**MEMBERS OF ODIHAM PARISH COUNCIL ARE SUMMONED TO ATTEND THE MEETING OF ODIHAM PARISH COUNCIL TO BE HELD IN THE LIBRARY ROOM, THE BRIDEWELL, THE BURY, ODIHAM, RG29 1NB ON MONDAY 12th DECEMBER 2022 COMMENCING AT 7.30pm**

6th December 2022 *Andrea Mann, Clerk*

*Members of the public are welcome to attend in person or watch online:*
*https://us02web.zoom.us/j/83602825352?pwd=VVkyTHJaeGRmR2JQZC9DZ00rNnZPdz09*
*Meeting ID: 836 0282 5352 Passcode: 741321*

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**171/22 To receive apologies for absence**

**172/22 To receive declarations of interests and requests for dispensation relating to any item on the agenda**

**173/22 Approval of Minutes**
To approve the minutes of the extraordinary general meeting held on 25th October 2022 (138-148/22).

**174/22 Chair's Announcements**

**175/22 Public Session**
An opportunity for residents to raise questions and issues within the Parish in accordance with Standing Orders. Please view details at https://odihamparishcouncil.gov.uk/council/policies-and-publications or contact the Parish Office for further advice.

***Councillor Reports***

**176/22 Meeting reports from Councillors**
To RECEIVE any verbal reports from Councillors on their attendance at outside meetings.

**177/22 Reports from other Councils**
To RECEIVE any verbal reports from Hart District Councillors and the Hampshire County Councillor representing Odiham.

***General***

**178/22 To consider Matters Arising from the Minutes not elsewhere on the agenda (pages 6-7)**

**179/22 Previous Committee Minutes**
To receive and NOTE the following minutes previously circulated to Members:
- Amenities Areas Committee 16th August 2022.

**180/22 NALC Civility and Respect Pledge (pages 8-32)**

Following OPC's resolution to take this pledge, further policies are required before taking the pledge. It is therefore proposed that OPC adopts the following policies which have been drafted using the NALC model policies:

i) Equality, Diversity and Inclusion Policy, using ACAS model (pages 8-11).
ii) Dignity at work policy (pages 12-23).
iii) Councillor officer protocol (pages 24-32).

**181/22 Progressing OPC's Biodiversity Action Plan (pages 33-34)**

To consider the recommendations in Cllr McFarlane's report to progress the listed actions in OPC's Biodiversity Action Plan.

**182/22 Interim Audit Report (pages 35-38)**

To review and note the report from the Interim Audit Report and the Clerk's progress report on actions.

**183/22 Grant Giving Policy (pages 39-42)**

To consider the proposed changes in the Grant Giving Policy and agree promotion to relevant community organisations.

**184/22 Countryside Conservation Volunteer Work Group**

Project update from Cllr Bell.

**185/22 Premises Licence covering Odiham High Street and The Bury (pages 43-46)**

To consider the draft Licence granting permission to InOdiham use of the Premises Licence covering the High Street and Bury held in OPC's name.

**186/22 King's Coronation May 2023**

https://www.royal.uk/coronation-his-majesty-king

To review the residents survey responses, emailed to Councillors before the meeting, and agree how OPC should celebrate.

**187/22 Verbal report from Cllr McFarlane from the Hart Cabinet meeting 01.12.22 (page 47)**

https://hart.moderngov.co.uk/ieListDocuments.aspx?CId=187&MId=455&Ver=4

To receive Cllr McFarlane's verbal report from the above meeting following representation made relating to the Odiham Common Engagement Plan and the Swan Public House development.

**188/22 Hampshire & IoW Village of the Year – Village Nameplates (pages 48-50)**

To consider new signage on the 3 Village nameplate signs.

**189/22 New External Auditor (pages 51-54)**

Notification of BDO Ltd as the external auditor appointment for the 2022-23 financial year for the 5 year period until 2026-27.

**190/22 Commonwealth War Graves Commission: request to install signs indicating war graves at Odiham Cemetery (pages 55-60)**

To consider correspondence from the Commonweath War Graves project administrator.

***Planning & Development Committee***

**191/22 To ratify the responses proposed by the Planning & Development Committee held by Zoom**

i) 22nd November Notes-221122-Draft.pdf (odihamparishcouncil.gov.uk)

**192/22 To consider new applications received (refer to Planning List)**

| | | | | | |
|---|---|---|---|---|---|
| 89/22 | 21/00896/CON | The Stables<br>Darwins Farm<br>Hillside Odiham<br>Hook<br>Hampshire<br>RG29 1HX | Approval of Conditions 3- external materials- 4- Construction Method Statement- 5- Tree Protection- 6- Landscaping- and 7- Ecological Enhancement Plan- pursuant to 21/00896/FUL Erection of a 7 bedroom dwelling and garage with associated parking, turning, landscaping, boundary treatments and private amenity space following demolition of existing 2 bedroom dwelling garage and store | 07.12.2022 | Link |
| 90/22 | 22/02799/CON | Hunting Lodge<br>Bagwell Lane<br>Odiham Hook<br>Hampshire<br>RG29 1JG | Approval of Condition 2- roof tiles- and 3- roof vents- pursuant to 22/00824/LBC Re-roofing of the house (replacement of the roof coverings and associated work) | 09.12.2022 | Link |
| 91/22 | 22/02678/AMCON | Regent House<br>123 High Street<br>Odiham Hook<br>Hampshire<br>RG29 1LA | Variation of Condition 2 attached to Planning Permission 21/00795/FUL dated 06/07/2021 to allow replacement of the approved drawings. Amended proposals are to vary the depth of the ground floor extension to the rear, to allow a more beneficial private external terrace area. In doing this the first-floor roof terrace is proposed to be omitted, with the rear first floor doors omitted, to be bricked up and returned to facing brickwork. | 15.12.2022 | Link |
| 92/22 | 22/02792/FUL | St Margarets<br>Alton Road<br>Odiham Hook<br>Hampshire<br>RG29 1PJ | Erection of two detached 4 bedroom dwellings following demolition of existing 3 bedroom dwelling, new and extended access to the public highway. | 16.12.2022 | Link |

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|---|---|---|---|---|---|
| 93/22 | 22/02458/LBC | The Close 133 High Street Odiham Hook Hampshire RG29 1NW | Creation of new vehicular access gates, pedestrian gates, railings and associated landscaping | 22.12.2022 | Link |
| 94/22 | 22/02898/LBC | Cruck Cottage , The Street,North Warnborough, Hook, Hampshire RG29 1BL | Repairs to cruck frames (no.s 1, 2, 3 and 4) and associated ground level timber frame elements, removal of plastic parts to all timbers and brickwork. Rebuilding/repointing of all affected brickwork and wattle and daub infill panels abutting the timber frame using lime mortars so allowing all timbers to breathe. Repairs to cruck frames (no.s 1, 2 and 3) at first floor and attic level. Reduce external ground levels and introduce French drains and soakaways. | 27.12.2022 | Link |
| Trees | 22/02854/CA | Lloyds Bank Flat 61 High Street Odiham Hook Hampshire RG29 1LF | 1. Sycamore - Fell Because of shading, low amenity value and potential to damage shed and outdoor staircase. | | Link |
| | 22/02861/CA | 'Northfield House London Road Odiham Hook Hampshire RG29 1AJ | Fell Sycamore | | Link |

**193/22 Hampshire Minerals and Waste Plan – Partial Update**

To consider OPC's response to:
https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan/minerals-waste-plan-partial-update-consultation

**194/22 Illuminated Signage, 112 High Street**

In response to correspondence received, to consider writing to 112 High Street (Trees newsagent) requesting removal of the illuminated sign or referral to Hart District Council Building Enforcement.

***Financial Matters***

**195/22 December 2022 Payments**
To approve the payments listings 16th November to 12th December 2022 and appoint two Councillors with signatory rights to complete the payment process. (This listing will be circulated to Councillors by email before the meeting).

**196/22 Annual review of the Financial Regulations (pages 61-76)**
To complete the annual review of Financial Regulations and consider proposed changes (in red).

**197/22 Hampshire Trust Bank one year bond (page 77)**
To consider how to re-invest £50,879.79 which matured on 18th November.

**198/22 Date of next meeting**
17th January 2023.

***Confidential Matters***

**199/22 To pass a resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960 to exclude the public and press to consider confidential contractual and staffing matters which meet the criteria of Schedule 12A of the Local Government Act 1972 Part 1.**

**200/22 Chapel Cottage (pages 78-79)**
To note the terms of a new tenancy for Chapel Cottage.

**201/22 Rough Sleeper, Odiham Cemetery (page 80)**
To consider the Clerk's report.

**202/22 Deputy Clerk/Admin Officer**
To note the new appointment.

| Full Council | | | | |
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| **Date of meeting** | **Agenda ref no** | **Cllr to action** | **Details** | **Status** |
| **OUTSTANDING ON-GOING ITEMS** | | | | |
| Aug-22 | 86/22 | Clerk | Change previous minutes from draft and add to website. | Complete |
| | 94/22 | Clerk | Promote community bid to buy The Bell on Facebook. | Complete |
| | | Clerk/CllrHT | Promote community bid to buy The Bell in Autumn newsletter. | Complete |
| | 95/22 | Clerk | Add revised H&S Policy to website and circulate to Councillors and staff. | Complete |
| | 96/22 | Clerk | Add Biodiversity Action Plan to website. | Complete |
| | | Clerk/AO/Cllrs | Review Biodiversity Action Plan with grounds contractor. | Complete |
| | 97/22 | Clerk | Publish conclusion of audit papers in accordance with rules. | Complete |
| | 98/22 | Clerk/CllrHT&PV | Complete August payments process. | Complete |
| | 99/22 | Clerk | Include local highways article in Autumn newsletter. | Complete |
| | 100/22 | Clerk | Complete HCC's consultation on 20mph speed limits. | Complete |
| | 101/22 | Deputy Clerk | Respond to S Warnborough re Speedwatch. | Complete |
| | | Clerk | Add Speedwatch data to website. | |
| | | Clerk | Investigate funding for 2nd SID to allow current SID to be returned to lamposts. | In progress |
| | 103/22 | Clerk | Research planning consultants. | In progress |
| | 104/22 | Clerk | Submit planning responses to Hart DC. | Complete |
| | 105/22 | CllrsAM/PV | Meet with Hook & Odiham Lions re Spooktacula. | Complete |
| | | Clerk | Transfer £1,000 grant funding. | Complete |
| | 106/22 | Clerk | Add agenda item to next meeting to rescind previous decision re Community Committee governance. | Complete |
| | 108/22i | Clerk | Return signed lease to Police. | Complete |
| | 108/22ii | Clerk | Serve warning notice and statutory declaration to Police. | Complete |
| | 109/22 | Clerk | Seek confirmation the £10,000 grant can be used as requested. | Complete |
| | 109/22i | Clerk | Award contract to Pool & Sons for fire door. | Complete |
| | 110/22ii | Clerk | Seek confirmation from TPS they can complete works within 6 weeks. | Complete |
| | | Clerk | Award contract to TPS for replaclement guttering, fascias, roof tiles, redecoration front entrance including repointing steps. | Complete |
| | | | | |
| Oct-22 | 113/22 | Clerk | Change previous minutes from draft and add to website. | Complete |
| | 115/22 | Clerk | Follow up by email whether the Forest School should be granted permission to hold camp fires. | Complete |
| | 116/22 | Clerk | Add final Conservation Appraisal to agenda for adoption. | Complete |
| | 117/22 | Clerk | Forward emails relating to the Lodge Farm re-development proposals to Cllr Glen. | Complete |
| | 118/22 | Clerk | Add agenda item to clarify process for future Community Committee and Traffic Partnership matters. | Complete |
| | 120/22 | CllrHT | Vote on HALC special items and HALC conference. | Agenda item deferred by HALC. |
| | 121/22 | Cllr/CllrAMc | Write to MP and HCC cllr delcaring support in principle for an AONB covering North Hants Downs. | |
| | 123/22i | Clerk | Respond to OCC with OPC's agreement to support trustee. | Complete |
| | 123/22ii | Clerk | Request contribution from OCC for future maintenance costs for defib. | Complete |
| | 123/22i | CllrPV | Respond to OCC's request to meet to discuss affordable homes. | Complete |
| | 126/22 | Clerk | Sign up to the NALC Civility and Respect Pledge. | Further policies required - on agenda |
| | 127/22 | Clerk/Cllrs SB/AMc | Start process of setting up conservation volunteer work group. | Underway. Cllr Bell to update 12.12.22 |
| | 130/22 | Clerk/Finance Com | Discuss whether funding for replacement SID is affordable. | Complete. To review budgets again Q3/Q4. |
| | 131/22 | Clerk/Cllrs AMc/PV | Set up payments and complete the payment approval process. | Complete |
| | 135/22 | Clerk | Update All Saints agreement to hire Library Room and issue. | Complete |
| | 136/22 | Clerk | Sign contract for McCarthy Holden to act as management agent for Chapel Cottage and arrange r&m. | New tenants to move in 03.01.23. |
| | 137/22 | Clerk | Implement salary increases. | Complete |
| | | | | |
| | 140/22 | Clerk | Change previous minutes from draft and add to website. | Complete |
| | 143/22 | Clerk/Cllrs AMc/PV | Set up payments and complete the payment approval process. | Complete |
| | 146/22 | Clerk | Award contract for IT server. | Complete |
| | | | Complete replacement. | Complete |
| | 147/22 | Clerk | Award contract for Bridewell works. | Complete |
| | | | Liaise with tenants and building users. | In progress |
| | | | Complete works. | Awaiting start date |
| | 148/22 | Clerk | Refer final Conservation Area Appraisal to OPC agenda for decision. | Complete |
| | | | | |
| Nov-22 | 151/22 | Clerk | Change previous minutes from draft and add to website. | Complete |
| | 159/22 | Clerk | Refer updated policies relating to Civility and Respect pledge to agenda. | On agenda |
| | 160/22 | Clerk | Produce 4 x certificates or plaques of the VoY winner certificate. | Complete |
| | | | Refer other spending suggestions to a future meeting. | On agenda |
| | 161/22 | Clerk | Add final Conservation Area Appraisal to website and promote. | Complete |
| | 162/22 | Clerk | Respond to Hart District Council draft Corporate Plan for 2023-27. | Complete |
| | 164/22 | Clerk | Submit OPC's comment to Appeal Statement - land on the south west side of Dunleys Hill. | On hold. Awaiting formal appeal number. |

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| **Full Council** | | | | |
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| **Date of meeting** | **Agenda ref no** | **Cllr to action** | **Details** | **Status** |
| **OUTSTANDING ON-GOING ITEMS** | | | | |
| | 165/22 | Clerk/Cllrs RC/PV | Set up payments and complete the payment approval process. | Complete |
| | 166/22 | Clerk | Transfer £1,200 to Cllr TG to cover the cost of RAF Christmas gifts. | Complete |
| | | CllrTG | Complete transfer of gifts to RAF personnel. | |
| | 167/22 | Clerk | Refer decision on Hampshire Trust Bank investment to next meeting. | On agenda |
| | 170/22 | Clerk | Complete research on Bridewell works priorities and submit grant application for HCC Leaders grant. | In progress |
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Odiham
Parish Council

# EQUALITY, DIVESITY AND INCLUSION POLICY

**Reviewed and adopted on ??**

Odiham Parish Council is committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

**Our policy's purpose**

This policy's purpose is to:

1. Provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time

2. Not unlawfully discriminate because of the Equality Act 2010 protected characteristics of:

    - age
    - disability
    - gender reassignment
    - marriage or civil partnership
    - pregnancy and maternity
    - race (including colour, nationality, and ethnic or national origin)
    - religion or belief
    - sex
    - sexual orientation

3. Oppose and avoid all forms of unlawful discrimination. This includes in:

    - pay and benefits
    - terms and conditions of employment
    - dealing with grievances and discipline
    - dismissal
    - redundancy
    - leave for parents
    - requests for flexible working
    - selection for employment, promotion, training or other developmental opportunities

**Our commitments**

The organisation commits to:

1. Encourage equality, diversity and inclusion in the workplace as they are good practice and make business sense

2. Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

This commitment includes training managers and all other employees about their rights and responsibilities under the equality, diversity and inclusion policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

All staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public

3. Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.

   Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

   Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

4. Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.

5. Make decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).

6. Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.

**7.** Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.

   Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

**Agreement to follow this policy**

The equality, diversity and inclusion policy is fully supported by senior management and has been agreed with trade unions and/or employee representatives Odiham Parish Council.

**Our disciplinary and grievance procedures**

Details of the organisation's grievance and disciplinary policies and procedures can be found at https://odihamparishcouncil.gov.uk/wp-content/uploads/2022/03/OPC-Disciplinary-and-Grievance-Arrangements.pdf. This includes with whom an employee should raise a grievance – usually their line manager.

Use of the organisation's grievance or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

**DIGNITY AT WORK POLICY**

**Odiham Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council**.

**Purpose**

Odiham Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, Odiham Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available NALC & SLCC

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

**Scope**

This policy covers bullying and harassment of and by clerks and all employees engaged to work at Odiham Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Odiham Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the vice chair.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

**The position on bullying and harassment**

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Odiham Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

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. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

**Harassment**

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

**Bullying**

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

**What Type of Treatment amounts to Bullying or Harassment?**

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due

to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

**Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

**Reporting Concerns**

**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 your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will 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/chief officer 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 the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/chief officer 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 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 the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague 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 nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) 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 extremely serious allegation or in cases where a problem has happened before) we 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 bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. 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.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order 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 make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

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 understand better your compliant (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing 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.

**The use of the Disciplinary Procedure**
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. We will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*

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**GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

**Notes:**
**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. 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 someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another.

Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.

- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief.**
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service 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, or treated unreasonably because of a health condition can make a discrimination claim.
- 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

**Legal risks**

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.

**Culture and behaviour**

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a

‘grievance’ is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, 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.

**Scope**

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

**Managers**

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible ‘line manager’ or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

**Bullying and harassment & performance management**

The policy sets out that bullying and harassment does not include appropriate criticism of an employee’s behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

**Responsibilities**
All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

**During the investigation**
Employers have a 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. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

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 is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

**Confidentiality**
It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint,

however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

**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, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

**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 be gross misconduct.

**Complaints against Councillors**

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee 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 about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

# MODEL COUNCILLOR-OFFICER PROTOCOL

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## INTRODUCTION

The purpose of this Protocol is to guide councillors and officers of the council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. Employees who are required to give advice to councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government.

The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

> *"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 local authority.*
>
> *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 local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*
>
> *[Councillors of the executive,] Chairs and vice chairs of committees 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 local authority.*
>
> *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 local authority. It is also important for a local authority to have a 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."*

This Protocol covers:

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

## BACKGROUND

This Protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship

## ROLES OF COUNCILLORS AND OFFICERS

The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

### Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

Officers can expect councillors:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- 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.
- respect the impartiality of officers and do not undermine their role in carrying out their duties
- do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- do not ask officers to exceed their authority where that authority is given

## Chairs and vice-chairs of council and committees

Chairs and vice-chairs have additional responsibilities as delegated by the council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

## Officers

The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council.

Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers must:

- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
- work in partnership with councillors in an impartial and professional manner
- treat councillors fairly and with respect, dignity and courtesy
- treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
- respond to enquiries and complaints in accordance with the council's standards protocol
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
- not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly

- comply, at all times, with the Officers' Code of Conduct, and such other policies or procedures approved by the council

Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

There are exceptional circumstances where a councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the councillor is not paid for the role and should only ever be short-term while the council seeks to fill a vacancy. There will need to be a particular clear understanding of when the councillor is acting as a councillor and when acting as the Proper Officer.

## The Relationship: General

Councillors and officers are indispensable to one another. However, their responsibilities are distinct. councillors are accountable to the public, whereas officers are accountable to the council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility. councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.

Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A councillor who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times
- ensure that any criticism is well founded and constructive
- ensure that any criticism is made in private
- take up the concern with the chair

Neither should an officer raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

## Expectations

All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

## Some general principles

Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment.

Special relationships with particular individuals are not recommended as it can create suspicion that an employee favours that councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a line-management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

## COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

Councillors are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law.

The common law right of councillors is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the councillor's ability to demonstrate that they have the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the officer.

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor's "need to know" will normally be presumed. In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms. Any council information provided to a councillor must only be used by the councillor for the purpose for which it was provided i.e. in connection with the proper performance of the councillor's duties as a member of the council.

For completeness, councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

## CORRESPONDENCE

Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to any other councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. In other words, a system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the

foot of any e-mails if another councillor has received an e-mail by adding “CC councillor X.”

Official letters or emails on behalf of the council should normally be sent out under the name of the officer, rather than under the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.

Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the councillor in confidence only and why that is so.

## PRESS AND MEDIA

Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council’s activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council’s Media Protocol.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

Any press release that may be necessary to clarify the council’s position in relation to disputes, major planning developments, court issues or individuals’ complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

The council must comply with the provisions of the Local Government Act 1986 (“the Act”) regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code - https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period

For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Protocol where there is one in place.

## IF THINGS GO WRONG

### Procedure for officers:

From time to time the relationship between councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the council adopts a formal grievance protocol or procedure.

The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The council may however try to resolve any concerns raised informally before they become a formal written allegation.

### Procedure for councillors:

If a councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the chair and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

FULL COUNCIL 12th DECEMBER 2022 – AGENDA ITEM 181/22
Report by Cllr McFarlane

# Progressing the OPC Biodiversity Action Plan

## Overview

The Biodiversity Action Plan (BAP) suggests a number of activities which together aim to increase the biodiversity of the Parish as a whole. Given the threat to the environment and the loss of species generally, and in the UK particularly, this is an important response to the declared Climate Emergency.

Overall the BAP can be addressed through three workstreams:

1 Adjustments to the maintenance regime of OPC owned land which incur little or no additional cost.
2 Adjustments and enhancements to the maintenance regime which together can be presented as a costed proposal to potential sponsors and funders.
3 Community based projects which can be led and supported by OPC with little resource provided from the Precept.

## Proposed way forward

Workstream 1 – Projects within our current maintenance programme

There are several opportunities to adjust the mowing regime in the Cemetery, Community Orchard, Peace Garden and Recreation Ground which will encourage diversity of species in what is now predominantly grass. Rather than seed these areas with native wild seed, the approach is to wait and see what returns/arrives with a more sympathetic mowing regime. This is the idea behind the 'No Mow May' initiative.

A potential adverse effect of this is that residents may not understand the change and it can look scruffy at times. The mitigation is to ensure good communications with some signage as well as social media and newsletter articles, and to manage the mowing to ensure there are crisp demarcations between mown and uncut areas, including obvious paths which invite exploration as well as facilitating use of footpaths.

For example – the Community Orchard is currently mown 8 times a year. This can be reduced to twice a year for most of the side, ensuring that the main path across is cut as well as access to the bench and a meandering path through the uncut area which will invite exploration. A similar approach can be taken with a much larger area of the older, southern area of the Cemetery. Care will be taken to avoid any memorial stones, and to stop the area short of the current actively used cemetery. The 'old' cemetery will become a wildlife haven and can be interpreted as such through limited signage.

In the recreation Ground the uncut areas will be limited to the 2-3m in front of the hedges – creating what are known as ecotones which are advantageous to wildlife. There will be clear demarcation of these areas and in time they can become attractive and soften the rather stark aesthetic of this space.

In the Peace Garden the area suitable for this treatment is the bank on the southern edge (on the right as viewed from the road).

This approach will not incur more cost, but neither will it save money. The less frequent cuts become much larger jobs, generating more material to be removed and processed so the change is cost neutral.

Workstream 2 – Projects which require some additional resource

This can be broken down into small tasks that require some resource from OPC to purchase seed or plants and then recruitment of volunteers to do the planting. Opportunities include:

a) Plug planting spring flowers such as native primrose and cowslips and bulbs including snowdrops and crocus on the mound in the Peace Garden.

b) Planting the new bank created at the top of the cemetery with low growing shrubs and bulbs. This could be offered to rights holders and others as an opportunity to plant a shrub in memory of a loved one.

c) Making bird and bat boxes for the Community Orchard, Old Cemetery and Colt Hill areas. This could potentially be a project with the Hook Men Sheds, RMS (who have an excellent design and technology facility) and other community groups.

Workstream 3 – Projects in the wider community

This is one of the objectives of Greening Odiham and North Warnborough phase 2 where residents are encouraged to 'make space for nature' in their own gardens.

## Proposal

That OPC resolve that:

1 Larkstel are requested to alter their mowing regime at the Cemetery, Community Orchard, Recreation Ground and Peace Garden as described above. This has been discussed with Larkstel and they are happy to proceed.

2 The 3 options outlined are developed with costings and if these fall within the proposed budget for the BAP action plan they are progressed. The timescale is likely to be 12-24 months to complete all three.

3 OPC has already committed to progressing Greening Odiham & North Warnborough Phase 2 and that the Make Space for Nature strand is developed to meet the proposed community actions in the BAP.

4 Review any actions in the BAP which cannot be achieved in the above, develop and cost same to form a proposal for sponsorship in years 2 onward of the BAP.

Do the Numbers Limited
37 Upper Brownhill Road
Southampton, SO16 5NG

10th November 2022

Andrea Mann, Clerk,
Odiham Parish Council
The Bury, The Bridewell,
Odiham,
RG29 1NB

Dear Andrea,

**Subject: Review of matters arising from interim Internal Audit for 31 March 2023**

Following my visit today, please find below the list of matters arising. I found the systems and records of the council to be in very good order.

The internal audit was carried out in accordance with the requirements of the Audit and Accounts Regulations 2015 and the guidance and instruction in the Practitioners Guide 2022

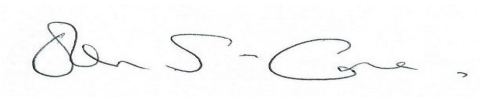
| Test | Matter arising | Recommended Action |
|---|---|---|
| *A* | *Appropriate accounting records have been properly kept throughout the financial year* | |
| Debit card payments | The council does not currently operate a card for officers, either debit or credit, which could simplify processes and save money. | Over the coming months, the council cold look at enabling card purchases by the proper officer. |
| Paperless office | The Scribe software allows supplier invoices to be stored as PDF attached to the ledger. | This saves on storage space and allows instant retrieval of invoice details. |
| Business Rates | The total rateable value of the properties used bu the council is £20,400 of which £2550 is an exempt set of public toilets. | It may be worth taking advice from a speialist to see whether small business allowances could be further applied. |
| *B* | *This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT appropriately accounted for* | |
| Standard documents | The standard documents (Fin Regs, Stand Ords etc) need to be reviewed each year. | This should be done over the winter. |
| *C* | *This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these* | |
| Buildings insurance | The council owns several listed buildings including te office, on which insurance is either expensive or unavailable. | It may be worth looking at partial 'self insurance' of some risks to retain funds within the council while ensuring the safety of assets. |
| Financial Risk Assessment | The council has not reviewed and approved its risk assessment during the year. | This should be done in advance of the year end. |

| | | |
|---|---|---|
| Policy updates | The council has an updated policy to be approved, which is not in accordance with the underlying legislation. | It is good practice to base all policies upon tested good practice (ACAS EDI example here) and where possible, include a link to the legislation – as evidence that the Council Policy is binding. |
| *D* | *The precept budget resulted from an adequate budgetary process, progress against the budget was regularly monitored, the reserves were appropriate* | |
| Budget spreadsheet | The budget is calculated using a spreadsheet – to allow options. | Great care should be taken to ensure that the budget is tested against actual every year |
| *E* | *Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for* | |
| Allotment income | The account names for the plots are not set up in a way to enable completeness testing. | If account references are plot numbers, regardless of tenant name, ensuring completeness of income becomes transparent. |
| Land rental | It is not clear whether the annual fee for rental of the land under the pavilion has been charged up to date. | Although a small amount, the legal principle is important in such bills. |
| *F* | *Petty cash payments were properly supported by receipts, all petty cash was approved and VAT appropriately accounted for* | |
| Petty cash | The council holds a nominal amount in petty cash. | Risk could be reduced by switching to card payments (see above) |
| *G* | *Salaries to employees and allowances to members we paid in accordance wit this authority's approvals, and PAYE and NI requirements were properly applied* | |
| | Not fully tested at this visit | records checked were in good order |
| *H* | *Asset and investment registers were complete and accurate and properly maintained* | |
| Asset purchase dates | The Asset register on Scribe does not include dates of purchase. It is useful to have an idea of the age of items such as grounds and play equipment. | Over the coming months, members should review the asset register and provide dates for older items where possible. |
| Asset register detail | In some instances, multiple assets have been entered on the register as a total rather than individually. | Tracking of asset replacement is clearer when assets are separated out. |
| *I* | *Periodic Bank reconciliations were carried out during the year* | |
| Bank statements | There is no evidence that members are seeing the actual bank statement, rather than just the Scribe summary. | It is good practice for members of the council in rotation to initial the bank reconciliation back to the actual statement. |
| *J* | *Accounting statements prepared during the year were prepared on the correct accounting basis, agreed to the cash book, supported by an adequate audit trail and debtors and creditors recorded.* | |
| | Not tested at this visit | |
| *K* | *Certified Exempt in prior year* | |
| | Not applicable to this council | |
| *L* | *Transparency Code* | |
| | Not tested at this visit | |
| *M* | *Public Rights* | |
| Members | A member has not fully filled out | Where 'none' please write none. |

| | | |
|---|---|---|
| DPI forms | their form as at the date of review. | |
| *N* | *Publication of prior year AGAR* | |
| The records of the council comply with this test. | | |
| *O* | *Trust funds* | |
| Charity 301909 | The Sports Centre trust charity funds are being used up on the maintenance of the relevant land. | The charity return should reach zero from March 2023 and then forwards. |
| George Rothery Bequest | The terms of this bequest are contrary to LGA1972 – councils may not make grants to individuals from funds that have been received into a council account. | The council should either grant the funds to a charity that is able to comply with the bequest, or to a group tat meets the required objectives. Grants to individuals are ultra vires. |
| *P* | *Borrowing* | |
| | Not applicable to this council | |

I will return to the council in May to complete my review. If either you or your members have any queries, please do not hesitate to contact me.

Regards,



Eleanor S Greene

**REPORT ON:** Progress of issues identified in Internal Audit Report
**WRITTEN BY:** Parish Clerk
**MEETING DATE:** 12th December 2022
**AGENDA ITEMS:** 182/22

| **Area** | **Action** | **Update** |
|---|---|---|
| Debit card payments | Enable method for card purchases by the Proper Officer. | Clerk to submit Multipay card forms once more before researching alternative provider. |
| Paperless office | Scribe allows for invoices to be filed electronically. | Will consider in future when all invoices received electronically. |
| Business rates | The total rateable value of the properties used but the council is £20,400 of which £2,550 is an exempt set of public toilets. It may be worth taking advice from a specialist to see whether small business allowances could be further applied. | Invoices have now been paid. OPC to decide whether to progress suggestion, noting likely cost of professional advice. |
| Annual review of standard documents | - Financial Regulations<br>- Standing Orders | - On agenda<br>- Due Feb '23 |
| Buildings insurance | Look at partial 'self insurance' of some risks to retain funds within the council while ensuring the safety of assets. | For discussion. |
| Financial Risk Assessment | Carry out annual review. | Due Jan '23. |
| Policy updates | Ensure policies relating to equality refer to current legislation. | Revised draft Equality, Diversity and Inclusion Policy on agenda. |
| Budget spreadsheet | Ensure budget is tested against actual each year. | Reviewed quarterly and annually by Finance Committee. |
| Allotment income | Set up supplier for each allotment plot, rather than name. | Noted. Will complete when next allotment rent invoices issued April '23. |
| Land rental | Ensure all invoices have been issued to the Tennis Club (£5), Bowls Club (£5 due 21st Sept), and Leapfrogs (£1). | Invoices issued. |
| Petty cash | Reduce risk of petty cash by switching to card payment. | Petty cash no longer used.<br>See "debit card payments" above. |
| Asset purchase dates | Members to review Asset Register to provide estimated dates of acquisition. | For discussion. |
| Asset register | Try to separate assets on Asset Register to make tracking of asset replacement easier. | To be actioned early 2023. |
| Bank Statements | Ensure rotation of Councillors to check bank statements against Scribe reconciliations. | To agree a process for the Finance Committee members. |
| DPI forms | Ensure forms are completed properly. | Actioned. |
| George Rothery Bequest | Terms of bequest are contrary to LGA 1972. Agree other methods of awarding for specified benefit without grant funding individual. | Proposed new Grant Giving Policy on agenda. Grant to be promoted to youth community organisations which meet bequest criteria. |

Odiham
Parish Council

# GRANT GIVING POLICY

**Reviewed and adopted on 19th May 2020**
**Revised 20th July 2021 & 12th December 2022.**

## Introduction

Odiham Parish Council offers grants within the parish of Odiham and North Warnborough to support the health, wellbeing, protection and enhancement of its area and residents. Grants from public funds are subject to the (financial controls) and are therefore only available to voluntary organisations. Grants from the George Rothery Bequest are subject to the terms of the bequest and are available to organisations which benefit individuals aged 14-25.

Grants will also be considered to organisations outside the parish which can demonstrate a direct benefit to residents living within the parish.

OPC offers three grant funding streams:

- Community grants
- Event grants
- One-off projects or events under the terms of the George Rothery Bequest

In accepting the Grant Award recipients agree to acknowledge OPC in all publicity for the services, items or events that the award has helped to fund.

## 1. Community Grants

The annual Community Grants budget runs from April to March with the amount of available funding being subject to change each year. Applicants can apply for a community grant at any time by completing an application form with supporting documentation and submitting it to clerk@odiham.org.uk. Applications are considered in January and July by the full Council or the Community Committee, whichever meeting is sooner. No individual Councillor has the power to make such a decision.

Applications should demonstrate how Odiham & North Warnborough residents will benefit from grant spending and the amount of funding requested should be commensurate with the number of beneficiaries.

Applications meeting OPC's aims and objectives will be looked upon favourably (refer to OPC Statement of Commitment to the Parish of Odiham 2019-23). https://odihamparishcouncil.gov.uk/council/policies-and-publications

All applications will be assessed against the same evaluation criteria:

- Does the application aim to meet OPC's aim and objectives?
- Is the purpose of the grant something which a local Council has the power to fund?
- Have quotes and supporting documentation been provided where required?
- Does the application benefit the Odiham & North Warnborough area and inhabitants?
- Is the level of funding requested commensurate with the number of people benefitting from grant spending?
- Does the applicant have the capacity to deliver the project?
- Has the applicant requested and secured match funding?
- Where funding is requested for capital expenditure, has the applicant demonstrated how the asset will be maintained and protected in the future?

There are no restrictions on the number of times an applicant can apply but, where the available funding is limited, OPC may also consider past grant awards and the breadth & variety of the applications being considered at the same meeting.

Applicants are welcome to attend the Council meeting when their application is being considered and make verbal representation to the Council at the start of the meeting, but not enter into discussion whilst the application is being discussed.

OPC reserves the right to refuse an application or attach a reasonable and justifiable condition to a grant award, eg that OPC will not release grant funds until match funding has been secured.

Applicants will be notified of the Council's decision and funds transferred as soon as possible after the meeting.

All successful applicants should provide evidence that the grant has been spent on its intended purpose within 3 months of the activity the grant has been to support and should report the grant in their publicity thus reporting to local residents how OPC funds have been spent.

**2. Event Grants**

OPC supports events held in the Parish which promote prosperity and community cohesion. Specific event budgets are initially considered each year when drafting the annual budget (usually December) for funding from the following financial year commencing April.

The majority of events grants are normally awarded to InOdiham, a local CIC organisation run by volunteers which has historically run the majority of local events and delivered projects for local benefit. Voluntary charitable organisations such as the Lions have also been supported. In all cases applications should be made to OPC by October of the year before the planned events, allowing time for consideration as part of the annual budget setting process. It may be more appropriate for smaller applications to apply for a Community Grant.

Applications should be made in writing to clerk@odiham.org.uk with a copy of the organisation's most recent accounts and an event budget for each planned event showing how the grant contributes to the overall cost of staging the event, how the remainder of the costs are planned to be met, any surplus anticipated and how this will be re-invested in the community.

Applications must be specific on how the grant will be spent and funds must be used solely towards the costs of running the event. An event grant should not be passed on to a 3rd party by way of a grant or donation or used to fund a different event without prior consent from the Council.

Applications will be formally considered in January, when OPC sets its precept, and funding paid in two instalments - April for events held between April and September and October for events held between October and March. The purpose of which is to coincide with OPC's precept receipts which are also paid in two instalments.

OPC is entitled to refuse funding or suggest alternative ways of delivering an event. OPC is permitted to attach any condition to a grant which is necessary to demonstrate accountability and transparency to its residents and auditors.

A grant recipient should provide an event report following each event which includes a record of actual event income and expenditure with a full explanation of any variances from the anticipated figures supplied with the approved application.

OPC recognises there may be occasions when a planned event may not be able to go ahead due to circumstances outside of the event organisers control. On these occasions, each

cancelled event will be assessed on an individual basis in consultation with the grant recipient before deciding what actions should be taken.

### 3. George Rothery Grants

George Rothery grants differ from Community and Event grants as they are funded from the George Rothery Bequest and not from OPC's annual precept. The George Rothery bequest will award an annual grant of up to £300, or the interest earned on the bequest in any given year should that be greater. The grant scheme will continue until the original bequest is exhausted and no more than 10% of the original capital bequest of £3000 should be spent in one year.

Grants will be made to community organisations which benefit young people aged 14-25 in the year of the award who are resident in the civil Parish of Odiham, or who have a member of their family so resident.

The grant should support a 'one-off' event or project which will broaden the education of the applicant's members in a way which might not be available within the UK education system. This could include a trip or expedition, holiday project or scheme, youth exchange, training course, community event, music, drama, arts or sporting activity.

Applicants will be expected to show some evidence of personal development, help to others or the community at the completion of the activity for which the grant was awarded (which should be within 12 months of receipt of the grant). The form of this evidence will be agreed at the time of the award.

If the request is for part of a larger sum needed to complete the project, evidence of ~~personal~~ fundraising or other appropriate grant applications must be provided.

The scheme will be advertised at the start of each financial year and applications should be submitted by the 30th June of that year. Awards will be decided by the Council at the July meeting and announced as soon as possible thereafter. The grant should normally be spent by September of the following year and the report presented at the first Annual Parish Assembly following completion of the project.

**REPORT ON:** Premises Licence covering Odiham High St and The Bury
**WRITTEN BY:** Parish Clerk
**MEETING DATE:** 11th October 2022
**AGENDA ITEMS:** 185/22

**Introduction**
OPC was granted a Premises Licence in October 2009 which covers:

Licensable area: Odiham High Street from the London Road junction to the Church Street junction with the high street, and the Bury (from King Street to Church Street).

Time period: Monday to Saturday 10am to 10.30pm.

https://publicaccess.hart.gov.uk/online-applications/licencingDetails.do?keyVal=KO5KSAHZ09500&activeTab=summary

The full terms of the Licence are shown under each tab but, in simple terms, the Licence covers normal event activities where there is an audience of 500 or more. For audiences of up to 499, a Temporary Events Notice (TEN) is sufficient and easily obtained for a small fee.

In response to InOdiham's request to use the Premises Licence to run their events - by granting consent or transferring the Licence to InOdiham either on a temporary or permanent basis - Community Committee members considered the Clerk's research and concluded OPC should retain the Licence for its own uses and preferred a written agreement granting consent to InOdiham.

**Licence Conditions**
Various Licence conditions apply: https://publicaccess.hart.gov.uk/online-applications/licencingDetails.do?activeTab=conditions&keyVal=KO5KSAHZ09500

The Licence is owned by Odiham Parish Council, recognised as a "committee" in the Licencing Act but this is not a community licence which automatically authorises the sale of alcohol without adding the DPS or other applications such as a TEN.

There is no Designated Premises Supervisor (DPS) named on the Licence which means this Licence can't be used for the sale of alcohol. This is a mandatory condition in the Licensing Act 2003. (see sections 10.25-35 of the official guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf#:~:text=1.6%20%20Section%20182%20of%20the%202003%20Act,takes%20effect%20as%20soon%20as%20it%20is%20published

It would not be practical to add an individual Councillor or officer as the DPS but it is possible to apply to replace the requirement to have a Designated Premises Supervisor with a Management Committee (see sections 4.52 to 4.65 of the guidance).

This guidance also states "There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held."

**For Decision**
i) To consider the draft Licence agreement granting consent to InOdiham to use the Premises Licence for community events.
ii) To agree delegated authority to the Clerk to make an application to replace the requirement to have a DPS with a Management Committee (OPC or a committee).
iii) To agree delegated authority to the Clerk to make enquiries on whether it's possible to extend the Licence hours to a Sunday?

# Odiham Parish Council (1)
# -to-
# InOdiham (2)

# LICENCE

# -of-

# Premises Licence

Odiham Public Open Spaces, High Street and The Bury,
Odiham, Hampshire

**LICENCE AGREEMENT** made the 12th day of December 2022

## 1. PARTICULARS

1.1 The Licensor: ODIHAM PARISH COUNCIL of The Bridewell, The Bury, Odiham, Hants, RG29 1NB.
1.2 The Licensee: INODIHAM.
1.3 Licensable area: Premises Licence 09/00612/LAPRE covering Odiham High Street from the London Road junction to Church Street junction with the High Street and The Bury (from King Street to Church Street), Monday to Saturday 10am to 10.30pm https://publicaccess.hart.gov.uk/online-applications/licencingDetails.do?activeTab=summary&keyVal=KO5KSAHZ09500.
1.4 Permitted Use: Premises Licence 09/00612/LAPRE for events which primarily benefit the Parish of Odiham including: Extravaganza, Bands in The Bury and Flavourfest.
1.5 Licence time period – commencing 12th December 2022 on rolling agreement with an annual review.

## 2. DEFINITIONS AND INTERPRETATIONS

2.1 For the purposes of this Agreement the terms defined have the meanings specified.
2.2 'The Licence' means the Licence granted by this Agreement.
2.3 The Licensor and Licensee are constituted bodies and the obligations and liabilities under this Agreement shall be the obligations and liabilities of that entity.

## 3. LICENCE

The Licensor allows and the Licensee accepts use of the Premises Licence 09/00612/LAPRE for Extravaganza, Bands in the Bury and Flavourfest.

## 4. RENT

Nil.

## 5. CONDITIONS

The Licensee agrees with the Licensor to

5.1 Be aware and promote the Licensing objectives in the Licensing Act 2003:
- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

5.2 Comply with all mandatory conditions in the Licencing Act and imposed conditions applied by the Licencing Authority and indemnify the Licensor from all liability.
5.3 Obtain the correct licences and agreements from the relevant authority where required eg Temporary Events Licence (TENs) for the sale of alcohol or permission from Hampshire County Council for advertising close to the highway.
5.4 Conduct their own risk event risk assessment.
5.5 Hold third party insurance covering events and activities no less than £5M (£10M preferred) and indemnify OPC from any claims for losses, damage and injury resulting from the Licensee's activities.

## 6. AGREEMENTS AND DECLARATIONS

6.1 This Licence is personal to the Licensee (for the benefit of the local community) and non-assignable.

6.2 This Licence may be determined at any time by either party giving 6 months' notice to the other.

6.3 The Licensee shall accept full responsibility for determining whether the Premises is acceptable for the Licensee's activities.

6.4 The Licencee shall indemnify the Licensor in respect of all liability of whatsoever nature incurred and in respect of all actions costs claims and demands to which the Licensor may become subject to which it would not have become subject had the Licence not been granted.

6.5 Any notices may be given personally or by post by the Licensee to the Licensor at the address given in Clause 1.1 marked for the attention of the Parish Clerk and by the Licensor to the Licensee at the Premises.

On behalf of Odiham Parish Council

| | | |
|---|---|---|
| …… | …….. | …… |
| *Signature* | *Name* | *Date* |
| …… | …….. | …… |
| *Signature* | *Name* | *Date* |

On behalf of InOdiham

| | | |
|---|---|---|
| …… | …….. | …… |
| *Signature* | *Name* | *Date* |
| …… | …….. | …… |
| *Signature* | *Name* | *Date* |

## Clerk

**Subject:** Representation to Hart Cabinet meeting 01.12.22

I have two- the first relates to item 9 Stakeholder Management Plan

I would like to draw Cabinet's attention to the emails from myself on behalf of Odiham Parish Council and the Chair of Winchfield Parish Council. These express concerns on the proposed structure whereby the Parish Councils effectively become a buffer between residents and Hart officers on matters relating to management of common land, with no powers or resource to affect outcomes. We ask Cabinet to consider this matter carefully before adopting the engagement plan before any consultation will the PCs.

The second relates to Item 15 The Swan Public House in North Warnborough.
We are pleased to see this is on your agenda although obviously we recognise the matter is exempt at this time. Local residents have lived with the ruined building for over 10 years. There is a shortage of 2 and 3 bedroom homes for sale or rent in the Parish. We therefore ask if Hart can expedite the development of this site and provide the smaller homes the area requires.

Dr Angela McFarlane

Chair of Odiham Parish Council

HALC Local Council of the Year 2021

The General Data Protection Regulation 2018 (GDPR) – your personal data will be processed as is necessary for OPC to perform its legal obligations, statutory powers and functions. In carrying out a "Public Task" OPC may share your personal data within the Council but not outside without your prior consent. OPC's full Data Protection Policy can be viewed at http://www.odiham.org.uk/your-council/policies/

**REPORT ON:** Hampshire & IoW Village of the Year – Village Nameplates
**WRITTEN BY:** Parish Clerk
**MEETING DATE:** 11th October 2022
**AGENDA ITEMS:** 188/22

There are 3 Village Nameplates on the main entrances to the village:

1. Farnham Road

2. Alton Road

3. Hook Road

It has been suggested that the remaining Village of the Year £450 prize money could be spent on adding a smaller banner sign beneath the main sign to acknowledge the Hampshire & IoW Village of the Year 2022 award.  The estimated cost with staff time is £250.

If approved, this would involve removing the “Fairtrade Village” sign at locations 1 and 2.
(I can’t find any information on file about this project, other than the original project proposal in 2016/17 which promised to develop a strategy to “keep it in the news”).

HCC support these types of Community Funded Initiative as per their publication below.

Boundary signs are useful in marking the extents of a village. There is design flexibility in terms of colour, font and shape,  and an image, pictogram or logo can be incorporated that is representative of the village. It is important that the place name should be the most dominant feature but designs can be unique to the individual village or place.

- Enhances the village entry providing a sense of place.
- Designs can highlight points of interest in the village.
- Increased driver awareness of the place.

(Policy TM3: Traffic Signs, Road Markings and Bollards)

Approximate works costs: £500 - £2,000

Due to this being small scale works I asked whether we could install the signs ourselves but this was refused because the works still require a license/permission to work on the highway and HCC would still need to approve the style/layout of your new signs.

HCC has offered to support the project by completing the works and meeting any costs of £400 (the remaining VoY budget) but this will need to wait until after 01.04.23, the next financial year. If approved, HCC will allocate this to an engineer and we will start looking at it after Christmas.

**For Decision**
To consider accepting HCC's offer to progress this work.

**Clerk**

**Subject:** FW: Notification of external auditor

# Notification of external auditor appointment for the 2022-23 financial year for the 5 year period until 2026-27

**Odiham Parish Council, Hampshire and the Isle of Wight,**

Dear Clerk/RFO/Chairman,

Smaller Authorities Audit Appointments (SAAA) is the independent, sector led organisation responsible for the appointment and contract management of external auditors to smaller authorities since the Local Audit and Accountability Act 2014 established new arrangements for the accountability and audit of local public bodies in England. Smaller authorities are those whose gross annual income or expenditure is **less than £6.5 million**.

Under the Local Audit (Smaller Authorities) Regulations 2015, SAAA is responsible for appointing external auditors to all opted-in smaller authorities, for setting the terms of appointment for limited assurance reviews and for managing the contracts with the appointed audit firms.

This communication is to notify you that SAAA has appointed an external auditor to the authority for the 5-year appointing period from 2022-23 until 2026-2, following a procurement exercise to appoint auditors to each contract area from 1 April 2022.

Your current appointed auditor will conclude any outstanding work on the 2021-22 Annual Governance and Accountability Returns and the new appointed auditor (if changed) will be responsible for the arrangements in respect of the 2022-23 AGAR process onwards.

The contact details of your appointed external auditor and fee scales are shown in the appendix to this letter and can also be found on the SAAA website: www.saaa.co.uk.

The audit firms all have previous experience of conducting limited assurance reviews for smaller authorities and have dedicated support personnel. SAAA will monitor the performance of the appointed firms in providing the audit services in terms of quality and compliance with their statutory terms of appointment.

If your authority has any potential conflict of interest relating to the auditor appointment, for instance if a Councillor or close relation is employed by the appointed auditor, you should advise SAAA immediately.

**Exempt authorities**

Since 2017-18, authorities where the higher of income or expenditure for the financial year was £25,000 or less and who meet all the qualifying criteria have been able to declare themselves as 'exempt' from a limited assurance review by an external auditor. However, all authorities, even if they declare themselves 'exempt', still need to fully complete, agree and publish an annual return (AGAR).

**All** authorities require an external auditor appointment even if the authority meets the criteria to qualify for exemption, as a Certificate of Exemption is required to be submitted to the external auditor and a named auditor must be in place to deal with questions or objections from local electors about the accounts.

**Annual Governance and Accountability Return (AGAR)**

The Annual Governance and Accountability Return (AGAR) needs to be completed in accordance with "proper practices" as set out in *'Governance and Accountability for Smaller Authorities in England, a Practitioners' Guide'*, and then be published in accordance with any applicable Transparency Code.

Annual Governance and Accountability Return forms will be sent out by your appointed auditor electronically at the end of the financial year. It is assumed that your authority is willing and able to accept

documents electronically by e-mail; whilst an authority may request paper copies this may incur an administration charge.

Advice and assistance are available from the various sector membership organisations:

National Association of Local Councils and County Associations - *www.nalc.gov.uk*

Society of Local Council Clerks - *www.slcc.co.uk*

Association of Drainage Authorities - *www.ada.org.uk*

Yours faithfully,
**Smaller Authorities' Audit Appointments Ltd**

# Appendix

## Auditor appointments for smaller authorities for the five financial years from 2022-23 to 2026-27

SAAA announced the conclusion of its procurement process and the award of limited assurance review contracts for five years to the successful external audit firms on 30 November 2021.

Responsibilities under the new contracts will relate to accounts for the financial year beginning on **1 April 2022**. The details of your specific appointment by contract (County) area are listed below.

## Your Authority's Audit Appointment for 2022-23 to 2026-2027

Your appointed auditor will be **BDO LLP**.

Their contact details are:
BDO LLP,
Arcadia House,
Maritime Walk,
Ocean Village,
Southampton SO14 3TL
Email: councilaudits@bdo.co.uk
Tel.: 023 8088 1700

All auditor appointments are listed by contract (County) area and all the Auditor contact details are listed on our website on the Audit Appointments page.

### Scales of Fees 2022-23 to 2026-27

The following fees have been determined by SAAA following consultation for the Audit Years 2022-23 to 2026-27.

### Scales of audit fees

Scales of fees for smaller authorities, are based on bands of annual income or expenditure, whichever is the higher. This means that the fees are broadly proportionate to the public funds involved and the ability of each authority to pay.

Table 1 sets out the scales of audit fees for smaller authorities that complete their AGAR fully and accurately within the required timescales and provide the necessary supporting information and any explanations sought.

Authorities with neither income nor expenditure exceeding £200,000 will be subject to basic limited assurance audit review. Authorities with either income or expenditure exceeding £200,000 will be subject to intermediate limited assurance audit review.

**Table1 - Scale of fees for bodies subject to limited assurance review**

| INCOME/EXPENDITURE BAND (£) | FEE FOR LIMITED ASSURANCE REVIEW (£) | |
|---|---|---|
| 0 - 25,000 | 0 | (**if** a Certificate of Exemption is submitted) |
| 0 - 25,000 | 210 | (**if** a LAR review is required) |
| 25,001 - 50,000 | 210 | |
| 50,001 - 100,000 | 315 | |
| 100,001 - 200,000 | 420 | |
| 200,001 - 300,000 | 630 | |
| 300,001 - 400,000 | 840 | |
| 400,001 - 500,000 | 1,050 | |
| 500,001 - 750,000 | 1,365 | |
| 750,001 - 1,000,000 | 1,680 | |
| 1,000,001 - 2,000,000 | 2,100 | |
| 2,000,001 - 3,000,000 | 2,520 | |
| 3,000,001 - 4,000,000 | 2,940 | |
| 4,000,001 - 5,000,000 | 3,360 | |
| 5,000,001 - 6,500,000 | 3,780 | |

**Note:** An authority with neither income nor expenditure exceeding £25,000 that is **not** able to certify that it is an exempt authority as it does not meet the qualifying criteria, or if the authority wishes to have a limited assurance review by the external auditor, then the fee payable is £210.

**Reminder letters**

Where the auditor is required to send a reminder to any authority that has failed to submit either an AGAR or Certificate of Exemption to the external auditor by the statutory submission deadline will be charged £40 + VAT for each reminder.

**Additional work and variations to the scale fees**

If an active authority fails either to submit its Annual Return to the supplier for review by 30 September or (if it is an exempt authority) to provide a certificate of exemption, the supplier will consider issuing a public interest report, the cost of which will be payable by the authority pertaining to the fee income band of that authority as in Table 1 (above).

Extra fees may also be charged in other circumstances, for example where auditors are required to:

- consider objections to the accounts from local electors, from the point at which the auditor accepts the objection as valid;
- exercise special powers in relation to the review, such as issuing a report in the public interest; or
- undertake any special investigations, such as those arising from disclosures under the Public Interest Disclosure Act 1998.

Extra fees will be calculated and charged according to the work required, subject to the maximum hourly rates set out in Table 2 below.

**Table 2 - Maximum hourly rates for additional work at smaller authorities**

| STAFF GRADE | MAXIMUM £ PER HOUR |
|---|---|
| Engagement lead | 355 |
| Senior manager/manager | 215 |
| Senior auditor | 140 |
| Other staff | 105 |

**Value Added Tax**

The fee scales exclude Value Added Tax, which will be charged at the prevailing rate on all work undertaken.

**SAAA** – Smaller Authorities' Audit Appointments Limited

77 Mansell Street, London E1 8AN www.saaa.co.uk

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## Clerk

**Subject:** FW: Commonwealth War Graves Commission: request to install signs indicating war graves at Odiham Cemetery

**Attachments:** CWGC Sign Application Form.docx; Examples of CWGC Signs and fixing methods - UKNA.pdf; CWGC FAQ Signage Project.pdf

**Commonwealth War Graves Commission – installation of signs indicating war graves**

| Ref No: | Cemetery Name | No. of casualties / war grav |
|---|---|---|
| **11789** | Odiham Cemetery | 35 |

I am writing on behalf of the Commonwealth War Graves Commission to enquire if the Parish Council would be interested in having a sign at your Cemetery to let the public know there are 35 war graves situated there. The Signs project commenced as part of the centenary of the First World War and it is hoped that we can erect signs at as many churchyards, cemeteries and burial grounds as possible that contain war graves. The aim of the initiative is to increase awareness of war graves in the UK and to remind the public that they need not travel abroad to find Commonwealth commemorations.

If you would be interested in having a sign installed, please complete and return the attached **'CWGC Sign Application Form'**, together with a photograph showing the desired location of the sign at that burial ground or a Google Street View shot showing the entrance will suffice**. All signs will be installed (unless by prior agreement), paid for and maintained by the Commission on a permanent basis.**

Once we have received your application we aim to install the sign(s) at the agreed location(s) as soon as possible, but within a maximum of 12 months. If however, you would prefer to install the sign yourself, this is an option, although we would still require the details requested on the application form & a photo of the proposed location. This is in case the sign needs to be replaced at some point in the future (as a result of damage, theft, etc.).

I have also attached a FAQ sheet for your information, and some suggested fixing options, however if you have any further questions about the application process, or if would like any other information about the Commission, please do not hesitate to contact us. If you would like to find out more about the casualties buried in your burial grounds, please visit our website at **www.cwgc.org**, where you can search our database.

Kind Regards,

Project Administrator
United Kingdom and Northern Area

COMMONWEALTH
WAR GRAVES

Commonwealth War Graves Commission
2 Marlow Road, Maidenhead, Berkshire, SL6 7DX, United Kingdom
Website: www.cwgc.org

**UKNA Signs**

COMMONWEALTH
WAR GRAVES

Commonwealth War Graves Commission
Website: www.cwgc.org

This e-mail and any attachments to it are confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed in it are those of the author and do not necessarily represent the views of the Commonwealth War Graves Commission. If you are not the intended recipient of this e-mail you must not take any action based on its content nor copy or show it to anyone. Instead please contact the sender if you believe you have received this e-mail in error.

COMMONWEALTH
WAR GRAVES

# Signage Indicating War Graves
## Frequently Asked Questions

### 1. What do we need to do to get a CWGC War Grave sign(s)?

a) Choose your preferred a sign size.
b) Identify a suitable location for the sign to be fitted (*please see notes below*)
c) Take a photo of the chosen location, with the paper template to indicate the exact location of the sign. (*please see notes below*) OR describe the entrance(s) on your application form and our team will install it in the best location for your site.
d) Complete the CWGC application form. Please include our reference number from the original email.
e) Email your completed application form to **ukna.signs@cwgc.org** including a photograph clearly showing the exact sign location.

### 2. What do the signs look like and how big are they?

Standard Sign: 430mm x 230mm

Small Sign: 210mm x 150mm

There is a slight variation on the wording, depending on the number of war graves in the churchyard. For example, “At this location there **is a** Commonwealth War Grave” or “At this location **there are** Commonwealth War Grave**s**.”

The signs are made from high-quality aluminium.

### 3. Where should the sign be fitted?

The sign should be fitted as close to the public entrance of the burial ground as possible, but the exact location is up to you. We will fit it where you feel it is most appropriate providing that we can adequately maintain the sign in the future.

The signs can be attached to railings, masonry, gates or notice boards. Alternatively, we can supply a stand-alone post. Care will be taken when fitting the signs not to damage the important fabric of buildings. Please contact us if you have any queries over the suggested location.

4. **Why do you need me to take a photo?**

It is really important that we fit the sign in the agreed upon location, a clear photograph indicating where it should be fitted will help us to place it correctly.

Ideally we suggest that you print the paper template below and temporarily affix it where you would like the sign. You may send multiple photographs if you think it would be helpful.

**Alternatively, indicate the entrance where a sign is required and our experienced Operations team will use their judgement to fit the sign in the best location.**

✔ Proposed sign location clearly marked, key surrounding features are visible

✖ Proposed sign location not marked.

✔ Proposed sign location clearly marked, key surrounding features are visible.

✖ Photograph is too close, key surrounding features are NOT visible.

**Please remember that the template is not to scale**
The Standard Sign is 430mm x 230mm
The Small Sign is 210mm x 150mm

5. **When will the sign be fitted?**

We aim to install each sign as soon as possible within an estimated 12 months. Alternatively, your sign can be sent in the post for you to install yourself.

6. **Planning permission**

Due to the size of the sign, it does not require planning or advertisement consent. However, if your burial ground is within an area of special control, for example a conservation area, you should check with your local authority that there are no local planning requirements.

7. **How much will it cost me to get a sign?**

Nothing. All signs will be installed, paid for and maintained by the Commission free of charge and on a permanent basis.

8. **Where can I find out more information the Commission?**

Please feel free to get in touch with us, via the following links:

**For general enquiries:**

CWGC Enquiries Team
Telephone: 01628 507200
Email: Enquiries@cwgc.org
Website: www.cwgc.org

# Please Print for location indication.

# NOT TO SCALE.

**The Standard Sign is 430mm x 230mm**

**The Small Sign is 210mm x 150mm**

The Bridewell
The Bury
Odiham
Hampshire
RG29 1NB

# ODIHAM PARISH COUNCIL
# FINANCIAL REGULATIONS


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These Financial Regulations were adopted by the council at its meeting held on 14th April 2020 and reviewed annually, with the last review on 12th December 2022.

**1. General**

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders[1] and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. 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 accounting control systems;

- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

1.16 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

**2. Accounting and audit (internal and external)**

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, two cheque signatory members and the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The members shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance Committee.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be 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 for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;

- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the council

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting 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.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. 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 statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

**3. Annual estimates (budget) and forward planning**

3.1. Each committee shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance Committee then council.

3.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

**4. Budgetary control and authority to spend**

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over [£5,000];
- a duly delegated committee of the council for items over [£500]; or

- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below ~~[£500]~~ recommend increasing to £800 for emergency expenditure eg to cover the cost of PC/laptop replacement or tree removal.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.4. The salary budgets are to be reviewed by the Staffing Committee at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the clerk in consultation with the Chair or relevant committee Chair may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £800. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

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

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of [£100] or [15%] of the budget.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

**5. Banking arrangements and authorisation of payments**

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council or finance committee. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council or finance committee. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council or Finance Committee meeting.

5.4. The Clerk as the RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and 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 or finance committee;

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee; or

c) 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 council or finance committee.

5.6. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council or Finance Committee.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

**6. Instructions for the making of payments**

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by BACS, cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council or Finance Committee at the next convenient meeting.

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the RFO. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any Debit Card issued for use will be specifically restricted to the RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council or Finance Committee. Transactions and purchases made will be reported to the Council or Finance Committee] and authority for topping-up shall be at the discretion of the Council or Finance Committee.

6.20 Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.21. The council will not maintain any form of cash float (from 1st April 2020). All cash received must be banked intact. Any payments made in cash by the Clerk, other staff or Councillor (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

**7. Payment of salaries**

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Staffing Committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

a) by any councillor who can demonstrate a need to know;

b) by the internal auditor;

c) by the external auditor; or

d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing interim staff, the council must consider a full business case.

## 8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.

8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.5. The council ~~shall consider the need for~~ has an Investment Strategy and Policy which~~, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be~~ is reviewed by the council at least annually.

8.6. All investments of money under the control of the council shall be in the name of the council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8 Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## 9. Income

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which 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 (see also Regulation 16 below).

**10. Orders for work, goods and services**

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the council.

10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

## 11. Contracts

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

i. for the supply of gas, electricity, water, sewerage and telephone services;

ii. for specialist services such as are provided by legal professionals acting in disputes;

iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations[2].

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)[3].

d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

e) Such 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. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. 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.

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[2] The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

[3] Thresholds currently applicable are:

a) For public supply and public service contracts ~~209,000 Euros (£181,302)~~ £213,477

b) For public works contracts ~~5,225,000 Euros (£4,551,413)~~ £5,336,937

f) 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.

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders 18 and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above ~~£100~~ suggest increasing to £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that 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, provided that the specification does not change, 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.

**12. Payments under contracts for building or other construction works]**

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

**13. Stores and equipment**

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. 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.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## 14. Assets, properties and estates

14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the 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.

14.2. 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, save where the estimated value of any one item of tangible movable property does not exceed £250.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing 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).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing 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).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. 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. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.

15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

15.5. 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.

## 16. Charities

16.1. Where the council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate

financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## 17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

## 18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council 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 drawn up and presented in advance to all members of council.

**REPORT ON:** Hampshire Trust Bank investment
**WRITTEN BY:** Parish Clerk
**MEETING DATE:** 12th December 2022
**AGENDA ITEMS:** 197/22

**Introduction**
As agreed by full Council 15.11.22, this agenda item is referred to the 12.12.22 meeting.

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*Previously reported:*

Over the last 3 years OPC has kept investments under regular review which, despite a challenging 3 years, is likely to generate approx. £2,000 interest this financial year. Investments to 31.10.22 are shown below:

| Cash in hand per Bank Statements | | | |
|---|---|---|---|
| Petty Cash | 30/09/2022 | 0.54 | |
| CCLA | 31/10/2022 | 75,339.22 | |
| Hampshire Trust Bank | 31/10/2022 | 50,500.00 | |
| Lloyds 30 days notice account | 31/10/2022 | 3,524.47 | |
| Unity Trust | 31/10/2022 | 99,493.62 | |
| Lloyds Treasurer's Account | 31/10/2022 | 76,749.63 | |
| Lloyds Money Market | 31/10/2022 | 0.00 | |
| | | | **305,607.48** |

The Hampshire Trust Bank (HTB) one year bond ends 18th November and will generate a 1% return (this was the best rate available last year).

HTB is offering a further one year bond @ 3%* but the decision is whether we should tie the money up for another year? There are no shorter term bonds are available.

The CCLA deposit account at 8th November shows a rate of 2.6236%*, funds are easy to access but it is not covered by the Financial Services Compensation Scheme (FSCS).

It should be noted that very few business or charity accounts are available to parish councils. This irregularity is a something the SLCC are pursuing with leading banks.

*These figures were correct at agenda publication but will be checked again before the meeting.

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*Updated 02.12.22*

The HTB investment of £50,500 + £379.79 interest is now held in a business 95 day notice account (10948651) receiving generating 0.75%. HTB offered 3 options:

1. Give notice to close 95 day and transfer to another account.
2. Invest funds in a new 1 year loyalty bond generating 3.75%
3. Invest funds in a new 2 year loyalty bond generating 4.15%

Each transaction will need 2 signatories to call HTB to confirm the transaction.

The current CCLA interest rate is 2.9023% and funds are easily accessible.

**For discussion and decision**
To agree how to invest the HTB investment.