertaken and implemented.
2. Escape routes and emergency evacuation procedures must be tested at least twice annually.
3. Fire fighting equipment and fire alarms, where fitted, must be checked and serviced as necessary at least twice annually.

### **G.12 Contractors**

1. The Clerk to the Council will have overall responsibility for the management of contractors engaged by the Council and issues of concern relating to any safety aspects of their operations, shall be reported to him.
2. Work undertaken for the Council by contractors must be inspected, either by the Clerk to the Council or by the Groundsman depending upon the nature of the works, to ensure that it has been completed satisfactorily and left free of safety hazards.
3. The appointment of new contractors, or contractors who have not been engaged by the Council for a period of 3 years, shall be subject to the receipt of satisfactory references as to, inter alia, their working practices.

### **G.13 Monitoring and Review**

1. The Clerk to the Council will be responsible for:
  - (a) investigating accidents and any work related causes of sickness absence;
  - (b) acting on investigation findings to prevent a recurrence;
  - (c) ensuring regular inspection of Council buildings, working conditions and work systems
  - (d) Reviewing this policy and all risk assessments at least annually.

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**APPENDIX I**

**NEW CODE OF CONDUCT FOR COUNCILLORS**

**ADOPTED BY WELWYN PARISH COUNCIL ON:  
28<sup>TH</sup> AUGUST 2007**

***Local Authorities (Model Code of Conduct) Order 2007 No.1159***

CODE OF CONDUCT

FOR WELWYN PARISH COUNCIL

Part 1

General provisions

**Introduction and interpretation**

1. —(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—  
“meeting” means any meeting of—
  - (a) the authority;
  - (b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees; “member” includes a co-opted member and an appointed member.
- (5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

**Scope**

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### General obligations

3. —(1) You must treat others with respect.
- (2) You must not—
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006());
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is—
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority—
    - (i) act in accordance with your authority's reasonable requirements; and
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
  - (b) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. Paragraph 7 does not apply to Welwyn Parish Council.

## Part 2

### Interests

#### Personal interests

8. —(1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - (ii) any body—
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or
      - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
    - (iii) any employment or business carried on by you;
    - (iv) any person or body who employs or has appointed you;
    - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
    - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
    - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
    - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
    - (ix) any land in your authority's area in which you have a beneficial interest;
    - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
    - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
    - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
    - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

9. —(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

### **Prejudicial interest generally**

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) this sub-paragraph does not apply to your authority;
    - (ii) this sub-paragraph does not apply to your authority;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
11. Paragraph 11 does not apply to your Welwyn Parish Council.

### **Effect of prejudicial interests on participation**

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee; and
  - (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### Part 3

#### **Registration of Members' Interests**

##### **Registration of members' interests**

- 13. —(1) Subject to paragraph 14, you must, within 28 days of—
  - (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

##### **Sensitive information**

- 14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

\*\*\*

## APPENDIX J

### THE TEN GENERAL PRINCIPLES

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

#### **Selflessness**

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### **Honesty and Integrity**

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **Objectivity**

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### **Accountability**

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **Openness**

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### **Personal Judgement**

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

#### **Respect for Others**

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

#### **Duty to Uphold the Law**

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### **Stewardship**

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

#### **Leadership**

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**APPENDIX K**

**FREEDOM OF INFORMATION ACT 2000 – PUBLICATION SCHEME**

**CLASSES OF INFORMATION COVERED BY THE SCHEME**

**1) COUNCIL INTERNAL PRACTICE AND PROCEDURE**

Minutes of Council, Committee and Sub-Committee meetings and Annual Parish Meeting (*limited in each case to the last 2 years*).

Agenda and supporting papers for the above meetings. \*

(Limited in each case to the forthcoming or immediate past meetings)

Procedural Standing Orders

Terms of reference of Committees and Scheme of Delegation of Powers. \*

**2) CODE OF CONDUCT**

Councillors' Declarations of Acceptance of Office

Register of Councillors' Interests

Register of Declarations of Councillors' Interests

**3) PERIODIC ELECTORAL REVIEW**

This is information concerning changes to the electoral arrangements for the Parish Council. It may include recommendations for the creation of new wards, the amendment of existing wards, proposals for the names of new wards and alterations to the number of Councillors to be elected to the council.

Information relating to the last Periodic Electoral Review of the Parish

Information relating to the latest boundary review of the Parish.

All this information and additional background information relating to it, is also held, and is perhaps more readily accessible from, Welwyn Hatfield District Council.

**4) EMPLOYMENT PRACTICE AND PROCEDURE**

General terms & conditions of employment

Job descriptions

Health & Safety Policy \*

Grievance and Disciplinary Procedure \*

Exclusions – 'personal records' i.e. appraisals, employee specific salary details, disciplinary records, sickness records and the like by virtue of being personal data under the Data Protection Act 1998

**5) PLANNING DOCUMENTS**

Responses to planning applications

Exclusions – Copies of planning consultations, the Development Plan, Structure Plan, Local Plan and Rights of Way/Footpath maps all of which are available from the local planning (Welwyn Hatfield District Council) and/or highway authority (Hertfordshire County Council), respectively

**6) AUDIT AND ACCOUNTS**

Annual Financial Return

Annual Income and Expenditure Accounts \*

Annual Statutory reports by internal and external auditors

Cash Book showing receipts and payments.

Receipt books  
Bank Statements  
Precept request  
VAT records  
Assets Register  
Loans Register \*  
Fees and charges applied by the Council \*  
*Limitations – for all the above items, limited to the last financial year*  
Financial Standing Orders and Regulations  
Any risk assessments undertaken

Exclusions – all commercially sensitive information e.g. quotations and tenders, loan documentation and insurance policies. With regard to quotations and tenders, this information is treated as confidential to ensure that the whole tender process is fair i.e. if tender information is released to a third party prior to the end of the tender period those who initially submitted tenders could be undercut and/or unfairly disadvantaged.

**7) DEVELOPMENT AND IMPLEMENTATION OF POLICY \***

Policy Statements issued by Council  
Responses made by Council to Government and other consultation papers  
Analysis of responses received to public consultations by the Council

**8) BYELAWS \***

Any Byelaws made from time to time by the Council

**9) COUNCIL CIRCULARS/NEWSLETTERS \***

Parish Guide  
Annual report to Council Tax payers.

**10) ALLOTMENTS \***

Site Plans  
Standard tenancy agreements and regulations

Exclusions – individual tenancy agreements and rent payment records under both privacy and data protection laws

**11) BURIAL GROUNDS \***

Site Plans  
Burial Registers  
*Exclusions – all documentation relating to individual applications and registrations under both privacy and data protection laws*

**12) OTHER SOURCES OF INFORMATION QUOTED IN THIS SCHEME:**

Welwyn Hatfield Borough Council  
Council Offices  
The Campus  
Welwyn Garden City, AL8 6AE  
Tel: 01707 357000

Hertfordshire County Council  
Welwyn Hatfield Area Office  
Beaconsfield Court  
Beaconsfield Road  
Hatfield, AL10 8YH  
Tel: 01707 280270

## APPENDIX J

### TERMS OF REFERENCE

## CIVIC CENTRE WORKING PARTY

### Terms of Reference

#### 1. Purpose of the Working Party

The Leisure Facilities Committee meeting of 14<sup>th</sup> March 2006 resolved to convene a '**Civic Centre Working Party**' (item 2006/18), having reported this intention to Full Council on 28<sup>th</sup> February (2006/22). Full Council, without comment, had accepted the recommendation that Membership of the Working Party should cross Committee boundaries. It was therefore proposed to include the Clerk, and the Chairman of Finance, and other Councillors who had expressed a specific interest and willingness to join.

The Working Party shall conduct a full review of the current state of the fabric of the building and the facilities offered, and review current and projected usage.

#### 2. Method of Approach

- 2.1. The Leisure Facilities Committee to confirm membership of the Working Party at the first meeting and to elect a Chairman from among the Councillor members there present.
- 2.2. The Working Party to subsequently, and independently, agree priorities and time-scales
- 2.3. To identify and then involve relevant sections of the community
- 2.4. To conduct the review and draw conclusions
- 2.5. To make Recommendations for action to the Leisure Facilities Committee

#### 3. The following activities should be scheduled

- 3.1. Review the present condition of the fabric of the building including the building itself, its services, and the car park
- 3.2. Review the present security of the building in terms of public and employee safety.
- 3.3. Analyse current usage and trends, and make a projection of future usage
- 3.4. Consider how well the facilities match current and projected requirements and make recommendations in terms of:
  - 3.4.1. Short term priorities
  - 3.4.2. Long term actions
- 3.5. Prepare a Cost Analysis to support the Recommendations

#### 4. Reporting

- 4.1. The Chairman of the Leisure facilities Committee will report progress to Full Council on a regular basis.
- 4.2. A Preliminary Report with Conclusions and Recommendations shall be presented to Full Council on 31<sup>st</sup> October 2006

16.8.07

## **PLANNING WORKING PARTY**

### **Terms of Reference**

#### **Membership:**

The Planning Committee will comprise such number of Members as shall be determined by the Council at the annual meeting. The Council shall have regard to the desirability of appointing Members from all wards of the Parish.

#### **Terms of reference:**

- a) To deal with all matters relating to town and country planning and the control of building works.
- b) To determine the Council's response to all applications submitted by the Local Planning Authority under the agreed consultation arrangements.
- c) To seek planning permission and any other necessary consent for all Council development proposals or for development on Council land.

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# **PLAYING FIELDS WORKING PARTY**

## **Terms of Reference**

### **5. Purpose of Study**

It was agreed that a study should be undertaken which will assess the level of current usage, income, costs and levels of current maintenance programmes, analyse the suitability and/or limitations of purpose of current facilities incorporating a review of customer satisfaction and future requirements, and report with recommendations to Council for future actions, priorities and time-scale, incorporating a full financial analysis of current and future expenditure.

### **6. Boundaries of Study**

It was agreed that the Study should include the following:

The White Hill Centre  
The Pavilion  
Recreation areas  
Associated Care Parks

It was agreed that the study should exclude the following:

The Tennis Club  
The Bowls Club  
The Sports & Social Club

### **7. Proposed Method of Approach**

It is proposed that the study will follow the following formal Phases

Phase 1- Document current position

Identify users and usage  
Record levels of income  
Assess Physical status and/or condition of facilities  
Evaluate current maintenance and running costs

Phase 2 Analyse user requirements

Review requirements with principal users  
Receive input from the Welwyn Parish Plan  
Assess and record current levels of satisfaction  
Document future requirements

Phase 3 - Report to Council

Analysis of current position  
Assessment of need for change  
Assessment of priorities  
Evaluation of impact of change  
Financial analysis  
Recommendations

### **8. Next Steps**

- |   |                                 |
|---|---------------------------------|
| 8.1. Council to Approve the Purpose of the Study and Boundaries - | 29 <sup>th</sup> November 2005  |
| 8.2. Briefing note to go to all Principal users                   | 1 January 2006                  |
| 8.3. Clerk to begin preparation of input for Phase 1              | 1 January 2006                  |
| 8.4. Introductory meeting with all users                          | 24 <sup>th</sup> January 2006 - |
| 8.5. Subsequent individual user meetings                          | February 2006                   |
| 8.6. Input from Parish Plan Steering Committee                    | March 2006                      |
| 8.7. Complete Phases 1 and 2                                      | February - May 2006             |
| 8.8. Complete Phase 3   | June 2006                       |
| 8.9. Report to Council  | July 2006                       |

# **Dignity at Work/Bullying and Harassment Policy**

*Adopted by the Council on 29<sup>th</sup> April 2008*

**Note: This policy is to be used in conjunction with Welwyn Parish Council's Disciplinary and Grievance procedures.**

## **1. PURPOSE AND SCOPE**

1.1 Statement: In support of our value to respect others Welwyn Council will not tolerate bullying or harassment by, or of,

any of their 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 Disciplinary handling.

The Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Council may also wish to share this policy with contractors, visitors and members of the public.

## **1.2 Definitions**

Bullying "Bullying may be characterised 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 derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited 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, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

## **1.4 Penalties:**

Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council for employees or through referral to the Standard Board of England, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice,

sometimes available from the Council's insurer, if such a matter arises.

### **1.5 The Legal position:**

Councils have 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. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. 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. In addition, a harassed may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age 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 that their conduct is unacceptable, offensive or causing discomfort. 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 Chair of the Policy Committee or another Cllr if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Cllr, as this will enable the formal Grievance Procedure to be invoked.

### **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 a Councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a Council should use the Council's official Complaints Procedure.

## **23 Grievance**

Employees only - A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the Chair/Cllr who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The

Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the Council should contact NALC, an employer's body or AC AS to this effect or the Council may offer counselling. The employee will have a right of appeal as established by the Employment Act 2002. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will

not be shared with the full Council without prior approval by the complainant. The Council will commit not to victimize the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

#### **2.4 Disciplinary Action**

Following a Grievance Hearing or investigation 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.

For an Employee found to have been bullying/harassing others this will follow the Council's Disciplinary procedure, under

the Employment Act 2(102) provisions and would normally be treated as Gross Misconduct.

For 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. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the Council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the Council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

**2.5 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 Standards Board.

### **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 workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full Council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

### **4.USEFUL CONTACTS**

ACAS [www.acas.org.uk](http://www.acas.org.uk) tel: 08457 47 47 47

Standards Board for England [www.standardsboard.co.uk](http://www.standardsboard.co.uk) or tel: 0845 078 8181

Local Government Ombudsman for Wales [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) tel: 01656 641 150

Andrea Adams Trust, a charity committed to tackling workplace bullying in the UK [www.andreaadamstrust.org](http://www.andreaadamstrust.org) or tel: 01273 704 900

SLCC [www.slcc.co.uk](http://www.slcc.co.uk) Advisory Note 24