

CULWORTH PARISH COUNCIL
POLICIES AND PROCEDURES

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Bullying and Harassment Policy

Background

The relationship between Councillors and Officers is an essential ingredient that should contribute to the successful working of the organisation. This relationship within the authority should be characterised by mutual respect, informality and trust.

Councillors and Officers must feel free to speak to one another openly and honestly. Nothing in this Policy is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal.

This policy gives guidance on what to do on the rare occasions when things go wrong. Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind will not be tolerated in the workplace.

What is bullying and harassment?

Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes, those making a complaint usually define what they mean by bullying or harassment; something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

How can bullying and harassment be recognised?

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the "grey" areas that cause most problems. Examples of what is unacceptable behaviour include:

- sexually inappropriate behaviour
- intimidation/humiliation
- excessive criticism
- autocratic/dictatorial behaviour
- shouting, browbeating, haranguing, swearing & ridiculing
- expressions of intolerance
- general discourtesy

Bullying and harassment are not necessarily face to face; they may be by written communications, e-mail and/or telephone.

Why does the Council need to take action on bullying and harassment?

There is an implied term of mutual trust and confidence in every contract of employment.

Where the parish council is aware of a situation of bullying or harassment of an employee by one of its Councillors, but fails to act to stop it, it will be in breach of that implied term of employment contract and may be held liable for the constructive dismissal of that employee.

It is in every employer's interest to promote a safe, healthy and fair environment in which people can work.

A parish council's duty of care to an employee relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken then the parish council could be at fault and compensation could be sought.

The Members' Code of Conduct

Bullying is expressly forbidden under paragraph 3(2)(b) of the Code of Conduct.

There are, in addition, complementary obligations to:-

- Not do anything which may cause the authority to breach any equality laws;
- Treat others with respect;
- Not intimidate any person who is or is likely to be a complainant, a witness or involved in an investigation relating to a breach of the Code; and;
- Not compromise or attempt to compromise the impartiality of those who work for, or on behalf of, the authority.

A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Councillor involved is liable to be reported to the Local Standards Committee.

However, if criticism amounts to a personal attack or is of an offensive nature, the Councillor is likely to have crossed the line of what is acceptable behaviour.

If there are instances of bullying or harassment by Councillors towards officers or other Councillors, then those Councillors who are aware of the incident should consider reporting it to the Standards Committee of the relevant principal authority.

It is also open to Officers who are either the subject of bullying or harassment or who witness such an incident to similarly report it to the Standards Committee (which is likely to have established an Assessment Sub-Committee to decide whether to investigate such complaints).

If Members or Officers are unsure what to do or how to report the matter, they should seek the advice of the Monitoring Officer at the Unitary Council.

Complaints Procedure

1. The Parish Council uses the Local Government Ombudsman (LGO) definition of a complaint, which is:

"A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council."

2. The complaints procedure aims to be:

- a) well publicised and easy to use;
- b) helpful and receptive;
- c) not adversarial;
- d) fair and objective;
- e) based on clear procedures and defined responsibilities;
- f) quick, thorough, rigorous and consistent;
- g) decisive and capable of putting things right where necessary;
- h) sensitive to the special needs and circumstances;
- i) adequately resourced;
- j) fully supported by councillors and officers and
- k) regularly analysed to spot patterns of complaint and lessons for service improvement.

3. Confidentiality

The LGO advises that the identity of a complainant should only be made known to those who need to consider a complaint. The council will maintain confidentiality where circumstances demand.

4. On receipt of a complaint, the clerk in consultation with the chairman will ascertain the category of the complaint and take the relevant action with reference to the following:

Category	Complaint	Action
A	Financial irregularity	The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk/RFO may need to consult the auditor / Audit Commission. If the complainant is not satisfied, the clerk should advise them of the local elector's statutory right to object to Council's audit of accounts pursuant to Audit Commission Act 1998, section 16.
B	Criminal activity	The clerk should refer the complainant to the Police.
C	Member activity	If the complaint relates to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the local Standards Committee at West Northamptonshire Unitary Council.
D	Employee's conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.
E	Other	Should be dealt with under the following complaints procedure.

5. Category E complaints are expressions of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.

Before the Meeting

6. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.

7. If the complainant does not wish to put the complaint to the clerk, he or she should be advised to address it to the chairman of the Parish Council.
8. The clerk, in consultation with the Chairman, shall acknowledge receipt of the complaint and attempt to address the complaint. The complainant will be advised of this action; if they still wish to pursue the matter it will be considered by the Council. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given by way of a published agenda.
9. The complainant shall be invited to attend a meeting of the Council and to bring with them a representative if they wish.
10. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

11. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
12. The chairman should introduce everyone and explain the procedure.
13. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk and then (ii), members.
14. The clerk will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
15. The clerk and then the complainant should be offered the opportunity to summarise their position.
16. The clerk and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
17. The clerk and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

18. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

In accordance with the Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England. However, parish councils might benefit from having some knowledge of the jurisdiction of the LGO so that they can help people to complain to the LGO where it is appropriate.

The legislation is found in sections 26 and 27 of the Local Government Act 1974. Parish councils are unable to lodge complaints as a public body (section 27(1) of the Act) about another local authority or public body defined at section 25 of the Act, however an individual Councillor can make a complaint about another local authority or public body in a personal capacity.

If a member of the public requests, a Parish Councillor can represent them in making a complaint.

Data Protection, Data Breach, Records Retention Policies & Subject Access Request Procedure

These regulations were provided by N-CALC as part of its agreement to be the Parish Council's registered Data protection Officer (DPO) in 2018. There are to be adopted by the Parish Council.

The Data Protection Policy

The Parish Council recognises its responsibility to comply with the General Data Protection Regulations (GDPR) 2018 which regulates the collection, handling & use of personal data. This does not have to be sensitive data; it can be as little as a name and address.

General Data Protection Regulations (GDPR)

The GDPR sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The GDPR applies to anyone holding personal information about people, electronically or on paper.

The Council has notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, the Parish Council will ensure that:

Data is processed fairly, lawfully and in a transparent manner

Personal information will only be collected from individuals if the Council has been open and honest about why they want the personal information.

Data is processed for specified purposes only

Data is collected for specific, explicit and legitimate purposes only.

Data is relevant to what it is needed for

Data will be monitored so that too much or too little is not kept; only data that is needed will be held.

Data is accurate and kept up to date and is not kept longer than it is needed

Personal data should be accurate, if it is not it will be corrected. Data no longer needed will be shredded or securely disposed of.

Data is processed in accordance with the rights of individuals

Individuals must be informed, upon request, of all the personal information held about them.

Data is kept securely

There will be no unauthorised or unlawful processing of personal data and such data will be protected against accidental loss, destruction or damage.

Storing and accessing data

The Parish Council recognises its responsibility to be open with people when taking personal details from them. The Council will be honest about why they want a particular piece of personal information.

The Parish Council may hold personal information about individuals such as their names, addresses, email addresses and telephone numbers. This personal data will be securely kept at the Parish Council Office and is not available for public access. All data stored on the Parish Council Office computers is password protected. Once data is not needed any more, is out of date or has served its use and falls outside the minimum retention time of Councils document retention policy, it will be shredded or securely deleted from the computer.

The Parish Council is aware that people have the right to access any personal information that is

held about them. Subject Access Requests (**SARs**) must be submitted in writing (this can be done in hard copy, email or social media). If a person requests to see any data that is being held about them, the SAR response must detail:

- How and to what purpose personal data is processed
- The period the Council tend to process it for
- Anyone who has access to the personal data

The response must be sent within 30 days and should be free of charge.

If a SAR response includes personal data of other individuals, the Parish Council must not disclose the personal information of the other individual. That individual's personal information should be redacted, unless the individual gives permission for their information to be shared with the Subject.

Individuals have the right to have their data rectified if it is incorrect; the right to request erasure of the data; the right to request restriction of processing of the data and the right to object to data processing; although rules do apply to those rights.

Please see "Subject Access Request Procedure" for more details.

Confidentiality

Council members and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	05/03/18

Data Breach Policy

GDPR defines a personal data breach as *"a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed"*.

Examples include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or processor
- Sending personal data to an incorrect recipient
- Computing devices containing personal data being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

The Parish Council takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

Consequences of a personal data breach

A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

The Parish Council's duty to report a breach

Advice from the Information Commissioners Office (ICO) is that not every breach is reportable to the ICO, but every breach is recordable internally. The flowchart below is taken from the guidelines produced by the Article 29 Data Protection Working Party and was adopted in February 2018. All data controllers should use this flowchart to determine the severity of the breach which will then determine if the breach is reportable to the ICO.

If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and ICO without undue delay and, where feasible, not later than 72 hours after the council becomes aware of the breach. The Data Protection Officer (DPO) must be informed immediately so they are able to report the breach to the ICO within the 72 hour time frame.

If the ICO is not informed within 72 hours, the Parish Council must give reasons for the delay, via the DPO, when they report the breach.

When notifying the ICO of a breach, the Parish Council must:

- i. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned
- ii. Communicate the name and contact details of the DPO
- iii. Describe the likely consequences of the breach
- iv. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse affects.

When notifying the individual affected by the breach, the Parish Council must provide the individual with (ii)-(iv) above.

The Parish Council does not need to communicate with an individual if the following applies:

- It has implemented appropriate technical and organisational measures (i.e. encryption) so

those measures have rendered the personal data unintelligible to any person not authorised to access it;

- It has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or
- It would involve a disproportionate effort

However, the ICO must still be informed even if the above measures are in place.

Data processor's duty to inform the Parish Council

If a data processor (i.e. payroll provider) becomes aware of a personal data breach, it must notify the Parish Council without undue delay. It is then the Council's responsibility to inform the ICO; it is not the data processor's responsibility to notify the ICO.

Record of data breaches

All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used as a way to improve the security of personal data.

Record of Data Breaches

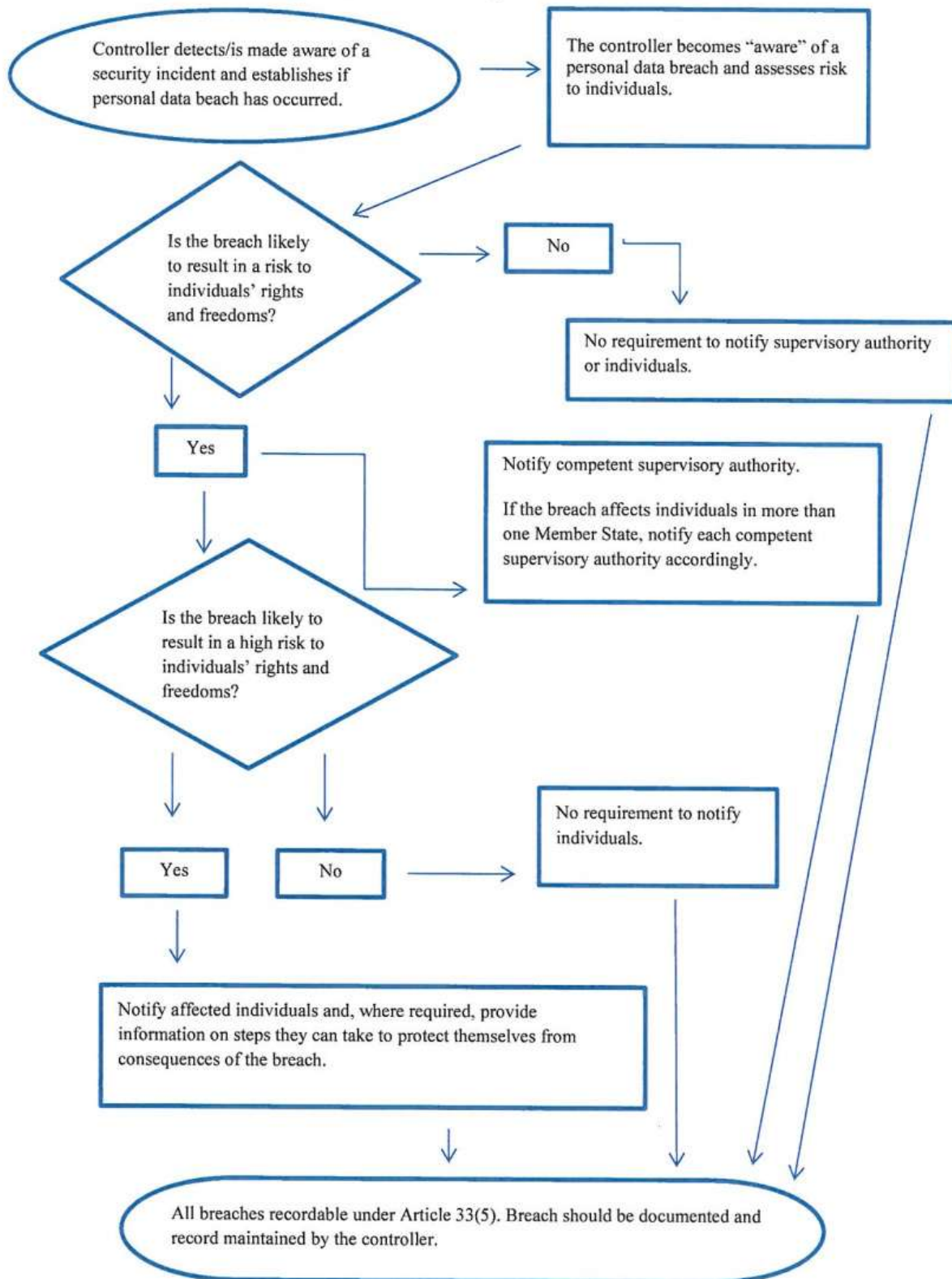
Date of breach	Type of breach	Number of individuals affected	Date reported to ICO/individual	Actions to prevent breach recurring

To report a data breach use the ICO online system:

<https://ico.org.uk/for-organisations/report-a-breach/>

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	06/03/18
0.2	To include section about reportable and recordable breaches	LSS	23/01/19

A. Flowchart showing notification requirements



GDPR Security Compliance Checklist

All councillors should complete the security checklist below to show compliance. Records should be retained whilst they remain in office.

	Yes/No
Computer is password protected	
Email is password protected	
Mobile devices are password protected	
Flash drives are password protected	
External hard drives are password protected	
Cloud access is password protected	
Hard copy files are held securely	
Anti-virus software is up to date	
No one outside the council has access to your council information	

If you have ticked "No" to any of the above please confirm the date by which you expect to have these measures in place:

Date: _____

Councillor name: _____

Councillor signature: _____

Date: _____

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	20/03/18

GDPR Councillor Resignation Checklist

Leaving councillors must complete the checklist below to show compliance with records destruction for those records which hold personal data. This checklist should be retained for 1 year after resignation.

	Yes/No
Councillor email is de-activated	
All data has been deleted from:	
external hard drives / memory sticks	
laptop/computer	
mobile devices	
Hard copy files are returned to clerk for disposal or shredded	

If you have ticked "No" to any of the above please confirm the date by which you expect to have these measures in place:

Date: _____

Please add any details which may be relevant (for example, councillor does not have dedicated email address etc).

I _____ declare that **I have disposed of all records** held by me in my capacity as councillor containing personal data.

Councillor name: _____

Councillor signature: _____

Date of Resignation: _____

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	08/01/19

Records Retention Policy

The Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the association. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Retention Schedule

Scope

This policy applies to all records created, received or maintained by the Council in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

Some of the Parish Council records may be selected for permanent preservation as part of the Parish Council's archives and for historical research.

Responsibilities

The Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk.

The person responsible for records management will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the Parish Council's records management guidelines.

Retention Schedule

The retention schedule refers to all records regardless of the media in which they are stored

Document	Minimum Retention Period	Reason
Minutes		
Minutes of Council meetings	Indefinite	Archive
Minutes of committee meetings	Indefinite	Archive
Employment		
Staff employment contracts	6 years after ceasing employment	Management
Staff payroll information	3 years	Management
Staff references	6 years after ceasing employment	Management
Application forms (interviewed – unsuccessful)	6 months	Management

Application forms (interviewed – successful)	6 years after ceasing employment	Management
Disciplinary files	6 years after ceasing employment	Management
Staff appraisals	6 years after ceasing employment	Management
Finance		
Scales of fees and charges	6 years	Management
Receipt and payment accounts **	6 years	VAT
Bank statements	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Paid invoices	Last completed audit year	VAT
Paid cheques	Last completed audit year	Limitation Act 1980
Payroll records	3 years	HMRC
Petty cash accounts	Last completed audit year	Audit
Insurance		
Insurance policies	6 years after policy end	Management
Certificates for Insurance against liability for employees	6 years after policy end	Management
Certificates for Public Liability	6 years after policy end	Management
Insurance claim records	6 years after policy end	Management
Health and Safety		
Accident books	3 years from date of last entry	Statutory
Risk assessment	3 years	Management
General Management		
Councillors contact details	Duration of membership	Management
Lease agreements	12 years	Limitation Act 1980
Contracts	6 years	Limitation Act 1980
Email messages	At end of useful life	Management
Consent forms	5 years	Management
GDPR Security Compliance form	Duration of membership	Management

*** The council's accounts are a rich source of social history information and should be archived indefinitely wherever practical to do so.*

Version number	Purpose/change	Author	Date
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0.1	Initial draft	LSS	20/2/18
0.2	Amend retention times	LSS	17/05/18
0.3	Amend receipts information and add resignation record	LSS	08/01/19

Subject Access Request Procedure

This procedure is to be followed when any individual contacts any Member of the Parish Council, or the Clerk of the Council to request access to their personal information held by the Council.

Requests must be complied with within 1 month of receipt, so should be actioned as soon as received.

Subject Access Requests (SARs) are usually provided free of charge. However, a 'reasonable fee' may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.

The steps below should be followed to action the request:

1) Is it a valid subject access request?

The request must be in writing (letter, email, social media or fax). Has the person requesting the information provided sufficient information to complete a search? (Requesting further information is permitted).

2) Verify the identity of the requestor.

The recipient of a SAR must be confident that the person requesting the information is the person the information relates to. Proof of identity (passport/photo driving licence) and confirmation of their address (utility bill/bank statement) may be requested.

3) Determine where the personal information will be found

The type of information requested should be considered and the data processing map used to determine where the records are stored. (Personal data is data which relates to a living individual who can be identified from that data; and can include expressions of opinion about the individual.) If the Parish Council does not hold any personal data, inform the requestor. If it does hold personal data, continue to the next step.

4) Screen the information

Some of the information retrieved may not be disclosable due to exemptions, however legal advice should be sought before applying exemptions.

Examples of exemptions are:

- References the Council has given
- Publicly available information
- Data relating to Crime and taxation
- Management information (restructuring/redundancies)
- Ongoing Negotiations with the requestor
- Regulatory activities (planning enforcement, noise nuisance)
- Legal advice and proceedings
- Personal data of third parties

5) Is the Council able to disclose all the information?

In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case, the other individual's personal data must be redacted; or the relevant consent sought; before the SAR is sent out.

Prepare the SAR response (using the sample letters at the end of this document) and make sure to include as a minimum the following information:

- a. the purposes of the processing;
- b. the categories of personal data concerned;
- c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data;
- d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
- f. the right to lodge a complaint with the Information Commissioners Office (ICO);
- g. if the data has not been collected from the data subject: the source of such data
- h. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

All SAR's should be logged to include the date of receipt, identity of the data subject, summary of the request, indicating if the Council can comply, date information is sent to the data subject.

Sample letters:

Replying to a subject access request providing the requested personal data

[Name] [Address]
[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party.

Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

Release of part of the personal data, when the remainder is covered by an exemption

[Name] [Address]
[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

- [List the areas]

I am pleased to enclose [some/most] of the personal data you requested. *[If any personal data has*

been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that *[if there are gaps in the document]* parts of the document(s) have been blacked out. *[OR if there are fewer documents enclose]* I have not enclosed all of the personal data you requested. This is because *[explain why it is exempt]*.

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

Replying to a subject access request explaining why you cannot provide any of the requested personal data

[Name] [Address]
[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of *[date]* making a data subject access request for *[subject]*.

I regret that we cannot provide the personal data you requested. This is because *[explanation where appropriate]*.

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is 'legally privileged' because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely"

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	06/03/18

Dispensation Request Policy

Dispensations requests shall be made by each individual Parish Councillor in writing in the form attached to this policy and duly signed. The dispensation request shall then be passed to the Clerk. The Clerk shall then ensure that each Dispensation Request is presented at the following Council meeting, whether it be an Ordinary or an Extraordinary meeting, for the Council to agree whether to grant the dispensation or not. If a Dispensation Request is approved, the Clerk shall duly sign the form and keep the form on file. If denied, the reason for such decision may be written on the application and the Dispensation Request form kept on file by the Clerk.

All Dispensation Requests must be made before discussion of the business for which the dispensation is applied for. If necessary, this can be during the meeting at which the matter is being discussed.

All Parish Councillors will act within the rules of the Code of Conduct already adopted by the Parish Council, having signed the Undertaking of Compliance with the Code of Conduct.

Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
REASON(S) FOR DISPENSATION 33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33c) the dispensation is in the interests of persons living in the authority's area	
33e) that it is otherwise appropriate to grant a dispensation Reason:	

Signed: _____

Dated: _____

DECISION :	
Dispensation Given : YES / NO	LENGTH OF DISPENSATION :
Date:	
Minute Number:	
Signed : Clerk to the Council	

Employment and Disability Discrimination Policy

The Council fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability. No applicant or employee shall receive different treatment because of disability. It is in the interest of the Council and those who work for it to ensure that all available human resource talents and skills are considered when employment opportunities arise. The Council is committed to maintaining and managing a diverse workforce.

Purpose

- To ensure that the Council complies with the Disability Discrimination Act 1995 and to ensure that disabled people falling within the definition of the Act are treated equally and fairly.
- To ensure the Council recruits and retains the best people available.

Scope

The Disability Discrimination Policy covers all staff and job applicants. It also covers employees who become disabled during their employment. Where relevant it also covers staff employed by outside agencies working on Council premises.

Policy Guidelines

The Council will endeavour to give training and guidance to all relevant staff to ensure that the risk of possible discriminatory attitudes affecting decisions are minimised and that there is an understanding of the relevant provisions of the Disability Discrimination Act 1995.

The Council operates a Grievance Procedure to enable grievances; including those relating to unfair discrimination on grounds of disability; to be formally heard.

All reasonable and necessary changes will be made to the workplace and to employment arrangements so that disabled people are not at any substantial disadvantage, resulting from their disability. In recruitment and selection, the Council will ensure that disabled people are considered equally with non-disabled candidates.

The Council will ensure that disabled people receive equal treatment in training and development.

Employment and Equal Opportunities Policy

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

All employees whether full-time, part-time, fixed contract, agency workers or temporary, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

The Council's Commitment

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

- Breaches of our equal opportunities policy will be regarded as misconduct and could lead to disciplinary proceedings
- This policy is fully supported by all Council Members and staff.
- The policy will be monitored and reviewed annually.

This policy has been agreed to by Employers and Employees representative bodies; the National Association of Local Councils & the Society of Local Council Clerks, respectively.

Grant Awarding Policy

The Council is able to make monetary grants to organisations that work for the benefit of the local community.

Letters of application should be addressed to the Clerk of the Parish Council. Applications can be made at any time of the financial year. Letters should fully detail the funding requirement.

Conditions of Funding

- 1) Applications will be considered from charitable or non-profit making organisations. Applications will be considered for specific projects only.
- 2) Applications must include a cost/benefit analysis and demonstrate a benefit to a group of people within the Parish.
- 3) Applications WILL NOT be considered:
 - from organisations intending to support or oppose any particular political party or to discriminate on the grounds of race or religion.
 - from private organisations operated as a business to make a profit or surplus
 - from "Upward funders", i.e. local groups whose fund raising is sent to their central HQ for redistribution
 - for projects which benefit individuals
 - for day-to-day running costs
 - for expenditure which has already occurred.
- 4) Applications will not normally be considered from national organisations or local groups with access to funds from national "umbrella" or "parent" organisations, unless funds are not available from their national bodies, or the funds available are inadequate for a specified project.
- 5) Applications from religious groups will be considered where a clear benefit to the wider community can be demonstrated irrespective of their religious beliefs. Compliance with this requirement will need to be demonstrated throughout the project.
- 6) Applications from education, health or social service establishments will be considered only where the organisation can demonstrate that it is working in partnership with other groups and where there are benefits to the wider community within the Parish.
- 7) The applicant organisation will normally be expected to have clearly written aims and objectives, a written constitution and membership rules, copies of which should be submitted as part of the application. In addition, an organisation must demonstrate that it is properly managed and able to run its affairs responsibly.

- 8) All applications must demonstrate clearly how a grant or subsidy will be of benefit to the local community within the Parish.
- 9) An organisation is required to submit audited accounts or accounts that have been independently examined by a suitably qualified person, for the previous two financial years or, in the case of a newly formed organisation, a detailed budget and business plan.
- 10) An organisation is required to have a bank account in its own name with two authorised representatives required to sign each cheque.
- 11) Ongoing commitments to award grants or subsidies in future years will not be made. A fresh application will be required each year.
- 12) Each application will be assessed on its own merits and will be considered along with other applications at a meeting of the Council. To ensure as fair a distribution as possible, the Council will take into account the amount and frequency of previous awards.
- 13) Due account will be taken of the extent to which funding has been sought or secured from other sources or own fund-raising activities.
- 14) If approved by the Council, the grant will be paid by cheque, or bank transfer.
- 15) Any grant must only be used for the purpose for which it was awarded unless the written approval of the Parish Council has been obtained for a change in use of the grant monies, and that any unspent portion of the grant must be returned to the Parish Council by the end of the financial year following the year in which it was awarded.
- 16) The Parish Council reserves the right to request feedback or receipts to demonstrate how the money has been spent and/or to inspect the outcome of the expenditure.
- 17) The size of any grant awarded is at the sole discretion of the Parish Council.
- 18) The Parish Council reserves the right to refuse any grant application which is considered to be inappropriate or against the objectives of the Parish Council.

Planning Policy Statement

This statement has been drawn up by the Council to provide guidance to residents and developers on the principles that the Council follows in its assessment of any application for Planning and Development within the Parish. It draws from the relevant Unitary Council Policies and from discussions and decisions of the Council over the past ten years.

Village boundaries

Culworth is designated a "Restricted Infill village" under the **Unitary Council Saved Policy HS22** which only permits development either (a) on a small scale within the village confines and that does not affect open land which is of particular significance to the form and character of the village, or (b) which comprises renovation or conversion of existing buildings for residential purposes and which is in keeping with the character and quality of the village.

The Council fully supports this policy and opposes any development which would extend the confines of the village. Infill and development of existing properties on a managed basis is accepted within the village, subject to such development meeting other planning criteria. Maps of the village show that there are areas of land (some in public ownership, some in private) which could be suitable for small-scale development.

Style and design

Culworth is a traditional village with a strong vernacular architecture from its long historical past. All development must recognise, respect and retain this character. Developments must be of a height and size which is in keeping with properties around them.

Throughout the village, boundary walls and grass verges are long-standing, pleasant and distinguishing features. The Council promotes the protection, retention and maintenance of these features.

With regard to new development, the Council will take account of the views expressed in any Culworth Housing Needs Survey.

Protected areas

Any development within the Conservation Area must take special care of the appropriateness of such proposals and be in keeping with adjacent buildings and spaces.

Culworth Parish contains Listed Buildings and any development of these buildings must preserve the historic nature of the buildings, maintain their internal and external form and features, and retain their contribution to the overall look and character of the area.

New additions to old properties must be sensitively handled so as to retain integrity in the old parts whilst, at the same time, differentiating between the old and new parts.

The quality of materials and workmanship must match that of the rest of the building and that of surrounding buildings.

All developments must have integral parking to avoid any need for parking on the street.

The main entries into the village via Main Street and Charwelton Road are considered difficult and somewhat unsafe due to the quantity and speed of traffic. The Council opposes any development which would exacerbate that.

Views and landscapes

The Council will look carefully at the effect of any development on the views across the village, for instance whether it blocks or disrupts views of the village nestling in low land, or from the roads into the village looking over the Church, etc.

The Council will look carefully at how a development may affect views from Culworth.

Trees

The Council will look with care at any request to remove trees; considering the necessity and the effect on views and vistas in or over Culworth. Consideration will be given to the suitability of requiring replanting; with trees suitable to the area.

Development outside the village boundaries

The character and ethos of Culworth is intimately connected to its relation to the surrounding countryside; the green areas around the village and the views of the woods and fields, which lie within a Special Landscape Area (SLA); the highest designation in Northamptonshire.

The Current County Landscape Character Strategy and Guidelines for this area seek “to control new development to avoid more elevated areas, and particularly any encroachment onto the upper slopes and summits of the isolated hills to ensure that their distinctive profile remains open and unobstructed”. The Council will therefore take these factors into account when addressing a proposed development within the parish and any proposed development, outside the parish, but within sight of the village.

The Council will seek to protect the intrinsic character, distinctiveness and beauty of the landscape, in particular the views from the network of public rights of way and preserve the historic and cultural heritage of the Parish in a manner appropriate to its significance and setting. It will seek to protect and enhance the wildlife, both fauna and flora, including European Protected Species and their habitats.

The Council encourages development outside the village which will enhance jobs and prosperity in the wider countryside. However, the Council will wish to ensure that such development does not detract from the area but respects the existing features and character. In particular, the Council is opposed to developments that involve heavy industry, or developments that cause noisy activities, light pollution or traffic levels beyond the capacity of local rural roads.

The Council opposes applications outside the village for a change of use from agricultural to residential or mixed use where the development is in open agricultural land remote from existing residential properties. The Council believes this would contravene the following DDC policies: GN1A, GN1F, GN2A, GN2G and GN2H.

Training Statement of Intent

The Council is committed to ensuring its staff and councillors are trained to the highest standard and kept up to date with all new legislation. To support this, funds are allocated to a training budget each year to enable staff and councillors to attend training and conferences relevant to their office.

The Council as a whole is responsible for monitoring and meeting the training needs of clerk and members and managing the budget. Training requirements for councillors will usually be identified by the Council and Clerk and opportunities to attend courses will be investigated by the Clerk and brought to the attention of the full council.

The Council will be a member of suitable organisations that provide professional advice, training and conferences for Officers and staff, for instance SLCC and NCALC, where deemed appropriate, useful and offering value for money. Professional fees for membership of the Institute of Local Council Management will be paid in respect of staff who are professionally qualified.

Officers

The Clerk will be expected to hold or be working towards the Certificate in Local Council Administration (as a minimum) and the Council will provide appropriate training and support to enable this to be achieved.

The Clerk will be expected to attend all relevant training days whenever possible. Time will be made available during working hours for attendance at such training.

The Council may decide to support officers to undertake further training or education at its discretion.

Councillors

New councillors will be expected to attend the 'Off To A Flying Start' induction training provided by NCALC and will be provided with an information pack containing the documents as set out below.

It is recognised that it may be difficult for some councillors to attend training during the daytime because of their work commitments. Councillors will, however, still be encouraged to attend training and conferences whenever possible. In-house training during the evening will be considered whenever possible, to enable all councillors to attend.

All training undertaken will be evaluated by the Council to gauge its relevance, content and appropriateness. All training presentation papers will be retained and used for in-house training and information sharing.

Information Pack for New Councillors

- Annual Report and Accounts of Parish Council and relevant newsletters
- Parish Council Financial Regulations
- Parish Council Policy Documents
- Parish Council Code of Conduct
- Parish Council Standing Orders
- Calendar of Meetings
- Members and Officers contact list
- Minutes of two previous Parish Council Meetings
- Training Statement of Intent

Also available for purchase is The Good Councillor Guide.

Social Media engagement by Councillors and the Parish Clerk

Social media such as FaceBook and other web-based blogging and messaging systems have the potential for reaching many villagers, very quickly and with zero financial cost.

However, its ready interaction with public participants may encourage thoughtless, heated and ill-considered responses, even defamation of character or libel. Whilst these systems usually have an administrative function, these are outside the control of the Parish Council, with redress or removal of posts and comments sometimes being very difficult to achieve.

In general, therefore, the Parish Council will not engage with social media, to protect its members from unnecessary harassment. Members of the public are encouraged to attend the regular public meetings to raise their concerns, rather than hide behind the unaccountable anonymity of social media, in its many forms.

It is recommended that Councillors should not interact or contribute to social media in their role as a Parish Councillor. Councillors are welcome to participate with social media in a personal role, but it should be made clear that this is their personal opinion (not that of the Parish Council).

However, it may on occasion be beneficial to the council and villagers to post Notices of Meetings and other such public activities onto social media, which has a strong association with the village and villagers, widening the audience and possible public participation. Such details will be provided to the social media administrators, for them to post with public commenting disabled.

Should Councillors encounter a discussion mentioning the Parish Council in an inappropriate or defamatory manner, such that some response is necessary and appropriate from the Parish Council, this should be made through and by the Chairman of the Parish Council. Councillors are welcome to suggest a response to the Parish Council Chairman, together with their reasoning behind it.