



## HEATH & REACH PARISH COUNCIL

### Policies & Procedures

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These policies were reviewed and adopted by the Parish Council in July 2014 at the Meeting of the Parish Council as part of the council's commitment to good practice and internal control systems.

Signed:  
Chairman to the Parish Council

Signed:  
Clerk to the Parish Council

## **STANDING ORDERS**

Adopted May 2012, reviewed 7<sup>th</sup> July 2014

### 1. Meetings

a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.

b) Smoking is not permitted at any meeting of the Council.

### 2. The Statutory Annual Meeting

a) In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and

b) in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.

### 3. Statutory meetings

In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

### 4. Chairman of the Meeting

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

### 5. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer: -

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council.

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

To sign and issue the summons to attend meetings of the Council.

To keep proper records for all Council meetings.

6. Quorum of the Council\_Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
7. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
8. For a quorum relating to a committee or sub-committee, please refer to Standing Order 48.
9. Voting Members shall vote by show of hands or, if at least two members so request, by signed ballot.
10. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
11. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.
  - (2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
  - (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

## 12. Order of Business

At each Annual Parish Council Meeting the first business shall be:-

- a) To elect a Chairman of the Council
- b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
- e) To elect a Vice-Chairman of the Council.
- f) To appoint representatives to outside bodies.
- g) To appoint committees and sub-committees.
- h) To consider the payment of any subscriptions falling to be paid annually.

i) To inspect any deeds and trust investments in the custody of the Council as required;

and shall thereafter follow the order set out in the Standing Order 15

**13.** At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

14. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 38 must be read in conjunction with this requirement.

15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

c) To deal with business expressly required by statute to be done.

d) To dispose of business, if any, remaining from the last meeting.

e) To receive such communications as the person presiding may wish to lay before the Council.

f) To answer questions from Councillors.

g) To receive and consider reports and minutes of committees

h) To receive and consider resolutions or recommendations in the order in which they have been notified.

i) To authorise the sealing of documents.

j) If necessary, to authorise the signing of orders for payment.

#### 16. Urgent Business

A motion to vary the order of business on the ground of urgency:

a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

b) Shall be put to the vote without discussion.

#### 17. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its

terms and has delivered the notice to the Clerk at least (21 ) clear days before the next meeting of the Council.

18. The Clerk shall date every notice of resolution 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 every member of the Council.

19. The Clerk shall insert in the summons for every meeting 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 withdraws it.

20. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

21. If the subject matter of a resolution comes within the province of a 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, 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.

22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

23. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.

n) To exclude the press and public. (see Order 68 below)

o) To silence or eject from the meeting a member named for misconduct. (see order 33 below)

p) To give the consent of the Council where such consent is required by these Standing Orders.

q) To suspend any Standing Order. (see Order 79 below)

r) To adjourn the meeting.

#### 24. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided (21 ) clear days' notice of the question has been given to the person to whom it is addressed.

25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

26. Every question shall be put and answered without discussion.

27. A person to whom a question has been put may decline to answer.

#### 28. Rules of Debate

No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

29. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, Reserve his speech until a later period of the debate.

c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.

d) No speech by a mover of a resolution shall exceed (10) minutes and no other speech shall exceed (10) minutes except by consent of the Council.

e) An amendment shall be either:-

i) To leave out words.

ii) To leave out words and insert others

iii) To insert or add words.

f) An amendment shall not have the effect of negating the resolution before the

Council.

g) If an amendment be 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.

h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding (10 ) minutes.

j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

m) When a resolution is under debate no other resolution shall be moved except the following:-

- i. To amend the resolution.
- ii. To proceed to the next business.
- iii. To adjourn the debate.
- iv. That the question be now put.
- v. That a member named be not further heard.
- vi. That a member named leave the meeting.
- vii. That the resolution be referred to a committee.
- viii. To exclude the public and press.
- ix. To adjourn the meeting.

30. A member shall remain seated when speaking unless requested to stand by the Chairman.

31. Chairman

a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Members shall address the Chairman. If two or more members wish to speak, the Chairman

shall decide who to call upon.

c) Whenever the Chairman speaks during a debate all other members shall be silent.

### 32. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

### 33. Disorderly Conduct

a) All members must observe the Code of Conduct which was adopted by the council on (May 2012), a copy of which is annexed to these Standing Orders.

b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).**

d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

### 34. Right of Reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### 35. Alteration of Resolution

A member may, with the consent of his seconder, move amendments to his own resolution.

### 36. Rescission of Previous Resolution

a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the



names of at least ( 3 ) members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

### 37. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

### 38. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded.

### 39. Resolutions on Expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

### 40. Expenditure

**Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

### 41. Sealing of Documents

a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

### 42. Committees and Sub Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

a) Shall not appoint any member of a committee so as to hold office later than the next Annual

Meeting.

b) May appoint persons other than members of the Council to any Committee; and

c) may subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committee.

43. The Chairman and Vice-Chairman, ex-officio, shall be voting members of every committee.

44. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

45. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

47. The Chairman and Vice-Chairman of the committee shall be members of every subcommittee appointed by it unless they signify that they do not wish to serve.

48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

50. Advisory Committees

1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified. 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee. 3) An advisory committee may make recommendations and give notice thereof to the Council. 4) An advisory committee may consist wholly of persons who are not members of the Council.

Voting in Committees

51. Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

**52. Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

### 53. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

### 54. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

55. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

### 56. Estimates / Precepts

- 1) The council shall approve written estimates for the coming financial year at its meeting before the end of the month of ( January ).
- 2) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than ( November ).

### 57. Interests (ENGLAND)

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 14/05/2012 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

58. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

59 The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

60. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member

is disclosed, Standing Orders 57, 58 and 59 shall apply as appropriate.

61. The Clerk shall make known the purpose of Standing Order 60 to every candidate.

62. Canvassing of and Recommendations By Members

1) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

2) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

63. Inspection of Documents

A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**64. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

65. Unauthorised Activities

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

a) Inspect any lands or premises which the Council has a right or duty to inspect; or

b) Issue orders, instructions or directions. Unless authorised to do so by the Council or the relevant committee or subcommittee.

66. Admission of The Public and Press to Meetings

**The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions: -**

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

67. The Council shall state the special reason for exclusion.

68 At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

69. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or

photographs of the meeting without the express approval of the Council.

70. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

#### 72. Confidential Business

1) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

#### 73. Liaison with County and District Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.

74. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

#### 75. Planning Applications

The Clerk shall refer every planning application received to the Chairman / Chairman of the Planning Committee or in the Chairman's absence to the Vice Chairman within 48 hours of receipt.

#### 76. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

1) Such Regulations shall include detailed arrangements for the following:

- a) the accounting records and systems of internal control;
- b) the assessment and management of risks faced by the Council;
- c) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
- d) the financial reporting requirements of members and local electors and
- e) procurement policies (subject to (2) below) including the setting of values for different procedures where the contract has an estimated value less than £20,000.

2) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £20,000 shall be procured on the basis of a formal tender as summarised in (3) below.

3) Any formal tender process shall comprise the following steps:

- a) a public notice of intention to place a contract to be placed in a local newspaper;

b) a specification of the goods, materials, services and the execution of works shall be drawn up;

c) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time; or where time sensitive by email.

d) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least one member of Council;

e) tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

4) The Council, nor any Committee, is not bound to accept the lowest tender, estimate or quote

5) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

#### 77. Code of Conduct on Complaints

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England)

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79 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### 80. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

## DOCUMENT CONTROL & RECORDS MANAGEMENT POLICY

Adopted May 2012, reviewed 7<sup>th</sup> July 2014

### **Financial returns and accounts**

1. Parish councils and parish meetings without a separate parish council (both bodies caught by s.2 Audit Commission Act 1998) are required to make annual returns pursuant to the Accounts and Audit Regulations 2003 (SI. 533) as amended by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI. 564) rather than pursuant to s.168 Local Government Act 1972.

### **Retention of documents**

2. Attached is an Annex indicating the appropriate retention periods for audit and other purposes and the reasons for retention. Additionally, further guidance is set out at paragraph 6 below in respect of the retention of documents in case of a legal dispute.
3. Other documents not mentioned in the Annex and not covered in Chapter 12 of 'Local Council Administration' may be treated as follows -

#### ***Planning papers***

- a. Where planning permission is granted, the planning application, any plans and the decision letter should normally be retained until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission. Where planning permission is granted on appeal, a copy of the appeal decision should also be retained likewise
- b. Where planning permission is refused, the papers should be retained until the period within which an appeal can be made has expired
- c. Copies of Structure Plans, Local Plans and similar documents should be retained as long as they are in force.

***Insurance policies*** - insurance policies and significant correspondence should be kept for as long as it is possible for a claim to be made under the policy. Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed.

***Information from other bodies*** (e.g. circulars etc. from County Associations, NALC and other bodies (e.g. principal authorities) too numerous to mention) – such information should be retained as long as it is useful and relevant.

**Magazines and Journals** – the Local Council Review is worth keeping for at least five years; other regular publications received may merit similar treatment.

**Correspondence** – if related to audit matters, correspondence should be kept for the appropriate period specified in the Annex hereto. In planning matters, correspondence should be retained for the same period as suggested for other planning papers. For other correspondence, no firm guidelines can be laid down (but see the next paragraph).

**Personnel matters**– documentation relating to staff should be kept securely and kept for as long as it would be possible for a claim to be made against the council.

4. Documents of historical importance, if not retained by the council, should be offered first to the county record office.

#### **Retention of documents for legal purposes**

5. Most legal proceedings are governed by ‘the Limitation Acts’.

<b>Category</b>	<b>Limitation Period</b>
Negligence (and other ‘Torts’)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

6. Where the limitation periods above are longer than other periods specified in this Note, the documentation should be kept for the longer period specified
7. In these circumstances, NALC advises that the relevant documentation should be kept for the longer of the three limitation periods.
8. The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be 6 years but if the debt arises under a lease the limitation period will be 12 years (unless it relates to rent in which case the limitation period will be 6 years). A final complication relates to sums due under leases which are ‘reserved as rent’
9. As there is no limitation period in respect of trusts, councils are advised that they should never destroy trust deeds and schemes and other similar documentation.



10. For the sake of completeness it should be noted that some limitation periods can be extended.
11. In such circumstances individual councils will need to weigh (i) the costs of storing relevant documents and (ii) the risks of:
- claims being made;
  - the value of the claims; and
  - the inability to defend any claims made should relevant documentation be destroyed.
12. Councils should also confirm the precise wording of any insurance policies they have to ensure that they comply with any terms they contain in respect of the retention of documents and information.

#### **Data Protection and Freedom of Information Considerations**

13. Lord Chancellor's Code of Practice on the Management of Records applies to public authorities and also bodies which are subject to the Public Records Act 1958. Although local councils are not subject to the 1958 Act, they should familiarise themselves with the contents of the Code of Practice so they can formulate their own system of records management. The Code of Practice is available on the internet and can be accessed via the following link:

<http://www.foi.gov.uk/reference/impreg/codemanrec.htm#part1>

14. Further information in respect of Freedom of Information is set out in LTN 37 (Freedom of Information) and in respect of Data in LTN 38 (Data Protection).

#### **Other Legal Topic Notes (LTNs) relevant to this subject:**

<b>LTN</b>	<b>Title</b>	<b>Relevance</b>
23	Health and Safety	Sets out need for public liability insurance.
28	Basic Charity Law	Sets out duties of custodian trustees to hold title deeds of charity
37	Freedom of Information	Sets out the information councils are obliged to disclose.
38	Data Protection	Sets out the circumstances in which personal data should not be disclosed.
42	Occupiers Liability	Sets out need for public liability insurance.
68	Negligence	Sets out the need for public liability insurance.

#### **RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS**

<b>DOCUMENT</b>	<b>MINIMUM</b>	<b>RETENTION</b>	<b>REASON</b>
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	PERIOD	
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	5 years	Management
▪ Receipt and payment account(s)	Indefinite	Archive
▪ Receipt books of all kinds	6 years	VAT
▪ Bank statements, including deposit/savings accounts	Last completed audit year	Audit
▪ Bank paying-in books	Last completed audit year	Audit
▪ Cheque book stubs	Last completed audit year	Audit
▪ Quotations and tenders	12 years/indefinite	Statute of Limitations
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Statute of Limitations
▪ VAT records	6 years	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Statute of Limitations
▪ Timesheets	Last completed audit year	Audit
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	Management
▪ Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
▪ Members allowances register	6 years	Tax, Statute of Limitations

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<b>For Halls, Centre, Recreation Grounds</b>		
<ul style="list-style-type: none"> <li>▪ application to hire</li> <li>▪ lettings diaries</li> <li>▪ copies of bills to hires</li> <li>▪ record of tickets issued</li> </ul>	6 years	VAT
<b>For Allotments</b>		
<ul style="list-style-type: none"> <li>▪ register and plans</li> </ul>	Indefinite	Audit, Management
<b>For Burial Grounds</b>		
<ul style="list-style-type: none"> <li>▪ register of fees collected</li> <li>▪ register of burials</li> <li>▪ register of purchased graves</li> <li>▪ register/plan of grave spaces</li> <li>▪ register of memorials</li> <li>▪ applications for interment</li> <li>▪ applications for right to erect memorials</li> <li>▪ disposal certificates</li> <li>▪ copy certificates of grant of exclusive right of burial</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI. 204)

-----END OF POLICY-----

## **RISK MANAGEMENT POLICY STATEMENT**

**Adopted May 2012, reviewed 7<sup>th</sup> July 2014.**

### **Definition of Risk Management**

Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements.

### **POLICY STATEMENT**

The Parish Council recognises that it has a responsibility to manage risks effectively in order to protect its employees, assets, liabilities and community against potential losses, to minimise uncertainty in achieving its goals and objectives and to maximise the opportunities to achieve its vision.

The Council is aware that some risks can never be eliminated fully and it has in place a strategy that provides a structured, systematic and focussed approach to managing risk.

Risk management is an integral part of the Council's management processes.

### **OBJECTIVES**

The objectives of the Council's risk management strategy are to:-

1. Integrate risk management into the culture of the council
2. Manage risk in accordance with best practice
3. Anticipate and respond to changing social, environmental and legislative requirements
4. Prevent loss, disruption, damage and injury and reduce the cost of risk, thereby maximising resources
5. To inform policy and operational decisions by identifying risks and their likely impact
6. Raise awareness of the need for risk management.

These objectives will be achieved by:

1. Establishing clear roles, responsibilities and reporting lines within the council for risk management
2. Providing opportunities for shared learning on risk management across the council.
3. Providing risk management training and awareness sessions
4. Incorporating risk management considerations into the Council's management processes
5. Effective communication with, and the active involvement of, employees
6. Monitoring arrangements on an on-going basis

### **Responsibility for Risk Management**

The Council recognises that it is the responsibility of all Councillors and employees to have regard for risk in carrying out their duties. If uncontrolled, risk can result in a drain on resources that could better be directed to front line service provision, and to the meeting of the Council's objectives and community needs.

-----END OF POLICY-----

## Financial Regulations Policy

### GENERAL

1. These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
2. The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs. For Heath & Reach Parish Council (The Council) the RFO is the Clerk.
3. The Finance Committee shall be elected members of the Council. Under the direction of the Council, they shall be responsible for monitoring the Council's expenditure against its annual estimates.
4. The RFO shall be responsible for the production of financial management information.
5. The Council shall be responsible for ensuring that the financial management is adequate and effective and that the council has a system of internal controls which facilitates the effective exercise of its functions and which manages risk.
6. The Council shall review at least once a year the effectiveness of its systems of internal controls and shall produce a statement on internal control with its statement of accounts

### 1 ANNUAL ESTIMATES

- 1.1 The Finance Committee formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of November each year.
- 1.2 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.
- 1.3 The Council shall review the estimates not later than the end of December each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 1.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 1.5 The Council shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments which shall be prepared at the same time as the annual Budget or Estimates.

### 2 BUDGETARY CONTROL

- 2.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget
- 2.2 Expenditure may be incurred which will exceed the amount provided in the revenue budget provided that the total reserves for the year do not fall below one third of the value of the annual precept and only with the agreement of the Council. The RFO may, with the approval of Council, vire between subheads.

- 2.3 The RFO shall regularly provide the Finance Committee with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned on a quarterly basis.
- 2.4 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 extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The RFO must first make all reasonable effort to consult with the two councillors and shall report the action to the Council as soon as practicable thereafter.
- 2.5 Unspent provisions in the revenue budget may be carried forward to a subsequent year.
- 2.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 2.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

### 3 ACCOUNTING AND AUDIT

- 3.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 as amended.
- 3.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 3.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescale set by the Accounts and Audit Regulations 1996 as amended, or set by the Auditor.
- 3.4 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 1996 as amended. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 3.5 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.

3.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 1996 as amended.

3.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

#### 4 BANKING ARRANGEMENTS AND CHEQUES

4.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.

4.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.

4.3 Cheques drawn on the bank account in accordance with the schedule shall be signed by two members of Council.

4.4 Monitoring of the Bank account is permitted by means of internet banking and the payment of accounts by standing order and direct debit to be recorded and presented to the Council with the schedule of cheque payments



- 5.1 All payments shall be effected by cheque or other order drawn on the Council's bankers
- 5.2 All invoices for payment shall be examined, verified and certified by the RFO. The RFO shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 5.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The RFO shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 5.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the RFO certifies that there is no dispute or other reason to delay payment, the RFO may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 5.5 The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## 6.0 INCOME

- 6.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 6.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 6.3 The Council will review all fees and charges annually, following a report of the RFO.
- 6.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 6.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 6.6 The origin of each receipt shall be entered on the paying-in slip.
- 6.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 6.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 6.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## 7.0 ORDERS FOR WORK, GOODS AND SERVICES

- 7.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained. This order can be electronic – ie email
- 7.2 Order books shall be controlled by the RFO.
- 7.3 The Parish Council is responsible for obtaining value for money at all times. When issuing an official order the RFO is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimus* provisions.
- 7.4 The Parish Council is not obliged to accept the lowest priced quotation or tender. It should take into account the company's trading history and reliability, and any other factors that it deems relevant.
- 7.5 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## 8.0 CONTRACTS

- 8.1 Procedures as to contracts are laid down as follows:
  1. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
    - (i) for the supply of gas, electricity, water, sewerage and telephone services;
    - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice Chairman of Council)(vi) for goods or materials proposed to be purchased which are proprietary articles and are only sold at a fixed price.

- b) *Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall invite tenders from at least three firms to be taken from the appropriate list approved by the Council.*
- c) *When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.*
- d) *Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO in the ordinary course of post or email.*
- e) *It follows from 2.5 above that all tenders must state three year costs.*
- f) *All tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one member of Council.*
- g) *If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.*
- h) *When it is to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £250 the RFO shall strive to obtain three estimates. Otherwise regulation 8.3 shall apply.*
- i) *The Council shall not be obliged to accept the lowest or any tender, quote or estimate.*

## 9.0 INSURANCE

- 9.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers
- 9.2 The RFO shall give prompt notification to the Council of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 9.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 9.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 9.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## 10.0 CHARITIES

- 10.1 Where the Council is sole trustee of a Charitable body the RFO and Treasurer shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## 11.0 RISK MANAGEMENT

- 11.1 The RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 11.2 When considering any new activity the RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

## 12.0 REVISION OF FINANCIAL REGULATIONS

- 12.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time, e.g. every three years.

Adopted by Heath & Reach Parish Council on this the 5<sup>th</sup> January 2009 and reviewed by the Parish Council on 7<sup>th</sup> day of July 2014

Signed \_\_\_\_\_

Chairman to Heath & Reach Parish Council

## **DATA PROTECTION POLICY & INFORMATION SECURITY**

Adopted May 2012, reviewed 7<sup>th</sup> July 2014

The Parish Council as a data controller notifies the Information Commissioner on business template no 870 Parish and Community Councils. This details in general terms the type of processing carried out. Full details can be found in the Notification handbook. (Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF 08456 306060 [www.ici.gov.uk](http://www.ici.gov.uk))

Data Protection Checklist – To be review on ongoing basis

- Do I really need this information about an individual?
- Do I know what I am going to use it for?
- Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
- If I am asked to pass on personal information, would the people about whom I hold the information expect me to do this?
- Am I satisfied that the information is being held securely – paper or computer? Is my website secure?
- Is access to personal information limited to those with a strict need to know?
- Am I sure the personal information is accurate and up to date?
- Do I delete or destroy personal information as soon as I have no need for it?
- Are staff/Councillors aware of their duties/responsibilities under the DPA?
- Is my notification to Information Commissioner up to date?

Filing Cabinets locked and keys held securely.

All papers secured to prevent other people inadvertently gaining access.

Computerised records – backed up on memory stick and a back up copy held securely off site.

## **FREEDOM OF INFORMATION ACT**

Adopted May 2012, reviewed 7<sup>th</sup> July 2014

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Cost</b>
<b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)  This will be current information only  N.B. Councils should already be publishing as much information as possible about how they can be contacted.	WEBSITE NOTICE BOARDS HARD COPY	FREE FREE 10P
Who's who on the Council and its Committees	WEBSITE NOTICE BOARDS HARD COPY	FREE FREE 10P
Contact details for Parish Clerk and Council members (named	WEBSITE	FREE

contacts where possible with telephone number and email address (if used))	NOTICE BOARDS HARD COPY	FREE 10P
Location of main Council office and accessibility details	WEBSITE NOTICE BOARDS HARD COPY	FREE FREE 10P
Staffing structure	WEBSITE NOTICE BOARDS HARD COPY	FREE FREE 10P
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)  Current and previous financial year as a minimum	WEBSITE NOTICE BOARDS HARD COPY AGM	FREE FREE 50p
Annual return form and report by auditor	WEBSITE AGM HARD COPY	FREE 50p
Finalised budget	WEBSITE HARD COPY	FREE 50p
Precept	WEBSITE HARD COPY	FREE 50p
Borrowing Approval letter	N/A	N/A
Financial Standing Orders and Regulations	WEBSITE  HARD COPY	FREE  50p
Grants given and received	WEBSITE MINUTES HARD COPY	FREE  50p
List of current contracts awarded and value of contract	WEBSITE HARD COPY	FREE 50p
Members' allowances and expenses	HARD COPY	50P
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy or website)	
Parish Plan (current and previous year as a minimum)	WEBSITE HARD COPY	FREE 50P
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	WEBSITE HARD COPY	FREE 50P
Quality status	N/A	N/A
Local charters drawn up in accordance with DCLG guidelines	N/A	N/A
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous council year as a minimum	WEBSITE HARD COPY	FREE 50p
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	WEBSITE HARD COPY NOTICE BOARDS	FREE 50p

Agendas of meetings (as above)	WEBSITE HARD COPY NOTICE BOARDS	FREE 50p
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	WEBSITE HARD COPY	FREE 50p
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	WEBSITE HARD COPY	FREE 50p
Responses to consultation papers	WEBSITE HARD COPY MINUTES	FREE 50p
Responses to planning applications	WEBSITE VIA MINUTES HARD COPY	FREE 50p
Bye-laws	N/A	N/A
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	WEBSITE HARD COPY	FREE 50p
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct/ Policy statements	WEBSITE HARD COPY	FREE 50p
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	WEBSITE HARD COPY	FREE 50p
Information security policy	WEBSITE HARD COPY	FREE 50p
Records management policies (records retention, destruction and archive)	WEBSITE HARD COPY	FREE 50p
Data protection policies	WEBSITE HARD COPY	FREE 50p
Schedule of charges (for the publication of information)	WEBSITE HARD COPY	FREE 50p
<b>Class 6 – Lists and Registers</b>  Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)		

Assets Register	BY REQUEST	50p
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)		
Register of members' interests	BY REQUEST	50p
Register of gifts and hospitality	BY REQUEST	50p
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	WEBSITE	
Allotments	N/A	N/A
Burial grounds and closed churchyards	WEBSITE HARD COPY	FREE 50p
Community centres and village halls	N/A	N/A
Parks, playing fields and recreational facilities	WEBSITE HARD COPY	FREE 50p
Seating, litter bins, clocks, memorials and lighting	BY REQUEST	
Bus shelters	BY REQUEST	
Markets	N/A	N/A
Public conveniences	N/A	N/A
Agency agreements	BY REQUEST	50p
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	BY REQUEST	50p
<b>Additional Information</b> This will provide Councils with the opportunity to publish information that is not itemised in the lists above		

**Contact details:**

**SCHEDULE OF CHARGES** Mrs Francesca Sheppard 7 Heath Green Heath and Reach LU7 0AB tel 07778 356097 heathandreachpc@outlook.com

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

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	Actual cost *
	Photocopying @ 15p per sheet (colour)	Actual cost *



	Postage 55p as of 7 <sup>th</sup> July 2014	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

- the actual cost incurred by the public authority

-----**END OF POLICY**-----

## **BULLYING AND HARASSMENT (DIGNITY AT WORK) POLICY**

**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

### **1.0 PURPOSE AND SCOPE**

**1.1 Statement:** In support of our value to respect others this 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 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 & Ethics Committee at Central Bedfordshire Council, 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.

**1.4 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 harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

## **2.0 DEALING WITH BULLYING AND HARASSMENT COMPLAINTS**

**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: 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 or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

**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 Council's Chairman, 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.

**2.3 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/Councillor 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 another Agency such as, an employer's body or ACAS 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 2002 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 & Ethics Committee at Central Bedfordshire Council 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 & Ethics Committee at Central Bedfordshire Council.

### **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.

-----**END OF POLICY**-----

## **DISCIPLINE AND GRIEVANCE PROCEDURES**

### **Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

#### **Conciliation and Mediation**

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

#### **GRIEVANCE PROCEDURE**

The objective is to have in place a framework for dealing swiftly and in a fair and consistent manner with a complaint from an employee that has not been dealt with by the process of good management in the workplace. Having a formal grievance procedure acknowledges the rights of employees in Employment Law to be treated fairly and to be able to seek redress for a grievance that is related to their employment.

#### **The Procedure – 3-step Grievance Procedure**

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

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

Step-3: If the employee exercises his/her right of appeal there must be another meeting to hear the appeal. The final decision must then be given and confirmed in writing.

#### **Modified 2-Step Procedure After Employment Has Ended**

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

Step-2: The employer gives his response in writing. The Parish Council Discipline and Grievance Procedure

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

#### **Key Features**

- Should be part of the Terms and Conditions in the employee's contract
- Must be seen to be fair and reasonable
- Matters must be quickly dealt with (3-5 working days)
- Must let the employee express his/her grievance to a/the senior person
- Given an opportunity to make clear the grievance
- Get (if possible) a swift resolution of the problem through conciliation
- Ensure that swift action matches swift promises – and are kept!
- Provide the employee with all information necessary for them to progress their grievance to an arbitrating body, if necessary
- Provides for an appeal Lack of Procedure
- The results of a lack of a formal procedure can be several. Crucial are:
- Employment Tribunal Cases

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

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

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

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

Both the Data Protection Act and the Freedom of Information Act have implications in the area of record keeping and access. Records in relation to Grievance (and Disciplinary) matters are classified as confidential.

Neither the public, nor other members of the organisation without a specific need to know, have access.

A copy of the record of the proceedings and results must be given to the employee.

## **THE GRIEVANCE POLICY DOCUMENT**

### **Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

The aim of our Grievance Policy is to resolve any grievance as swiftly and fairly as possible.

We will deal with any matter relating to employment with the exception of matters of conduct and capability and the outcome of disciplinary proceeding.

You have the right to be accompanied by a person of your own choosing who may speak on your behalf, ask questions, but not answer questions put directly to you. You and your companion/representative will be provided with any materials, paper etc necessary for you to make your case.

We will make every effort to accommodate any person who has special needs if we are advised of the situation.

You have the right to appeal against any decision of the Panel.

## **The Parish Council Discipline and Grievance Procedure**

### **Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

#### **The Proceedings**

- The time and place must be notified and agreed with adequate time to prepare and attend
- It should not be at some venue that is particularly inaccessible

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

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

### **Collective Grievances**

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

### **The Race Relations (Amendment) Act 2000**

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

## **DISCIPLINE PROCEDURE**

### **Employment Act 2002 – Dispute Resolution Regulations 2004**

Within this Act is the provision for changes to the way in which Employment Tribunals work. A corollary of this is that a 3-stage, or 2-stage modified process (after the employment as ended), of bringing a case to them is required of an employer/employee. Put simply, it is that a full internal and if possible conciliation process takes place within an organisation to try and sort out problems and reconcile issues before the matter reaches the stage of a Tribunal hearing.

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

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

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

Step-3: If the employee exercises his/her right of appeal there must be another meeting to hear the appeal. The final decision must then be given and confirmed in writing. The Parish Council Discipline and Grievance Procedure

### **Modified 2-Step Procedure after employment has ended**

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

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

Disciplinary matters will come about in any workplace from time to time. There will be a number of reasons why this occurs. One cause, amongst others, is where the relationship of mutual trust and respect between the employee and the employer has broken down, or been broken down.

Employers should take every possible step through good management practices and procedures to ensure that this situation has not been reached by being ineffective in their management of work and employees.(See Grievance Procedures).

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

### **The Parish Council Discipline and Grievance Procedure**

#### **Contracts**

The disciplinary procedures and appeals process should be incorporated into the wording of a current contract and the stages of the disciplinary process must be spelt out (or specific reference made to where the employee may access the policy document or staff handbook). If this is not adhered to exactly then an employee may be able to bring a case of The Parish Council Discipline and Grievance Procedure breach-of-contract. There should always be reference to whom an appeal can be made against a disciplinary decision.

Where this is not included a letter setting out the matter should be given to the employee and a signed copy kept by both parties.

#### **Discrimination**

It is essential to carefully observe the principles of the legislation that applies to matters of discrimination. There is a particularly sensitive area where there may be circumstances of disability, learning difficulties, or relating to a person who does not have English as a first language, or gender. Every effort must be made to ensure that all steps are taken to provide whatever assistance is needed to the person concerned in the interest of natural justice

Under the Disability Discrimination Act requirements implemented in 2004 relating to employing bodies all reasonable adjustments to the workplace must be made to permit an employee with a disability to perform the functions of a job. This extends to any place in which they may be required to attend a disciplinary / grievance / appeals hearing.

#### **Penalties**

##### **Sanctions**

1st problem & minor - Verbal warning given by Chairman



2nd time & minor - Further verbal warning from Chairman  
More serious matter – 1<sup>st</sup> written warning from Council  
2<sup>nd</sup> time & serious - Final written warning from Council  
Gross misconduct - suspension on full pay and hearing

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

### **Dismissal**

The statutory procedure will apply to:

- Conduct
- Capability
- Redundancy
- Expiry of a Fixed-Term Contract The Parish Council

### **Discipline and Grievance Procedure Exemptions**

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

The government expects these occurrences to be rare

### **Gross Misconduct**

This will be a substantial matter and is usually clearly recognised as such ie. Theft, deliberate harm to or misuse of/to Council property, causing harm to a fellow employee, etc.

In a case of this nature and after the usual proper preliminary investigation an employee should immediately be suspended on FULL PAY. To suspend without pay or dismiss summarily could rebound with a claim for unfair dismissal on the grounds that the matter was pre-judged and unfair. Even if an employee is found guilty in a criminal court of an offence the matter (unless a prison sentence follows) is not one of automatic dismissal. The employer should convene a Disciplinary Hearing in the normal manner to consider the implications and facts in relation to the possibility of continuing employment.

### **Appeals**

To ensure fairness a Council should form a separate Grievance and Disciplinary Hearing Panel and an Appeals Panel. Naturally the members of the Appeals Panel should not be contaminated by being part of any of the proceedings of the Grievance and Discipline Panels.

Part 3 of Schedule 3 of the Act requires that in an Appeals Panel the employer should, as far as it is reasonably practical, be represented by a more senior manager than attended the first meeting. This may be difficult for a local council and makes the segregation of the members of the Appeals Panel from those of the Disciplinary and Grievance Panel more crucial to a manifestly fair and reasonable decision. In addition; to ensure fairness, any serious matter should be investigated by an independent investigator competent in such work and whose report should be sent to both parties in the matter for consideration before further proceedings.

Failure on either party to follow the law and spirit of the Act, the presentation of a facetious or vexatious case, or even a badly presented case can result in the imposition of fines on either party to a maximum of £5000 under the Act, or, as stated previously, seriously affect the amount of the award made for or against either party.

**Paperwork**

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

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

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

**Time Limits**

An employee cannot submit an employment tribunal application unless they have sent their employer a Step-1 letter and waited 28 days for a response. This procedure applies to both current and former employees.

Time limits may be extended to allow procedures to be completed. Where the employer fails to meet the statutory requirements an employment tribunal may increase or decrease the awards made as previously stated.

**Abandonment of Procedures under the Act**

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

The exemptions are specified:

Unacceptable behaviour by one party through violence or abuse

The test will be that of a reasonable belief that harm would result to one party, their goods and property or another person through actual, or threat of, assault; or that one party has subjected the other party to harassment.

The definition that will be used is that one party creates a hostile, intimidatory, humiliating or degrading and offensive set of conditions.

-----**END OF POLICY**-----

**Event Indemnity Agreement**  
**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

In consideration of Heath and Reach Parish Council granting permission to .....  
to hold a .....(fete or other event) on Parish Council land at the

..... (location)

On ..... (date),

I/We on behalf of .....

hereby undertake and agree to indemnify .....Parish Council from and  
against  
all liability for injury (including death) damage loss costs and expenses which may arise as a result  
of this  
permission, provided always that such liability shall not extend to personal injury caused by the act  
or neglect of the

Parish Council.

DATED this    day of

For .....

(Print Name) .....

Address .....

Signature .....

Witness    Name .....

address .....

Signature .....

COMPLETED FOR TO BE RETURNED TO THE PARISH CLERK – Francesca Sheppard 7 Heath Green  
Heath and Reach LU7 0AB heathandreachpc@outlook.com

-----END OF POLICY-----

## **Equal Opportunities and Diversity Policy**

### **Adopted July 2014**

**Heath and Reach Parish Council is committed to providing and promoting equal opportunities, eliminating discrimination and encouraging diversity in the community.**

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, marital status or social class. Heath and Reach Parish Council opposes all forms of unlawful and unfair discrimination.

**The Parish Council's commitments are:**

#### **Commitments as an employer**

All employees of Heath and Reach Parish Council will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents to maximise the efficiency of the organisation. When vacancies are advertised Heath and Reach Parish Council will continue to ensure that such advertising, both in placement and content, is compatible with the terms of this Policy.

36. to create an environment in which individual differences and the contributions of all staff are recognised and valued to provide a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
37. to make training, development and progression opportunities available to all staff.
38. to ensure equality in the workplace as good management practice.
39. to review employment practices and procedures to ensure fairness.
40. to view breaches of this equality policy as misconduct that could lead to disciplinary proceedings.
41. to monitor and review this policy at least every four years to ensure it is compliant with current equal opportunities legislation and utilises, as far as is practicable, Advisory Conciliation and Arbitration Service (ACAS) guidelines and best practice.

#### **Commitments as community leader and advocate**

32. The Parish Council is committed to creating a socially inclusive and cohesive community by:
33. promoting equal opportunity and equal access to employment, services and information.
34. identifying and addressing the barriers that different groups face to participation in community life.
35. working towards ensuring fair and equitable resources.
36. respecting the diversity of our community.
37. working with others to ensure that Heath and Reach is a safe place in which to live, work or visit.

38. listening and responding to the views of our communities through appropriate and widespread consultation and participation mechanisms, which are accessible to all.
39. ensuring the communications produced and events held positively reflect and promote the diversity of the communities and are made fully accessible.

### **3. Commitments as a service provider**

Heath and Reach Parish Council is committed to ensuring that our services are accessible to all and responsive by:

- 4) ensuring our residents are aware of the council's services and by delivering services in ways that are sensitive to residents' needs.
- 5) ensuring that all those in the community are able to attend the committee and council meetings
- 6) ensuring that the information provided about the council's services is accessible to our community.
- 7) consulting and involving all sections of the community in the development and monitoring of our policies and services in ways which enable people to participate.

### **4. Commitments as a procurer of goods and services**

The Parish Council is committed to ensuring that those contractors and others from whom goods and services are procured share and implement the values within this policy by demonstrating that all practicable steps are being taken to allow equal access and equal treatment in employment and service delivery for all, as appropriate to the nature of the contract concerned.

### **Monitoring**

The effectiveness of the Equal Opportunities Policy will be monitored and reviewed on an annual basis.

### **The Law**

The policy will be implemented within the framework of the relevant legislation, which includes:

- Equal Pay Act 1970 and the Equal Pay for Work of Equal Value Amendment 1983
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 and (Amendment) 1986
- The Protection from Harassment Act 1997
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000 and 2003
- Employment Equality (Religion or Belief) Regulations 2003.
- Employment Equality (Sexual Orientation) Regulations 2003.
- Disability Discrimination (Amendment) Act 2004
- Equality Act 2010

**Adopted by Heath and Reach Parish Council July 2014**

**Signed**

-----END OF POLICY -----

**DISABILITY DISCRIMINATION POLICY**  
**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

**The Policy:**

The policy of the Council is based on the principle that – as far as possible – all disabled people will be accorded the same equality of treatment, dignity and respect as all other people. This means that all members of the public will receive as near equal service as possible, and the occasions when some may feel that they are being treated differently reduced to a minimum.

The Council recognises that there may be constraints to the service that we can offer from premises we occupy. We undertake to listen to and consider any solutions that might resolve these issues and that respect the dignity of the person with a disability.

**Inclusive Approach:**

The Council will take an inclusive approach to providing access to our services and facilities for as wide a range of people with disabilities as possible, acknowledging that there may be some circumstances where particular provision may be necessary for people with certain disabilities

**Employees:**

The Council is an equal opportunities employer and will work to make all reasonable adjustments to the workplace to enable any member of staff with a disability to enjoy a satisfying and fulfilling working life.

**Awareness:**

The Council will provide awareness building for all members of staff on how they may meet the needs of disabled people

-----END OF POLICY-----

## **HEALTH & SAFETY POLICY**

**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

### **GENERAL STATEMENT**

1. The Parish Council recognises and accepts its responsibilities as an employer for providing a safe and healthy working environment for all its employees, contractors, voluntary helpers and others who may be affected by the activities of the Council.
2. The Council will meet its responsibilities under the Health and Safety at Work Etc Act 1974, and will provide, as far as is reasonably practicable, the resources necessary to fulfil this commitment.
3. The Council will seek, as and when appropriate, expert technical advice on Health and Safety to assist the Clerk in fulfilling the Council's responsibilities for ensuring safe working conditions.

### **AIMS OF THE HEALTH AND SAFETY AT WORK POLICY**

***To provide as far as is reasonably practicable:***

1. A safe place of work and a safe working environment.
2. Arrangements for considering, reporting and reviewing matters of Health and Safety at work, including regular risk assessments of working activities.
3. Systems of work that are safe and without risks to health.
4. Obtaining specialist technical advice and assistance on matters of Health and Safety when necessary.
5. Sufficient information, instruction and training for employees, contractors and voluntary helpers to carry out their work safely.
6. Care and attention to the health, safety and welfare of employees, contractors, voluntary helpers and members of the public who may be affected by the council's activities

### **ARRANGEMENTS AND RESPONSIBILITIES FOR CARRYING OUT THE HEALTH AND SAFETY POLICY AT WORK**

***As the Council's Safety Officer, the Clerk will:***

1. Keep informed of relevant Health and Safety policy legislation.
2. Advise the Council on the resources and arrangements necessary to fulfil the Council's responsibilities under the Health and Safety at Work Policy.
3. Make effective arrangements to implement the Health and Safety at Work Policy.
4. Ensure that matters of Health and Safety are regularly discussed at meetings of the Parish Council.
5. Ensure that regular risk assessments are carried out of working practices, with subsequent consideration and review of any necessary corrective/protective measures. Consider requesting contractors to supply a written method statement prior to starting major works. Maintain a file of risk assessments, summarised in the Minutes.

6. Make effective arrangements to ensure those contractors or voluntary helpers working for the Council comply with all reasonable Health and Safety at Work requirements. All contractors will be given a copy of the Council's Health & Safety at Work Policy, under cover of the attached letter.
7. Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.
8. Maintain a central record of notified accidents.
9. When an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.
10. Act as the contact and liaison point for the Health and Safety Inspectorate.

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

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

-----END OF POLICY-----



## **CCTV Policy**

Adopted May 2012, reviewed 7<sup>th</sup> July 2014

### **Introduction**

This Policy is to control the management, operation, use and confidentiality of the CCTV system at **Bryants Lane Sports Ground** .

The Parish Council accepts the principles of the 1998 Act based on the Data Protection Principles as follows:

- data must be fairly and lawfully processed;
- processed for limited purposes and not in any manner incompatible with those purposes;
- adequate, relevant and not excessive'
- accurate;
- not kept for longer than is necessary;
- processed in accordance with individuals' rights;
- secure;
- not transferred to countries with adequate protection;
- subject to guidance on good practice;
- examples of how to implement the standards and good practice.

### **Statement of Purpose**

To provide a safe and secure environment for the benefit of those who might visit, work or live in the area. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law.

The scheme will be used for the following purposes:

- to reduce the fear of crime by persons using Council facilities so they can enter and leave the buildings and facilities without fear of intimidation by individuals or groups;
- to reduce the vandalism of property and to prevent, deter and detect crime and disorder;
- to assist the police, the Parish Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of bye-laws;
- to deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display, both inside and outside Parish Council buildings, and by gates accessing the Playing Fields.
- to assist all "emergency services" to carry out their lawful duties.

### **Changes to the Purpose or Policy**

A major change that would have a significant impact on either the purpose or this policy of operation of the CCTV scheme will take place only after discussion at Council Committee

meeting(s) and resolution at full Council meeting. All agendas are posted on the Parish Council notice board at least 3 clear days excluding weekends before Council meetings.

### **Responsibilities of the Owners of the Scheme**

The elected Parish Council retains overall responsibility for the scheme.

### **Management of the System**

Day-to-day operational responsibility rests with the Parish Clerk to the Council, who can be consulted by Councillors / Emergency Services and General Public out of hours, if and when necessary.

Breaches of this policy by operators will be investigated by the Clerk to the Parish Council and reported to the Parish Council.

A CCTV system prevents crime largely by increasing the risk of detection and prosecution of an offender. Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This policy must be read and understood by all persons involved in this scheme and individual copies of this policy will therefore be issued for retention. A copy will also be available for reference in the secure recording area(s).

### **Control and Operation of the Cameras, Monitors and Systems.**

**The following points must be understood and strictly observed by operators:**

1. Trained operators must act with due probity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
2. The position of cameras and monitors have been agreed following consultation with the police and security consultants in order to comply with the needs of the public.
3. No public access will be allowed to the monitors except for lawful, proper and sufficient reason, with prior approval of the Clerk of the Council or the Chairman of the Parish Council. The Police are permitted access to tapes and prints if they have reason to believe that such access is necessary to investigate, detect or prevent crime. The Police are able to visit the Council Office(s) to review and confirm the Parish Council's operation of CCTV arrangements. Any visit by the Police to view images will be logged by the operator.
4. Operators should regularly check the accuracy of the date/time displayed.
5. Digital records should be securely stored to comply with data protection and should only be handled by the essentially minimum number of persons. Digital images will be erased after a period of 30 days.
6. Images will not normally be supplied to the media, except on the advice of the police if it is deemed to be in the public interest. The Clerk of the Council would inform the Chairman of the Council of any such emergency.
7. As records may be required as evidence at Court, each person handling a digital record may be required to make a statement to a police officer and sign an exhibit label. Any images that are handed to a police officer should be signed for by the police officer and information logged to identify the recording, and showing the officer's name and police station. The log should also show when such information is returned to the Parish Council by the police and the outcome of its use.
8. Any event that requires checking of recorded data should be clearly detailed in the log book of incidents, including Crime Nos. if appropriate, and the Council Office notified at the next available opportunity.

9. Any damage to equipment or malfunction discovered by an operator should be reported immediately to their line manager or contact made with the company responsible for maintenance, and the call logged showing the outcome. When a repair has been made this should also be logged showing the date and time of completion.
10. Any request by an individual member of the public for access to their own recorded image must be made on an 'Access Request Form' and is subject to a standard fee. Forms are available from the Council Office and will be submitted to the next meeting of the Parish Council for consideration and reply, normally within 40 days.

**Accountability**

Copies of the CCTV Policy are available in accordance with the Freedom of Information Act, as will any reports that are submitted to the Parish Council *providing it does not breach security needs*.

The Police will be informed of the installation and provided with a copy of this CCTV Policy.

Any written concerns, complaints or compliments regarding the use of the system will be considered by the Parish Council, in line with the existing complaints policy.

**THIS POLICY MUST BE COMPLIED WITH AT ALL TIMES.**

**I have read the above policy and agree to abide by these instructions. I will discuss any concerns with the Clerk to the Council at any time.**

Signed ..... Print Name .....

Date ...../...../.....

(Operators are issued with their own copy of this policy and shall sign to confirm receipt and compliance.)

**ACCESS REQUEST FORM – CCTV IMAGES**

<b>Date of Recording:</b>	<b>Place of Recording:</b>	<b>Time of Recording:</b>
<b>Applicants Name and Address</b>		<b>Description of Applicant and any distinguishing features (e.g. clothing)</b>
<b>Post Code:</b>	<b>Tel.No:</b>	
<b>Signature of Applicant</b> <b>(or parent/guardian if under 18)</b>		<b>A recent photograph may be necessary to aid identification.</b>

**Reason for request - to be submitted to the Parish Council.**

*Continue overleaf if necessary*

<b>Received by:</b>	Clerk's Signature	<b>Date Received</b>	<b>Time Received</b>
<b>Fee Charged / N.A.</b>	Fee Paid:	<b>Request Approved</b> YES/NO	<b>Date Applicant Informed:</b>

-----END OF POLICY-----

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## **COMMUNICATIONS POLICY**

**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

### **AIMS**

- To establish clear, easy to use channels of communication between the Parish Council and the Parishioners, and vice versa.
- To provide information on important matters in an appropriate manner so as to facilitate and encourage informed comment from interested individuals and groups.

### **INTRODUCTION**

Each Parish Councillor has a duty to represent, without bias, the interest of the whole community. They will endeavour to do their best and are available to help parishioners with regard to matters relating to the parish. They may be contacted by telephone and a contact list is displayed on the Parish Council notice board. If the matter is important, then a letter /email to the Parish Clerk will ensure that this will be brought before the Parish Council and dealt with in a suitable and professional manner.

It is the Parish Council's intention to comply with the schedule as below.

### **PARISH COUNCIL MEETINGS**

- The Parish Council will meet at 7.00pm (unless otherwise stated) and are held each month except August
- The Annual Meeting of the Parish Council will be the May meeting when Councillors will elect the Chair and appoint the Vice Chair for the forthcoming year.
- The Annual Parish Meeting will take place in April each year.
- Parish Council Committee meetings are held throughout the year and agendas will be published.
- The Parish Council will meet at Heath Village Barn unless otherwise notified.
- A 15-minute discussion period for parishioners will be held at the beginning of the Parish Council Meeting.

### **NOTICEBOARDS**

The following items will be displayed permanently:

- Parish Councillors with contact telephone numbers
- Parish Council meetings dates for the year
- The Parish Council meeting notice will be displayed a minimum of three days in advance of the meeting.
- Notices for Parishioners will be displayed as and when appropriate.

### **PARISH COUNCIL NEWSLETTER**

- A summary of the Parish Council Minutes will be published in the Newsletter
- The Chairman's Report to the Annual Parish Meeting will be published annually.
- Appropriate notices will be published as and when required.

## **PARISH WEBSITE**

The following items will be permanently available:

- Parish Councillors with contact telephone numbers
- Parish Council meeting dates for the year
- Meeting Agenda
- The last set of approved Parish Council Minutes
- The Chairman's Annual Report
- Council policies and procedures
- Consultation information when required.

The Parish Clerk will ensure that all Parish Council information included on the Website is regularly updated by passing relevant papers to the team involved in creating the site.

## **CORRESPONDENCE**

- All correspondence relating to the parish should be addressed to the Parish Clerk in the first instance. This will ensure that the matter is recorded and passed to the relevant person or organisation as soon as practicably possible.
- All correspondence to the Parish Clerk will be acknowledged within one week of receipt.
- If a parishioner wishes a matter to be formally discussed at a Parish Council meeting, then the Parish Clerk must be notified at least 10 days prior to the meeting to enable the item to be placed on the Agenda.

## **ANNUAL PARISH MEETING**

The Annual Parish Meeting is held so that parishioners can have the opportunity to listen to the progress of the Parish Council over the last year and have the opportunity to debate local issues and celebrate local events and activities.

### **REVIEW**

This document will be reviewed annually.

### **COMMENTS**

Any comments or queries regarding this document should be made to the Parish Clerk.

-----END OF THE POLICY-----

## **Complaints Policy and Procedures** **Adopted May 2012, reviewed 7<sup>th</sup> July 2014**

### **Introduction**

The Parish Council provides many services to community groups, sports teams, companies and individuals. We try to get our service delivery right every time, but there are occasions when users of our services maybe dissatisfied with our performance, for any number of reasons. This policy sets out how to raise a complaint with the Parish Council.

### **Informal Complaint**

It is hoped that most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, email or in writing to the Parish Council. The complaint will be handled by the most appropriate member of staff, depending on the nature of the complaint. The Clerk will be kept informed of the handling of the complaint and its resolution. Complaints should always be directed through the Parish Clerk, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints. It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach had not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

### **Formal Complaint**

The Clerk to the Council is responsible for managing the formal complaints process. The Clerk is the senior officer of the Council, effectively its General Manager.

If a formal complaint is being raised against the Clerk, then the process as detailed should be followed, but the Chairman of the Council should be informed instead of the Clerk. A formal complaint can only be submitted in writing to the Parish Council (via The Clerks address) , it should be addressed to the Clerk, marked "Confidential – Formal Complaint", this will ensure the matter is handled by the Clerk's nominated deputy, should the Clerk be away.

The Council encourages contact by email and telephone, but as a formal complaint is a serious matter will only accept these in writing. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

The Clerk will acknowledge receipt of the complaint within three working days. The Clerk will carry out an initial investigation into the complaint and will within ten working days provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed. The Clerk will report to the Council, through the Clerk's report, summary details of the complaint and a brief summary of its resolution.

This summary report will exclude the names of the complainant. If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the Council.

**Council Review Meeting (CRM)** The Review Meeting is an additional meeting to the normal Parish Council monthly meeting. Three members of the Council must be available, at short notice, to

review a complaint. The CRM will review and decide on complaints. Three members will review a complaint; this will ensure the panel is quorate and that the number of members present is not excessive. The CRM is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when a CRM is called. It is expected that the CRM will be able to meet within seven working days of being notified by the Clerk. Prior to the meeting, seven clear working days before the CRM the complainant will provide the Parish Council with copies of all documentation, or other evidence (such as photographs) that they intend to introduce to the CRM. The Parish Council will provide the same to the complainant.

### **At the Meeting:**

1. The CRM shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public, matters that involve individual identified members of staff, may require the exclusion of the press and public.
2. The Chairman of the CRM shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion. (a) The complainant (or representative) shall be invited to outline the grounds for complaint and panel members given the opportunity to ask any question of the complainant. (b) If relevant, the Clerk (Deputy or other Proper Officer) will explain the Council's position and panel members shall ask any questions of the Clerk. (c) The complainant is to be offered the opportunity of a last word as a means of summing up their position. (d) The Clerk is to be offered the opportunity of a last word as a means of summing up their position.
3. The Clerk and complainant shall be asked to leave the room while panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.
4. The announcement of any decision will be made in public, at the next Council meeting.

1 Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 ss100 & 102  
Council Complaints Policy May 2012

**Timings** The Parish Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, or the absence of a member of staff who is involved in the complaint, may mean that the timings have to vary. Should this occur then the complainant will be kept advised of the revised timescales.

### **Impact on Council**

**Staff** A formal complaint is a serious matter. A complaint against a member of the Council's staff could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

**Complaints Against Councillors** This policy does not cover complaints against an individual Councillor. Complaint about a Parish Councillor should be addressed to: **The Standards & Ethics Committee, c/o The Monitoring Officer Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.** The Assessment Sub-Committee can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters



that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.

**Anonymity** The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

-----END OF POLICY-----  
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**VILLAGE GREEN INFRINGEMENT POLICY**  
**Adopted May 2012, reviewed 7<sup>th</sup> July 2014**  
**Common land and village greens**

**What is a Town or Village Green?**

Town or village greens share a similar history to common land. However, they are defined separately for the purposes of the Commons Registration Act 1965.

Village greens are usually areas of land within defined settlements or geographical areas which local inhabitants can go onto for the exercise of lawful sports and pastimes. Typically, these might include organised or ad-hoc games, picnics, fetes and other similar activities.

Whilst land forming town or village greens may be privately owned, many greens are owned and maintained by local parish or community councils. Some greens may also have rights of common (i.e. grazing of livestock) over them.

In Heath & Reach there are four Registered Village Greens: Thrift Road Recreation Ground, Heath Green which has two parts and Reach Green

**Regulations affecting Village Greens**

Under section 29 of the Commons Act 1876, together with section 12 of the Inclosure Act 1857, a person who:

1. encroaches on, or encloses a town or village green or a recreation ground allotted by an inclosure award, or
2. erects anything on, disturbs or interferes with that green or ground otherwise than for its better enjoyment for its proper purpose

may, on the information of any inhabitant of the parish in which the green is situated, be summarily convicted by the magistrates' court and fined at level 1 on the standard scale.

**Examples of issues relate to this Act**

Parking on any of the Village Greens, erecting signage, anything that damages the Green.

**Message from the Parish Council**

Heath & Reach Parish Council and its residents should be proud of their Village Greens, in particular of Heath Green situated around the Pump House and Clock Tower as it is the focal point of the village. The Parish Council urges local residents, businesses and visitors to respect these Greens and not to park or erect any form of signage / object on them.

Any individuals who choose to ignore the requests of the Parish Council and insist on breaking the Law will be reported to Central Bedfordshire Council (CBC) – the Authority responsible for the Registration of Common Land and Village Greens.

## **Registers of Common Land and Village Greens**

CBC is responsible as a Commons Registration Authority and is responsible for maintaining the Registers of Common Land and Village Greens.

### **What it includes**

This includes updating the registers when ownership of common rights change, or where rights are apportioned. CBC will amend the registers when they are notified by the Land Registry of changes in ownership of land and will amend the registers in some instances to show changes of address. The council is also responsible for registering new village greens.

This register is a statutory document and shows all such registered land. Each area of common land and town or village green is listed in the registers under a unique 'unit number'.

Each unit number in the register is divided in three sections showing details of:

- land - this includes a description of the land, who registered it and when the registration became finally registered (there are also related plans which show the boundaries of the land)
- rights - this includes a description of the rights of common (e.g. the right to graze 100 sheep), over which area of the common they are exercisable, the name (if known) of the person (the 'commoner') who holds those rights, and whether the rights arise by virtue of a separate land ownership by the commoner (i.e. they 'attach' to their land)
- ownership - this includes details (if known) of owners of common land, but entries in this section of the registers are not held to be conclusive

The registers are available for public inspection free of charge. An appointment to view the registers can be made by contacting CBC.

CBC will also carry out official searches of the registers and provide certificates. Normally, a search is carried out when a property is being bought or sold.