

Donyatt Parish Council Policies 2026			
BLACK - EXISTING POLICIES			
RED - ADOPTED AFTER MAY 2025			
GREEN - ASSERTION 10 COMPLIANCE			
Policy	Date Adopted	Date re-adopted	Amendments/changes
Standing Orders	May-25	May-26	None Required
Code of Conduct	May-24	Mar-26	Updated March 2026
Risk Management/Policy	May-24	May-26	Updated May 2026
Risk Management Scheme	May-26	May-27	Updated May 2026
Co-option Policy/Application	May-24	May-26	None required
Investment Policy	May-24	May-26	None Required
Disciplinary Policy	May-24	May-26	Updated May 2026
Grievance Policy	May-24	May-26	None Required
Grant Policy/application	May-24	May-26	None Required
Complaints Policy	May-24	May-26	None Required
Data Protection	May-26	May-27	Updated
Freedom of Information	May-26	May-27	Updated
Financial Regulations	May-25	May-26	None Required
Internal Audit Policy	May-24	May-26	None Required
Communication Policy	May-24	May-26	None Required
Policies adopted/updated after May 2025		Review date	
IT Policy	Feb-26	May-27	Updated Feb 2026
Procurement Policy	Feb-26	May-27	Updated Feb 2026
Procurement Guidelines	Feb-26	May-27	Updated Feb 2026
Purchase Order	Feb-26	May-27	Updated Feb 2026
Publication Scheme	May-26	May-27	
Civility & Respect	Mar-26	May-27	Updated March 26
Antibullying Policy	Mar-26	May-27	Updated March 27
Data Retention Policy	May-26	May-27	Updated March 28
Document Retention	May-26	May-27	
Health & Safety/lone worker	May-26	May-27	
Privacy Policy	May-26	May-27	
Recording Policy	May-26	May-27	
Social Media Policy	May-26	May-27	
Email Retention Policy	May-26	May-27	
Safeguarding Policy	May-26	May-27	
Scheme of Delegation	May-26	May-27	
Website Accessibility Statement	May-26	May-27	
Data Breach Procedure	May-26	May-27	
Data Breach reporting form	May-26	May-27	
GDPR Map	May-26	May-27	
Asset Register	May-26	May-27	

Donyatt Parish Council MODEL STANDING ORDERS 2025 UPDATE (ENGLAND)

Adopted 12th May 2026

INTRODUCTION

This is an update to Model Standing Orders 14 and 18.

1. RULES OF DEBATE AT MEETINGS

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- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and

shall not exceed (5) minutes without the consent of the chair of the meeting.

2. **DISORDERLY CONDUCT AT MEETINGS**

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

3. **MEETINGS GENERALLY**

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the

business on the agenda.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors**

present at the meeting shall preside at the meeting.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

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

- t The minutes of a meeting shall include an accurate record of the following:

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

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

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

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

- w **If a meeting is or becomes inquorate no business shall be transacted**
and the meeting shall be closed. The business on the agenda for the meeting
● shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 hours.

4. **COMMITTEES AND SUB-COMMITTEES**

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

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

5. ORDINARY COUNCIL MEETINGS

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

shall give a casting vote in the case of an equality of votes.

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

legislation (*see also standing orders 11, 20 and 21*);

- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within (7) days of having been requested to do so by (2) members of the committee [or the sub-committee], any (2) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (2) councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. **VOTING ON APPOINTMENTS**

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least (5) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements**

shall include deciding who has access to personal data and encryption of personal data.

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

12. DRAFT MINUTES

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

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

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

- e **If the Council's gross annual income or expenditure (whichever is**
- **higher) does not exceed £25,000, it shall publish draft minutes on a**

- **website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at

the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.**
- b The Proper Officer shall:**
- i. at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a

meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the meeting confirming their withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chair or in their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in their absence Vice-Chair (if there is one) of the () Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee];
- xvi. manage access to information about the Council via the publication

scheme; and

- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also *standing order 23*).

15. **RESPONSIBLE FINANCIAL OFFICER**

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

16. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

17. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below [60,000] or due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - iv. tenders shall be opened by the Proper Officer in the presence of at least

- one councillor after the deadline for submission of tenders has passed;
- v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

18. **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the Council subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the HR representative or, if he/she/they is not available, the chair of absence occasioned by illness or other reason and that person shall report such absence to the council at its next meeting.
- c The HR representative or in his/her/their absence, the chair of the Council shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and are subject to approval by the Chair of the council.
- d A matter personal to a member of staff that is being considered by a meeting of Donyatt Parish Staffing Committee is subject to standing order 11.
- e Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the HR representative or in his/her/their absence, the chair of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- f Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the HR representative, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.

- g Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- h In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

19. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

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

20. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

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

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

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

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

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

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

The above is applicable to a Council without a common seal

COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

23. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

24. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

DONYATT PARISH COUNCIL CODE OF CONDUCT

Adopted May 2026

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to city, town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, city and town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor. In undertaking my role:
 - I impartially exercise my responsibilities in the interests of the local community.
 - I do not improperly seek to confer an advantage, or disadvantage, on any person.
 - I avoid conflicts of interest.
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor.
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer. The Monitoring Officer will be able to advise on any matters that relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two

occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone.**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. The disclosure is:**
 - A. reasonable and in the public interest; and**
 - B. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - C. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community, and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7B Consideration of advice

As a councillor:

7B. 1 I will, when reaching decisions on any matter, consider and pay due regard to any relevant advice provided to me by the Council's Responsible Finance Officer in accordance with their legal requirements.

7B. 2 I will give reasons for departing from the advice of the Responsible Finance Officer

It is extremely important for you as a councillor to have regard to advice from your Responsible Finance Officer where they give that advice under their statutory duties. As a councillor you must give reasons for all decisions in accordance with any legal requirements and any reasonable requirements imposed by your local authority.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I will undertake Code of Conduct training provided by my local County Association (SALC) or by the Monitoring Officer.

8.2 I do not make trivial or malicious complaints against other councillors.

8.3 I cooperate with any Code of Conduct investigation and/or determination.

8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings including the complainant and any witnesses.

8.5 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Clerk or the Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Clerk or Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests.

Within 28 days of becoming a member or your re-election or re-appointment to office or within 28 days of your interests changing you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. **Disclosure of Other Registerable Interests**
5. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest. **Disclosure of Non-Registerable Interests**
6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being.
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
8. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the parish affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest. In the event that your non-registerable interest relates to -

(1) an unpaid directorship on a company owned by your authority or (2) another local authority of which you are a member, subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided, or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) The total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body
 - i. exercising functions of a public nature ii. directed to charitable purposes or iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Guidance on Local Government Association Councillor Code of Conduct for Local Councils



Written by the LGA - Adapted for local town and parish
councils as part of the civility and respect project in
October 2022



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Part 1 - Introduction

Introduction

[The Model Councillor Code of Conduct 2020](#) was developed by the Local Government Association (LGA) with support from the National Association of Local Councils (NALC) and the Society for Local Council Clerks (SLCC) in response to recommendations from the Committee on Standards in Public Life in their [Local Government Ethical Standards report](#) published in 2019. The Civility and Respect Project endorses the Model Code and aims to encourage its adoption within the local (parish and town) council sector.

The Model Code is a template for local authorities, including local councils, to adopt in whole or with amendments to take into account local circumstances and is relatively short

and easy to read rather than an overly-complex legal document as it needs to be accessible to councillors, officers, and the public alike.

The LGA produced [supporting guidance](#) which is aimed to help understanding and consistency of approach towards the Code. Produced as part of the Civility and Respect Project, this local council specific guidance builds upon that guidance, making it particularly relevant for the local council sector.

The Model Code, together with the supporting guidance, has been designed to encourage good conduct and safeguard the public's trust and confidence in the role of councillor in local government. While the Code sets out the minimum standards of behaviour expected, together with the guidance it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the Code.

Any comments on the use of the guidance or suggestions for improvement would be welcomed and should be sent to ModelCode@local.gov.uk

Guidance notes/definitions

The Model Code uses the terms 'local authority' so where the Model Code is quoted this term is used and means a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, or an eligible parish council. However, this Guidance uses the terms 'local (parish or town) council' and 'principal authority' to make a clear differentiation between the tiers of local government.

General principles of Councillor conduct

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are set out in Appendix 2 below.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, the principles are not part of the rules of the Code and should be used for guidance and interpretation only.

Application of the Model Councillors' Code of Conduct

When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

“The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.”

This means it applies when you are carrying out your official duties, for example when you are considering or discussing council business, either as a councillor or representing the council on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal council business it includes promoting and representing the council in the local community and acting as a bridge between the community and the council. [The LGA's Guidance for new councillors](#) and NALC's [The Good Councillor's Guide](#) are helpful reference points.

The Code does not, therefore, apply solely when you are in council meetings or on council premises.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communications
- in electronic and social media communication, posts, statements, and comments.

This includes interactions with the public as well as with fellow councillors and council officers.

Acting as a private individual

For something to fall within the Code there must be a clear link to a council function or your role as a councillor. For example, an argument with a neighbour which does not relate to council business would not engage the Code, even if your neighbour happens to know you are a councillor and therefore complains to the principal authority about being treated disrespectfully.

Examples

A councillor and an officer had a personal relationship. The councillor sent and encouraged the officer to send inappropriate social media messages, including messages of a sexual nature, during office hours. The panel rejected arguments that the councillor had been acting in an entirely personal capacity. It found that the councillor could not divorce himself from his role as the officer's quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.

A councillor used her personal Facebook account to accuse her council of being corrupt and the clerk of being incompetent on a village Facebook group. She claimed that she wasn't acting as a councillor as she posted from her personal account and was merely expressing views as a concerned resident. The hearing panel determined that she was

acting as a councillor as her post related to council business and she was purporting to be using information she'd received through her role as a councillor.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

If you are a member of a political party or group their rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 and the Local Government (Disqualification) Act 2022 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order, receiving a custodial sentence of three months or longer (whether or not suspended) or being subject to a sexual offences order.

In what circumstances might I give the impression to a reasonable member of the public that I was engaged on council business?

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

- writing to someone on council headed paper or using a council email address may lead someone to assume you were writing in your capacity as a councillor
- handing out a business card where you describe yourself as a councillor may also lead to that assumption
- wearing official council regalia.

Examples

Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block someone's grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers, the clerk or fellow councillors, or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a finance committee.

Another example would be improperly disclosing confidential information you had received because of your role as a councillor.

A councillor got into an argument with another person at a private party. The other person ran a weekly yoga class at the village hall and the village hall was managed by the parish council. At the end of the argument the councillor told the other person that he was a parish councillor and would make sure that she was no longer able to hire the village hall

for her yoga classes. He was found to have breached the Code by invoking his office and seeking to misuse his position to intimidate the other person and to seek to disadvantage the other person, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to council business. However, even if you do not describe yourself as a councillor you may fall within the scope of the Code if you are discussing council business.

For example, a posting which is simply discussing a recent football match is not covered by the Code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer or a posting detailing your own version of council proceedings contradicting official council communications that would fall within the Code even if you have not described yourself as a councillor as it relates to council business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis (see guidance on 'disrespect, bullying and harassment further information).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and councillor use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your council has guidance on the effective use of social media this can help.

NALC ([NALC social media](#)) and the LGA ([LGA Social Media](#)) have published guidance on councillors and social media.

Examples

Following a heavy snowstorm which meant a local street market could not go ahead a district councillor posted on the local community Facebook page that a certain district council officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a council page and he did not explicitly describe himself as a councillor in the post he was found to have breached the Code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his principal authority. He was found not to have breached the Code as the comments did not directly relate to his role as a councillor or council business but were seen as wider political comments.

What does acting as a representative of my local authority mean?

You are, for example, acting as a representative of the council when you are sitting on an outside body to which you have been appointed by the council.

You would also be considered a representative of the council where you were attending an external function or conference on behalf of the council or as the council's nominated delegate.

You would not be considered as a representative of the council where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

If you are a member of a political party, matters in party group meetings would also normally not be covered by the Code as they are more matters for a party to manage. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to council business, for example, then relevant provisions of the Code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local party group.

What if I sit on more than one local authority?

If you sit on more than one local authority, you are subject to the Code and associated procedures of the local authority you are representing at any one time. As such, if you are on a principal authority and a local council, you would be bound by the principal authority code when attending principal authority meetings or speaking to principal authority officers; and bound by the local council code when attending local council meetings or speaking to local council officers.

If your local authorities have adopted the same code, the same rules would apply and, for example, your completed register of interests should be the same for both tiers.

What is a co-opted member?

The Code also applies to co-opted councillors under the Localism Act. A co-opted councillor under the Act is someone who is entitled to vote on any matter to be decided at a council committee or sub-committee.

A local councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code in the same way as if they had been elected.

It does not, therefore include non-councillor members of council committees who do not have voting rights.

However, it would be good practice to ask such people to agree to abide by the Code of Conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the council should they be found to have committed a serious breach of the Code so it is important that they are also aware of the expected standards of behaviour.

Part 2 – General principles of councillor conduct

Respect

As a councillor:

I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Showing respect to others is fundamental to a civil society. As a representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

Respect

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to residents, attending council meetings, representing the council on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a council, and ultimately create a toxic culture and has been associated with instances of governance failure.

Freedom of expression

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public

duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration.

Is the Respect provision of the Code a gag on councillors?

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in councils. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The Code is not intended to stifle the expressions of passion and frustration that often accompany discussions about council business.

Can councillors challenge officers?

In the everyday running of a council, it is inevitable that councillors will have disagreements with officers from time to time. Councillors can challenge and express disagreement with policies and procedures and this disagreement might, in the appropriate context, manifest itself as challenge to the way in which an officer or officers handled particular matters.

However, councillors should not raise issues about an officer's performance unless it is done in the correct way and at the appropriate forum in accordance with your council's processes and procedures. It should not be raised in a public meeting or through a published attack in the media.

If a councillor's conduct is unfair, unreasonable, or demeaning the Code will be relevant. If a councillor's challenge is abusive or offensive it is likely to breach the Code.

What kinds of conduct are not covered?

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

What if a member of the public is being unnecessarily disrespectful to me?

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and

demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise councillors. For this reason, many councils and County Associations now offer social media guidance and training to councillors in addition to the civility in public life resources available on the [LGA's website](#).

Examples

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his council's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a village Facebook group referring to possible nepotism in the awarding of funding to a community group by the council. He was found to have breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his council into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his council's Code of Conduct.

Bullying

As a councillor:

I do not bully any person.

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by

telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local council's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local councils less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance

- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

Does this mean that councillors cannot raise concerns about officers or fellow councillors?

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in council meetings about policy or asking the clerk to explain the rationale for the guidance they have given. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

Preventing bullying conduct from developing

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as councillor-officer work relations and appropriate behaviour ([Councillor - officer protocol](#)). The protocol can include such matters as acceptable times to contact the clerk by telephone at home or call at the clerk's home on council business.

Officers also need to be mindful that councillors can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what the clerk or other officers expect; as a result, the councillor simply may not be aware of the impact that their communications have had on the officer. Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

Bullying and harassment and the law

In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or a county court.

In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- physical assault
- making threats of violence or death threats
- stalking
- hate crimes
- sexual harassment

Intimidation of councillors

Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.

The LGA and the Welsh Local Government Association have jointly developed a ['Councillors' guide to intimidation: Practical steps that you and your local authority can undertake to protect yourself as a person in a public position'](#). The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved.

Harassment

As a councillor:

I do not harass any person.

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.

The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance

- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

What does the law say about harassment?

In some cases, acts of harassment can be civil offences, which can be brought to an employment tribunal or county court.

In some cases, conduct that amounts to harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats
- stalking
- hate crimes
- sexual harassment

Example

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two female councillors and female officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

Discrimination

As a councillor:

I promote equalities and do not discriminate unlawfully against any person.

Councillors have a central role to play in ensuring that equality is integral to the council's performance and strategic aims. They can articulate the council's vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your council may be liable for any discriminatory acts which you commit as a councillor.

This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your council's fulfilment of its positive duties under the Act. Such conduct may cause your council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your council you should seek advice from the clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs, conventions and practices
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of a council's practice, policy or rule in a way that may constitute indirect discrimination

- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

How can councillors cause their council to be in breach of the Equality Act?

The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made during political debate, even if most people would find them offensive.

Some councillors have particular roles which may give a higher risk for the potential for discrimination; for example, if you are on an appointment panel for a position in the council, or you are able to award local grants in the neighbourhood and will need to decide which organisations to support.

Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the Code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the council doing anything.

Under the Equality Act 2010, a council is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

Examples

The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The hearing panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

A councillor was a member of the council's recruitment panel to appoint a new clerk. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, "good candidate, shame he's black". The hearing panel found that the Code of Conduct had been breached.

Impartiality of officers

As a councillor:

I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the council as a whole. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective council.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the council and are responsible to the electorate whom they represent. They set their council's policy framework, ensure that services and policies are delivered and scrutinise council services.

The chair of the council and committee chairs may have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the council.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the Code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the council. It is also important for a council to have a councillor-officer protocol [councillor-officer protocol](#) which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.

Officers may sometimes give you advice that you do not want to hear or does not suit your views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you with

matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.

The fundamentally held principle is that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole¹”.

Examples

A council was renewing its grounds maintenance contract and was seeking quotes from suppliers. A councillor became involved in the process and sought to influence the clerk on where to seek the quotes, he also sent discourteous and disrespectful correspondence to the clerk. In doing so, he lost sight of his overall responsibility to the council to allow its officers to perform their functions. He was found to have breached the Code of Conduct.

What does working on behalf of the authority mean?

Councils deliver services in a range of ways. Often services will have been contracted out to outside bodies. For example, if you have a play area, equipment repair services may be carried out by outside contractors. Their employees delivering that contract are doing so on behalf of the council and you should not use your position to interfere improperly in delivery of that service.

What if I disagree with the views of an officer?

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels in line with your council's [councillor-officer protocol](#), see guidance on respect, bullying and harassment in Part 2.

Where you have a declarable interest in a matter you are discussing with an officer you should make that clear to the officer – see guidance on declarations of interest in Part 3. Where it is an interest which would stop you from taking part in a meeting you should not discuss those matters with officers except where you are seeking professional advice in the same way as any member of the public could – for example, assistance with making an application – and the officer should make a note that an interest has been declared. If you need to speak to an officer about the matter, you should arrange a meeting as a member of the public and not seek to use your position to gain preferential or quicker access.

¹ Ahmed v United Kingdom (2000) 29 EHRR 1

Having regard to officer advice

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the council could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered. The Proper Officer and the Responsible Financial Officer (both usually the clerk) have a statutory duty to report formally to the council where they believe a council action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer of your principal authority who is entirely independent of and separate from the council and is required to be politically neutral.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your council. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your clerk before taking any action.

Councils should adopt a protocol for councillor-officer relations and the document should be accessible on their websites.

Confidentiality and access to information

As a councillor:

I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - I. I have received the consent of a person authorised to give it;
 - II. I am required by law to do so;
 - III. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - IV. the disclosure is:
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the local authority; and

iii. I have consulted the monitoring officer prior to its release.

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Councils must work openly and transparently. Their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Confidential information

While council business is by law generally open and councils should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for council business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

Disclosure in the public interest

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your council

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

- **Whether you believe that the information disclosed, and any allegation contained in it, is substantially true.** If you do not believe this, the disclosure is unlikely to be reasonable.
- **Whether you make the disclosure for personal gain.** If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

- **The identity of the person to whom the disclosure is made.** It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media, social media, via emails, or in general discussion.
- **The extent of the information disclosed.** The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- **The seriousness of the matter.** The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
- **The timing of the disclosure.** If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
- **Whether the disclosure involves your authority failing in a duty of confidence owed to another person.**

The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- a criminal offence is committed.
- your council or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.

The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a political advantage or to settle a score with a political opponent.

The fourth requirement, that you comply with the reasonable requirements of your council, means that before making the disclosure you must comply with your council's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the clerk. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, where the information disclosed is protected by legal professional privilege or where the information contains sensitive information as defined under the Data Protection Act 2018.

Circumstances in which a council can treat information as confidential

The presumption under local government law is that council business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:

- information given to the council by a Government Department on terms which forbid its public disclosure or
- information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

- relating to any individual.
- which is likely to reveal the identity of an individual.
- relating to the financial or business affairs of any particular person (including the council holding that information).
- relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the council or a Minister of the Crown and employees of, or officer-holders under the council.
- in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- which reveals that the council proposes:
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - to make an order or direction under any enactment
 - relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as 'confidential' under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the council has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the Code if they disclose that information (papers and content of discussion) without lawful excuse.

Does confidentiality under the Code apply only to information which is classified as confidential or exempt by law?

No. The Code goes wider than matters simply considered in a formal council setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:

- it has the necessary 'quality of confidence' about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a resident in the course of your duties. That is why the Code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.

Examples

A resident had made a complaint against a council officer. The officer asked one of the councillors for information as to what was happening with the case and the councillor inadvertently shared confidential information. This was found to be a breach of the Code.

A councillor circulated information about an officer's medical condition to other councillors. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.

What does consent by the person authorised to give it mean?

If somebody, for example a resident, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

In what circumstances am I required to disclose confidential information by law?

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

In what way could I use information I have obtained to advance myself or others?

As a councillor you will receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the

council is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

How does this relate to the Data Protection Act 2018?

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act 2018 applies to their role in handling such information through training, and if they are not sure to seek advice from the clerk or another appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the council is responsible for information they provide to councillors and ensuring they know how it can be used.

Access to information

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your council should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your council which they have a right to access.

If in doubt seek advice from the clerk or other relevant council officers.

The 'need to know'

As a councillor, you are not automatically entitled to access all information the council holds. For example, the council may deal with highly confidential and sensitive information about employees.

In addition to rights set out in law or conferred by your standing orders, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Councils have more justification for denying free access to particularly sensitive papers such as staffing records. You should not seek to get information if you have a declarable interest in it.

If you feel you are not being given access to information you seek, you can seek advice from the clerk.

You can also exercise the "need to know" in respect of attending meetings. Access to Information Rules set out rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

Can I use council information for matters outside the council?

A councillor is entitled to access information held by the council for the performance of their duties as a councillor. If a councillor wishes to use council information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document or other publicly viewable state (e.g on a council webpage). However, that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the council and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual resident or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

Please see the [ICO website](#) for helpful guidance on data protection and freedom of information.

Disrepute

As a councillor:

I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your council and may lower the public's confidence in your ability to discharge your functions as a councillor or your council's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- reducing the public's confidence in them being able to fulfil their role; or
- adversely affecting the reputation of your council's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their council being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to residents, making demonstrably dishonest posts about your council on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your council in a public arena might well be regarded as bringing your local authority into disrepute.

What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or council, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

- Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
- Similarly, situations where a councillor defies important and well-established rules of the council for private gain.
- Where a councillor engages in conduct which directly and significantly undermines the council’s reputation as a good employer or responsible service provider.

Examples

A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You have failed. I hope that the Serious Fraud Office is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the tweet would reasonably bring the councillor’s office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a council mistake and failing to prevent council-employed contractors from working on his privately-owned garden. The council mistakenly sent a tree surgeon to perform hedge maintenance on his land, which bordered on council-owned land. The councillor only told the council about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a council made a deeply inappropriate remark at a council meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

Misuse of position

As a councillor:

I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a councillor provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the Code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to local councillors when your local council is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help local groups apply to the council, for example, for a grant, it is quite improper to seek to influence the decision to be taken by the council and would also be in breach of paragraph 3 of the Code.

What kinds of attempts to advantage or disadvantage would be improper?

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

What if the attempt to confer an advantage or disadvantage fails?

The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the Code even if they did not in fact vote that way.

Examples

Most alleged improper uses of position are in connection with matters in which the councillors have interests.

A councillor who was a 'joint co-ordinator' of a community group did not notify the council of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the council.

A councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the clerk to make a payment which had not been approved by the council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.

Misuse of resources and facilities

As a councillor:

I do not misuse local authority resources.

I will, when using the resources of the local authority or authorising their use by others:

- act in accordance with the local authority's requirements; and
- ensure that such resources are not used for political purposes unless
- that use could reasonably be regarded as likely to facilitate, or
- be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by your council to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment
- transport
- access and use of council buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

You must make sure you use the council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the council's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

The [Code of Recommended Practice on Local Authority](#) Publicity published by the Department for Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your council. Failure to comply with the council's rules is likely to amount to a breach of the Code.

If you authorise someone (for example a member of your family) to use your council's resources, you must take care to ensure that this is allowed by the council's rules.

You should never use council resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your council may authorise you to use its resources and facilities for legitimate political purposes in connection with your council's business. For example, dealing with correspondence from your residents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your council's resources outside of these limitations is likely to amount to a breach of the Code.

You should never use council resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your council's procedures allow for you to repay any costs accrued.

What are the “resources of the local authority”?

The resources of the council include services and facilities as well as the financial resources of the council.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the council, or working on its behalf, are also resources, as is information held by the council which it has not published.

What constitutes using resources “improperly for political purposes”?

The Code acknowledges that party politics can have a proper role to play, both in the conduct of council business and in the way that councillors carry out their duties.

However, councillors and clerks will need to exercise considerable care to ensure that this provision is not abused. You must ensure that there is a sufficient connection between the use of resources and the business of the council. Only improper use of resources will be a breach of the Code of Conduct.

This part of the Code complements [Section 2 of the Local Government Act 1986](#), which prevents the publication of material "designed to affect public support for a political party". The Code, however, goes further than the Code of Recommended Practice on Local Authority Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests.

You must have regard to any applicable local authority code of publicity made under the powers contained in Section 4 of the Local Government Act 1986. Publicity is defined as "any communication, in whatever form, addressed to the public at large or to a section of the public". It will cover meetings, websites, and social media postings as well as printed and other written material.

You should be particularly scrupulous about the use of council resources when elections are pending, particularly those resources relating to publicity. When using the council's resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

How do you know what the council's requirements for the use of resources are?

Your council should have a protocol dealing with use of council resources. A typical protocol would cover the following topics:

- use of council premises
- councillor-officer relationships including use of officer time
- information technology, for example computer equipment and the use of associated software, including the use of such equipment at home
- telephones
- photocopying
- use of stationery and headed notepaper
- postage
- use of council transport
- allowances and expenses

Your council may also have a separate protocol on the use of social media which would also be relevant.

The key principle underlying all such protocols should be that public office and public resources should not be used to further purely private or party-political purposes.

It is worth noting that where you authorise someone such as a family member to use the council's resources, you must check whether the council's rules allow this.

Example

The complaint alleged a town councillor used his computer equipment provided by his council for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the council's equipment in breach of the Code and had brought his office into disrepute.

Complying with the Code of Conduct

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the council or its governance. If you do not understand or are concerned about the principal authority's processes in handling a complaint you should raise this with the monitoring officer.

As a councillor:

I undertake Code of Conduct training provided by my local authority.

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your council's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your council, you equip yourself with sufficient knowledge of the Code to ensure that you comply with it at all times.

I cooperate with any Code of Conduct investigation and/or determination.

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the council as a whole.

While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any Code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters on and does not allow you to put across your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the principal authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your council.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If

you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

When does the duty not to intimidate start and how do I avoid allegations of intimidation?

Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling of their case may be viewed. However innocently the contact is intended or may appear, great care should be taken when councillors deal with people involved with their case.

You should refer to your principal authority's procedures and protocol for dealing with alleged breaches of your Code of Conduct.

I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

Part 3 - Protecting your reputation and the reputation of the local authority

Registration of gifts, hospitality and interests

Gifts and hospitality

As a councillor:

I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal

may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the clerk for guidance.

What does “hospitality” mean?

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

How much detail should I include on the register?

Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

How do I know if gifts or hospitality have been offered to me because of my role as a councillor?

The Code says you must register any gift or hospitality received in your capacity as a councillor if the estimated value exceeds £50 or such other limit as agreed by your council.

You should ask yourself whether you would have received the gift or hospitality if you were not on the council. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk before deciding whether to accept it. You should also refer to the council’s policy on gifts and hospitality.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if a birthday present arrives from a family friend who is also the chair of a local community group just before a funding application from the group is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

What about gifts or hospitality I do not accept?

The Code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the council and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not ‘made right’ by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a councillor to a local festival or faith celebration along with other members of the community then it may

be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the council on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the principal authority's monitoring officer. That helps the council to identify if there are any patterns and to be aware of who might be seeking to influence the council.

What about gifts or hospitality that falls below the limit in the Code?

You should always notify the principal authority's monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the council (or is about to) even where that hospitality falls below £50 or the limit set by the council.

While that would not be a matter for the public register it again allows the council to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the council which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

What if I'm at an event but don't have the hospitality or only have a small amount?

The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.

As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

Is there a minimal threshold where I wouldn't have to notify the monitoring officer?

The Code is about ensuring that there is transparency and accountability about where people may be trying to influence you or the council improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an

external meeting lasts all day and the organisers offer you a sandwich lunch and refreshments.

[The Government's guide to the Bribery Act for employers](#) says that 'the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.'

You should use your discretion and think how it might look to a reasonable person but always seek the views of the clerk if in doubt.

What are 'normal expenses and hospitality associated with your duties as a councillor'?

As well as the minimal threshold hospitality above there may be times when you are paid expenses which include an element for food and drink as part of your role.

The focus of the Code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the council or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor's ball would not need to be registered.

However, the hospitality should be registered if it is provided by a person or body other than the council and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in council offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.

What if my role involves me attending regular events or receiving gifts or hospitality?

Some roles in a council will inevitably involve being offered more entertainment than others because of the 'ambassadorial' nature of the role. For example, the mayor or chair of the council may be invited to a number of functions.

Although the mayor or chair, for example, may attend some social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the Code to register the hospitality against your individual register. The question a councillor needs to ask themselves is, "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes, then it must be registered.

If matters are recorded on a mayor or chair's register any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to the council or to charity or as raffle prizes for example.

Gifts that are clearly made to the council, for example a commemorative goblet which is kept on display in the council's offices, do not need to be registered in the councillor's register of gifts and hospitality. However, such gifts ought to be recorded by the council for audit purposes.

Register of interests

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council's principal authority to establish and maintain a register of interests of members of the council.

You need to register your interests so that the public, council officers and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer of your council's principal authority the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in [The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#). You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

You must register two different categories of interests:

Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.

Other registerable interests – these are categories of interest which apply only to you and which should be registered as an aid to transparency.

Further details about these two categories follow. For guidance on when these interests give rise to a matter which needs to be declared at a meeting see the guidance on declaring interests in Part 3.

Declarations of interest

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council's principal authority to establish and maintain a register of interests of councillors.

You need to register your interests so that the public, council officers and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1 of the Code, is a criminal offence under the Localism Act 2011.

Appendix B of the Code sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the clerk.

This part of the Code is about the registering of your interests and then how to go about declaring or managing your interests.

At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. However, the rules to set out whether you have an interest or not in any given situation can be complex given the infinite variety of issues that may arise. This guidance is to help you steer a way through those rules.

The Code therefore requires councillors to declare interests in certain circumstances. Disclosure, in the register and at meetings, is about letting members of the public and interested parties know where you are coming from when involved in decision making and is to enable you to be 'up front' about who you are and what your conflicts of interest might be. Conflicts of interest in decision making as a councillor, and what in public law is known as 'apparent bias', are an established part of the local government legal landscape. The Seven Principles of Public Life and the Model Code require councillors to act impartially (i.e. not be biased) when carrying out their duties (see also guidance on bias and predetermination).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council, yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

The object of this part of the Code is therefore twofold.

Firstly, it is to provide an explanation and a guide to the public and councillors as to what is or isn't a conflict of interest and then how a conflict between the interest you may hold as an individual councillor and the public interest you must hold as a decision maker of a public authority can be best managed.

Secondly, the Code provides a means to hold an individual councillor to account for their actions when they fail to manage that conflict of interest properly and put the decision of

the public authority, including the public purse, and decisions around individuals' daily lives, at risk.

The test at law for apparent bias is 'would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias'. This is why you will see this question reflected in the Code when you are asked to consider whether or not you should participate in a meeting where you have a conflict of interest.

The Code contains three different categories of interests – Disclosable Pecuniary Interests (DPI); Other Registerable Interests (ORI); and Non-Registerable Interests (NRI).

For the first two categories these are interests which must be recorded on a public register except in limited circumstances (see guidance on Registration of Interests). The third category do not need to be recorded on the register but will need to be declared as and when they arise.

This means an interest may arise not just from interests already on your register. There will also be times when, although the interest does not personally involve you, it may involve a relative or close associate. You are not expected to register every interest of those people, but you will need to declare them as and when they might arise. These are referred to in the Code as 'non-registerable interests'.

As a brief summary, the requirements of the Code apply where:

- you or someone you are associated with has an interest in any business of your council, and
- where you are aware or ought reasonably to be aware of the existence of that interest, and
- you attend a meeting of your council at which the business is considered.

You must disclose to that meeting the existence and nature of your interests at the start of the meeting, or when the interest becomes apparent. It is usual to have for any declarations of interest at the start of the meeting but it is good practice also to ask again at the start of any agenda item. For example, members of the public may only be present for a specific item so will not have heard the declaration at the start, and a councillor may only become aware of the interest part-way through the meeting or item in any case.

And there will be times that because your interest is so close to the matter under discussion you will not be able to take part in that item of business. Those circumstances are explained in greater detail for each category of interest below.

This means there are three types of interest which you may have to declare:

- Disclosable Pecuniary Interests (Part A of the Register);
- Other Registerable Interests (Part B); and
- Non-registerable interests.

Guidance is given below on each of these categories in turn.

Disclosable Pecuniary Interests

(Annex B, paragraphs 4 and 5)

Disclosable Pecuniary Interests (DPIs) were introduced by [s30 of the Localism Act 2011](#). They are a category of interests which relate to the councillor and/or their partner, such as financial interests of you or your partner such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and are in Table 1 of Annex B of the Code.

‘Partner’ is defined by regulations as your ‘spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.’

They must be registered and, where they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

The Localism Act says that if you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the council, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.

The Act says you need to declare the nature of the interest only if it is not on the public register. In addition, your council’s rules might require you to leave the room where the meeting is held while any discussion or voting takes place.

However, the Model Code states that it is important to declare the nature of the interest and to withdraw while the item is being dealt with. This aids transparency for the public and helps avoid accusations that you may be seeking to influence the outcome by remaining in the room even if your council’s rules don’t explicitly require it.

If you have a DPI, you may in certain circumstances be granted a dispensation to take part (see guidance on Dispensations).

When does a Disclosable Pecuniary Interest arise?

The Localism Act uses the phrase ‘you have a DPI in any matter...’

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that s31 of the Act “requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered relates to their interest. ... It prohibits a member from participating in discussion or voting on any matter relating to their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations).” [our emphasis].

This means you have a DPI in a matter when the matter being discussed directly relates to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does not directly relate to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property.

Other Registerable Interests

(Paragraphs 6, 8 and 9 of Annex B)

The second category of interests are Other Registerable Interests (ORIs).

If you have an ORI – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

- when a matter directly relates to the finances or well-being of that interest. (paragraph 6); or
- when a matter affects the finances or well-being of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paragraphs 8 and 9).

An interest 'directly relates' to an outside body where the council is taking a decision which directly relates to the funding or well-being of that organisation.

For example, under a) if you are a member of a local group which has applied for funding from the council, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the group's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the council is simply discussing that outside organisation but not making a decision which relates to its finances or well-being that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the council was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial

impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the council might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the clerk.

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

Non-Registerable Interests

(paragraphs 7, 8 and 9 of Annex B)

The third category of interests is Non-Registerable Interests (NRIs).

An NRI arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or well-being. The Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to that interest; or
2. when a matter affects that interest to a greater extent than it affects the majority of inhabitants and a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted a planning application the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare an NRI.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the

meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of residents.

As with DPIs you can be granted a dispensation (see below).

What is the difference between ‘relates to’ and ‘affects’?

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

What does “affecting well-being” mean?

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your well-being on a temporary basis. Closure of a local amenity may have a more permanent impact on your well-being if you use it more than the majority of people in the area.

What are the definitions of relative or close associate?

The Code does not attempt to define “relative” or “close associate”, as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (e.g. whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

What if I am unaware of the interest?

You can only declare an interest in a matter if you are aware of the interest. For example, a sports club of which your father-in-law is a chair may have made an application to the council. You may not be aware that he is the chair, and you are not expected to have to ask about the social affairs of your relatives or acquaintances simply because you are a councillor. However, you would need to declare an interest as soon as you became aware.

A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter's address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the clerk.

Do I always have to withdraw if I have an Other Registerable Interest or a Non-Registerable Interest to declare?

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

If the matter is an ORI or NRI you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or well-being of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

- Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?

For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:

- Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (see guidance on predetermination and bias) and if the answer is yes to that question then you must not take part in the meeting.

Examples

You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are discussing closure of allotments where your brother has a plot. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your brother.

What does 'withdraw from the meeting' mean?

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by time limits. However, unlike the public you would then withdraw once you had spoken.

This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a 'virtual waiting room' while the item is discussed.

Dispensations

Wherever you have an interest the Code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your standing orders or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the clerk) in good time before the relevant meeting and will be considered according to the council's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where -

- It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- That the authority considers that the dispensation is in the interests of persons living in the authority's area.
- That the authority considers that it is otherwise appropriate to grant a dispensation.

What is a 'sensitive interest'?

There are circumstances set out in the Localism Act where you do not need to put an interest on the public register or declare the nature of an interest at a meeting although you would have to declare in general terms that you have an interest. These are so-called 'sensitive interests'.

An interest will be a sensitive interest if the two following conditions apply:

- a) That you have an interest (whether or not a DPI); and
- b) the nature of the interest is such that you and the principal authority's monitoring officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

Where it is decided that an interest is a “sensitive interest” you must inform the monitoring officer of the interest so that a record is kept but it will be excluded from published versions of the register. The monitoring officer may state on the register that the councillor has an interest, the details of which are excluded under that particular section.

Where the sensitive interest crops up in a meeting the usual rules relating to declaration will apply except that you will only be required to disclose that you hold an interest in the matter under discussion but do not have to say what that interest is. The Localism Act sets out the scheme where the DPI is a sensitive interest. Your council’s procedures should allow for similar arrangements for other registerable or declarable interests.

For example, if your sister has been subject to domestic violence such that the perpetrator has been served with a Domestic Violence Protection Order you would not be expected to disclose your sister’s address to a meeting.

What do I do if I need advice?

If you are unsure as to whether you have an interest to declare you should always seek advice from the clerk.

The Golden Rule is be safe –seek advice if in doubt before you act.

Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The Code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly (see guidance on declarations of interest)

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the council. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the Code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code, but councillors need to be clear that they are not biased or predetermined going into the decision-making process.

Otherwise the decision is at risk of being challenged on appeal or in the courts. To quote a leading judgment in this field "All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach." ²

The rules against bias say that there are three distinct elements.

The first seeks accuracy in public decision-making.

The second seeks the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.

The third requirement is for public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is made into whether the decision-maker was biased in fact. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the Code's requirement to declare certain interests and withdraw from participation (see guidance on declaration of interests).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

Predetermination

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

² Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly-hostile lines of questioning for example.

You are therefore entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, that you are able to take account of all of the evidence and make your decision on the day.

How can bias or predetermination arise?

The following are some of the potential situations in which predetermination or bias could arise.

Connection with someone affected by a decision

This sort of bias particularly concerns administrative decision-making, where the council must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

For example, a principal authority councillor also belongs to a local council that has complained about the conduct of an officer of the principal authority. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and is not involved with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

For example, a principal authority receives an application to modify the Definitive Map of public rights of way. A panel of councillors are given delegated authority to make the statutory modification Order. They have a private meeting with local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being

required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If the councillor is merely seeking to lobby a public meeting at which the decision is taking place but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

For example, a council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: “speaking for myself I am inclined to go along with the barrister’s recommendation”. He later participates in the council’s decision to accept the barrister’s recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister’s report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

Another example is where a developer entered into negotiations to acquire some surplus council land for an incinerator. Planning permission for the incinerator had already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new councillors who have campaigned against the incinerator and a full debate, the council’s executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council’s decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

What do I do if I need advice?

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the clerk

The Golden Rule is be safe –seek advice if in doubt before you act.

RISK MANAGEMENT STRATEGY/POLICY

May 2026

1. Introduction

1.1 This document forms Donyatt Parish Council's Risk Strategy. It sets out:

Management

- What risk management is;
- Why the Council needs a risk management strategy;
- The Council's philosophy on risk management;
- The risk management process;
- Roles and responsibilities;
- Future monitoring.

1.2 The objectives of this strategy are to:

- Further develop risk management and raise its profile across the Council;
- Integrate risk management into the culture of the organisation;
- Embed risk management through the ownership and management of risk as part of all decision making processes; and
- Manage risk in accordance with best practice.

2. What Risk Management is

2.1 *'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.'* Audit Commission, Worth the Risk: Improving Risk Management in Local Government, (2001: 5)

2.2 Risk management is an essential feature of good governance. An organisation that manages risk well is more likely to achieve its objectives. It is vital to recognise that risk management is not simply about health and safety, but applies to all aspects of the Council's work.

- 2.3 Risks can be classified into various types but it is important to recognise that for all categories the direct financial losses may have less impact than the indirect costs such as disruption of normal working. The examples below are not exhaustive:

Strategic Risk – Long-term adverse impacts from poor decision-making or poor implementation. Risks damage to the reputation of the Council, loss of public confidence, in a worst case scenario Government intervention.

Compliance Risk – Failure to comply with legislation, laid down procedures or the lack of documentation to prove compliance. Risks exposure to prosecution, judicial review, employment tribunals and the inability to enforce contracts.

Financial Risk – Fraud and corruption, waste, excess demand for services, bad debts. Risk of additional audit investigation, objection to accounts, reduced service delivery, dramatically increased Council Tax levels/impact on Council reserves.

Operating Risk – Failure to deliver services effectively, malfunctioning equipment, hazards to service users, the general public or staff, damage to property. Risk of insurance claims, higher insurance premiums, lengthy recovery processes.

- 2.4 These risks can be broken down further into specific areas which could impact on the achievement of the Council's strategic objectives and day-to-day delivery of services:

Political – Those associated with the failure to deliver local, regional or national policy;

Financial – Those affecting the ability of the Council to meet its financial commitments; failure of major projects; internal and external audit requirements; failure to prioritise and allocate resources effectively; poor contract management; initiative overload;

Social – Those relating to the effects of changes in demographic, residential, or socio-economic trends on the Council's ability to deliver its strategic priorities;

Technological – Those associated with the capacity of the Council to deal with the pace/scale of technological change, or its ability to use technology to address changing demands. This includes the consequences of internal failures on the Council's ability to deliver its objectives;

Legal – The ability of the Council to meet legislative demands affecting breaches of legislation (UK & EU);

Environmental – Those relating to the environmental consequences of progressing the Council's objectives in terms of energy-efficiency, pollution, recycling, emissions etc;

Partnership/Contractual – Those associated with the failure of partners/contractors to deliver services to an agreed cost and specification and similarly failure of the Council to deliver services to an agreed cost and specification; compliance with procurement policies (internal/external); ensuring open and fair competition;

Human Resources – Those associated with the professional competence of staff; training and development; over-reliance on key personnel; ineffective project management; recruitment and selection issues;

Organisational – Those associated with the review of services and delivering continuous improvement;

Health & Safety/Physical – Those related to fire, safety, accident prevention and health & safety which pose a risk to both staff and the public; safeguarding and accounting of physical assets;

Reputational – Those associated with the changing needs of customers and the electorate; ensuring appropriate consultation; avoiding poor public and media relations.

Not all of these risks are insurable and for some the premiums may not be cost effective. Even where insurance is available, a monetary consideration might not be an adequate recompense. The emphasis should always be on eliminating or reducing risk before costly steps to transfer risk to another party are considered.

- 2.5 Risk is not restricted to potential threats but can be connected with missed opportunities. Good risk management can facilitate proactive, rather than merely defensive responses. Measures to manage adverse risks are likely to help with managing positive ones.

3. Why the Council needs a Risk Management Strategy

- 3.1 Risk management will strengthen the ability of the Council to achieve its objectives and enhance the value of services provided.

- 3.2 The Risk Management Strategy will help to ensure that all Committees and

service areas have an understanding of risk and that the Council adopts

a uniform approach to identifying and prioritising risks. This should in turn lead to conscious choices as to the most appropriate method of dealing with each risk, be it elimination, reduction, transfer or acceptance.

- 3.3 Strategic risk management is an important element in demonstrating continuous service improvement.
- 3.4 There is a requirement under the Accounts and Audit Regulations 2015 to establish and maintain a systematic strategy, framework and process for managing risk.

4. Risk Management Policy Statement

Ash 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 aims 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.

5. Implementing the Strategy

5.1 Risk Control

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and/or reducing the severity of the consequences should it occur. Typically, risk control requires the identification and implementation of revised operating procedures, but in exceptional cases more drastic action may be required to reduce the risk to an acceptable level.

Options for control include:

Elimination – The circumstances from which the risk arises are removed so that the risk no longer exists;

Reduction – Loss control measures are implemented to reduce the impact/likelihood of the risk occurring;

Transfer – The financial impact is passed to others e.g. by revising contractual terms;

Sharing – The risk is shared with another party;

Insuring – Insure against some or all of the risk to mitigate financial impact; and

Acceptance – Documenting a conscious decision after assessment of areas where the Council accepts or tolerates risk.

5.2 Risk Register

The Strategic Risk Register (*Appendix A*) will be regularly refined and updated as part of this Risk Management Strategy.

5.3 Risk Monitoring

The risk management process does not finish with putting risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of any risk has changed over time. The Risk Management Plan will be reviewed at least annually by the Full Council.

The information generated from applying the risk management process will help to ensure that risks can be avoided or minimised in the future. It will also inform judgements on the nature and extent of insurance cover and the balance to be reached between self-insurance and external protection.

5.4 Risk Management System

Risk Identification – Identifying and understanding the hazards and risks facing the Council is crucial if informed decisions are to be made about policies or service delivery methods. The risks associated with these decisions can then be effectively managed.

Risk Analysis – Once risks have been identified they need to be systematically and accurately assessed using proven techniques. Analysis should make full use of any available data on the potential frequency of

events and their consequences. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to the risk.

Risk Prioritisation - An assessment should be undertaken of the impact and likelihood of risks occurring, with impact and likelihood being scored Negligible (1), Low (2), Medium (3) and High (4).

		Impact			
		Negligible (1)	Low (2)	Medium (3)	High (4)
Likelihood	High (4)	4	8	12	16
	Medium (3)	3	6	9	12
	Low (2)	2	4	6	8
	Negligible (1)	1	2	3	4

The scores for impact and likelihood are scored as above. Risks scoring 12 and above will be subject to detailed consideration and preparation of a contingency/action plan to appropriately control the risk.

6. Roles and Responsibilities

6.1 It is important that risk management becomes embedded into the everyday culture and performance management process of the Council. The roles and responsibilities set out below, are designed to ensure that risk is managed effectively right across the Council and its operations, and responsibility for risk is located in the right place. The process must be driven from the top but must also involve staff throughout the organisation.

6.2 **Councillors** – Risk management is seen as a key part of Councillors' stewardship role and there is an expectation that Councillors will lead and monitor the approach adopted, including:

- i) Approval of the Risk Management Strategy;
- ii) Analysis of key risks in reports on major projects, ensuring that all future projects and services undertaken are adequately risk managed;
- iii) Consideration, and if appropriate, endorsement of the Annual Governance Statement; and
- iv) Assessment of risks whilst setting the budget, including any bids for resources to tackle specific issues.

6.3 **Employees** – will undertake their job within risk management guidelines ensuring that their skills, experience and knowledge are used effectively. All employees will maintain an awareness of the impact and costs of risks and

how to feed information into the formal process. They will work to control risks or threats within their roles, monitor progress and report on task related risks to the Parish Council.

6.4 Council Chairperson– will act as the lead officer on risk management, assisted by the Parish Clerk, and be responsible for overseeing the implementation of the Risk Management Strategy. The Chairperson will:

- i) Provide advice as to the legality of policy and service delivery options;
- ii) Provide advice on the implications for service areas of the Council's strategic aims and objectives;
- iii) Update the Council on the implications of new or revised legislation;
- iv) Assist in handling any litigation claims;
- v) In consultation with the Council's external advisors as necessary, provide advice on any human resource issues relating to strategic policy options or the risks associated with operational decisions and assist in handling cases of work related illness or injury;
- vi) In consultation with the Council's external advisors as necessary, advise on any health and safety implications of the chosen or proposed arrangements for service delivery;
- vii) Assess and implement the Council's insurance requirements;
- viii) Assess the financial implications of strategic policy options;
- ix) Provide advice on budgetary planning and control;
- x) Ensure that the financial information systems and processes allow effective budgetary control;
- xi) Ensure the Council's Risk Register is maintained;
- xii) Effectively manage the Council's investment and loan portfolio.

6.5 **Role of Internal Audit** – Internal Audit provides an important scrutiny role by carrying out audits to provide independent assurance to the Council that the necessary risk management systems are in place and all significant business risks are being managed effectively.

Internal Audit assists the Council in identifying both its financial and operational risks and seeks to assist the Council in developing and implementing proper arrangements to manage them, including adequate and effective systems of internal control to reduce or eliminate the likelihood of errors or fraud.

Internal Audit reports, and any recommendations contained within, will help to shape the Annual Governance Statement.

- 6.6 **Parish Council** – Review and future development of the Risk Management Policy and Strategy will be overseen by the Full Council.
- 6.7 **Training** – The aim will be to ensure that both Staff and Councillors have the skills necessary to identify, evaluate and control the risks associated with the services they provide. Risk Management training and development will be provided through a range of methods such as workshops, literature and in-house service familiarisation.
- 6.8 In addition to the roles and responsibilities set out above, the Council is keen to promote an environment within which individuals and groups are encouraged to report adverse incidents promptly and openly.

7. Future Monitoring

- 7.1 **Review of Risk Management Strategy** – This Strategy will be reviewed annually by the Full Council

8. Conclusion

The adoption of a sound risk management approach should achieve many benefits for the Council. It will assist in demonstrating that the Council is committed to continuous service improvement and effective corporate governance.

DONYATT PARISH COUNCIL
RISK ASSESSMENT
Approved 14th May 2025

			Key: H/M/L High, Medium or Low
ADOPTED	12th May 2026		
TOPIC	RISK IDENTIFIED	H/M/L	MANAGEMENT OF RISK
FINANCE			
Internal Audit	The Council not carrying out an Internal Audit as legally required. The appointment of the Internal Auditor must be a competent person to carry out an internal audit and independent from the council	M	The Council has appointed an appropriate, independent IA with clear terms and conditions together with an audit plan. Checks will be carried out at least once in the financial year
Invoices	Cheque payable is wrong amount. Cheque payable to wrong party. Cheque signed and left blank	L	Two members of the Council. A Cllr required to initial invoice and cheque stubs. Blank cheques are never signed. The Clerk retains the cheque books. Internal Audit check
Bank Statements	The Financial bi monthly report is not a true statement of the funds in the bank	L	The report reconciles to the most recent bank statements. A Cllr checks the statements against the corresponding financial report. Internal Audit check
Compliance with Customs and Excise Regulations	VAT not claimed	L	VAT is claimed at least once a year if over £10. Internal Audit check
Salaries	Incorrect hours paid. Fictitious employee	L	Members check bi-monthly schedule of cheques. Internal Audit check. Fidelity Insurance
Reimbursements	Wrong amount claimed by Clerk or Councillors	L	Till receipts submitted. Members check bi-monthly schedule of cheques. Internal Audit check. No petty cash.
Compliance with Inland Revenue regulations	Compliance with Real Time Information	H	The Clerk submits RTI every month but has to remember to do so.

DONYATT PARISH COUNCIL
RISK ASSESSMENT
Approved 14th May 2025

Pensions	Council not carrying out compliance with Auto Enrolment	M	Declaration of Compliance and Pensions Regulator updated 27.09.24. Copy on file. Chairman and Internal Auditor to check the confirmation from the Pensions Regulator
Budgets	The Council has not allowed sufficient allocation of money to run its business for the forthcoming year	M	The budget is set in January outlining estimated expenditure and income for the next financial year. A provision for contingency. General reserve at least 1/3rd of total expenditure for one year. Actual income & expenditure is checked on a regular basis. Internal Audit check
Elections	Insufficient provision for a contested election	L	Reserve of £4500.00
Borrowing	Complying with borrowing restrictions	L	A parish council may borrow funds but will normally require the formal written approval of the Secretary of State
ASSETS			
Asset Register	No list of assets. Loss or damage to assets Insufficient Insurance	M	A list of Assets maintained. Asset checked yearly and noted of any further action required. Insurance cover reviewed yearly. Internal Audit check
LIABILITIES			
Liability	Ensuring activities are with legal powers	L	Clerk clarifies legal position on any new proposal. Legal advice be sought if necessary. Internal Audit check
Liability	Proper and timely reporting via the Minutes	L	Draft minutes are produced within a month of a meeting and are posted on the web site. Minutes are approved at the next meeting

DONYATT PARISH COUNCIL
RISK ASSESSMENT
Approved 14th May 2025

Liability	Risk to third party, property or individuals	M	Public Liability Insurance cover
Employment Liability	Compliance with Employment Law. Compliance with Pension obligations	M	All employees have Contracts of Employment. Training programme for Proper Officer/Cllrs via membership to SALC and SLCC.
Data Protection	Fined by the Data Protection Agency for not registering as required by law. Uncontrolled data	M	Registered with the Data Protection Agency. Council has adopted a Publication Scheme. The Council has GDPR policies in place and certificate on file.
OTHER RISKS			
Financial Regulations and Standing Orders	Not carrying out good practice as recommended by NALC	L	Adoption of Financial Regulations and Standing Orders as recommended by NALC
Urgent expenditure	Expenditure on items, i.e. repairs, that can not wait for approval at the next available council meeting	L	The Clerk in consultation with the Chairman has delegated powers to authorise payment of up to £500
Cllrs/Clerk site visits	Cllrs, Clerk could be in danger of not being seen by vehicles, cyclists and horse riders especially on highways	M	Use of high visibility waistcoats to wear when on footpath highways/footpath activities and planning site visits
Proper Document Control	Security of documents and storage	M	Paper documents are filed in a filing cabinet and Council's legal and leases are with the Council's solitors. Data storage are stored to comply with the Data Protraction Act. Regular back-ups with electronic records

DONYATT PARISH COUNCIL
RISK ASSESSMENT
Approved 14th May 2025

Councillor Propriety	Compliance with regulations on Register of interests, gifts and hospitality	M	Clerk to ensure that Register of Interests are completed by 28 days. Copies are sent to SSDC and web sites. Councillors have a copy of the Council's Code of Conduct which outline their responsibilities in regard to gifts and hospitality. Declaration of Interest in an agenda item at every Council meeting
National Epidemic or Global Pandemic.	The Council is unable to meet or to exercise its normal local government and parish functions for any reason associated with the epidemic or pandemic.	M	For Business Continuity: To implement (or review) a scheme of delegation. This would allow the clerk to make certain decisions, in consultation with Cllrs for the council, which would be especially important if the council were unable to hold meetings due to COVID-19 risks. In reviewing/adopting a scheme of delegation the council should ensure there is clarity around which decisions are delegated and which are not, for how long the scheme of delegation is in place, and when the scheme of the delegation will end or be reviewed.

DONYATT PARISH COUNCIL

PROCEDURE FOR CONDUCTING CO-OPTIONS - Adopted at the Annual Parish Meeting held on 3rd May 2024

CASUAL VACANCIES

On confirmation from Electoral Services that a casual vacancy must be filled by co-option, the Clerk will post a notice on the notice boards, website and, if time allows, in the newsletter notifying there is a vacancy with the reason for it and confirming there is to be a co-option. The date of the meeting when the co-option is to be made will be stated on the notice. If the vacancy has occurred through a death of a Councillor, then the Clerk will usually wait until after the funeral.

There will be a deadline for responses of not less than 3 weeks from the date of the insertion.

The advertisement must also state the rules for eligibility and direct interested parties to write to the Clerk confirming their eligibility to sit on the Parish Council, including a short statement explaining the reasons s/he wants to become a Parish Councillor.

Nominees must also be made aware that canvassing of Council members will disqualify them from standing for the vacancy:

22: *Canvassing of and recommendations by councillors*

Standing Order 22:

Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.

In the case of a casual vacancy occurring in the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy but an election is not held. A resolution of the Council can decide whether to co-opt and can leave any unfilled vacancies to be filled at the ordinary elections.

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AT THE MEETING

At the Council meeting when the co-option takes place, each nominee will be invited to speak for up to 3 minutes. When all the nominees have spoken the Chairman shall seek proposers and seconders for each nomination and the vote will follow. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting.

Standing Order 12:

12: *Voting on appointments*

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. Members must vote by show of hands unless the council has standing orders that provides otherwise.

The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

AFTER THE FULL PARISH COUNCIL ELECTIONS

In the event of vacancies following the close of nominations for the full Parish Council elections, the Clerk shall follow the above procedure to fill the vacancies and the co-option(s) will take place at the first possible Parish Council meeting.

May 2024

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DONYATT PARISH COUNCIL

Co-option Application

The Role of a Parish Council

A parish council is a local authority that makes decisions on behalf of the people in the parish and has an overall responsibility for the well-being of its local community. It is the level government closest to the community and its work falls into three main categories:

- Representing the local community
- Delivering services to meet local needs
- Striving to improve quality of life in the parish

The Role and Responsibilities of a Parish Councillor

Parish councillors act as ambassadors for their community, keeping everyone aware of local needs and concerns. Councillors represent the voice of their community as a whole, whilst being aware of, and considerate to, specific minority needs.

Responsibilities include (but not limited to):

- To determine council policy and provide community leadership; monitor and review council performance in implementing policies and delivering services; represent the council externally; and act as advocates for their residents/community
- Improve the quality of life and the environment in their local area.
- Work to identify issues that are important to the lives of the residents
- Be well-informed, especially about diverse local views. A councillor cannot assume they represent the interests of the residents without consulting them.
- Representing the views of residents in an objective and professional way.
- Make difficult decisions, in an open and reasoned way.
- Run local services, such as open spaces, play areas etc. (often done in conjunction with a team of willing volunteers undertaking various 'manual' tasks).
- Take accountability for their own designated areas of responsibilities; undertake actions from and report back at PC meetings.
- Support the roles and responsibilities of other councillors and the clerk.
- To comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council, which includes attendance at PC meetings and good time keeping.

Chairs have additional responsibilities, which mean that they may have to have a closer working relationship with employees (clerk) than other councillors do.

The Role and Responsibilities of a Parish Clerk

Officers (clerks) are responsible to the council. Their job is to give advice to councillors and to the council. The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council.

Responsibilities include (but not limited to):

- Ensures that the council conducts its business lawfully
- Administers all the council's paperwork
- Ensures that meeting papers are properly prepared and publicised
- Keeps property registers and other legal documents
- Keeps up to date by training /qualification

"Both councillors and officers (clerks) are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority. At the heart of this relationship, is the importance of mutual respect.

DONYATT PARISH COUNCIL
Co-option Application

Application form for co-option to the Parish Council

Please complete this form to be considered as a candidate for membership of the parish council, then return by post to: Zannette Bougourd, Clerk to Donyatt Parish Council, 9 Redgate Park, Crewkerne. TA187NL **or by e-mail (preferably as a printable pdf document) to** clerk@donyatt-pc.gov.uk

NAME:(Mr/Mrs/Miss/Ms/Other)

ADDRESS:

.....

E-mail address

Telephone

Qualification to serve

You are at least 18 years old and a British citizen or an eligible Commonwealth and you must be able to answer "YES" to at least one of the following four questions; please circle as many as apply to you.

1. Are you registered at the above address as a Local Government Elector for the area of Donyatt Parish? YES / NO
2. During the whole of the last 12 months have you resided in the Parish or within 3 miles (4.8 kilometres) of it? Show address if different from above YES / NO
3. During the whole of the last 12 months have you occupied as owner or tenant land or premises in the Parish? Give address of land or premises. YES / NO
4. During the whole of the last 12 months has your main place of work been within the Parish? Give address and place of work and employer if applicable. YES / NO

Disqualifications (as provided in the Local Government Act 1972, s80; Localism Act 2011, s34)

If you answer "YES" to any of the following six questions then it is likely that it will not be possible to co-opt you to the Parish Council. All information will be treated in the strictest confidence.

1. Do you now hold, or have you in the last 12 months held, any paid office or any other position of profit with this Council or an organisation controlled by the Council? YES / NO
2. Have you ever been surcharged by the District Auditor for £500 or more? YES / NO
3. Have you ever been disqualified by a Court from holding Public Office? YES / NO
4. Have you ever been declared bankrupt? YES / NO
5. Have you ever been convicted of any offence where the sentence of imprisonment was more than 3 months (even if sentence suspended)? YES / NO
6. Have you ever been found guilty of corrupt or illegal practices under Election Laws? YES / NO

I have set out information about my background and reasons for applying to be considered for co-option on pages 2 and 3 of this form.

Signed

Date.....

DONYATT PARISH COUNCIL

Co-option Application

DONYATT PARISH COUNCIL CO-OPTION OF COUNCILLOR APPLICATION FORM
Donyatt Parish Council are keen to co-opt fellow members of the community who are team players, willing to contribute their own ideas whilst respecting those of others and accepting majority decisions. Experience of serving on a council or with other voluntary groups may be useful. Please use this form to explain how your background and skills may enable you to contribute to the running of the Parish.
NAME:
REASONS FOR WISHING TO BE A COUNCILLOR
YOUR SKILLS / EXPERIENCE WHICH MAY BE USEFUL AS A COUNCILLOR
PREVIOUS COMMUNITY/VOLUNTARY/COUNCIL WORK (IF APPLICABLE)

DONYATT PARISH COUNCIL
Co-option Application

ANY SPECIFIC AREAS OF RESPONSIBILITY YOU ARE INTERESTED IN

ANY OTHER COMMENTS

INVESTMENT POLICY

1. Introduction.

This 'Investment Policy' complies with the revised requirements set out in the Department of Communities and Local Government Guidance on Local Government Investments (3rd Edition) and takes into account Section 15(1)(a) of the Local Government Act 2003 and guidance within Governance and Accountability for Local Councils Practitioner's Guide 2018.

An investment strategy is required for all investments expected to exceed £100,000.00 at any time during the financial year.

The Local Government Act 2003 states that a local authority may invest:

- For any purpose relevant to its functions under any enactment.
- For the purpose of prudent management of its financial affairs.

Donyatt Parish Council acknowledges the importance of investing the temporary surplus funds held on behalf of the community as part of its fiduciary duty.

This policy establishes formal objectives, policies and practices and reporting arrangements for the effective management and control of the Parish Council's investment activities and the associated risks and should be read in conjunction with the Parish Council's Financial Regulations.

2. Investment Objectives & Principles.

The Parish Council aims to invest its reserves in order to maintain the value of these funds in real terms, to support future service delivery.

The Parish Council is required to consider investments in line with the following principles:

- (a) Security – protection of the investment sum from loss of value and to minimise risk; and, (b) Liquidity – how quickly the invested funds can be encashed if required.

Once principles (a) and (b) have been determined, the Parish Council can reasonably consider suitable investments to maximise the Parish Council's income (yield).

The Parish Council should consider the appropriate balance between security, liquidity and yield in relation to risk when making any investment decisions and in order to achieve the optimum return on investment.

All investments shall be made in the name of the Parish Council and be deposited in sterling.

The decision to invest funds must be recommended by the full Council.

The choice of institution and length of the deposit shall be decided by Full Council.

The Parish Council will consider spreading its investments across financial institutions to minimise risk and to protect its funds.

Donyatt Parish Council

Clerk: Zannette Bougourd

E-mail: clerk@donyatt-pc.gov.uk

Tel: 07471341433

Should the Parish Council appoint an investment manager or financial advisor, this appointment shall be reviewed every five years. Advisors will be made aware of this policy as well as the regulatory and statutory framework applicable to Parish Councils.

All investments will be with financial institutions, banks and building societies registered in the UK.

The Investment Policy will be published on the Parish Council's website.

The Parish Council does not currently plan on investing in non-financial assets.

3. Short Term Specified Investments.

Short term specified investments are defined as those offering high security and high liquidity, made in sterling and with a maturity of no more than 12 months. Short term investments made with the UK Government or to a local authority or Parish Council will automatically be defined as a specified investment.

For the prudent management of the Parish Council's balances and in order to maintain adequate levels of security and liquidity the Parish Council may choose to invest short term funds with:

- Banks, building societies, local authorities or other public authorities who are all based in the UK;
- Other approved public sector investment funds.

4. Long Term Non-Specified Investments.

Non-specified investments are defined as any investments that do not meet the criteria of short term specified investments detailed in section 3. In general, non-specified investments have greater risk potential and include investment in money markets, stocks and shares.

Funds may be invested for periods of more than 12 months. In specifying the length of the investment, the Parish Council's anticipated expenditure requirement over the proposed investment period will be assessed to ensure sufficient funds remain available.

The Parish Council may place investments not required for current expenditure with long term nonspecified investments with a maturity period of up to 5 years, at which point the investment objectives should be fully reviewed to determine whether the investment should continue.

The Parish Council will determine the upper limits for the maximum amounts that can be held individually or accumulatively in non-specified investments and will confirm annually that the investments have remained within these limits.

The Parish Council will seek the advice of an independent financial advisor prior to making any long-term investments, as part of the risk management process.

5. Risk Management & Monitoring.

Investments will be spread over different providers where appropriate to minimise risk.

The Parish Council will monitor the risk of loss on investments by reviewing credit ratings for the investment institutions at least annually. This will be achieved by asking the institutions to confirm their current credit rating.

The Parish Clerk, as Responsible Financial Officer, shall be the contact for the financial advisor and any other appointed counterparties and is authorised to deal with administrative matters and give instructions on behalf of the Parish Council as necessary to protect the Parish Council's investments.

6. End of Year Investment Report & Governance.

At the end of the financial year the Parish Clerk will supply an annual report to the Full Council.

The Parish Clerk is responsible for bringing to the Parish Council's attention any matters which may affect the security of the Parish Council's investments. The Full Council is responsible for agreeing any course of action required to safeguard its investments.

The Investment Policy will be reviewed annually prior to ratification by Full Council.

Any amendments required to the Investment Policy must be approved by Full Council prior to implementation. Amendments can be proposed at any time during the year, as required.

7. Investment Strategy 2025/26.

The Parish Council will continue to use Unity Trust Bank plc as the primary banking provider.

The Parish Council will ensure it has adequate cash resources or standby facilities to enable it at all times to have the level of funds available which are necessary for the achievement of its service objectives.

Long-term investments are defined in the Guidance as greater than 12 months. The Parish Council do not currently hold any long-term investments.

For the financial year 2026/27 the Parish Council will invest as much of its balances as possible in low-risk products in order to achieve its investment objectives.

DONYATT PARISH COUNCIL'S DISCIPLINARY POLICY

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case

- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not

contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

- 9 The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
 - inadequate application of management instructions/office procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

The Procedure

- 10 Preliminary enquiries. The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

- 11 Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from

outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
 - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
- 15 The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure

- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

- 22 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors, to formally hear the allegations. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
- 23 No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
- the names of its Chairman and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
 - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
 - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
 - the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

- 26 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal

- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

- 27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

- 29 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

- 30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

- 32 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
 - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

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DONYATT PARISH COUNCIL'S GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and

action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of [] council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members

- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy

- the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
 15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
 16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
 - explain the action that the appeal panel may take.
 17. The employee (or companion) will be asked to explain the grounds of appeal.
 18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
 19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
 20. The decision of the appeal panel is final.

DONYATT PARISH COUNCIL

GRANT AID

Donyatt Parish Council aims to operate a modest grant aid system each year to Parish Voluntary Organisations

The Parish Council defines a voluntary group as a 'not-for-profit' organisation that benefits a majority a majority of Parish residents.

This document gives the Parish Council's general funding principles and details its expectations of all groups in receipt of grant aid.

Groups applying for grant aid should note:

- Grants are made to meet deficits on future running costs, to encourage new groups or new projects, or to help with the costs of some one-off expenditures
- Grants will only be made to groups which **need** financial help. Accumulated reserves will be considered when grant levels are decided.
- Grants will not be made to groups, which operate for private gain or are connected with any political party; grants may be made to religious organisations for social or welfare purposes, but not to cover the costs of worship or conversion.
- Grants are normally made for one year's expenditure at a time and should be spent within the year for the purpose for which they were given. They should not be added, wholly or partly, to reserves unless part of a previously approved programme of funding for a particular project.
- Grants will not be made retrospectively or be made once work on a project has already commenced.
- A grant award must only be used for the purpose stated on the application unless the written approval of the Council has been obtained for a change in use of the grant monies prior to the work being commenced.
- Organisations will be required to return grant-aid if they close or are unable to use the money, or any part of it, for the purpose stated. The Parish Council may request proof of expenditure.

Voluntary groups grant-aided by the Council are required to:

- Ensure efficient levels of administration, hold regular meetings, keep minutes and circulate information to group members.
- Keep proper accounts. Grants may only be made to groups, which have submitted satisfactory accounts, unless the group is recently formed.
- Report back as required to the Council on their activities
- Involve group members and users in policy-making and in the management of activities and services
- Be open to eligible users, as defined by the group's constitution
- Establish and monitor equal opportunities policies and practices
- Meet the legal responsibilities of an employer where appropriate; adopt, implement and monitor good employment practices and procedures
- Recruit and support volunteers where appropriate
- Acknowledge the Parish Council's support in annual reports.

DONYATT PARISH COUNCIL

GRANT APPLICATION FORM
for Voluntary organisations in the parish

NAME OF ORGANISATION	
CONTACT NAME AND ADDRESS & PHONE NO:	
ORGANISATION ACTIVITIES	
NUMBER IN ORGANISATION	
DESCRIPTION OF PROJECT OR PURCHASE AND REASON FOR GRANT	
TOTAL COST	
AMOUNT OF GRANT REQUESTED	
HOW MUCH IS TO BE RAISED BY THE ORGANISATION TOWARDS THIS PROJECT	

DESCRIBE HOW YOU WILL RAISE FURTHER MONEY TOWARDS THIS PROJECT	
HAVE YOU APPLIED FOR OTHER LOCAL GOVERNMENT GRANTS TOWARDS THIS PROJECT	
WHAT ARE YOUR BANK BALANCES AT THE TIME OF APPLICATION	
HAVE YOU RECEIVED A GRANT FROM THIS COUNCIL IN THE LAST 5 YEARS	
PLEASE ENCLOSE A COPY OF YOUR LAST 1 YEAR CERTIFIED FULL YEAR ACCOUNTS: NEW GROUPS NOT COMPLETED ONE YEAR WILL BE ACCESSED ON THEIR BANK BALANCE	
PLEASE USE THIS REMAINING SPACE TO GIVE ANY ADDITIONAL INFORMATION RELATING TO YOUR APPLICATION	
SIGNED	
POSITION	

Donyatt Parish Council Complaints Procedure Adopted on 3rd May 2024

1. Donyatt Parish / Community Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

3. This Complaints Procedure does not apply to

3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer.

These matters are dealt with under the council's disciplinary and grievance procedures.

3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 14th June 2022 Minute ref: Item 7 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Somerset Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Somerset Council.

4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.

6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council.

8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Complaints Committee of the Parish / Community Council or to the full Council (as appropriate) and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Contacts

The Clerk of Donyatt Parish Council

Address:

9 Redgate Park

Crewkerne,

Somerset.

TA187NL

Telephone: 07471341433

Email: clerk@donyatt-pc.gov.uk

Chairman: cldr.d.light@donyatt-pc.gov.uk

DONYATT PARISH COUNCIL DATA PROTECTION POLICY

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Purpose

The council is committed to being transparent about how it collects and uses the personal data of staff, and to meeting our data protection obligations. This policy sets out the council's commitment to data protection, and your rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers, contractors, and former employees, referred to as HR-related personal data. This policy does not apply to the personal data relating to members of the public or other personal data processed for council business.

The council has appointed Zannette Bougourd – Parish Clerk and RFO as the person with responsibility for data protection compliance within the council. Questions about this policy, or requests for further information, should be directed to them.

Definitions

"Personal data" is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.

"Processing" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data protection principles

The council processes HR-related personal data in accordance with the following data protection principles the council:

- processes personal data lawfully, fairly and in a transparent manner
- collects personal data only for specified, explicit and legitimate purposes
- processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing

- keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay
- keeps personal data only for the period necessary for processing
- adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage

The council will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices.

The council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it. The council will not process your personal data if it does not have a legal basis for processing.

The council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Processing

Personal data

The council will process your personal data (that is not classed as special categories of personal data) for one or more of the following reasons:

- it is necessary for the performance of a contract, e.g., your contract of employment (or services); and/or
- it is necessary to comply with any legal obligation; and/or
- it is necessary for the council's legitimate interests (or for the legitimate interests of a third party), unless there is a good reason to protect your personal data which overrides those legitimate interests; and/or
- it is necessary to protect the vital interests of a data subject or another person; and/or
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

If the council processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the council is required to gain your consent to process your personal data. If the council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

The council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Personal data gathered during the employment is held in your personnel file in hard copy and electronic format on HR and IT systems and servers. The periods for which the council holds your HR-related personal data are contained in our privacy notices to individuals.

Sometimes the council will share your personal data with contractors and agents to carry out our obligations under a contract with the individual or for our legitimate interests. We require those individuals or companies to keep your personal data confidential and secure and to protect it in accordance with Data Protection law and our policies. They are only permitted to process that data for the lawful purpose for which it has been shared and in accordance with our instructions.

The council will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

The council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Special categories of data

The council will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- where you have made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for the purposes of occupational medicine or for the assessment of your working capacity;
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent;
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the council processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the council is required to gain your consent to process your special categories of personal data. If the council asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Individual rights

As a data subject, you have a number of rights in relation to your personal data.

Subject access requests

You have the right to make a subject access request. If you make a subject access request, the council will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself;
- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long your personal data is stored (or how that period is decided);
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think the council has failed to comply with your data protection rights; and
- whether or not the council carries out automated decision-making and the logic involved in any such decision-making.

The council will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

If you want additional copies, the council may charge a fee, which will be based on the administrative cost to the council of providing the additional copies.

To make a subject access request, you should send the request to the Clerk or Chairman of the Council. In some cases, the council may need to ask for proof of identification before the request can be processed. The council will inform you if we need to verify your identity and the documents we require.

The council will normally respond to a request within a period of one month from the date it is received. Where the council processes large amounts of your data, this may not be possible within one month. The council will write to you within one month of receiving the original request to tell you if this is the case.

If a subject access request is manifestly unfounded or excessive, the council is not obliged to comply with it. Alternatively, the council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the council has already responded. If you submit a request that is unfounded or excessive, the council will notify you that this is the case and whether or not we will respond to it.

Other rights

You have a number of other rights in relation to your personal data. You can require the council to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if your interests override the council's legitimate grounds for processing data (where the council relies on our legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the council's legitimate grounds for processing data.
- complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk).

To ask the council to take any of these steps, you should send the request to the Clerk or Chairman of the Council.

Data security

The council takes the security of HR-related personal data seriously. The council has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the council engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Data breaches

The council have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Clerk or Chairman of the Council immediately and keep any evidence, you have in relation to the breach.

If the council discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of yourself, we will report it to the Information Commissioner within 72 hours of discovery. The council will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell you that there has been a breach and provide you with information about its likely consequences and the mitigation measures we have taken.

International data transfers

The council will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

You are responsible for helping the council keep your personal data up to date. You should let the council know if data provided to the council changes, for example if you move to a new house or change your bank details.

Everyone who works for, or on behalf of, the council has some responsibility for ensuring data is collected, stored and handled appropriately, in line with the council's policies.

You may have access to the personal data of other individuals and of members of the public in the course of your work with the council. Where this is the case, the council relies on you to help meet our data protection obligations to staff and members of the public. Individuals who have access to personal data are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the council) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, locking computer screens when away from desk, and secure file storage and destruction including locking drawers and cabinets, not leaving documents on desk whilst unattended);
- not to remove personal data, or devices containing or that can be used to access personal data, from the council's premises without prior authorisation and without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.
- to never transfer personal data outside the European Economic Area except in compliance with the law and with express authorisation from the Clerk or Chair of the Council
- to ask for help from the council's data protection lead if unsure about data protection or if you notice a potential breach or any areas of data protection or security that can be improved upon.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the council's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing personal data without authorisation or a legitimate reason to do so or concealing or destroying personal data as part of a subject access request, may constitute gross misconduct and could lead to dismissal without notice.

This is a non-contractual policy and procedure which will be reviewed from time to time.

Date of policy: May 2026

Approving committee: Full Council

Date of committee meeting:

Donyatt PARISH COUNCIL FREEDOM OF INFORMATION POLICY

Adopted May 2026

The Parish Council is committed to openness and transparency and wishes to make relevant information available wherever possible to individuals who may request it, subject to safeguarding the privacy of individuals and to legitimate considerations of national security, law enforcement and commercial interests where relevant. The Freedom of Information Act gives everyone a statutory right of access to information held by bodies such as the Parish Council.

Model publication scheme

This document is based on the revised model publication scheme issued by the Information Commissioner's Office. The model scheme is at www.ico.org.uk/model-publication-scheme.pdf

Information about the Parish Council

A significant amount of information about the Parish Council is available on its website. The Parish Council Clerk should be contacted if information is needed in an alternative format.

Making a request for information

Individuals or organisations may make a written request for other information which they believe the Parish Council holds. To request information under the provisions of the Act an email (or if not possible: a letter) should be sent to the Clerk at clerk@donyatt-pc.gov.uk or by letter to the Clerk's address. This should include the full name and valid postal address of the person or organization making the request, as required under the Act, and a clear description of the information sought.

When a request is made, a preference about the desired format of the information may be made: for example: hard copy, an opportunity to inspect a record containing the information, or providing a digest or summary of the information. The Council will try to meet the preference as far as is reasonably practical or explain if it cannot do so.

It is noted that when forwarding on documents and especially emails in a digital format, that mistakes over GDPR regulations can easily be made. Names and contact information that should remain private can easily be sent out to third parties. It is further noted that it is impossible to redact forwarded emails, and that documents can include metadata, the disclosure of which can be contrary to GDPR regulations. It is also acknowledged that Donyatt Parish Council has inadvertent disclosed such information in the past, and consequently, and to avoid these mistakes being made, the Parish Council deems that it is reasonable to have a policy to only send out hard copies of any documents, and that before these documents are sent to the Requestor, they will be checked by a Councillor and any personal information redacted. Each page will be initialled by said councillor to indicate that it has been checked. To ensure that there is an adequate accountability and paper trail, the redacted documents will be sent Special Delivery.

Responding to requests

The Council will inform the person or organisation making the request in writing whether it holds the information requested and if so, provide it to not later than 20 working days after it receives the request. The Freedom of Information Act identifies several categories of information which the Parish Council is not

required to disclose under the Act. In this case, the Council will write stating the exemption which provides the basis for refusal within the Act and why it applies to the information requested. The Council will communicate this within the above 20-day time period.

Charges for providing information under the Freedom of Information Act

There is no 'flat rate' fee to receive information and in many cases the Council will provide the information free of charge. However, it should be noted that if the information sought is not readily available in the form in which it is requested, the Parish Council may charge a fee based on the costs associated with providing the information, for example photocopying and postage (known as 'disbursements'). The Freedom of Information Act does permit the Parish Council to refuse a request if it estimates that it will cost in excess of the appropriate cost limit (currently £450) to fulfil that request.

Freedom of information Fees Notice

If it is necessary to charge a fee for disbursements, or because the costs exceed the appropriate limit, the Council will write advising of the fee required within 20 working days of receipt of the request. This is known as a 'Fees Notice'. When a Fees Notice is issued, the noted 20-day limit for a response will stop, and will start again when the Council receives payment. If the fee is not received within three months the Council is not obliged to comply with the request.

The current printing and scanning costs are as follows:

A4 black and white print out: 17 pence per page

A4 colour print out: 60 pence per page

A4 scan: 50 pence per page

Transparency of requests

Donyatt Parish Council is committed to a policy of transparency, and so will publish as much information about each request as it is legally allowed to. They will also publish information that allows parishioners to see the costs of every request, and information that will allow parishioners to see if multiple requests are being made, in order to allow Parishioners to check that the Parish Council are doing enough to tackle repeat and vexatious requests.

Transparency notwithstanding, Donyatt Parish Council will not publish any information that is contrary to the prevailing GDPR regulations.

Costs of requests

It is noted that any time that it takes to gather the information for any request may fall outside of the usual paid hours of any Council Officer or employee and in this case these hours will be payable at their usual hourly rate or the statutory rate of £25 per hour whichever is higher, and that this will be payable even if the total chargeable falls below the Fees Notice threshold.

Complaints

If anyone is dissatisfied with the way the Parish Council has responded to a request for information, they should write to:

Donyatt Parish Council, 9 Redgate Park, Crewkerne. TA187NL clerk@donyatt-pc.gov.uk

DONYATT PARISH FINANCIAL REGULATIONS 2026

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These Financial Regulations were reviewed and noted by the Full Council at its meeting held on May 12th 2026.

1. General

- 1.1. These Financial Regulations govern the financial management of Donyatt Parish Council (the council) and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
 - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
 - "Approve" refers to an online action, allowing an electronic transaction to take place.
 - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
 - 'Proper practices' means those set out in *The Practitioners' Guide*
 - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
 - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Clerk has been appointed as RFO and these regulations apply accordingly The RFO;
 - acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and control systems;
 - ensures the accounting control systems are observed;
 - ensures the accounting records are kept up to date;
 - seeks economy, efficiency and effectiveness in the use of council resources; and
 - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**
 - **setting the final budget or the precept (council tax requirement);**

- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of [£2,000];

2. Risk management and internal control

- 2.1. The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.2. The Clerk/RFO shall prepare, for approval by Donyatt Parish Council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.
- 2.3. When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration by the council.
- 2.4. At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. The accounting control systems determined by the RFO must include measures to:**
 - **ensure that risk is appropriately managed;**
 - **ensure the prompt, accurate recording of financial transactions;**
 - **prevent and detect inaccuracy or fraud; and**
 - **allow the reconstitution of any lost records;**
 - **identify the duties of officers dealing with transactions and**
 - **ensure division of responsibilities.**
- 2.6. At every meeting and at each financial year end, a member other than the Chair {or a cheque signatory} shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.
- 2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall

put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonably accuracy at any time. In particular, they must contain:**
 - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
 - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by Donyatt Parish Council [the council] and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
 - is competent and independent of the financial operations of the council;
 - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of the council

3.9. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

4.1. **Before setting a precept, the council must calculate its [council tax (England)/budget (Wales)] requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by Donyatt Parish Council [the council] at least annually in November for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council .

4.3. No later than December each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments/income and expenditure for the following financial year along with a forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward by placing them in an earmarked reserve with the formal approval of the full council.

4.5. The draft budget with three-year forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the council.

4.6. Having considered the proposed budget and three-year] forecast, the council shall determine its council tax ~~England~~ requirement by setting a budget. The council

shall set a precept for this amount no later than the end of January or date advised by Somerset Council for the ensuing financial year.

- 4.7. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.8. The RFO shall **issue the precept to the billing authority no later than the end of February or date advised by Somerset Council** and supply each member with a copy of the agreed annual budget.
- 4.9. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.10. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed £60,000 including VAT, the Clerk shall {seek formal tenders from at least [three] suppliers agreed by Donyatt Parish Council [the council]} Tenders shall be invited in accordance with Appendix 1.
- 5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**
- 5.8. For contracts greater than £3,000 excluding VAT the Clerk/RFO shall seek at least [2] fixed-price quotes;
- 5.9. where the value is between £500 and £3,000 excluding VAT, the Clerk/RFO shall try to obtain 2 estimates {which might include evidence of online prices, or recent prices from regular suppliers.}

5.10. For smaller purchases, the clerk/RFO shall seek to achieve value for money.

5.11. **Contracts must not be split to avoid compliance with these rules.**

5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council {or relevant committee}. Avoidance of competition is not a valid reason.

5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- The Clerk/RFO, under delegated authority, for any items below £500 excluding VAT.
- the Clerk/RFO, in consultation with the Chair of the Council for any items below £2,000 excluding VAT.

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

5.16. No individual member, or informal group of members may issue an official order {unless instructed to do so in advance by a resolution of the council} or make any contract on behalf of the council.

5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.

5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to Donyatt Parish Council [the council] as soon as practicable thereafter.

5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless Donyatt Parish Council [the council] is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

5.20. An official order or letter shall be issued for all work, goods and services {above £500 excluding VAT unless a formal contract is to be prepared or an official order

would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.

5.21. Any ordering system can be misused and access to them shall be controlled by the Clerk/RFO.

6. Banking and payments

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Unity Trust Bank. The arrangements shall be reviewed annually for security and efficiency.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the Clerk/ RFO]. {Where the certification of invoices is done as a batch, this shall include a statement by the RFO that all invoices listed have been 'examined, verified and certified' by the RFO}.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by online banking, in accordance with a resolution of the council unless Donyatt Parish Council [the council] resolves to use a different payment method.
- 6.6. For each financial year the Clerk/RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the council may authorise in advance for the year.
- 6.7. A copy of this schedule of regular payments shall be signed by two members on each and every occasion when payment is made - to reduce the risk of duplicate payments.
- 6.8. A list of such payments shall be reported to the next appropriate meeting of the council for information only.
- 6.9. The Clerk/ RFO shall have delegated authority to authorise payments only in the following circumstances:
 - i. any payments of up to £500 excluding VAT, within an agreed budget.

- ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
- iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of [the council], where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- iv. Fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Donyatt Parish Council..

6.10. The Clerk/RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council.. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

7. Electronic payments

- 7.1. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk/RFO may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.
- 7.2. All authorised signatories shall have access to view the council's bank accounts online.
- 7.3. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.4. The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to two authorised signatories.
- 7.5. In the prolonged absence of the Service Administrator the Chairman shall set up any payments due before the return of the Service Administrator.
- 7.6. Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained showing which members approved the payment online {and a printout of the transaction confirming that the payment has been made shall be appended to the invoice for audit purposes}.

- 7.8. A full list of all payments made in a month shall be provided to the next Donyatt Parish Council [the council] meeting and appended to the minutes.
- 7.9. With the approval of Donyatt Parish Council [the council] in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by [the council] at least every two years.
- 7.10. Payment may be made by BACS or CHAPS by resolution of Donyatt Parish Council [the council] provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to [the council] at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.11. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are approved online by two members, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by Donyatt Parish Council [the council] at least every two years.
- 7.12. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk/RFO and a member. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 7.13. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.14. Remembered password facilities {other than secure password stores requiring separate identity verification} should not be used on any computer used for council banking.

8. Cheque payments

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk/RFO.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4. {Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting}. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

9. Payment cards

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed.
- 9.2.].
- 9.3. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/ RFO and any balance shall be paid in full each month.
- 9.4. Personal credit or debit cards of members or staff shall not be used except for expenses of up to £250 including VAT, incurred in accordance with council policy.

10. Payment of salaries and allowances

- 10.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 10.2. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 10.3. Salary rates shall be in accordance with NALC paycales and agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council..or relevant committee.
- 10.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 10.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 10.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook.
- 10.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 10.8. Before employing interim staff, the council must consider a full business case.

11. Loans and investments

- 11.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 11.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

- 11.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 11.4. All investment of money under the control of the council shall be in the name of the council.
- 11.5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.
- 11.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

12. Income

- 12.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk/RFO.
- 12.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk/RFO shall be responsible for the collection of all amounts due to the council.
- 12.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the Clerk/ RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 12.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the Clerk/RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 12.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 12.6. The Clerk/RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any repayment claim under section 33 of the VAT Act 1994 shall be made {quarterly where the claim exceeds [£100] and} at least annually at the end of the financial year.}
- 12.7. {Where significant sums of cash are regularly received by the council, the Clerk/RFO shall 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 record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.}
- 12.8. {Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.}

13. Payments under contracts for building or other construction works

13.1. Where contracts provide for payment by instalments the Clerk/RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

13.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk/RFO to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

14. Stores and equipment

14.1. {[The officer in charge of each section] shall be responsible for the care and custody of stores and equipment [in that section].}

14.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

14.3. {Stocks shall be kept at the minimum levels consistent with operational requirements.}

14.4. {The Clerk/RFO shall be responsible for periodic checks of stocks and stores, at least annually.}

15. Assets, properties and estates

15.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

15.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.

15.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

15.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

16. Insurance

- 16.1. The Clerk/RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 16.2. The Clerk/RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to Donyatt Parish Council [the council] at the next available meeting. The Clerk/RFO shall negotiate all claims on the council's insurers..
- 16.3. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

17. Suspension and revision of Financial Regulations

- 17.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk/RFO shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 17.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 17.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

DONYATT PARISH COUNCIL
INTERNAL AUDIT PLAN

ANNUAL REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT:

The Accounts and Audit Regulations (as amended in 2015) requires all bodies to carry out and report on an annual review of the effectiveness of internal audit. This policy was approved at a meeting held on 3rd May 2024

- 1 Review of systems of internal control
- 2 Review of the effectiveness of the Internal Audit

REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT

- Duty under the Regulations (2006) on the Council (members)
- Is the Internal Audit properly resourced?
- Does the Internal Audit add value?
- Is the Internal Audit forward looking
- Is the Internal audit challenging

RISK MANAGEMENT

- 1 Risk, the basics 'What is the Council existing for?'
- 2 What will put that, or the Council at risk?
- 3 Identify key risks
- 4 Evaluate the consequences
- 5 Categories of Risk (High Medium or Low). Features: value and probability
- 6 Manage Risk: Insure, Contract out, Manage
- 7 Insurance:
Mandatory: Employers Liability, Fidelity Guarantee
Strongly Recommended: Public Liability, Errors and Omissions
Assets Defamation
- 8 Internal Auditor: Competent, Independent, Not a member of the Council, Not Reciprocal.

INTERNAL AUDIT AT A PARISH COUNCIL

- Verify the system works
- Verify operations of control
- Test check only together with our Risk Assessment Document
- Report what is done
- Report to Council
- Report for External Auditor

The Council's Internal Audit Process

Documents/books that are submitted to the Independent Internal Auditor are:

Account Book	Invoices and till receipts
Minute Book	Bank Statements
Financial Regulations	NALC recommended salary sheet
Systems of Internal Control	Real Time Information monthly salary schedules
Insurance documents	Receipts & bacs
Precept & Budget papers	Cheque books
Standing Orders	Receipt and paying in books
Clerks Contract	Completed VAT form

Working papers submitted to the Internal Auditor

Clerks expenses plus invoices, documents, till receipts

Receipts and payments sheet

Document stating where the Council carried out the Internal Control

Receipt and Account

Balance Sheet

Notes to the Balance Sheet

Accounts from the previous year

A suggested guide approach to internal audit testing

Annual Return, section 4, to fill in

Variations sheet 15% greater or lower (requirement by External

Auditors*) End of year bank reconciliation (Requirement by External

Auditors) *

- 1 The I/A will undertake audit trails for a variety of payments, both regular and one off payments.
 - Check approval for the payment in the minutes, with the 'Power' recorded in the minutes where relevant
 - Check invoice with payment slip is signed by a councillor
 - Check entry in cash book and VAT accounted for appropriately
 - Check entry on the appropriate bi-monthly Financial Report, where the bank balance is cross checked with the numbered Bank Statement and signed by a Councillor and becomes a part of the minutes.
 - Check cheque number and amount entry on the Bank Statement
 - Check that the cheque stub is initialed by a Councillor
- 2 The I/A will undertake an audit trail for receipts, the precept payment.
- 3 The I/A will inspect the Precept and Budget for the appropriate year and check that reserves are appropriate
- 4 The I/A will check balances of Bank Statements with those on the Financial Reports
- 5 At the end of the Financial Year, the I/A will check all balances on the Working Sheets and Financial papers submitted
- 6 The I/A will check that the Asset Register is complete and properly maintained
- 7 The I/A will check that the salary paid to the Clerk is paid in accordance with Council approval and PAYE and NI requirements are properly applied. Any allowances paid to the members were paid in accordance with Council approval
- 8 The I/A will check the explanations by the Clerk of the variations (15% greater or lower) in any figures given on the Statement of Accounts Section 1 compared to the previous year
- 9 The I/A will check the end of year bank reconciliation explanation

TERMS OF REFERENCE FOR THE INTERNAL AUDITOR

The person appointed to be the Parish Council Internal Auditor must be independent of the Council. They must not be a councillor or closely related to a councillor, and not an employee of the Council

The I/A must be competent at book keeping with an understanding of Parish Council and their finances

The I/A will be required to check the various documents supplied by the Clerk after year end but before External Audit is due.

The I/A should be prepared to ask questions if the Clerk has not supplied sufficient documentation or information, or if it is considered records are not complete.

The I/A should criticize practices or make suggestions where appropriate

The I/A must complete and sign the Annual Internal Audit Report Section 4 of the Annual Return, which is sent to the appointed External Auditor of the Audit Commission*

*

Exempt Authorities

As from the Financial Year April 17 – March 18 there is no requirement for a Council with an Income or Expenditure less than £25,000 to submit the Return to the External Auditor. The Return still has to be filled and **must** be displayed on the Council's web site by the 30th June.

DONYATT Parish Council
Protocol on Communications
Adopted at the Annual Parish
Meeting held on 3rd May 2024

This Policy should be read in conjunction with the adopted Social Media Policy

A. Parish Council Correspondence

- (i) The point of contact for the parish council is the Clerk, and it is to the Clerk that all correspondence for the parish council should be addressed.
- (ii) The Clerk should deal with all correspondence following a meeting.
- (iii) No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the parish council, a committee, sub-committee or working party. In particular, Councillors and Officers do not have a right to obtain confidential information/documentation unless they can demonstrate a 'need to know'.
- (iv) All official correspondence should be sent by the Clerk in the name of the council using council letter headed paper.
- (v) Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person (e.g. copy to XX).

B. Agenda Items for Council, Committees, Sub-Committees and Working Parties

- (i) Agenda should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision, and for the public to understand what matters are being considered and what decisions are to be taken at a meeting.
- (ii) Items for information should be kept to a minimum on an agenda.
- (iii) Where the Clerk or a Councillor wishes fellow Councillors to receive matters for "information only", this information will be circulated via the Clerk.

C. Communications with the Press and Public

- (i) The Clerk will clear all press reports, or comments to the media, with the Chair of the council or the Chair of the relevant committee.
- (ii) Press reports from the council, its committees or working parties should be from the Clerk or an officer or via the reporter's own attendance at a meeting.
- (iii) Unless a Councillor has been authorised by the council to speak to the media on a particular issue, Councillors who are asked for comment by the press should make it clear that it is a personal view and ask that it be clearly reported as their personal view.
- (iv) Unless a Councillor is absolutely certain that he/she is reporting the view of the council, they must make it clear to members of the public that they are expressing a personal view.

- (v) If Councillors receive a complaint from a member of the public, this should be dealt with under the Council's adopted complaints procedure, or via a council agenda item.

D. Councillor Correspondence to external parties

- (i) As the Clerk should be sending most of the council's correspondence from a Councillor to other bodies, it needs to be made clear that it is written in their official capacity and has been authorised by the parish council.
- (ii) A copy of all outgoing correspondence relating to the council or a Councillor's role within it, should be sent to the Clerk, and it be noted on the correspondence, e.g. "copy to the Clerk" so that the recipient is aware that the Clerk has been advised.

E. Communications with Parish Council Staff

- (i) Councillors must not give instructions to any member of staff, unless authorised to do so (for example, three or more Councillors sitting as a committee or sub-committee with appropriate delegated powers from the council).
- (ii) No individual Councillor, regardless of whether or not they are the Chair of the council, the Chair of a committee or other meeting, or are styled "Leader" of the Council, may give instructions to the Clerk or to another employee which are inconsistent or conflict with council decisions or arrangements for delegated power.
- (iii) Telephone calls should be appropriate to the work of the parish council.
- (iv) E-mails:
- Instant replies should not be expected from the Clerk; reasons for urgency should be stated;
 - Information to Councillors should normally be directed via the Clerk;
 - E-mails from Councillors to external parties should be copied to the Clerk;
 - Councillors should acknowledge their e-mails when requested to do so.
- (v) Meetings with the Clerk or other officers:
- Wherever possible an appointment should be made;
 - Meetings should be relevant to the work of that particular officer;
 - Councillors should be clear that the matter is legitimate council business and not matters driven by personal or political agendas.

DONYATT PARISH COUNCIL
IT POLICY
ADOPTED BY FULL COUNCIL MARCH 2026
REVIEWED ANNUALLY.

Introduction

Each council will have its own IT setup and, as such, a single 'one-size-fits-all' IT policy is unlikely to be appropriate. Some smaller parish councils may operate with minimal equipment, while others may manage multiple devices connected to a central server. These guidelines are intended to help councils identify key considerations when developing or updating their own IT policy.

Councils that use external IT providers should ensure their policies accurately reflect current practices and contractual arrangements.

Purpose of the IT Policy

The purpose of an IT policy is to establish clear parameters for how councillors, staff, and other authorised users use council-provided technology or equipment in the course of their duties. A well-defined policy helps to:

- Set expectations for appropriate use of equipment and systems.
- Raise awareness of risks associated with IT use.
- Safeguard the council's data and digital assets.
- Clarify what constitutes acceptable and unacceptable use.
- Outline the consequences of policy breaches.

Councils will also need to determine and clearly state whether limited personal use of IT equipment is permitted (for example, checking personal email or online shopping during lunch breaks).

Monitoring of IT Use

As an IT provider, the council has the right to monitor the use of its IT equipment and systems, provided there is a legitimate reason for doing so and councillors, employees and other authorised users are informed that such monitoring may take place. Any monitoring must be proportionate and comply with relevant data protection and privacy laws. Other persons may be included if they access or use council systems e.g. if they have a council e-mail address

Scope of this policy

This policy applies to all councillors, staff, and other authorised users, regardless of their working location or pattern, including those who are home-based, office-based, or work

on a flexible or part-time basis. It sets out the expectations for the appropriate use of IT equipment and systems provided by the council.

Computer use

Hardware

- 1.1.1 Donyatt Parish Council computer equipment is provided for council purposes, however reasonable personal use is permitted (reasonable interpreted as in the opinion of the clerk). Any personal use of our computers and systems should not interrupt our daily council work in any way. Councillors, staff, and other authorised users are asked to restrict any personal use to official lunch breaks or before or after working hours.
- 1.1.2 All councillors, staff, and other authorised users must lock their computers when leaving their desks to prevent unauthorised access. This applies to both council-owned and personal devices used for work. Failure to comply may result in disciplinary action.
- 1.1.3 All computer and other electronic equipment supplied should be treated with good care at all times. Computer equipment is expensive, and any damage sustained to any equipment will have a financial impact on the council.
- 1.1.4 Computer and electronic hardware should be kept clean, with precautions taken to prevent food or drink spills.
- 1.1.5 All computer and mobile equipment will carry a number which is logged against the current owner of that equipment. A database of equipment issued will be kept.
- 1.1.6 Equipment should not be dismantled or reassembled without seeking advice.
- 1.1.7 Councillors, staff, and other authorised users are not to purchase any computer or mobile equipment (including software). Unless previously authorised.
- 1.1.8 Personal disks, USB sticks, CDs, DVDs, data storage devices etc cannot be used on council computers without the prior approval of the Clerk

1.1.9 All faults or necessary repairs must be reported to the Clerk

Equipment

2.1 Portable equipment

2.1.1 Portable equipment includes laptop computers, netbooks, tablets, mobile and smart phones with email capability and access to the internet etc.

2.1.2 It is particularly emphasised that council back-up procedures specific to portable equipment should be followed at all times.

2.1.3 All portable computers must be stored safely and securely when not in use in the office, i.e. when travelling or when working from home. Portable equipment (unless locked in a secure cabinet or office) should be kept with or near the user at all times; should not be left unattended when away from council premises and should never be left in parked vehicles or at any council or non-council premises.

2.1.4 It is important to ensure all portable devices are protected with encryption in case they are lost or stolen. All smartphones or tablets that hold council data, including emails and files, must be protected with a pin code. Where possible, these devices should also be programmed to erase all content after several unsuccessful attempts to break in. Any security set on these devices must not be disabled or removed.

2.1.5 Multi-Factor Authentication (MFA) is a security process that requires users to verify their identity using two or more independent methods—for example, entering a password (something you know) and confirming a code sent to your mobile device (something you have). This significantly reduces the risk of unauthorised access to systems and sensitive data. NALC recommends implementing MFA as a best practice to enhance information security and support compliance with data protection obligations under the UK GDPR and the Data Protection Act 2018.

2.1.6 If an item of portable equipment is lost or damaged this should be reported to the Clerk.

2.1.7 To protect confidential information, unless it is a requirement of the job and this has been authorised, it is forbidden for photographs or videos to be taken on council premises, without the prior written permission of the Clerk. This includes mobile

telephones with camera function, camcorder, tape or other recording device for sound or pictures - moving or still.

- 2.1.8 Under no circumstances should any non-public meeting or conversation be recorded without the permission of those present. This does not affect statutory rights (under The Openness of Local Government Regulations 2014).
- 2.1.9 In addition, the council does not permit webcams (which may be pre-installed on many laptops) to be used in the workplace, other than for conference calls for council purposes. If there is any doubt as to whether a device falls under this clause, advice should be sought from the Clerk.

2.2 Use of own devices

- 2.2.1 Personal laptops and other computers or other devices should not be brought into work and used to access council IT systems during working hours, unless this has been authorised by their line manager. This is to ensure that no viruses enter the system, to prevent time being wasted during working hours on personal use and to assist in maintaining security, confidentiality, and data protection.
- 2.2.2 The council recognises that some councillors, staff, and other authorised users may wish to use their own smartphones, tablets, laptops etc to access our servers, private clouds or networks for normal council purposes, including, but not limited to, reading their emails, accessing documents stored on the council's website or to store data on the council's server(s) or access data in other services. Any such use of personal devices will be at the discretion of the council, but consent for standard systems (MS Windows) will normally be permitted. Such devices should be kept up to date so that any vulnerabilities in the operating system or other software on the device are appropriately patched or updated.
- 2.2.3 However, the same security precautions apply to personal devices as to the council's desktop equipment. For continuity purposes, calls made to external parties must be made on council landlines or mobile phone numbers to ensure that only these numbers are used and/or stored by the recipient, rather than personal numbers. Any emails sent from own devices should be sent from a council email account and should not identify the individual's personal email address.

- 2.2.4 Councillors, staff, and other authorised users that use council systems are expected to use all devices in an ethical and respectful manner and in accordance with this policy. Accessing inappropriate websites or services on any device via the IT infrastructure that is paid for or provided by the council carries a high degree of risk, and, for employees, may result in disciplinary action, including summary dismissal (without notice). For Workers or Contractors, we may terminate the worker agreement. This is irrespective of the ownership of the device used. An example would be downloading copyright music illegally or accessing pornographic material.
- 2.2.5 In cases of legal proceedings against the council, the council may need to temporarily take possession of a device, whether council-owned or personal to retrieve the relevant data.
- 2.2.6 Wherever possible the user should maintain a clear separation between the personal data processed on the council's behalf and that processed for their own personal use, for example, by using different apps for council and personal use. If the device supports both work and personal profiles, the work profile must always be used for work-related purposes.
- 2.2.7 Councillors, staff, and other authorised users who intend to use their own devices via the council's infrastructure must ensure that they:
- use a strong password or fingerprint to protect their device(s) from being accessed. For smartphones and tablets this should lock the device after three failed login attempts.
 - configure their device(s) to automatically prompt for a password after a period of inactivity of more than 10 minutes
 - always password protect any documents containing confidential information that are sent as attachments to an email, and notify the password separately (preferably by a means other than email).
 - for smartphones and tablets, activate the automatic device wipe function (where available). Note that use of the remote wipe function may also involve the removal of the individual's personal data. Councillors, staff, and other authorised users are therefore advised to keep personal data separate from council data and where possible ensure secure Wi-Fi networks are used.

- ensure that work-related data cannot be viewed or retrieved by family or friends who may use the device.
- inform the Clerk if their device(s) is/are lost, stolen, or inappropriately accessed where there is risk of access to council data or resources. To prevent phones being used, they will need to retain the details of their IMEI number and the SIM number of the device as their provider will require this to deactivate it.

2.2.8 Personal data relating to councillors, staff, and other authorised users, residents, and external stakeholders should not be saved to any personal accounts with third-party storage cloud service providers as this may breach data protection legislation or create a security risk if the device is lost or stolen. This applies especially if the passwords used to store/access data are saved onto the device, or if the service permits councillors, staff, and other authorised users to remain logged in between sessions.

2.2.9 Personal information and sensitive data should never be saved on councillors, staff, or other authorised users own devices as this may breach confidentiality agreements, especially if the device is used by other people from time to time. The following data must never be accessed or processed on a personal device :

- Personal contact details (names, addresses, telephone numbers, email addresses)
- Financial information (bank details, payment card information, payroll data)
- Health or medical records
- Sensitive personal data (relating to race, ethnicity, religion, sexual orientation)
- Criminal records or allegations
- Safeguarding information concerning children or vulnerable adults
- Commercially sensitive information (contracts, tenders, procurement details)
- Staff personnel files and disciplinary records
- Legal advice and correspondence
- Passwords, access credentials, or security information

Personal devices * include personal laptops, desktop computers, mobile phones, smartphones, tablets, iPads, USB drives, external hard drives, smartwatches, wearable devices, and home computers shared with family members.

- 2.2.10 If removable media are used to transfer data (e.g. USB drives or CDs), the user must also securely delete the data on the media once the transfer is complete.
- 2.2.11 Councillors, staff, and other authorised users who open any attachments should ensure that any cached copies are deleted immediately after use. The Clerk will provide assistance or training in doing this if needed. Additional risks include data belonging to the council being accessed by unauthorised persons if the device(s) is lost, stolen, or used without the owner's permission.
- 2.2.12 Any work done on user's own equipment should be stored securely and password protected and should always be backed up in accordance with the council's standard backup procedures.
- 2.2.13 If transferring data, either by email or by other means, this should be done through an encrypted channel, such as a virtual private network (VPN) or a secure web protocol (<https://>). Unsecured wireless networks should not be used.
- 2.2.14 Prior to the disposal of any device that has work data stored on it, and in the event of a user leaving the council, councillors, staff, and other authorised users are required to allow the Clerk or IT services provider access to the device to ensure that all passwords, user access shortcuts and any identifiable data are removed from the device.
- 2.2.15 Councillors, staff, and other authorised users must take responsibility for understanding how their device(s) work in respect to the above rules if they are accessing council servers/services via their own IT equipment. Risks to the user's personal device(s) include data loss as a result of a crash of the operating system, bugs and viruses, software or hardware failures and programming errors rendering a device inoperable. The council will use reasonable endeavours to assist, but councillors, staff, and other authorised users are personally liable for their own device(s) and for any costs incurred as a result of the above.

Health and safety

- 3.1.1 Councillors, staff, and other authorised users who work in council offices will be provided with an appropriate workstation.

3.1.2 The Council has a duty to ensure that regular appropriate eye tests, carried out by a competent person, are offered to employees using display screen equipment. Further details are set out in the council's health and safety policy.

3.1.3 Any VDU user who feels that their workstation requires changes to make it compliant must speak to the Clerk.

If any hazards are detected at a workstation, including 'noises' from the IT equipment, this should be reported immediately to the Clerk.

Password and Authentication Policy

4.1.1 All user accounts must be protected by strong, secure passwords. The council follows the National Cyber Security Centre (NCSC) recommendations for creating passwords using three random words (e.g. PurpleCandleRiver). This method helps create passwords that are both strong and easy to remember, while offering effective protection against common cyber threats such as brute-force attacks. This approach is endorsed in NALC guidance.

In addition to strong passwords, Multi-Factor Authentication (MFA) should be enabled wherever possible. MFA requires users to provide two or more independent forms of verification—for example, a password (something you know) and a code sent to your phone (something you have). This significantly reduces the risk of unauthorised access to systems and personal data.

To further strengthen account security:

- Initial user account passwords must be generated by the IT provider.
- Default passwords provided by vendors or the IT provider must be changed immediately upon installation or setup.
- Service or System (e.g. Website) account passwords are generated and managed by the IT provider.
- The council recommends these practices as part of its commitment to robust information security and to support compliance with the UK GDPR and the Data Protection Act 2018.

For more guidance, see the NCSC's advice on password security: [NCSC Password Guidance](#)

4.1.2 Access to Passwords

- Passwords are personal and must not be shared under any circumstances.

- Only the assigned user of an account may access or use the associated password.
- In exceptional cases (e.g., incident response or employee offboarding), access to system credentials may be granted to authorised personnel from the IT provider with appropriate approvals and logging.
- Administrative credentials must be stored securely and only accessible to authorised personnel with a copy provided to the chair of council], in a sealed envelope, only to be accessed in an emergency.

4.1.3 Password Storage and Management

- Passwords must not be stored in plain text or written down in insecure locations.
- Passwords must be stored using a council-approved, encrypted password manager (e.g., LastPass, Bitwarden, or KeePass).

4.1.4 Password Change Requirements

- Immediately change password if compromise is suspected.

4.1.5 Password Access Control and Logging

- All access to administrative or shared credentials must be logged and auditable.
- Attempts to access unauthorized passwords will be treated as a security incident.

4.1.6 Responsibility

- Users are responsible for creating and maintaining secure passwords for their accounts.

4.1.7 The IT security provider is responsible for:

- Managing system/service credentials.
- Enforcing password policies. Auditing and monitoring password-related security practices.

Monitoring

- 5.1.1 The council reserves the right to monitor and maintain logs of computer usage and inspect any files stored on its network, servers, computers, or associated technology to ensure compliance with this policy as well as relevant legislation. Internet, email, and computer usage is continually monitored as part of the council's protection against computer viruses, ongoing maintenance of the system, and when investigating faults.

- 5.1.5 The council will monitor the use of electronic communications and use of the internet in line with the Investigatory Powers (Interception by Councils etc for Monitoring and Record-keeping Purposes) Regulations 2018.
- 5.1.6 Monitoring of an employee's or user's email or and/or internet use will be conducted in accordance with an impact assessment that the council has carried out to ensure that monitoring is necessary and proportionate. Monitoring is in the council's legitimate interests and is to ensure that this policy is being complied with.
- 5.1.7 The information obtained through monitoring may be shared internally, including with relevant councillors and IT staff if access to the data is necessary for performance of their roles. The information may also be shared with external HR or legal advisers for the purposes of seeking professional advice. Any external advisers will have appropriate data protection policies and protocols in place.
- 5.1.8 The information gathered through monitoring will be retained only long enough for any breach of this policy to come to light and for any investigation to be conducted.
- 5.1.9 Councillors, staff, and other authorised users have a number of rights in relation to their data, including the right to make a subject access request and the right to have data rectified or erased in some circumstances. You can find further details of these rights and how to exercise them in the council's data protection policy.
- 5.1.10 Such monitoring and the retrieval of the content of any messages may be for the purposes of checking whether the use of the system is legitimate, to find lost messages or to retrieve messages lost due to computer failure, to assist in the investigation of wrongful acts, or to comply with any legal obligation.
- 5.1.11 The council has software and systems in place that can monitor and record all internet usage.
- 5.1.12 The council reserves the right to inspect all files stored on its computer systems in order to assure compliance with this policy. The council also reserves the right

to monitor the types of sites being accessed and the extent and frequency of use of the internet at any time, both inside and outside of working hours to ensure that the system is not being abused and to protect the council from potential damage or disrepute.

5.1.13 Any use that the council considers to be 'improper', either in terms of the content or the amount of time spent on this, may result in disciplinary proceedings.

5.1.14 All computers will be periodically checked and scanned for unauthorised programmes and viruses.

Remote working

6.1.1 Increased IT security measures apply to those who work away from their normal place of work (e.g. whilst travelling, working from home or any other different venue as follows:

- if logging into the council's systems or services remotely, using computers that either do not belong to the council or are not owned by the user, any passwords must not be saved, and the user must log out at the end of the session deleting all logs and history records within the browser used. If the configuration of the device does not clearly support these actions (for example at an internet café), council services should not be accessed from that device.
- the location and direction of the screen should be checked to ensure confidential information is out of view. Steps should be taken to avoid messages being read by other people, including other travellers on public transport etc.
- any data printed should be collected and stored securely.
- all electronic files should be password protected and the data saved to the council's system/services when accessible.
- papers, files or computer equipment must not be left unattended at "non council" premises unless arrangements have been made with a responsible person at a "noncouncil" premises for them to be kept in a locked room or cabinet if they are to be left unattended at any time.
- any data should be kept safely and should only be disposed of securely.
- papers, files, data sticks/storage, f1Donyatt drive or backup hard drives should not be left unattended in cars, except where it is entirely unavoidable for short periods, in which case they must be locked in the boot of the car. If staying away

overnight, council data should be taken into the accommodation, care being taken that it will not be interfered with by others or inadvertently destroyed.

- where possible the ability to remotely wipe any mobile devices that process sensitive information should be retained in the case of loss or theft.
- Councillors, staff, and other authorised users who work away from the office with sensitive data should be equipped with a screen privacy filter for mobile devices and should use this at all times when accessing such data away from the office.

Email

- 7.1.1 Council email facilities are intended to promote effective and speedy communication on work-related matters. Although we encourage the use of email, it can be risky. Councillors, staff, and other authorised users need to be careful not to introduce viruses onto council systems and should take proper account of the security advice below.
- 7.1.2 On occasion, it will be quicker to action an issue by telephone or face to face, rather than via protracted email chains. Emails should not be used as a substitute for face to face or telephone conversations. Councillors, staff, and other authorised users are expected to decide which is the optimum channel of communication to complete their tasks quickly and effectively.
- 7.1.3 These rules are designed to minimise the legal risks run when using email at work and to guide councillors, staff, and other authorised users as to what may and may not be done. If there is something which is not covered in the policy, councillors, staff, and other authorised users should ask the Clerk rather than assuming they know the right answer.
- 7.1.4 All councillors, staff, and other authorised users who need to use email as part of their role will normally be given their own council email address and account. The council may, at any time, withdraw email access, should it feel that this is no longer necessary for the role or that the system is being abused.
- 7.1.5 Email messages sent on the council's account are for council use only. Personal use is not permitted.

Use of the Internet

8.1 Copyright

- 8.1.1 Much of what appears on the Internet is protected by copyright. Any copying without permission, including electronic copying, is illegal and therefore prohibited. The Copyright, Designs and Patents Act 1988 set out the rules. The copyright laws not only apply to documents but also to software.

The infringement of the copyright of another person or organisation could lead to legal action being taken against the council and damages being awarded, as well as disciplinary action, including dismissal, being taken against the perpetrator.

- 8.1.2 It is easy to copy electronically, but this does not make it any less an offence. The council's policy is to comply with copyright laws, and not to bend the rules in any way.

- 8.1.3 Councillors, staff, and other authorised users should not assume that because a document or file is on the Internet, it can be freely copied. There is a difference between information in the 'public domain' (which is no longer confidential or secret information but is still copyright protected) and information which is not protected by copyright (such as where the author has been dead for more than 70 years).

- 8.1.4 Usually, a website will contain copyright conditions; these warnings should be read before downloading or copying.

- 8.1.5 Copyright and database right law can be complicated. Councillors, staff, and other authorised users should check with the Clerk if unsure about anything.

8.2 Trademarks, links and data protection

- 8.2.1 The council does not permit the registration of any new domain names or trademarks relating to the council's names or products anywhere in the world, unless authorised to do so. Nor should they add links from any of the council's web pages to any other external sites without checking first with the Clerk.

- 8.2.2 Special rules apply to the processing of personal and sensitive personal data. For further guidance on this, see the council's data protection policy.

8.3 Accuracy of information

- 8.3.1 One of the main benefits of the internet is the access it gives to large amounts of information, which is often more up to date than traditional sources such as libraries. Be aware that, as the internet is uncontrolled, much of the information may be less accurate than it appears.

Use of social media

- 9.1.1 Social media includes blogs; Wikipedia and other similar sites where text can be posted; multimedia or user generated media sites (YouTube); social networking sites (such as Facebook, LinkedIn, X (formerly known as Twitter), Instagram, TikTok, etc.); virtual worlds (Second Life); text messaging and mobile device communications and more traditional forms of media such as TV and newspapers. Care should be taken when using social media at any time, either using council systems or at home.
- 9.1.2 Personal use of social networking/media and chat sites are not permitted during working hours.
- 9.1.3 The council recognises the importance of councillors, staff, and other authorised users joining in and helping to shape sector conversation and enhancing its image through blogging and interaction in social media. Therefore, where it is relevant to use social networking sites as part of the individual's position, this is acceptable.

However, inappropriate comments and postings can adversely affect the reputation of the council, even if it is not directly referenced. If comments or photographs could reasonably be interpreted as being associated with the council, or if remarks about the council could be regarded as abusive, humiliating, sexual harassment, discriminatory or derogatory, or could constitute bullying or harassment, the council will treat this as a serious disciplinary offence. Councillors, staff, and other authorised users should be aware that parishioners or other local organisations may read councillors, staff, and other authorised users' personal weblogs, to acquire information, for example, about their work, internal council business, and employee morale. Therefore, even if the council is not named, care should be taken with any views expressed.

- 9.1.4 To protect both the council and its interests, everyone is required to comply with the following rules about social media, whether in relation to their council role or personal social networking sites, and irrespective of whether this is during or after working hours:

9.1.5

- Contacts from any of the council's databases should not be downloaded and connected with on LinkedIn or other social networking sites with electronic address book facilities, unless this has been authorised.
- Any blog that mentions the council, its current work, councillors, employees, other users associated with the council, partner organisations, local groups, suppliers, parishioners, should identify the author as one of its councillors or employees and state that the views expressed on the blog or website are theirs alone and do not represent the views of the Council. Even if the council is not mentioned, care should be taken with any views expressed on social media sites and any views should clearly be stated to be the writer's own (e.g. via a disclaimer statement such as: "The comments and other content on this site are my own and do not represent the positions or opinions of my employer/ the council.") Writers must not claim or give the impression that they are speaking on behalf of the council.
- The Council expects councillors, staff, and other authorised users to be respectful about the council and not to engage in any name calling or any behaviour that will reflect negatively on its reputation. Any unauthorised use of copyright materials, any unfounded or derogatory statements, or any misrepresentation is not viewed favourably and could constitute gross misconduct.
- Photos or videos that include employees or other workers wearing uniforms or clothing displaying the council's name or logo should not be posted on social media if they could reflect negatively on the individual, their role, their colleagues, or the council. Additionally, photos, videos, or audio recordings must not be taken on council premises without explicit permission
- Comments posted by councillors, staff, and other authorised users on any sites should be knowledgeable, accurate and professional and should not compromise the council in any way.
- Inappropriate conversations with [residents and external stakeholders"] should not take place on any social networking sites, including forums.
- Any writing about or displaying photos or videos of internal activities that involves current councillors, staff, and other authorised persons, might be considered a breach of data protection and a breach of privacy and confidentiality. Therefore, their permission should be gained prior to uploading any such material. Details of any kind relating to any events, conversations, materials or documents that are meant to be private, confidential or internal to the council should not be posted. This may include manuals; procedures; training documents; non-public financial or operational information; personal information regarding other councillors, staff, and other authorised users anything to do with a disciplinary case, grievance, allegation of

bullying/harassment or discrimination, or legal issue; any other secret, confidential, or proprietary information or information that is subject to confidentiality agreements. This does not affect statutory requirements to publish information including under the Freedom of Information Act.

- Councillors, staff, and other authorised users must be aware that they are personally liable for anything that they write or present online (including on an online forum or blog, post, feed or website). Councillors should always be mindful of the Members Code of Conduct and Nolan Principles. Employees may be subject to disciplinary action for comments, content, or images that are defamatory, embarrassing, pornographic, proprietary, harassing, libellous, or that can create a hostile work environment. They may also be sued by other organisations, and any individual or council that views their comments, content, or images as defamatory, pornographic, proprietary, harassing, libellous or creating a hostile work environment. In addition, other councillors, staff, and other authorised users can raise grievances for alleged bullying and/or harassment.
- Postings to websites or anywhere on the internet and social media of any kind, or in any press or media of any kind, should not breach copyright or other law or disclose confidential information, defame or make derogatory comments about the council or staff, or disclose personal data or information about any individual that could breach data protection legislation.
- Contacts by the media relating to the council, should be referred to the Clerk or Communications Officer.
- Councillors, staff, and other authorised users who use sites such as LinkedIn and Facebook must ensure that the information on their profile is accurate and up to date and must update their profile on leaving the council.
- Councillors, staff, and other authorised users who use X.com, LinkedIn, or other social media/networking sites for council development purposes must ensure they provide the council with login details, including password(s), so that these sites can be accessed and updated in their absence.
- Councillors, staff, and other authorised users who have left the council must not post any inappropriate comments about the council or its councillors, staff, and other authorised users on LinkedIn, Facebook, X.com or any other social media/networking sites.
- During your employment/ involvement with the council, you may create or obtain access to a variety of professional contacts and confidential information. This includes, but is not limited to, contacts made through professional networking platforms such as LinkedIn, where those contacts have been established or maintained in your capacity as a councillor, member of staff, or

another authorised user. All such contacts will be considered council property and may be subject to disclosure upon request.

9.1.6 Note that the council may, from time to time, monitor external postings on social media sites. Any employee who has a profile (for example on LinkedIn or Facebook) must not misrepresent themselves or their role with the council. Councillors, staff, and other authorised users are also advised that social media sites are not an appropriate place to air council concerns or complaints: these should be raised with the council or formally through the grievance procedure.

9.1.7 It is important to note that resident and external stakeholder contact details and information remain the property of the council. In addition, councillors, staff, and other authorised users leaving the council will be required to delete all council-related data including resident and external stakeholders contact details from any personal device/equipment.

Misuse

Misuse of IT systems and equipment is not in line with the council's standards of conduct and will be taken seriously. Any inappropriate or unauthorised use may lead to formal action, including disciplinary proceedings or, in serious cases, dismissal.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This document was commissioned by the National Association of Local Councils (NALC) for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

Donyatt Parish Council

Procurement Policy

Introduction

The purpose of this policy is to provide guidance on the procedures which will be followed when purchasing goods and services. The policy aims to give effect to and comply with S135 of the Local Government Act 1972 and the Procurement Act 2023 & Procurement Regulations 2024.

Every contract shall comply with this Procurement Policy, the Council's adopted Standing Orders and Financial Regulations. These regulations cover, amongst other things: the number of quotations to be sought and the tendering procedure.

A contract is an agreement between the Council and an individual or organisation for the individual or organisation to provide works, goods or services (including the engagement of consultants) in exchange for payment by the Council. The following contracts are exempt from the requirements of these rules:

- contracts relating solely to disposal or acquisition of land
- employment contracts
- individual agency contracts for the provision of temporary staff
-

The Council strives to attain best value for the goods, materials and services that it purchases.

Best value is defined as a balance of price, quality of product and local supplier services. Before commencing a procurement, it is essential that the authorised person leading the procurement has identified the need and fully assessed the options for meeting those needs. The best use of purchasing power shall be sought by bulk purchases wherever possible.

Exceptions from any of the following provisions of these Contract Procurement Rules may be made under the direction of the Council, in consultation with the RFO, where they are satisfied that the exception is justified in special circumstances. Every exception and reason therefore shall be recorded by a resolution of Council.

The RFO and officers must be mindful of avoiding conflicts of interest when obtaining quotations and awarding tenders.

Quotations cannot be obtained by Members without prior approval of the RFO.

Purpose

Donyatt Parish Council's Procurement Policy has four main purposes:

1. To obtain best value in the way that the Council spends money, so that it may in turn offer better and more cost-effective services to the public.

2. To support the ability of the Council's officers to procure and manage goods, services and suppliers effectively, including informing all Council staff of the appropriate procedures and responsibilities.
3. To enable the Council to comply with legal obligations that govern the spending of public money.
4. To contribute to the Council's duty towards biodiversity and environmental aims.

Local contractors preferred

The Council recognises the benefits to the economy of using local businesses and will seek out local contractors and suppliers, wherever possible.

Competence of contractors and due diligence

The Council shall only enter into a contract with a supplier if it is satisfied as to the supplier's suitability, eligibility, financial standing and technical capacity to undertake the contract by carrying out appropriate due diligence.

All contractors and suppliers working on Council sites and/or projects will be required to comply with the Council's Health & Safety policy and any rules specific to the site of operation. Provision of suitable risk assessments and safe working method statements will be a condition of all such contracts. The Council requires all contractors working on Council sites and projects to maintain adequate insurance, including but not limited to Public Liability insurance for £10 million.

All procurement will be in accordance with the Council's Equality Diversity & Inclusion Policy and in line with legal obligations under the Equalities Act 2010 which makes it generally unlawful to discriminate on the grounds of colour, race, nationality, ethnic or national origins, sex or marital status, disability and on the grounds of age.

Equality and sustainability

The Council recognises the importance of sustainability and will take into account the environmental, social and economic impacts of its purchasing decisions.

The Council recognises its duty to protect biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. To meet this duty the Council will wherever possible purchase products that follow the Council's Biodiversity Policy.

The Council will encourage the purchase of locally sourced products and, where possible, ensure that products and materials originate from sustainable sources and accredited sustainable companies. In order to:

- minimise waste and maximise efficiency
- minimise travel
- minimise energy consumption
- promote greater use of new sustainable technologies
- keep material consumption to a minimum.

The Council will

- wherever possible, purchase goods that meet international Fairtrade standards (or similar).

- consider the whole life cost of products when selecting a supplier (Energy efficient products for example often have an increased capital cost that is more than offset over time by the reduced operational cost)
- never buy products that are harmful to the environment if a less damaging alternative is available (for example never use tropical hardwood that is not independently certified as being from a sustainable forest).
- always specify goods, products and materials that cause minimum damage to the environment including the impact of their manufacture, distribution, use & disposal.
- aim to promote sustainability within all its contract and tendering documentation and promote awareness amongst members and officers.
- continually review the purchasing of goods and services through contract specifications, with the intention of decreasing the Council's environmental impact and increasing its positive impacts on society, the local economy and producers.
- aim to draw the sustainable elements of its Procurement Policy to the attention of key suppliers and communicate it as widely as is practicable to the potential supply market.

Prompt payment of invoices

The Council understands the importance of paying suppliers promptly and will wherever possible settle accounts within a maximum of 30 days, or earlier, by agreement. In order to comply with current legislation all payments (apart from petty cash payments) are made by BACS transfer or Direct Debit.

Community engagement

Where relevant, the Council will consult with residents and service users to better understand what is needed, who will use it and what the essential requirements are for an item of capital expenditure.

Pre-approval of contractors

In respect of contracts that may be exempt from the Procurement Act 2023 the Council may require access to pre-approved contractors to supply routine services (or who can be called on to provide emergency services) including but not limited to:

- Electricians
- General builders
- Glaziers
- HR advice
- IT support
- Legal advice
- Locksmiths

- Plant hirers
- Play equipment repairers
- Plumbing and heating engineers
- Sextons
- Tree surgeons
- Vehicle and machinery service engineers

Best value

Normally the Council will accept the quotation, estimate or tender that provides best value for money. However, in accordance with Financial Regulations, the Council is not obliged to accept the lowest of any tender, quotation or estimate.

Purchases on account

The Council maintains monthly accounts with suppliers of regular purchases. All purchases on Council accounts may only be made by authorised Council officers who must be provided with a receipt. An official purchase order shall be issued for all work, goods and services above £500 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Limits will be set on each account on the maximum value of individual purchases and the overall balance on the account. Expenditure over these limits must be authorised in advance.

Specifications for tender process

Tendering processes ensure fair competition, achieve value for money and avoid anti-competitive behaviour. The tender process is detailed in Appendix 1 of the Council's adopted Financial Regulations.

Contracts

For contracts estimated to exceed £60,000 including VAT, the Clerk/RFO shall seek formal tenders from at least 3 suppliers agreed by Ash Parish Council.

For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.

For contracts greater than £3,000 excluding VAT the Clerk/ RFO shall seek at least 2 fixed-price quotes;

where the value is between £500 and £3,000 excluding VAT, the Clerk/RFO shall try to obtain 2 estimates (which might include evidence of online prices, or recent prices from regular suppliers).

For smaller purchases, the clerk shall seek to achieve value for money.

Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
 - the Clerk, in consultation with the Chair of the Council, for any items below £2,000 excluding VAT.
 - {in respect of grants, a duly authorised committee within any limits set by council and in accordance with any policy statement agreed by the council.}
 - the council for all items over £5,000;
- Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

(*The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.)

Contract variations

Any necessary instructions to vary a contract shall be made in writing by the RFO or persons responsible for supervising the contract. Where a variation occurs during the currency of the contract that is material and cannot be met from within the original contract sum an immediate report shall be made to the Council who shall decide what further action is necessary.

Termination of contracts

Council reserves the right to terminate any contract immediately where a supplier commits a material breach of the agreement to deliver services, or fails to deliver agreed services, in the agreed timeframe without a plan to address the failings.

Compliance with other relevant legislation

In cases where any law, statutory instrument of Government regulation is found to be at variance with any section of this policy, then that shall be applied, and this document shall be amended accordingly.

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

Adopted by Full Council at their meeting held on Wednesday 18th March 2026

Donyatt Parish Council

Procurement standard terms and conditions

STANDARD TERMS AND CONDITIONS FOR SUPPLY OF GOODS OR SERVICES TO DONYATT PARISH COUNCIL

1. BACKGROUND:

- 1.1 The Council wishes to be supplied with the Goods and/or Services.
- 1.2 The Council has selected you to supply the Goods and/or Services and you undertake to supply the same on the terms set out below.

2. DEFINITIONS:

- 2.1 "Applicable law" means applicable law of the United Kingdom (or a part of the United Kingdom);
- 2.2 "Commencement Date" means the date specified in the Purchase Order;
- 2.3 "Contract" means the Contract between the Council and You consisting of these terms and conditions and related Purchase Order but excluding Your terms and conditions of sale or supply;
- 2.4 "Contract price" means the price exclusive of any applicable Tax, payable to You by the Council as set out in the Purchase Order;
- 2.5 "Controller"; "Data Subject"; "International Organisation"; "Personal Data"; "Personal Data Breach"; "Processing"; and variations; "Processor" shall have the meanings given in applicable Data Protection Laws from time to time (and related expressions, including process, processed and processes shall be construed accordingly); 2.6 "Council" means Donyatt Parish Council;
- 2.7 "Data Protection Laws" means all applicable law relating to the Processing, privacy and/or use of Personal Data, as applicable to either party or the Services; including (a) the UK GDPR; (b) the Data Protection Act 2018; (c) the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426); and (d) any laws which implement or supplement any such laws;
- 2.8 "Data Protection Supervisory Authority" means any regulator, authority or body responsible for administering Data Protection Laws;
- 2.9 "Force Majeure Event" means any cause materially affecting the performance of the Services under the Contract arising from any act, events, omissions, happenings or non-happenings beyond the Parties reasonable control including, without limitation, acts of God, war, riot, fire, flood or any disaster affecting either of the Parties but will not mean any labour dispute between You and Your employees, agents or sub-contractors;
- 2.10 "Goods" means the goods to be supplied by You and specified in the Purchase Order;
- 2.11 "Prohibited Act" means:
 - (a) offering, giving or agreeing to give to any servant of the Council any gift or consideration of any kind as an inducement or reward:
 - (i) for doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of this Contract or any other contract with the Council; or

(ii) for showing favour or disfavour to any person in relation to this Contract or any other contract with the Council;

(b) committing any offence:

(i) under the Prevention of Corruption Acts 1889-1916;

(ii) under legislation creating offences in respect of fraudulent acts; or

(iii) at common law in respect of fraudulent acts in relation to this Contract or any other contract with the Council; or

(iv) defrauding or attempting to defraud or conspiring to defraud the Council;

2.12 "Processing End Date" means, in respect of any Protected Data, the earlier of (a) the end of the provision of the relevant Services related to the processing of such Protected Data; or (b) once processing by You of such Protected Data is no longer required for the purposes of Your performance or Your relevant obligations under this Contract;

2.13 "Protected Data" means Personal Data (as described in the Schedule) received from or on behalf of the Council, or otherwise obtained in connection with the performance of Your obligations under the Contract;

2.14 "Purchase Order" means the purchase order used by the Council to place an Order for supplies of Goods and/or Services;

2.15 "Services" means the services to be provided by You as identified in the Purchase Order;

2.16 "Staff" means all Your directors, officers, employees, agents, consultants and or those of any sub-contractor You engage in the performance of Your obligations under the Contract;

2.17 "Sub-Processor" means any Processor engaged by You (or by any other Sub-Processor) for carrying out any processing activities in respect of the Protected Data;

2.18 "UK GDPR" means the General Data Protection Regulation, Regulation (EU) 2016/679, as it forms part of domestic law in the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 (including as further amended or modified by the laws of the United Kingdom or of a part of the United Kingdom from time to time);

2.19 "Working Day" means a day (other than a Saturday or Sunday) on which banks are open for business in the City of London;

2.20 "You" and variations including "Your" means the party supplying the Council with the Goods and/or Services.

3. DURATION

The Contract and the rights and obligations of the Parties shall take effect on the Contract commencement Date and shall continue until the expiry of the Contract Term or earlier termination of the Contract.

4. CONTRACT FOR GOODS

4.1 SPECIFICATION

(a) All goods shall be of the quality or kind mentioned in the Purchase Order but otherwise the goods shall be in accordance with any specification of the British Standards Institute, or EU equivalent, which relates to the goods and is current at the date of the quotation or tender. The goods shall comply with the requirements of any statute or subordinate legislation in force at the time of the delivery of the goods to the Council.

(b) You shall indemnify the Council against all loss, damage, costs and expenses for which

the Council is or becomes liable as a result of any infringement or alleged infringement by You of any third party's rights.

4.2 NOTICES

Any notice, request, demand, consent or approval given under or in connection with this Contract must be given in writing. Any such notice, request, demand, consent or approval shall be sent to the registered office or principal business address of either party and, if sent by post, shall be deemed to have been received on the second working day following the date of posting.

4.3 QUALITY ASSURANCE

- (a) You shall give the Council access at all reasonable times to Your premises and allow them to inspect his quality systems and production methods and, if requested, to inspect, examine and test the Goods both during and after their manufacture and the materials being used in the manufacture.
- (b) Any costs incurred by You in arranging compliance with the quality standards required by the Council shall be borne by You.

4.4 REJECTION AND REPLACEMENT

- (a) Without prejudice to or limitation of its statutory rights the Council may within the Warranty Period, notwithstanding the use or continued use by the Council of the Goods after the right to reject them has arisen, reject by notice in writing (without liability to the Council) any Goods which, in the opinion of the Council are not of satisfactory quality and/or fit for purpose and/or not in accordance with the Purchase Order.
- (b) Without prejudice to the Council's other rights and remedies, You shall in any event indemnify the Council against all costs and expenses incurred by the Council as a result of Your original supply of the rejected goods.
- (c) You shall remove rejected Goods within 14 days of the date of the Council's notice of rejection, failing which the Council may (as it sole option) deliver them to You, in either case at Your cost and risk.
- (d) Where such rejected Goods form part of a series of consignments, nothing in this Condition shall prevent the Council from accepting subsequent consignments if the Goods contained within such subsequent consignments are acceptable to the Council.

4.5 WARRANTY

Without prejudice to the Council's other rights and remedies, if during the Warranty Period, any defect occurs in any of the Goods due to the material, workmanship or design of the Goods not being in accordance with the Purchase Order or the Specification or any applicable statutory or regulatory standards, You shall as soon as practicable and in any event within a reasonable time as stipulated by the Council replace or repair such defective Goods at this own expense. Goods replaced or repaired under this Condition shall be subject to a fresh Warranty commencing on the actual date of delivery of the repaired or replaced Goods and continuing for the Warranty Period.

4.6 TITLE AND RISK

(a) Title in the Goods will pass to the Council upon payment to You, save where payment (either in whole or in part) is made for the Goods prior to their delivery to the Council, or where the Council has supplied materials to be incorporated in the Goods, in which cases Condition 4.7b) shall apply.

(b) Where under Condition 4.7a) this Condition 4.7b) (without prejudice to the Council's rights) title to the Goods shall vest in the Council from the commencement of their manufacture, and title to all materials and other items which You shall acquire or allocate for incorporation in any of the Goods shall vest in the Council from the time they are so acquired or allocated.

(c) The Goods shall be at Your risk until they are delivered to the Council notwithstanding that payment may have already been made and title passed to the Council, and You shall be responsible for any loss or damage and for arranging and paying for their storage, handling and insurance; the insurance shall be endorsed in the name of and protect the interests of the Council on an all risks basis and shall provide cover for loss or damage in transit.

5. CONTRACT FOR SERVICES

5.1 THE SERVICE STANDARD

You will at all times throughout the duration of this Contract:

(a) Provide the Services for the period specified in the Purchase Order in accordance with the Council's requirements as set out in the Purchase Order.

(b) Comply with the terms of this Contract.

(c) Exercise and continue to exercise the degree of skill, care and diligence reasonably to be expected of a skilled and competent provider of such services.

(d) Carry out all reasonable directions of the Council's representative.

(e) Use its reasonable endeavours to secure and achieve continuous improvement in the delivery of the Services during the Contract Term.

(f) Notify the Council in writing immediately on learning of any relationship or potential conflict of interest that might influence or be perceived to influence the provision of the Services.

6. PRICE AND PAYMENT

6.1 Donyatt Parish Council has committed to the UK Governments Transparency agenda (2010) by ensuring that ALL its expenditure over £500 along with a contract overview is made publicly available via the Councils website. Suppliers should be aware that the information published on a monthly/ quarterly basis includes the Suppliers Name, £ spend value, spend classification, contract start/ finish dates, total contract value. Commercially sensitive contract details/ price structures will not be published.

6.2 In consideration of the performance of Your obligation under the contract, the Council shall pay the price in accordance with the Contract.

6.3 The Council shall pay You the undisputed sums due in cleared funds within thirty (30) days of receipt and agreement of invoices, submitted monthly in arrears, for work completed to the reasonable satisfaction of the Council.

6.4 The Council may reduce payment in respect of any goods which You have either failed

to provide or have provided inadequate goods.

6.5 No increase in the Price may be made (whether on account of increased material, labour or transport costs, fluctuations in rates of exchange or otherwise) without the prior written consent of the Council.

6.6 Payment by the Council shall be without prejudice to any claims or rights which the Council may have against You and shall not constitute any admission by the Council as to Your performance of Your obligation hereunder.

7. INTELLECTUAL PROPERTY

7.1 Any specification supplied by the Council to You or specifically produced by You for the Council, in connection with the Contract, together with the copyright, design rights or any other intellectual property rights in the Purchase Order, shall be the exclusive property of the Council.

7.2 All designs, drawing, specifications and information supplied by Council in connection with the Contract are confidential, and their use must be strictly confined to Your own works for the purposes of the Contract. All such designs, drawings, specifications and information and all copies thereof must be returned to the Council on completion of the Contract.

7.3 You shall indemnify the Council against all actions, claims and demands, costs charges and expenses awarded against or incurred by the Council as a result of or in connection with any claim that the Goods or their use or resale infringes the patent, registered design, trademark, copyright or other intellectual property rights of any other person except to the extent that the claim arises from compliance with the Purchase Order.

8. STATUTORY RIGHTS

8.1 A party who is not a party to this Contract is not entitled to enforce any of its terms under the Contracts (Rights of Third Parties) Act 1999 except where this Contract expressly provides otherwise.

8.2 Without prejudice to or limitation of the Council's other rights, if You do not fulfil Your responsibilities and obligations under the Purchase Order You shall indemnify the Council against all costs for which the Council becomes liable and for which it would not otherwise be liable.

9. DATA PROTECTION

9.1 APPLICATION

(a) This clause 9 applies if You are processing Personal Data on behalf of the Council.

(b) You shall, comply with any notification requirements under the Data Protection Laws and both Parties shall duly observe all their obligations under the Data Protection Laws which arise in connection with the Contract.

9.2 CONFLICT

(a) Unless otherwise expressly stated in this Contract:

(i) Your obligations and the Council's rights and remedies under this clause 9 are

cumulative with, and additional to, one another and those under any other provisions of this Contract; and

(ii) this clause 9 shall prevail over any other provision of this Contract in the event of any conflict.

9.3 COMPLIANCE WITH DATA PROTECTION LAWS

(a) The Parties agree that the Council is a Controller and that You are a Processor for the purposes of processing Protected Data pursuant to this Contract. You shall, and shall ensure the Sub-Processors and each of Your Staff shall, at all times comply with all Data Protection Laws in connection with the processing of Protected Data and the provision of the Services. Nothing in this Contract relieves You of any responsibilities or liabilities under Data Protection Laws.

(b) You shall indemnify and keep indemnified the Council against:

(i) all losses, claims, damages, liabilities, fines, interest, penalties, costs, charges, sanctions, expenses, compensation paid to Data Subjects (including compensation to protect goodwill and ex gratia payments), demands and legal and other professional costs (calculated on a full indemnity basis and in each case whether or not arising from any investigation by, or imposed by, a Data Protection Supervisory Authority) arising out of or in connection with any breach by You of Your obligations under this clause 9; and

(ii) all amounts paid or payable by the Council to a third party which would not have been paid or payable if Your breach of this clause 9 had not occurred.

9.4 INSTRUCTIONS

You shall only process (and shall ensure the Staff only process) the Protected Data in accordance with the Schedule, this Contract and the Council's written instructions from time to time (including with regard to any transfer to which clause 9.8 relates) except where otherwise required by applicable law (and in such a case shall inform the Council of that legal requirement before processing, unless applicable law prevents it doing so on important grounds of public interest). You shall immediately inform the Council if any instruction relating to the Protected Data infringes or may infringe any Data Protection Law. You shall retain records of all instructions relating to the Protected Data received from the Council.

9.5 SECURITY

(a) You shall at all times implement and maintain appropriate technical and organisational measures to protect Protected Data against accidental, unauthorised or unlawful destruction, loss, alteration, disclosure or access. Such technical and organisational measures shall be at least equivalent to the technical and organisational measures set out in Part B of the Schedule and shall reflect the nature of the Protected Data.

(b) You may not make any change to the security measures You apply to the Protected Data to the extent any such change would conflict with the provisions of this Contract.

9.6 SUB-PROCESSING AND STAFF

You shall:

- (a) not permit any processing of Protected Data by any agent, sub-contractor, Sub-Processor or other third party (except Your own employees that are subject to an enforceable obligation of confidence with regards to the Protected Data) without the prior specific written authorisation of that third party by the Council that takes effect by way of a binding variation to this Contract and only then subject to such conditions as the Council may require;
- (b) ensure that access to Protected Data is limited to the authorised persons who need access to it to supply the Services;
- (c) prior to the relevant Sub-Processor carrying out any Processing activities in respect of the Protected Data, appoint the relevant Sub-Processor under a binding written contract containing the same obligations as under this clause 9 in respect of Protected Data and that (without prejudice to, or limitation of, the foregoing):
 - (i) includes providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing of the Protected Data will meet the requirements of all Data Protection Laws; and
 - (ii) is enforceable by You,and ensure each such Sub-Processor is at all times subject to a binding written contract which complies with such terms and that each Sub-Processor complies with all such obligations;
- (d) remain fully liable to the Council under this Contract for all the acts and omissions of each Sub-Processor and each of Your Staff as if they were its own; and
- (e) ensure that all persons authorised by You or any Sub-Processor to process Protected Data are reliable and:
 - (i) adequately trained on compliance with this clause 9 as applicable to the processing;
 - (ii) informed of the confidential nature of the Protected Data and that they must not disclose Protected Data;
 - (iii) subject to a binding and enforceable written contractual obligation to keep the Protected Data confidential; and
- (f) promptly provide all relevant details concerning, and a copy of, each Contract with a Sub-Processor to the Council on request.

9.7 ASSISTANCE

You shall (at Your own cost and expense) promptly:

- (a) provide such information and assistance (including by taking all appropriate technical and organisational measures) as the Council may require in relation to the fulfilment of the Council's obligations to respond to requests for exercising the Data Subjects' rights under Chapter III of the UK GDPR (and any similar obligations under applicable Data Protection Laws); and
- (b) provide such information, co-operation and other assistance to the Council as the Council reasonably requires (taking into account the nature of processing and the information available to You) to ensure compliance with the Council's obligations under Data Protection Laws, including with respect to:
 - (i) security of processing (including with any review of security measures);
 - (ii) data protection impact assessments (as such term is defined in Data Protection Laws);
 - (iii) prior consultation with a Data Protection Supervisory Authority regarding high risk

processing; and

(iv) any remedial action and/or notifications in response to any Personal Data Breach and/or any complaint or request relating to either party's obligations under Data Protection Laws relevant to this Contract, including (subject in each case to the Council's prior written authorisation) regarding any notification of the Personal Data Breach to Supervisory Authorities and/or communication to any affected Data Subjects;

(c) You shall (at no cost or expense to the Council) record and refer all requests and communications received from Data Subjects or any Data Protection Supervisory Authority to the Council which relate (or which may relate) to any Protected Data promptly (and in any event within 3 days of receipt) and shall not respond to any without the Council's express written approval and strictly in accordance with the Council's instructions unless and to the extent required by applicable law.

9.8 INTERNATIONAL TRANSFERS

You shall not process and/or transfer, or otherwise directly or indirectly disclose, any Protected Data in or to any country or territory outside the United Kingdom or to any International Organisation without the prior written authorisation of the Council (which may be refused or granted subject to such conditions as the Council deems necessary).

9.9 RECORDS AND AUDIT

You shall (and shall ensure all Sub-Processors shall) promptly make available to the Council (at Your cost and expense) such information as is reasonably required to demonstrate Your and the Council's compliance with their respective obligations under this clause 9 and the Data Protection Laws, and allow for, permit and contribute to audits, including inspections, by the Council (or another auditor mandated by the Council) for this purpose at the Council's request from time to time. You shall provide (or procure) access to all relevant premises, systems, Staff and records during normal business hours for the purposes of each such audit or inspection upon reasonable prior notice (not being more than 2 Working Days) and provide and procure all further reasonable co-operation, access and assistance in relation to any such audit or inspection.

9.10 BREACH

You shall promptly (and in any event within 24 hours):

(a) notify the Council if You (or any of the Sub-Processors or Your Staff) suspects or becomes aware of any suspected, actual or threatened occurrence of any Personal Data Breach in respect of any Protected Data; and

(b) provide all information as the Council requires to report the circumstances referred to in clause 9.10 to a Data Protection Supervisory Authority and to notify affected Data Subjects under the Data Protection Laws.

9.11 DELETION/ RETURN

(a) Subject to clause 9.11 (b) You shall (and shall ensure that each of the Sub-Processors and the Staff shall) within not less than 2 Working Days and not more than 4 Working Days of the relevant Processing End Date securely delete the Protected Data (and all copies)

except to the extent that storage of any such data is required by applicable law (and, if so, You shall inform the Council of any such requirement and shall securely delete such data as soon as it is permitted to do so under applicable law).

(b) You shall (and shall ensure that each of the Sub-Processors and Staff shall) promptly comply (in a secure manner) with any requests from time to time from the Council for the return or disclosure to the Council of any Protected Data in such form and by such manner as the Council reasonably requests, provided such request is received within 2 Working Days of the relevant Processing End Date.

9.12 SURVIVAL

This clause 9 shall survive termination or expiry of this Contract for any reason.

9.13 COST

You shall perform all Your obligations under this clause 9 at no cost or expense to the Council.

9.14 RIGHTS OF DATA SUBJECTS

Nothing in this Contract affects the rights of Data Subjects under the Data Protection Laws (including those in Articles 79 and 82 of the UK GDPR or in any similar Data Protection Laws) against the Council, You or any Sub-Processor.

10. FREEDOM OF INFORMATION

10.1 You recognise the Council's current and future obligations under the Freedom of Information Act 2000 and any codes of practice issued by the Government and the appropriate enforcement Agencies. You will comply with this legislation in so far as it places obligations upon the Council in the performance of its obligations under any contractual arrangement entered into. You will provide such assistance and support which may be requested from time to time by the Council for the purposes of enabling or assisting the Council to comply with the legislation.

10.2 In the event of a request made on the Council for access to information under the FOIA or any notice, recommendation or complaint made to the Council in relation to the FOIA, You will provide to the Council in relation to an access request, any details in respect of the information as the Council may request and a copy of the relevant information where the Council requests such copy; and in relation to any notice, recommendation or complaint, any background details, supporting documentation and copy information which the Council may request in order to deal with such notice, recommendation or complaint within 5 Working Days of the date of the request from the Council.

10.3 You acknowledge that the Council is obliged under the FOIA to disclose information, including information relating to its appointment under this Contract, to third Parties, subject to certain exemptions. You further accept and acknowledge that the decision to disclose information and the application of any such exemptions under the FOIA will be at the Council's sole discretion PROVIDED THAT the Council shall act reasonably and proportionately in exercising its obligations under the FOIA as to whether any exemptions

under section 43 of the FOIA may apply to protect Your legitimate commercial and trade secrets.

11. CONFIDENTIALITY

11.1 Subject to Clause 9 (Data Protection) and Clause 10 (Freedom of Information) You shall not, without the prior written consent of the Council, during or after the termination or expiry of this Contract disclose, directly or indirectly, to any person any information relating to the contract or the Council any information of whatever nature which is not in the public domain. Your obligations under this Condition shall survive the expiry or termination of the Contract for whatever reason.

12. DEFAULT

12.1 The goods may be rejected by the Council if they are not supplied and delivered by You when and as ordered by the Council, or, if the goods are not of the sort or quality contracted for, or if the goods are deficient in the quality or number charged for or stated in the delivery or advice note accompanying or preceding the goods. In such matter the decision of the Council shall be conclusive as against You. In every such case the Council may, without prejudice to any other remedy for breach of contract, employ any other person to supply the Council with the goods on such terms and conditions as the Council thinks fit for the remainder of the term of the Contract or any part thereof. In such cases it is hereby agreed that You shall pay the Council or the Council may deduct from any sum due or that may become due to You under the Contract or otherwise, all additional costs, charges or expenses incurred by the Council arising from Your default.

13. TERMINATION OF CONTRACT

13.1 The Council may terminate the Contract with immediate effect by notice in writing to You on or at any time after the occurrence of any of the following events:

- (a) the passing of a resolution for Your winding up or the making by a court of competent jurisdiction of an order for the winding up of You or Your dissolution;
- (b) the making of an administration order in relation to You or the appointment of a receiver or administrative receiver over, or the taking of possession or sale by an encumbrancer of a material part of Your assets;
- (c) the making of an arrangement or composition with Your creditors generally or making an application to a court of competent jurisdiction for protection from Your creditors generally;
- (d) You commit any Prohibited Act;
- (e) a breach of Your obligations to take out and maintain required insurances;
- (f) a material and substantial breach of any of Your obligations under this Contract.

13.2 In the event of the Council having the right to terminate under clauses 13.1 a), b) or c), the Council may, at its sole discretion, give the receiver, liquidator or other person (as appropriate) the option of carrying out the Contract subject to a guarantee acceptable to the Council being provided for the due and faithful performance of the Contract.

14. ASSIGNMENT AND SUB-CONTRACTING

14.1 You shall not assign, transfer sublet or sub contract the whole or any part of this contract without the prior written consent of the Council.

15. INDEMNITY AND INSURANCE

15.1 You shall indemnify and keep indemnified the Council against injury (including death) to any persons or loss of or damage to any property which may arise out of the act default or Your negligence, any sub-contractor or their respective employees or agents, and against all claims demands proceedings damages costs charges and expenses whatsoever in respect thereof or in relation thereto arising from the provision of the goods and/or Services.

15.2 You shall effect, with a reputable company, public and employer's liability and other insurances necessary to cover the risks contemplated by the Contract and shall at the request of the Council produce the relevant policy or policies together with receipts or other evidence of payment of the latest premium due thereunder. Public liability and Employers liability cover of at least £10 million shall be obtained, unless agreed otherwise with the Council. Where the Supply is a supply of consultancy services You shall maintain professional indemnity insurance during the Contract period and for 6 years afterwards to cover its liability to the Council under the Contract.

16. FORCE MAJEURE

16.1 Notwithstanding anything contained in these terms and conditions neither the Council nor You shall be liable for any loss damage or expense suffered or incurred by one party if by reason of a Force Majeure event or any restriction or prohibition imposed by the Government or any duly authorised authority which could not reasonably have been prevented or avoided by the Council or You as the case may be, either:

- (a) The Council is prevented from or delayed in accepting delivery of any goods or any part of a delivery or in paying for the same or any part of a delivery at the due time; or
- (b) You are prevented from or delayed in the supply of any goods ordered by the Council.

17. NO WAIVER

17.1 No delay, neglect or forbearance on the part of either party in enforcing against the other party any term or condition of the contract shall either be or be deemed to be a waiver or in any way prejudice any right of that party under this contract.

18. CORRUPT GIFTS AND FRAUD

18.1 As soon as either party becomes aware of or suspects the commission of any Prohibited Act in respect of the provision of the Services it will notify the other party.

18.2 In circumstances where a person employed by You is reasonably suspected of having committed a Prohibited Act You will provide to the Council such information as is reasonable to satisfy the Council that appropriate action has been taken to safeguard the Service Users or the Council.

19. ACCRUED RIGHTS AND REMEDIES

19.1 The termination of the Contract will not prejudice or affect any claim, right, action or remedy that will have accrued or will thereafter accrue to either party.

20. RIGHTS AND DUTIES RESERVED

20.1 All rights, duties and powers which the Council has as a local Council or which the Council's officers have as local Council officers are expressly reserved.

21. SURVIVAL OF TERMS

21.1 The terms of the Contract will (except in respect of any obligations fully performed prior to or at the completion of the Services) continue in force and effect after the completion of the Services by You.

22. ANTI-SLAVERY

22.1 In performing Your obligations under the Contract You shall:

- (a) comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and
- (b) not engage in any activity, practice or conduct that would constitute an offence under sections 1, 2 or 4, of the Modern Slavery Act 2015 if such activity, practice or conduct were carried out in the UK; and
- (c) ensure that each of Your sub-contractors and suppliers shall comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

22.2 You represent and warrant that neither You nor any of Your officers, employees or other persons associated with You:

- (a) have been convicted of any offence involving slavery and human trafficking; and
- (b) having made reasonable enquiries, so far as You are aware, have been or are the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body regarding any offence or alleged offence of or in connection with slavery and human trafficking.

22.3 You shall implement due diligence procedures for Your sub-contractors, and suppliers and other participants in Your supply chains, to ensure that there is no slavery or human trafficking in Your supply chains.

22.4 You shall notify the Council as soon as You become aware of:

- (a) any breach, or potential breach, of the applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force; or
- (b) any actual or suspected slavery or human trafficking in a supply chain which has a connection with this Contract.

22.5 The Council may terminate the Contract with immediate effect by giving written notice to You if You or any of Your supply chain commits a breach of the applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force.

23. LAW

23.1 This Contract shall be governed by and construed in accordance with English law and the Parties submit to the exclusive jurisdiction of the courts of England and Wales.

24. ENTIRE CONTRACT

24.1 This Contract is the entire Contract between the Parties and supersedes all representations, communications and prior Contracts between the Parties in that regard. Each party acknowledges that it has entered into this Contract in reliance only on the representations, warranties, promises and terms contained or expressly referred to in this Contract and, save as expressly set out in these terms and conditions, neither Party shall have any liability in respect of any other representation, warranty or promise unless it was made fraudulently.

SCHEDULE

PART A: DATA PROCESSING DETAILS

Processing of the Protected Data by You under this Contract shall be for the subject-matter, duration, nature and purposes and involve the types of Personal Data and categories of Data Subjects set out in this Part A.

1. Subject-matter of processing: For the performance of the Services.
2. Duration of the processing: Processing shall take place until the Processing End Date.
3. Nature and purpose of the processing: All operations on the Protected Data as may be required for the performance of the Services only including collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, erasure, destruction or other use.
4. Type of Personal Data: Name, address, date of birth, telephone number, email address or other Personal Data as may be processed in the performance of the Services.
5. Categories of Data Subjects: Council tenants, residents, members of the public, employees (including volunteers, agents, and temporary workers) or other categories of Data Subjects as may be required for the performance of the Services.

PART B: MINIMUM TECHNICAL AND ORGANISATIONAL SECURITY MEASURES

1. Without prejudice to its other obligations, the You shall implement and maintain at least the following technical and organisational security measures to protect the Protected Data:
 - 1.1 In accordance with the Data Protection Laws, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing of the Protected Data to be carried out under or in connection with this Agreement, as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons and the risks that are presented by the processing, especially from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the Protected Data transmitted, stored or otherwise processed, You shall implement appropriate technical and organisational security measures appropriate to the risk, including as appropriate those matters mentioned in Articles 32(1)(a) to 32(1)(d) (inclusive) of the GDPR.
 - 1.2 Without prejudice to Your other obligations, including as appropriate:
 - (a) encryption of data in transit by using suitable encryption solutions such as using https;

- (b) encryption of data at rest on all devices, including portable devices, using suitable encryption solutions;
- (c) only accessing data remotely using secure networks;
- (d) use of multi-factor authentication for internet facing systems;
- (e) timely decommissioning and secure wiping (that renders data unrecoverable) of old software and hardware;
- (f) secure disposal of hard copy documents;
- (g) completing regular software updates to all hardware and software;
- (h) real-time protection anti-virus and anti-malware software and web filtering on all systems;
- (i) firewalls and intrusion detection and prevention systems at the network edge;
- (j) the use of user access control management, including username and password restrictions, and audit logs;
- (k) enforcing unique passwords of sufficient complexity and regular expiry on all devices;
- (l) the use of data backup and disaster recovery measures and procedures;
- (m) procedures to ensure modifications to any systems, software or hardware are managed to ensure the ongoing confidentiality, integrity, availability of all data;
- (n) implementation of relevant policies covering Information Security, Data Protection, Bring Your Own Device, Acceptable Use and Clear Desk;
- (o) regular training of all Staff on confidentiality, data processing obligations, identification of Personal Data Breaches and risks;
- (p) suitable physical controls in place to protect data, networks and premises such as physical security on premises including reception or front desk, security passes, storage of documents in secure cabinets, secure disposal of materials, CCTV;
- (q) annual testing to assess and evaluate the effectiveness of the security measures set out in this paragraph 1.2 of this Part B.

DONYATT PARISH COUNCIL

PURCHASE ORDER

Purchase Order Number:

Purchase Order Date:

Vendor's Name	Send To
	Zannette Bougourd, Clerk/RFO Donyatt Parish Council 9 Redgate Park Crewkerne TA18 7NL

Description of Items	Quantity	Unit Price	Total (£)
		Sub-total	
		VAT	
		Delivery	
		Other	
		Total (3)	

Comments or Special Instructions

If you have any questions about this Purchase Order, please contact Zannette Bougourd on 07471341433 /clerk@donyattpc.gov.uk

Model publication scheme

Freedom of Information Act

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

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

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

DONAYTT PARISH COUNCIL
PUBLICATION SCHEME APRIL 2026

2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

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

What we spend and how we spend it.

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

What our priorities are and how we are doing.

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

How we make decisions.

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

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

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

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.

- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

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

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

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

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

Charges which may be made for information published under this scheme

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

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

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PUBLICATION SCHEME APRIL 2026

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

Charges may be made for actual disbursements incurred such as:

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

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

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

Written requests

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



IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS

**This is to certify that
Donyatt Parish Council
has signed up to the Civility & Respect Pledge**

Donyatt Parish Council believes now is the time to put Civility and Respect at the Top of the Agenda and start a culture change for the local council sector.

Certificate Number 2071

Donyatt Parish Council will:

- Treat all councillors, clerk and all employees, members of the public, representatives of partner organisations and volunteers with civility and respect in their role.
- Put in place a training programme for councillors and staff.
- Sign up to Code of Conduct for councillors.
- Have in place good governance arrangements including staff contracts and Dignity at Work Policy.
- Commit to seek professional help at early stages should civility and respect issues arise.
- Commit to calling out bullying and harassment if and when it happens.
- Continue to learn from best practice in the sector and aspire to being a role model / champion council e.g., via Local Council Award Scheme.
- Support the continued lobbying for the change in legislation to support the Civility and Respect Pledge including sanctions for elected members where appropriate.

Signed on behalf of the council by:

Chairperson/Mayor: _____ Date: _____

DONYATT PARISH COUNCIL ANTI-HARASSMENT AND BULLYING POLICY 2026

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Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The council will take appropriate action if any of our staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Sexual harassment is a form of unlawful harassment (as defined above) which entails unwanted conduct of a sexual nature. A person of any gender can be a victim of sexual harassment, and it may be committed by a person of any gender.

Third party harassment and discrimination refers to the harassment and/or discrimination of an employee or worker that is carried out by someone who is not an employee or worker and may include:

customers or clients

suppliers and

independent contractors and consultants.

The use of the word 'harassment' throughout this policy includes sexual harassment.

Examples of bullying and harassment include:

- **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body; insulting behaviour or obscene gestures; physical threats, aggressive behaviour and/or assault.
- **unwanted verbal conduct** - such as unwelcome advances; patronising titles or nicknames; offensive or insulting comments; propositions or remarks; innuendo; lewd or suggestive comments; over-familiar behaviour; slogans or songs; insensitive jokes, gossip and slander (including speculation about a person's private life and sexual activities); banter or abusive/offensive language which is either threatening or refers to a person's sex/gender, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.
- **unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life; abusive or offensive gestures; leering, whistling, creation, distribution or display of suggestive or offensive pictures, objects or written materials (including "pin-up" calendars) or videos through any means.
- **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments; comments intended to undermine, belittle, embarrass or humiliate the recipient; personal abuse, either in public or private, which humiliates or demeans the individual involved.
- **virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing our technology or using the employee's own technology to contact a colleague in an intimidating or malicious manner.
- **conduct of a sexual nature** – includes unwanted physical, verbal and non-verbal conduct as discussed above; further examples include displaying pornographic or explicit images, indecent exposure, e-mails with sexual content, sexual innuendo, sexual solicitation, sexual assault; see also, coercion.

- **coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours (or promises made in return for sexual or other favours); pressure to participate in political or religious groups etc.
- isolation or non-co-operation at work - deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Sexual Harassment

Sexual harassment is unlawful and will not be tolerated. Complaints resulting in the finding of sexual harassment having taken place will be subject to disciplinary action, up to and including summary dismissal (without notice). Or in the case of a worker, their engagement with us may be terminated.

- Sexual harassment can include, but not limited to:
- unwanted physical, verbal and non-verbal conduct of a sexual nature
- displaying pornographic or explicit images
- indecent exposure
- using e-mail or social media to make inappropriate, derogatory or offensive content that is of a sexual nature, which can include sexual innuendos, sexual solicitation, sexual assault. This can include sharing, posting, liking or tagging someone in a post
- unwanted physical, verbal and non-verbal conduct of a sexual nature that is towards another person, such as a colleague, customer, client, suppliers, contractors or any other third party associated with us

Examples of situations involving sexual harassment:

- A male colleague alters a pornographic image by placing an image of their female colleague's face onto it. He then sends it to other colleagues causing them to ridicule her.

- An employee has a sexual relationship with their supervisor. They then end their relationship as they think it was a mistake. The next day, the supervisor grabs the employee's bottom and says, "come on, don't play hard to get".
- Male workers download pornographic images onto their computers in an office where a woman works. She finds out about the images being downloaded and that the images are creating a hostile and humiliating environment for her.
- During a busy dinner service, one member of the waitressing team is helping in the kitchen to prepare orders. The chef makes inappropriate comments of a sexual nature about her appearance and makes advances towards her that include touching her back and shoulder whilst passing by or reaching for items.

Employees and workers should be aware that individuals may be held personally liable for their own acts and behaviour.

Third party harassment and discrimination

Third party harassment and discrimination refers to harassment and/or discrimination of an employee or worker, that is carried out by someone who is not. Third party harassers and discriminators may include:

- customers or clients
- suppliers and
- independent contractors and consultants.

Third party harassment will not be tolerated, and we take reasonable steps to prevent it from occurring. This includes:

- Warning notices to our service users
- Having a recorded message at the beginning of telephone calls
- Information in terms and conditions
- Providing regular training for managers and staff to raise awareness of rights related to sexual harassment and of this policy
- Provide specific training for managers to support them in dealing with complaints
- Take steps to minimise occasions where staff work alone
- Where possible, ensure lone workers have additional support

- Carry out a risk assessment when planning events attended by clients/customers and/or suppliers

Any employee or worker who believes that they have been the victim of third-party harassment and/or discrimination should immediately report the incident to their manager. In the case of an agency worker, they should immediately report it to both their temporary recruiting agency and to their point of contact within our organisation.

Where an employee or worker has been harassed and/or discriminated against by a third party, we will take reasonable steps to prevent any recurrence. The options may include:

- Issuing a warning about their behaviour
- Banning a other type of 3rd party
- Reporting criminal acts to the police
- Sharing information with other branches of our organisation

If an employee harasses and/or discriminates against a, supplier or an independent contractor or consultant the employee will be subject to disciplinary action. In the case of a worker, may have their agreement terminated.

Examples of third party harassment and/or discrimination:

- A young member of the bar staff is subjected to sexually offensive terms by a customer.
- In a retail store, an employee faces repeated harassment from a regular customer. The customer makes inappropriate comments about the employee's appearance and personal life, and sometimes behaves in a rude or aggressive manner. Despite the employee's attempts to handle the situation politely and report the behaviour, the harassment continues, causing significant stress and discomfort.

Victimisation

Victimisation is when someone is treated less favourably because they have committed, or it is believed they may commit a "protected act". "Protected acts" include bringing legal proceedings relating to harassment or discrimination against the employer or the perpetrator, or the giving of evidence at a disciplinary or grievance hearing or at tribunal, or making complaints about the perpetrator or the employer about their alleged discriminatory and unlawful practices, etc.

We encourage employees and workers to challenge or raise incidents of unacceptable behaviour should they witness or experience it directly. Disciplinary action, including

summary dismissal, without notice, may be taken against an employee who is found guilty of victimisation. In the case of a worker being found guilty of victimisation, their terms and conditions of engagement may be terminated with immediate effect.

Examples of victimisation:

- A casual worker gives a witness statement as part of a grievance and disciplinary process that supports a colleague's claim of sexual harassment. As a result, their line manager fails to provide them with any further work.
- an employee files a complaint about racial discrimination by their manager. After raising the complaint, the employee's performance reviews become increasingly negative, even though their performance has not changed. The unfair reviews are used as a basis for denying them a promotion.

Risk assessment

We will identify and assess the risks associated to bullying and harassment and identify reasonable measures to prevent it from occurring. The findings will be recorded in writing, and we will keep our assessment under continuous review.

A copy of the risk assessment can be found on website and can be supplied to employees, workers, or third parties as requested.

We encourage all employees and workers to inform their manager of areas in which they believe harassment protection could be further improved.

We also consider risks relating to bullying and harassment in our other organisational risk assessments, including our risk assessments for lone workers, working with 3rd parties

Employees should not go alone to visit clients in their own homes unless the client is well known to them, or us and a risk assessment has been undertaken. Information on the name and address to be visited and estimated time of return must be given to the appropriate manager when home visits are arranged.

Reporting concerns

What you should do if you witness an incident you believe to be harassment or bullying

If you witness such behaviour you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Clerk or a councillor in the first instance. They will then decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being Bullied or Harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the council may

decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk or the Chair of the Council, if the behaviour was not from a Councillor (if it was please see raise to the Monitoring Officer). A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and
- Any action taken by you to resolve the matter informally

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the Grievance Procedure.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

This is a non-contractual procedure which will be reviewed from time to time.

Date of policy: April 2026
Approving committee: Full Council
Date of committee meeting: 09th April 2026
Policy version reference: December 2019
Policy effective from: April 2026
Date for next review: May 2027

— policy ends here —

Notes

1. Protected characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a 'protected characteristic'. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related to someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

2. Legal risks

An employee does not need to be employed to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal.
- An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

3. Culture and behaviour

Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what councillors decide for the community.

Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of 'power' over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. 'Banter' that on the face of it is reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture.

Whilst both staff and councillors jointly determine what the working culture is like, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):

- physical conduct ranging from touching to sexual advances and serious assault;
 - the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
 - suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development;
 - comments about a person's appearance;
 - jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
 - questions about a person's sex life;
 - unwanted nicknames, especially related to a person's age, race or disability;
 - the use of obscene gestures;
 - excluding an individual for a non-work reason
 - treating an employee differently because they have, or are perceived to have, a 'protected characteristic' or are associated with someone who does;
 - the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
 - spreading malicious rumours or insulting someone;
 - picking on someone or setting them up to fail;
 - making threats or comments about someone's job security without good reason;
 - ridiculing someone;
 - isolation or non-cooperation at work; and
 - excluding someone from social activities.
4. During the investigation

Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the

outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it's important to consider their wellbeing and mental health.

Ensure that you regularly communicate with both parties.

5. Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

6. False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.

7. Complaints against councillors

Following the Ledbury case, the law is clear that any formal complaint regarding a breach of the Code of Conduct must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2024 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by WorkNest HR – a company that provides HR advice and guidance to town and parish councils. Please contact them on 0330 1659 700 for information about their services.

Donyatt

PARISH COUNCIL

Donyatt Parish Council (DPC) follows the 3-2-1 rule.

All data is backed up daily to an external hard drive. Files are kept securely on a dedicated device. Hard copies are kept of all documents. All files are backed up to Google Drive & iCloud drive

Data backup policy.

The 3-2-1 Rule is a data protection strategy that recommends having three copies of your data, stored on two different types of media, with one copy kept off-site.

As a widely embraced data backup strategy, the 3-2-1 Rule prescribes:

- Maintain three copies of your data: This includes the original data and at least two copies.
- Use two different types of media for storage: Store your data on two distinct forms of media to enhance redundancy.
- Keep at least one copy off-site: To ensure data safety, have one backup copy stored in an off-site location, separate from your primary data and on-site backups.

This rule is a robust guideline for data protection, ensuring redundancy, resilience, and the ability to recover data even in the face of unexpected events or disasters.

By mitigating single points of failure, enhancing data availability, and protecting against corruption, redundancy ensures the safety of critical information. It plays a pivotal role in disaster recovery, adapting to evolving technologies, and meeting compliance requirements. Diversified storage and off-site backups, as recommended by the rule, effectively mitigate various risks, contributing to the overall security and reliability of critical data.

Adopted 2024

Document Retention and Disposal Policy

1. Introduction

- 1.1 The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. Scope and Objectives of the Policy

- 2.1 The aim of this document is to provide a working framework to determine which documents are:
 - Retained – and for how long; or
 - Disposed of – and if so by what method.
- 2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
 - 'With compliments' slips.
 - Catalogues and trade journals.
 - Non-acceptance of invitations.
 - Trivial electronic mail messages that are not related to Council business.
 - Requests for information such as maps, plans or advertising material.
 - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

- 24 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

3. Roles and Responsibilities for Document Retention and Disposal

- 3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Councils should ensure that all employees are aware of the retention/disposal schedule.

4. Document Retention Protocol

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
- Facilitate an audit or examination of the business by anyone so authorised.
 - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
 - Verify individual consent to record, manage and record disposal of their personal data.
 - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
 - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.
- Data is backed up regularly to an external hard drive
 - Files are kept securely on a dedicated device
 - Files are backed up to Adobe File Drive and iCloud drive
 - Three copies of data are maintained
 - Original data and two copies, stored on two distinct types of media
 - At least one copy stored off site (cloud storage)

5. Document Disposal Protocol

- 5.1 Documents should only be disposed of if reviewed in accordance with the following:
- Is retention required to fulfil statutory or other regulatory requirements?
 - Is retention required to meet the operational needs of the service?
 - Is retention required to evidence events in the case of dispute?
 - Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
 - Confidential records or records giving personal information: shred documents.
 - Deletion of computer records.
 - Transmission of records to an external body such as the County Records Office.
- 5.4 The following principles should be followed when disposing of records:
- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations.
 - the Freedom of Information Act or cause reputational damage.
 - Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
 - Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
 - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
 - The date the document was destroyed.
 - The method of disposal.

6. Data Protection Act 2018 – Obligation to Dispose of Certain Data

- 6.1 The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or
- b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

- 6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely

provided that the specific requirements are met.

63 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.

- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

7. Scanning of Documents

- 7.1 In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.
- 7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

8. Review of Document Retention

- 8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).
- 8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
- *Local Council Administration*, Charles Arnold-Baker, 12th edition, Chapter 11
 - NALC LTN 40 – *Local Councils' Documents and Records*, January 2013
 - NALC LTN 37 – *Freedom of Information*, July 2009
 - *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*
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9. List of Documents

- 9.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

Appendix A: List of Documents for Retention & Disposal

List of Documents

Document	Minimum Retention Period	Reason	Disposal
Minutes & Correspondence			
Signed Minutes	Indefinite	Archive, Public inspection	N/A
Agendas	5 years	Management	RW
General emails and correspondence	Retained for as long as document is needed	Management	CW
Information from other bodies (eg CALC)	Retained for as long as document is useful	Management	RW
Local / historical information	Indefinite	To be securely kept for the benefit of the Parish	N/A
Magazines and journals	Retained for as long as document is useful	The Legal Deposit Libraries Act 2003	RW
Finance & Payroll			
Audited Accounts	Indefinite	Audit	N/A
Receipt and payment accounts	Indefinite	Archive	N/A
Receipts books of all kinds	6 years	VAT	RW
All bank statements	Last completed audit year	Audit	CW
Bank paying-in books	Last completed audit year	Audit	CW
Cheque book stubs	Last completed audit year	Audit	CW
Quotations and tenders (successful)	6 years	Limitation Act 1980 (as amended)	CW
Paid invoices	6 years	VAT	CW
Paid cheques	6 years	Limitation Act 1980 (as amended)	CW
VAT records	6 years	VAT	CW
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	CW
Timesheets	Last completed audit year 3 years	Audit Personal injury	RW
Wages / payroll	6 years from end of employment	Audit	CW
Scale of fees & charges	6 years	Management	RW
Budgets	Indefinite	Local Choice	N/A
Investments	Indefinite	Audit, Management	N/A

Human Resources

Staff files	6 years from end of employment	Audit	CW
Job applications (unsuccessful)	6 months from time of appointment	Management	CW

Insurance

Accident/incident reports	20 years	Potential claims	CW
Insurance policies	While valid	Management	CW
Insurance company names & policy nos	Indefinite	Management	N/A
Insurance claims	7 years after all obligations are concluded or child reaches age of 25	Limitation Act 1980 (as amended)	CW
Insurance certificates	40 years	The Employers Liability (Compulsory Insurance) Regulations 1998 (SI2753)	RW
Health & Safety inspection records	6 years	Management	RW

Miscellaneous

Strategic Plans	Until superseded	Common Practice	RW
Policies & Operational Procedures	Until superseded	Common Practice	RW
Declarations of office	Term of office	Management	CW
Members register of interests	Term of office	Management	CW
Complaints	2 years from resolution	Management	CW
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)	CW
Legal/Litigation Files	6 years	Common practice	CW

Burial Grounds

Register of: Fees collected / Burials / Purchased Graves / Plan of grave spaces / Memorials	Indefinite	Local Authorities Cemeteries Order 1977 (SI204) Management	N/A
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RW – recycled waste CW – confidential waste (to be disposed of securely).

Donyatt PARISH COUNCIL 2025

HEALTH AND SAFETY AT WORK – INCLUDING LONE WORKER POLICY

The Parish Council recognises and accepts its responsibility for providing a safe and healthy environment for its members; staff; volunteers; visitors; and for anyone affected by its activities.

The Council maintains this policy for the management of health and safety as its top priority and will do all that is reasonably practicable to ensure effective organisation and planning are established and maintained. The Council will also ensure that appropriate and effective audit and review mechanisms are used to inform the work of the Council, which undertakes to commit appropriate resources to manage health and safety

Our statement of general policy, below, is based upon that required by virtue of the Health and Safety at Work etc. Act 1974. Although the Council has a single employee, the principles of the Act and its underpinning Regulations as later published are taken by the Council as a minimum requirement for the safe and effective management of the Council and its activities.

Our statement of general policy is:

- To provide adequate control of the health and safety risks arising from our activities;
- To consult with our staff on matters affecting their health and safety;
- To provide and maintain safe equipment;
- To provide sufficient information, instruction, and supervision of staff, volunteers and visitors as far as is reasonably practicable;
- To ensure all staff and volunteers are competent in their Council-related activities, and to provide adequate training as far as is reasonably practicable;
- To prevent accidents and activity-related ill health as far as is reasonably practicable;
- To maintain safe and healthy conditions for conducting the Council's business and the public facilities it provides; and
- To review and revise this Policy as necessary at regular intervals, but at least annually.

It is expected that all employees and members will promote and comply with safe working practices under this Policy. Each individual has a responsibility to take reasonable care for their own health and safety and for others who may be affected by their acts or omissions. All staff and members must co-operate with the Parish Council to enable them to carry out their statutory duties.

The Parish Office

All personnel using the office are advised not to leave personal items of value and money unattended as the Parish Council cannot accept responsibility for personal losses.

The office should be securely locked in periods of absence and at the end of the work period. The person responsible for locking up the office should as a matter of routine check all the following: -

That all office equipment is turned off

That all windows are closed and securely locked

That filing cabinets and other storage areas are secure
That all lights are turned off
That all entrances and exits to the building are firmly shut and securely locked if the building is unoccupied in other areas.

Any unusual circumstances whatsoever in relation to persons or property should be reported to the Chairman or Vice-Chairman.

Fire Precautions

All employees and members should familiarise themselves with the fire and evacuation procedures, the nearest fire extinguishers and how to raise the alarm. It is important to keep all fire doors closed and ensure that all corridors and fire exits are kept free from obstruction at all times when using public buildings.

Accidents

An accident or injury at work, however trivial it may appear at the time, must be reported to the Chairman or member responsible for personnel. Details of the accident should be recorded. In the event of a serious accident, dial 999 for the emergency services. The outer door should be unlocked to allow access. On no account should anyone who appears to be seriously injured be moved unless it is essential to do so for their personal safety e.g., in a fire.

Falls

The biggest cause of injury at work is falling due to a slip, trip or stumble. All employees and members should report any potential hazard. Suitable footwear and clothing should be worn. Keep working areas clear of obstruction and spills. When carrying items ensure that clear vision is maintained.

Substance Hazardous to Health

The legislation covering the control of substances hazardous to health (COSHH) requires that all substances used in the workplace must be assessed in order to identify the risk to health. There are few hazardous substances in an office environment other than correction fluid which should be used responsibly.

Lifting, Carrying and Handling

Poor lifting and handling technique is a major cause of injury, not just to backs, but to shoulders, arms and even fingers and toes. If an item is too heavy to lift, please ask for help. Information on how to lift safely is available.

Electrical Equipment

Office electrical equipment should be tested regularly under the Portable Appliance Testing regulations (Electrical Installation Contractors (NICEIC) standards).

If any malfunction or abnormality is identified the appliance should be switched off and disconnected from the electricity supply immediately and the fault reported to the Clerk or the Chairman.

Lone Working Procedures

Lone workers should not be exposed to significantly higher risks than others who work together. Precautions should take account of normal working conditions and foreseeable emergency

situations e.g., fire, equipment failure, illness and accidents. Any one working alone is responsible for ensuring they comply with agreed procedures.

All staff and members shall be personally accountable for their actions and should be especially aware of safety when working alone. No activity that might be hazardous should be undertaken.

Any problems encountered when working alone should be immediately reported to the Chairman.

Employees should not make arrangements to meet members of the public that are unknown to them, except in a public place. Appointments made with members of the public in the parish office should always be accompanied by one or more councillors.

Reviewed and adopted by Donyatt Parish Council on: 12th May 2026

Signed: Chairman

Donyatt Parish Council's Privacy Policy

This page explains how we collect and use information

Donyatt Parish Council Website & Privacy Statement

Last updated: May 2026

This page informs you of our policies regarding the collection, use and disclosure of Personal Information we receive from users of the Site.

The Councils Right to Process Information

General Data Protection Regulations

We use your Personal Information only for providing and improving the Site. By using the Site, you consent and agree to the collection and use of information in accordance with this policy.

Information Collection and Use

While using our Site, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you. Personally, identifiable information may include but is not limited to your name ("Personal Information"). We may also run surveys from time-to-time, using third party websites such as Survey Monkey. We strive to anonymise the data we collect and only use it for the improvement of the services we offer.

Log Data

Like many site operators, we collect information that your browser sends whenever you visit our Site ("Log Data").

This Log Data may include information such as your computer's Internet Protocol ("IP") address, browser type, browser version, the pages of our Site that you visit, the time and date of your visit, the time spent on those pages and other statistics.

In addition, we may use third party services such as Google Analytics that collect, monitor and analyse this data. This data is completely anonymised and does not include personal information such as name or email address.

How long will we keep your data?

We hold the data securely in line with our document retention and management procedure and data map. We keep all data for as long as

- a) the project it's collected for is in operation
- b) on an ongoing basis but normally deleted after 10 years if our association with you is not active.

Communications

We may use your Personal Information to contact you with newsletters, should you opt into receive them.

Cookies

Cookies are files with small amount of data, which may include an anonymous unique identifier. Cookies are sent to your browser from a web site and stored on your computer's hard drive.

Like many sites, we use “cookies” to collect information. You can instruct your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do not accept cookies, you may not be able to use some portions of our Site. Please see our Cookie Statement for more information.

Security

The security of your Personal Information is important to us but remember that no method of transmission over the Internet, or method of electronic storage, is 100% secure. While we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its absolute security.

Changes to this Privacy Policy

This Privacy Policy is effective as of May 2026 and will remain in effect except with respect to any changes in its provisions in the future, which will be in effect immediately after being posted on this page.

We reserve the right to update or change our Privacy Policy at any time and you should check this Privacy Policy periodically. Your continued use of the Service after we post any modifications to the Privacy Policy on this page will constitute your acknowledgement of the modifications and your consent to abide and be bound by the modified Privacy Policy.

Access to Information:

You have the right to request access to the information we have on you. You can do this by contacting our Data Controller: Zannette Bougourd (Parish Clerk), 9 Redgate Park, Crewkerne. TA187NL Telephone: 07471341433, email: clerk@donyatt-pc.gov.uk

Information Correction: If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. Please contact our Data Controller via email: clerk@donyatt-pc.gov.uk to request this.

Information Deletion: If you wish Donyatt Parish Council to delete the information about you please contact our Data Controller via email: clerk@donyatt-pc.gov.uk to request this.

Right to Object: If you believe that your data is not being processed for the purpose it has been collected for, you may object: Please contact our Data Controller via email: clerk@donyatt-pc.gov.uk to object.

Rights Related to Automated Decision Making and Profiling Donyatt PC does not use any form of automated decision making or the profiling of individual personal data.

Conclusion: In accordance with the law, we only collect a limited amount of information about you that is necessary for correspondence, information and service provision. We do not use profiling; we do not sell or pass your data to third parties.

We do not use your data for purposes other than those specified. We make sure your data is stored securely. We delete all information deemed to be no longer necessary. We constantly review our Privacy Policies to keep it up to date in protecting your data. (You can request a copy of our policies at any time).

Complaints If you have a complaint regarding the way your personal data has been processed, you may make a complaint to Donyatt Parish Council Data Controller via email: clerk@donyatt-pc.gov.uk and the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113

Reviewed and adopted by Donyatt Parish Council on: 12th May 2026

Donyatt PARISH COUNCIL

Clerk: Zannette Bougourd, 9 Redgate Park, Crewkerne. TA187NL

01935 571050

clerk@donyatt-pc.gov.uk

Donyatt Parish Council Policy on audio/visual recording and photography at council meetings May 2026

1. Introduction

Ash Parish Council is committed to being open and transparent in the way it conducts its decision making. Recording, including filming, audio recording, taking photographs, blogging, tweeting and using other social media is permitted at Council meetings, which are open to the public, subject to the following policy.

2. Procedure at meetings

- 2.1 Anyone wishing to record is requested to let the Chairperson of the meeting know prior to, or at the start of, the meeting and the recording should be overt (i.e. clearly visible to anyone at the meeting) and not disruptive.
- 2.2 Anyone visually recording a meeting is requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. Any children present at the meeting should not be filmed unless they and their parents/guardians have given their consent.
- 2.3 At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed or recorded.
- 2.4 Donyatt Parish Council supports the right of any member of the public not to be recorded. If anyone speaking at the meeting does not wish to be recorded they should let the Chairman of the meeting know.
- 2.5 Any person wishing to record Council meetings will be responsible for ensuring that any cabling, or electrical equipment they use has been properly tested and installed and adheres to health and safety requirements. The Council will not be held liable for any injuries to the individual or members of the public caused by the recording of its meetings.
- 2.6 The Chairman of the meeting has absolute discretion to request a person to stop or suspend recording if in the Chairman's opinion continuing to do so would prejudice proceedings at the meeting because:
 - recording is disrupting the proceedings of the meeting

Donyatt PARISH COUNCIL

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- there is public disturbance or a suspension of the meeting
- the meeting has resolved to exclude the public for reasons of confidential business

For these purposes recording equipment should not be left unattended at meetings.

However, if the person carrying out the recording is absent the Council reserve the right to turn off the equipment according to paragraph 2.6 above. The Council cannot accept liability for any equipment that is lost, stolen or damaged at its public meetings

2.7 The recording should not be edited in any way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Council's values or in a way that ridicules or shows a lack of respect for those in the recording.

2.8 If the Council resolves to discuss confidential information, and the public are excluded from the meeting, all recording equipment must be removed immediately from the room.

2.9 The use of flash photography or additional lighting will not be allowed unless this has been discussed with the clerk in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

Guidance Notes

Please contact the Parish Clerk prior to the meeting you wish to record, and especially if the recording you wish to make involves large equipment or special requirements.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those who undertake the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act, the Public Order Act Part III (1986 as amended), the Equality Act 2010, the laws of libel and defamation and any subsequent legislation or regulations.

The Council may itself photograph, film, record or broadcast its meetings and may retain, use or dispose of such material in accordance with its retention and disposal policies.

END.

DONYATT PARISH COUNCIL

Social Media Policy

Approved at the Annual Parish Council Meeting held on 3rd May 2024 Reviewed May 2026

This Policy should be read in conjunction with the adopted Communications Policy

1. Policy statement

- 1.1. This policy is intended to help councillors and council staff make appropriate decisions about

the use of social media such as emails, blogs, wikis, social networking websites, podcasts, forums, message boards, or comments on web-articles, such as Twitter, Facebook, LinkedIn and other relevant social media websites.

The council will encourage the use of social media for the purposes of:

- providing and exchanging information about services;
- supporting local democracy;
- gathering citizen insights and managing citizen relationships;
- promoting cultural events or tourism for the area;
- supporting community cohesion, neighbourliness and resilience; and
- creating internal communications and learning and development.

- 1.2. This policy outlines the standards the council requires councillors and staff to observe when using social media, the circumstances in which the council will monitor the use of social media and the action to be taken in respect of breaches of this policy.

- 1.3. This policy supplements, and should be read in conjunction with all other policies and procedures adopted by the council, such as the Equal Opportunities Policy, Anti-Harassment Policy, Data Protection Policy, Disciplinary Procedure, Members Code of Conduct and such like.

- 1.4. This policy does not form part of any contract of employment and it may be amended at any time.

2. Who is covered by this policy

- 2.1. This policy covers all individuals working at all levels with the council, including all elected and co-opted councillors, the clerk to the council and all other employees and volunteers (collectively referred to as staff in this policy).

3. The scope of this policy

- 3.1. The council has a corporate presence on the web and by use of email, which it uses to communicate with people who live in, work in and visit the parish. The council will always try to use the most effective channel for its communications. We may ask those who contact us for their preferred channel of communication when we deal with them.

Over time the Parish Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur this Social Media Policy will be updated to reflect the new arrangements.

- 3.2 All members and staff are expected to comply with this policy at all times to protect the reputation, privacy, confidentiality, and interests of the council, its services, employees, partners and community.
- 3.2. Serious breaches of this policy by employees may be dealt with under the Employee Disciplinary Procedure. The council may take disciplinary action in respect of unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive comments by an employee.

Breach of the policy by volunteers will result in the council no longer using their services and, if necessary, appropriate action will be taken.

Behaviour required by the Members' Code of Conduct shall apply to online activity in the same way it does to other written or verbal communication. Members will bear in mind that inappropriate conduct can still attract adverse publicity, even where the code does not apply. Remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published in a way that cannot be contained. Online content should be objective, balanced, informative and accurate. Members must be aware that their profile as a councillor means the more likely it is they will be seen as acting in an official capacity when blogging or networking.

It must be remembered that communications on the internet are permanent and public. When communicating in a 'private' group it should be ensured that the council would be content with the statement should it be made public.

4. Rules for using social media.

- 4.1 Staff and councillors must not allow their interaction on any websites or blogs to damage their working relationships with others. They must not make any derogatory, discriminatory, defamatory or offensive comments about other staff, councillors, the council or about the people, businesses and agencies the council works with and serves.
- 4.2 Posts must not contain anyone's personal information, other than necessary basic contact details
- 4.2 If staff or councillors blog or tweet personally, and not in their role as a councillor, they must not act, claim to act, or give the impression that they are acting as a representative of the council. They should not include web links to official council websites as this may give or reinforce the impression that they are representing the council.
- 4.3 All staff and councillors must ensure they use council facilities appropriately. If using a council-provided website, blog site or social networking area, any posts made will be viewed as made in an official capacity. Do not use council facilities for personal or political blogs.
- 4.4 The Council will appoint a nominated person(s) as moderator(s). They will be responsible for posting and monitoring of the content on council pages, ensuring it complies with the Social Media Policy. The moderator(s) will have authority to immediately, without notice or comment, remove any posts from the council's social media pages if they are deemed to be inflammatory or of a defamatory or libellous nature. Such post will also be reported to the Hosts (i.e. Facebook) and also the clerk for council records.
- 4.3 The Council will appoint a nominated "Webmaster" to maintain and update the Parish Council Website. The website may be used to:

- Post notices and minutes of meetings
 - Advertise events and activities
 - Post good news stories
 - Link to appropriate websites or press page if those sites meet the council's expectations of conduct
 - Advertise vacancies
 - Retweet or 'share' information from partners i. e. Police, Library, district council, etc.
 - Announce new information appropriate to the council.
 - Post or Share information promoting bodies for community benefit such as schools, Scouts, sports clubs and community groups
 - Post other items as the council see fit.
 - Facebook and/or Twitter, etc, may be used to support the website and its information as above.
- 4.4 Staff and individual parish councillors are responsible for what they post. They are personally responsible for any online activity conducted via their published e-mail address, which is used for council business. Both staff and councillors are strongly advised to have separate council and personal email addresses.
- 4.5 All social media sites in use should be checked on a regular basis to ensure the security settings are in place.
- 4.6 When participating in online communication staff and councillors must;
- Be responsible and respectful; be direct, informative, brief and transparent.
 - Always disclose their identity and affiliation to the council.
 - Never make false or misleading statements.
 - Not present themselves in a way that might cause embarrassment. They must protect the good reputation of the council.
 - Be mindful of the information posted on sites and make sure personal opinions are not published as being that of the council.
 - Keep the tone of comments respectful and informative, never condescending or "loud." Use sentence case format, not capital letters, do not write in red to emphasise points.
 - Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or belief should not be published on any social media site.
 - Avoid personal attacks, online fights and hostile communications.
 - Do not post comments that you would not be prepared make in writing or face to face.
 - Never name an individual third party unless you have written permission to do so.
 - Seek permission to publish original photographs or videos from the persons or organisations in the video or photograph before they are uploaded. You must check that there is parental permission before photos of children are used.
 - Respect the privacy of other councillors, staff and residents.
 - Never post any information or conduct any online activity that may violate laws or regulations, such as libel and copyright.
 - Spell and grammar check everything.
- 4.7 Residents and councillors should be aware that not all communication through social media requires a response, although an acknowledgement should be made if appropriate.

- 4.8 If a matter raised in any form of social media needs further consideration by the council it may be raised at either the open forum or as a full agenda item for consideration by a quorum of Councillors. Again the 'poster' shall be informed via the page or direct message that this is the case and invited to contact the clerk direct. Any response agreed by the council will be recorded in the minutes of the meeting.
- 4.9 Reports of any concerns regarding content placed on social media sites should be reported to the Clerk for referral to the moderator(s) and/or council as required.
- 5. The Policy will be reviewed annually.

Donyatt Parish Council Email Deletion and Retention Policy

1. Purpose

This policy sets out how the Parish Council manages, retains, and deletes emails in line with its obligations under the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and relevant local government records management guidance.

2. Scope

This policy applies to all email communications sent or received through official Parish Council email accounts. The retention periods are different to any general Data Retention Policy as the regulations surrounding digital communications are more stringent.

3. Policy Principles

- Emails are considered a form of official record and must be managed accordingly.
 - Personal data contained in emails must be handled securely and only retained as long as necessary.
 - Emails should not be used for long-term storage of information - relevant data, such as quotes and disciplinary or legal matters, should be transferred to formal record-keeping systems, which will be managed by the Clerk.
-

4. Email Retention Periods

- It is not practical to expect unpaid Councillors to individually assess emails and have different retention periods for different categories of emails, so a single period is to be used.
 - This period is to be set at three years after the end of the current financial year.
 - Emails containing information or documents required for longer-term retention must be exported and passed to the Clerk for archiving once the email deletion period is reached. This includes, but is not limited to, contractual and legal matters, and these archived documents are to be kept according to the Councils document retention policy.
 - Emails must be deleted after the relevant retention period has elapsed.
-

5. Security and Access

- The PC email system is to be managed by the Clerk, or any appointed third parties, such as technical or legal support professionals.
- For the avoidance of doubt, this does not include any existing Parish Councillors, who are not permitted to not have access to any email account except their own.
- Only authorised individuals should access Parish Council email accounts. Proper digital security must be maintained on any devices where digital communications are stored
- When an individual leaves their role, their email account must be archived until the relevant deletion period has expired, when it may be deleted by the Clerk.
- If the Clerk or the Chair change, then their official email accounts must be archived and the accounts passed over without any messages present. People emailing either of these two official accounts do so in the expectation of privacy, and that these messages will not be read

by any third parties without authorisation, even if the job role changes.

- No access may be made to any current or archived account by the Clerk except by direct authorisation of the Parish Council and then only for legal or contractual reasons or to comply with any Freedom of Information Act (FOI), Subject Access Request.
-

6. Email Backup

Email systems may be backed up for disaster recovery purposes; however, backup copies are not used for routine access and will be retained no longer than necessary for technical purposes.

7. Responsibilities

- The Parish Clerk is responsible for overseeing compliance with this policy.
 - All councillors and staff must adhere to this policy. Failure to do this is a disciplinary offence.
-

8. Review and Updates

This policy will be reviewed every 3 years or sooner if there is a significant change in legislation or Council operations.

Donyatt PARISH COUNCIL

Safeguarding Policy

Adopted 12th May 2026

1. Introduction

1.1 Everyone has a duty to safeguard children, young people and vulnerable adults.

1.2 This policy outlines practices that will promote the safety of children, young people and vulnerable adults using Donyatt Parish Council facilities.

1.3 This policy will be reviewed regularly.

2. Definitions

1.1 Children and young people: anyone under the age of 18 years.

1.2 Vulnerable adult: anyone over 18 who is unable to care for themselves; unable to protect themselves from significant harm or exploitation; or may need community care services.

2. To whom this policy applies

2.1 This policy applies to anyone working for or on behalf of Donyatt Parish Council whether in a paid, voluntary or commissioned capacity.

3. Promoting a safe environment

3.1 In order to promote a safe environment for children, young people and vulnerable adults, Donyatt Parish Council wishes to promote a safeguarding culture in its premises and activity areas. In order to achieve this, Donyatt Parish Council will:

- provide safe facilities and undertake regular safety assessments.
- ensure that employees and councillors are aware of safeguarding expectations.
- make available on public noticeboards and to employees and councillors relevant contact details.

3.2 Employees, councillors and volunteers all have a duty to protect children, young people and vulnerable adults but are not responsible for deciding whether abuse is taking place. If they have concerns, these should be passed on to the authorities as detailed below as soon as possible.

4. Allegations against staff and volunteers

4.1 All staff should take care not to place themselves in a vulnerable position with a child or vulnerable adult. It is always advisable for interviews or work with individual children or parents to be conducted in view of other adults.

4.2 No attempt should be made to investigate or act on any allegation before

consultation with the Somerset Safeguarding Childrens and Adults teams (contact details below).

Somerset Safeguarding Adults

Please don't stay silent to report a safeguarding concern call:

Adult Social Care on 0300 123 2224 (Monday to Friday 8.30am to 5.30pm, Saturday and Sunday closed).

The phone number for Adults and Mental Health out of hours is 0300 123 23 27

Email: Adult Social Care on adults@somerset.gov.uk

Police: 101 or in emergency 999

Somerset Safeguarding Children

If you are worried about a vulnerable child, **please don't stay silent** to report a safeguarding concern call:

Early Help Advice Hub on 01823 355803

Children's Social Care on 0300 123 2224

Consultation line for DSLs and GPs on 0300 123 3078

Email: childrens@somerset.gov.uk

Police: 101 or in emergency 999

If you know a child already has a social worker then contact the social worker's telephone number.

Somerset Safeguarding Vulnerable Adults

If you are worried about a vulnerable adult and would like help, contact:

Phone Adult Social Care on 0300 123 2224

Email at adults@somerset.gov.uk

If you would like to speak to a social worker outside of office hours please phone Adults and Mental Health out of hours on 0300 123 23 27

Police: 101 or in emergency 999

Area-wide

Urgent enquiries will be made to understand the situation by the Somerset Safeguarding teams and they will make decisions about what needs to be done next, to make sure people are safe. All calls will be dealt with in the strictest confidence.

You should always call 999 in an emergency – for example when someone's life is at risk or someone is seriously injured or critically ill.

Avon and Somerset Police – 101
NSPCC Helpline – 0808 800 500

5. Whistleblowing

5.1 We recognise that children or vulnerable adults cannot be expected to raise concerns in an environment where staff or volunteers fail to do so.

5.2 All staff and volunteers should be aware of their duty to raise concerns about the attitude or actions of colleagues and appropriate advice will be sought from the Safeguarding Teams at Somerset County Council.

6. What should be a cause for concern

6.1 Staff and volunteers should be concerned by any behaviour, action or inaction, which significantly harms the physical and/or emotional development of a child or a vulnerable adult. A child or vulnerable adult may be abused by parents, other relatives or carers, professionals and their peers, and abuse can occur in any family OR in any other area of society, regardless of social class, wealth or geographical location.

6.2 Abuse falls into four main categories:

- physical abuse
- emotional abuse
- sexual abuse
- neglect

6.3 All staff and volunteers need to have an awareness that there are many other forms of abuse ranging from Child Sexual Exploitation (CSE) through to Female Genital Mutilation (FGM).

6.4 Ideally, staff and volunteers who engage with children or vulnerable adults will have accessed appropriate training.

6.5 Further information about types of abuse, signs to look for and what to do if you are concerned are also available on the Somerset County Council website.

Signed:

Date:

Donyatt Parish Council

Scheme of Delegation 2026 - 2027

S101 delegation of powers

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the Clerk/Proper Officer for making decisions on behalf of the council as and when appropriate.

This scheme of delegation is a measure to facilitate effective decision-making during unforeseen situations including meeting disruption. It allows the Clerk/Proper Officer to take on the executive role during this time. If virtual meetings are unlawful but the Council are unable to meet, it ensures that Council activities can continue in the meantime.

Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, Financial Regulations and any other policies or conditions imposed by the Council and within the law.

The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.

In an emergency the Proper Officer is empowered to carry out any function of the Council.

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

The following items may not be delegated to the Clerk:

- To appoint the Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To appoint the Head of Paid Service (Clerk)
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

To the Proper Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the specific circumstances detailed:

To take action:

1. To take action on any issue that cannot wait until the next Parish Council meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
2. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

Financial thresholds:

- 3 Individual purchases within an agreed budget for that type of expenditure may be authorised by:
 - the Clerk, under delegated authority, for any items below £500 excluding VAT.
 - the Clerk, in consultation with the Chair of the Council, for any items below £2,000 excluding VAT.
 - in respect of grants, a duly authorised committee within any limits set by council and in accordance with any policy statement agreed by the council.
 - the council for all items over £5,000;

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

- 4 In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000.00 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to Donyatt Parish Council as soon as practicable thereafter.
- 5 For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.

Delegation Limitations, Record keeping & Reporting:

- 6 Records will be kept demonstrating a clear trail (particularly around decision making in any form) and the Clerk will use email to ensure Councillors are aware of issues as they arrive.
- 7 All decisions will be reported at the next available Full Council Meeting.
- 8 Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in

line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

DONYATT PARISH COUNCIL 2026

This statement applies to content published on the <https://donyatt-pc.gov.uk> domain.

This website is run by Parish Online Websites on behalf of Donyatt Parish Council. It is designed to be used by as many people as possible. The text should be clear and simple to understand. You should be able to:

- zoom in up to 300% without problems
- navigate most of the website using just a keyboard
- navigate most of the website using speech recognition software
- use most of the website using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver)

HOW ACCESSIBLE THIS WEBSITE IS

Parts of this website are not fully accessible. For example:

- some pages and document attachments are not written in plain English
- some tables do not have row headings
- some documents have poor colour contrast
- some heading elements are not consistent
- some images do not have image descriptions
- many documents are in PDF format and are not accessible

Donyatt Parish Council continue to strive to improve the content accessibility.

FEEDBACK AND CONTACT INFORMATION

Tell us if you need information in a different format. There's a feedback form at the bottom of each page.

In your message, include:

- the web address (URL) of the content
- your email address and name
- how you'd like to receive the information.

Donyatt Parish Council will then endeavour to improve the website to cater to this need. However, changes cannot be guaranteed.

REPORTING ACCESSIBILITY PROBLEMS WITH THIS WEBSITE

If you find any problems that are not listed on this page or you think we're not meeting the accessibility requirements, please fill in the feedback form at the bottom of the page.

ENFORCEMENT PROCEDURE

If you contact us with a complaint and you're not happy with our response contact the Equality Advisory and Support Service (EASS).

The Equality and Human Rights Commission (EHRC) is responsible for enforcing the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 (the 'accessibility regulations').

TECHNICAL INFORMATION ABOUT THIS WEBSITE'S ACCESSIBILITY

Parish Online Websites is committed to making its websites accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

COMPLIANCE STATUS

This website is compliant with the Web Content Accessibility Guidelines version 2.2 AA standard.

HOW WE TESTED THIS WEBSITE

The website is regularly tested on each version release using WCAG 2.2 AA compliance tools, including Lighthouse and Axe.

System tools are used to simulate users with visual impairments and dyslexia to inform design decision-making.

Internal reports are produced for each screen demonstrating compliance.

WHAT WE'RE DOING TO IMPROVE ACCESSIBILITY

Improvements to the site accessibility is an ongoing process. Regular updates will be made to the site to ensure it's at the highest practical level of accessibility.

Donyatt Parish Council Data Breach Policy - 2026

1 Purpose

This policy sets out how the Parish Council identifies, manages, reports, and learns from personal data breaches. It ensures compliance with:

UK GDPR

Data Protection Act 2018

ICO guidance on personal data breaches

The aim is to minimise harm to individuals, protect the Council's information assets, and maintain public trust.

2 Scope

This policy applies to:

All personal data processed by the Parish Council

All councillors, employees, volunteers, and contractors

All formats (paper, electronic, email, audio, images, website, social media, CCTV)

It covers accidental and deliberate breaches.

3 What is a Personal Data Breach?

A personal data breach is any incident that leads to:

Unauthorised access

Unauthorised disclosure

- Loss or theft

Destruction or alteration

Loss of availability

Examples include:

Sending personal data to the wrong recipient

Losing an unencrypted laptop or USB stick

Emailing documents to a personal account

Accidental deletion of key records

Website exposure of personal information

Ransomware or cyber-attack

4 Roles & Responsibilities

The Parish Council

Holds overall responsibility for compliance

Receives reports on breaches and approves corrective actions

Clerk / Responsible Officer

Acts as the Data Breach Manager

Leads breach investigation and documentation

Assesses risk and determines whether the ICO must be notified

Ensures affected individuals are informed where required

Maintains the Breach Register

Councillors, Staff, and Volunteers

Must report all suspected breaches immediately

Must not attempt to hide or resolve breaches informally

Must cooperate with investigations

5 Identifying a Breach

Any person who becomes aware of a possible breach must report it immediately to the Clerk. Delays increase risk and may breach the Council's legal duty to notify the ICO within 72 hours.

Indicators of a breach include:

Unexpected system behaviour

Missing files or unexplained deletions

Complaints from individuals

Suspicious emails or phishing attempts

Lost or stolen devices

6 Reporting a Breach

All suspected breaches must be reported using the Council's Data Breach Report Form.

Reports must include:

What happened

When and how it was discovered

What data is involved

Who is affected

Any immediate actions taken

7 Containment and Recovery

The Clerk will take immediate steps to limit the impact, which may include:

- Isolating affected systems
- Resetting passwords
- Recovering deleted data from backups
- Contacting IT support
- Securing physical records
- Requesting return or deletion of mis-sent information

8 Assessing the Risk

The Clerk will assess:

- The type and sensitivity of the data
- The number of individuals affected
- The potential harm (identity theft, distress, financial loss, reputational damage)
- Whether the data was encrypted or protected
- Whether the breach is likely to result in a risk to individuals' rights and freedoms
- This assessment determines whether the ICO and affected individuals must be notified.

9 Notification Requirements

9.1 Notifying the ICO

The Council must notify the ICO within 72 hours if the breach is likely to result in a risk to individuals.

The notification will include:

- Nature of the breach
- Categories and volume of data affected
- Likely consequences
- Measures taken or proposed
- Contact details for the Clerk
- If the Council decides not to notify the ICO, the reasoning must be documented.

9.2 Notifying Individuals

Individuals must be informed without undue delay if the breach is likely to result in a high risk to their rights and freedoms.

Notifications must:

- Describe the breach in clear language
- Explain potential impacts
- Provide advice on protective steps
- Give contact details for support

10 Documentation

The Clerk will maintain a Data Breach Register containing:

- Description of the breach
- Date discovered
- Risk assessment
- Decisions on notification
- Actions taken
- Lessons learned

This register must be retained in line with the Council's retention schedule.

11 Learning and Prevention

After each breach, the Council will:

- Review what went wrong
- Update policies or procedures
- Provide additional training if needed
- Improve technical or organisational controls
- Patterns of repeated breaches will trigger a formal review.

12 Training and Awareness

All councillors, staff.

13. Approval

This policy was adopted by the Parish Council at its meeting on: 18/05/2026

Signed: Chair of the Council Clerk / Responsible Officer

DonyattParish Council

Data Security Breach Reporting Form
In the case of a breach or potential
breach to be submitted to
clerk@donyatt-pc.gov.uk

A data security breach can happen for a number of reasons: Loss or theft of data or equipment on which data is Stored; Inappropriate access controls allowing unauthorised use; Equipment failure; Human error; Unforeseen circumstances such as a fire or flood; Hacking attack; 'Blagging' offences where information is obtained by deceiving the organisation who holds it. Use this form to report such breaches.

Example: Reportable Theft or loss of an unencrypted laptop computer or other unencrypted portable electronic/digital media holding names, addresses, dates of birth and National Insurance Numbers of individuals. A manual paper-based filing system (or unencrypted digital media) holding the personal data relating to named individuals and their financial records etc. More information can be found using the below link:

https://ico.org.uk/media/for-organisations/documents/1562/guidance_on_data_security_breach_management.pdf

Breach Containment and Recovery

Article 2(2) of the Notification Regulation states:

The provider shall notify the personal data breach to the competent national authority no later than 24 hours after the detection of the personal data breach, where feasible. The provider shall include in its notification to the competent national authority the information set out in Annex I. The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR) provide rules about sending marketing and advertising by electronic means, such as by telephone, fax, email, text and picture or video message, or by using an automated calling system. PECR also include other rules relating to cookies, telephone directories, traffic data, location data and security breaches. Detection of a personal data breach shall be deemed to have taken place when the provider has acquired sufficient awareness that a security incident has occurred that led to personal data being compromised, in order to make a meaningful notification as required under this Regulation.

Date and time of Notification of Breach	
Notification of Breach to whom	
Name	
Contact Details	

Details of Breach	
Nature and content of Data Involved	
Number of individuals affected:	
Name of person investigating breach Name Job Title Contact details Email Phone number Address	
Information Commissioner informed Time and method of contact https://report.ico.org.uk/security-breach/	
Police Informed if relevant Time and method of contact Name of person contacted Contact details	
Individuals contacted How many individuals contacted? Method of contact used to contact? Does the breach affect individuals in other EU member states? What are the potential consequences and adverse effects on those individuals?	

Confirm that details of the nature of the risk to the individuals affected: any measures they can take to safeguard against it; and the likely cost to them of taking those measures is relayed to the individuals involved.	
Staff briefed	
Assessment of ongoing risk	
Containment Actions: technical and organisational security measures have you applied (or were to be applied) to the affected personal data	
Recovery Plan	
Evaluation and response	

Adopted May 2026

Review May 2027

Donyatt Parish Council

Data Map – Assertion 10 (Digital and Data Compliance)

This Data Map is prepared to demonstrate Donyatt Parish Council's compliance with Assertion 10 of the Annual Governance and Accountability Return (AGAR) 2025/26, relating to digital and data governance. It outlines the categories of personal data processed by the Council, their purpose, lawful basis, and the measures in place to protect and manage that data in accordance with the UK GDPR and Data Protection Act 2018.

Category of Data	Purpose of Processing	Lawful Basis (UK GDPR)	Data Subjects	Where Data Is Held / Stored	Access & Sharing	Retention Period	Security Measures
Councillor contact details (names, addresses, emails, declarations)	To enable lawful council business, publish contact details and manage declarations of interest	Public Task / Legal Obligation	Elected and co-opted councillors	Council's secure drive, official council email system, website (public contact details only)	Clerk, councillors, Monitoring Officer (interests)	As long as individual holds office + 1 year	Password-protected storage, .gov.uk email, limited access.
Employee records (contracts, payroll, appraisals, leave)	Employment administration and legal obligations	Contract / Legal Obligation	Clerk, employees	HMRC online account. Parish Council external hard drive/exclusive laptop	Clerk, HMRC	6 years after employment ends	Password protected storage/ external hard drive, secure deletion.

Resident correspondence (emails, letters, online forms)	To respond to queries, service requests, or complaints	Public Task / Consent	Residents, service users	Clerk's council email, contact form system	Clerk, relevant Councillor	2 years (or until resolved)	Council domain email only, antivirus, restricted access
Supplier & contractor data (invoices, bank details, contracts)	To manage payments and procurement	Contract / Legal Obligation	Contractors, suppliers	Accounting software, Council's secure drive, official council email system	Clerk, RFO, internal & external auditors	7 years (financial records)	Password protection, restricted drive access
Financial records (budgets, payments, receipts, audits)	Financial management and statutory reporting	Legal Obligation	Clerk, RFO, councillors	Accounting system, council network	Clerk, RFO, auditors, HMRC	7 years	Password protection cloud and external backups, limited access
Website content & accessibility logs	To provide public information and meet accessibility duties	Public Task / Legal Obligation	Members of the public	Council website	Clerk, web administrator	Ongoing	Accessibility compliance checks, secure hosting
Meeting minutes, agendas, recordings	Statutory record of council business	Public Task / Legal Obligation	Councillors, residents, officers	Website (public copies), secure drive	Clerk, councillors, public (published versions)	Permanent	Version control, backups, redaction of personal data

Planning and consultation responses	To respond to statutory consultations	Public Task	Residents, developers, consultees	Clerk's drive, email	Clerk, councillors, planning authority	2 years	Secure network storage
Trust fund / charity data (if sole trustee)	Manage assets and fulfil trustee duties	Legal Obligation	Trustees, beneficiaries	Clerk's records, accounting system	Clerk, trustees, auditors	7 years (financial), permanent (assets)	Secure storage, backups
Data protection requests (SARs, FOIs)	To comply with information rights	Legal Obligation	Residents, data subjects	Council's secure drive, official council email system	Clerk, councillors (if required)	3 years	Secure log, restricted access

Supporting Governance Measures

To fully comply with Assertion 10, Donyatt Parish Council maintains the following governance measures:

- Data Protection Policy (UK GDPR / DPA 2018)
- Privacy Notice
- Records Retention Policy
- IT & Email Use Policy (requiring council-owned domain e.g. horton-somerset-pc.gov.uk)
- Website Accessibility Statement (WCAG 2.2 AA)
- Data Breach Procedure
- Freedom of Information & Publication Scheme