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## Appeal Decision

Site visit made on 25 March 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

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### Appeal Ref: APP/E3335/W/24/3348672

### Upper Westholme Farm, Perridge Hill, Pilton, Shepton Mallet, Somerset, BA4 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs Flora Palmer against the decision of Somerset Council.
  - The application Ref is 2024/0591/VRC.
  - The application sought planning permission for the proposed conversion and extension of agricultural buildings to create a dwelling without complying with a condition attached to planning permission Ref 2021/0252/FUL.
  - The condition in dispute is No.2 which states that: *This decision relates to the following drawings: P01A, P02A, P03A, P04A, P05A, P06A, P07A, P08A, P09A, P10A, P11A, P12A and P13A received 26.02.21.*
  - The reason given for the condition is: *To define the terms and extent of the permission.*
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion and extension of agricultural buildings to create a dwelling at Upper Westholme Farm, Perridge Hill, Pilton, Shepton Mallet, Somerset BA4 4EN in accordance with the application Ref 2024/0591/VRC without compliance with condition number 2 previously imposed on planning permission Ref 2021/0252/FUL dated 6 June 2022 and subject to the following conditions in the attached schedule.

### Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) (December 2024) has been published. The document has not raised any new matters which are determinative to this appeal.
3. Listed building consent (LBC) was also granted for the conversion and extension of the agricultural buildings as they were curtilage listed being located in proximity to the Grade II listed Higher Westholme Farmhouse<sup>1</sup>. Section 73 of the Town and Country Planning Act 1990 (the Act) is for development without compliance with conditions to which a previous planning permission was granted. I understand from the Council that no application was submitted with regard to the LBC and hence there is no submitted appeal. For the avoidance of doubt I shall confine my consideration to the planning permission.
4. The Council has confirmed that Somerset County Council and the other district councils in Somerset were replaced on 1st April 2023 by a new unitary council, known as "Somerset Council." In terms of the appeal site the council has also

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<sup>1</sup> National Heritage List for England: list entry number 1345056

confirmed that the Mendip District Local Plan (Parts I and II) still comprise the relevant development plan.

### **Background and Main Issues**

5. Planning permission and LBC<sup>2</sup> were granted for the “Proposed conversion and extension of agricultural buildings to create a dwelling”. I saw that the buildings have not yet been converted. The permission and consent relate to a number of single storey former stables and other farm buildings arranged broadly in a courtyard. The northern and southern buildings would be linked together by a narrow partially glazed link that would act as the entrance hall. The proposal would create a one dwelling.
6. The original planning permission was granted subject to a number of conditions and condition 2 lists the plans to be complied with. The appellant has sought to amend condition 2 to substitute new plans that would include the conversion of a third and separate agricultural building (the third building) to the south of the approved buildings. The third building would be linked to the approved conversion scheme by a link and would provide additional living accommodation to the already approved single dwelling.
7. The Council’s first reason for refusal was that this change and conversion of the third building would go beyond the scope of the original planning permission and what would be permissible under an application submitted under s73 of the Act.
8. The Council’s second reason for refusal was that the works involved to convert the third building would require major reconstruction and go beyond what Local Plan Policy DP22 would support. To support their appeal, the appellant has submitted an updated Structural Report as well as a draft Structural Appraisal<sup>3</sup> that was undertaken for the original permission that did include the ‘third building’ (referred to as Barn 7 in the Appraisal). In its appeal statement the Council refers to the report finding the building ‘suitable for conversion to domestic accommodation’ and comments that whilst this may satisfy the second reason for refusal, the first reason for refusal remains. The appellant has interpreted this to mean that the second refusal reason has now been overcome by the updated Structural Appraisal. I have no reason to come to a different conclusion on this matter. In light of this I have confined my considerations to the first reason for refusal.
9. In light of this, the main issue in this appeal is whether the proposed variation of condition 2 falls within the scope of an application made under section 73 of the Act.

### **Reasons**

10. Section 73 of the Act allows for the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted. Section 73(2) makes clear that only the question of the conditions shall be considered. A s73 application cannot be used to change the description of development.
11. The Planning Practice Guidance (PPG) includes advice on “Flexible options for planning permissions”. This has been updated to reflect the High Court’s findings

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<sup>2</sup> 2021/0252/FUL and 2021/0253/LBC granted 6 June 2022

<sup>3</sup> Report produced by DHD Structures dated 17 July 2019

in *Armstrong*<sup>4</sup>. As a result, the PPG no longer refers to a s73 application being a way to seek a “minor material amendment”. Instead the updated PPG advice<sup>5</sup> states that “*an application made under s73 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission*”. The advice goes on to state that a s73 cannot be used to change the description of the development<sup>6</sup>.

12. The original description referred to the conversion of ‘agricultural buildings’ in the plural without specifying or describing which ones. There is no dispute between the parties that substitution of the plans to include the third building would not affect the description of the development, the operative part of the permission, as there would still be only one dwelling proposed.
13. However, the Council maintains the proposal would go beyond the scope of the ‘minor amendments’ allowed under s73. However as in the case of *Armstrong* the judge found that the wording of s73 in the Act makes no reference or mention of amendments or that they need to be minor - in fact there is no limit on the degree of change permissible to conditions under a s73 application, hence the amendments that were made to the advice in the PPG detailed above. There is only the requirement to consider the conditions.
14. I am informed that the building the subject of this appeal was included within the original previous permission in that there were full drawings relating to all of the site. I infer from this that the third building was therefore included within the red line boundary of the application site of the original planning permission, although I have not been provided with the plans that were approved as part of the original permission.
15. The proposed replacement plans show a link to the third building to allow access to it from within the already approved conversion. There are also floor plans, elevations and sections that show how the third building would be integrated with the approved scheme to provide additional living accommodation.
16. The appellant’s Planning Statement and other documentation submitted with the original planning application may well have specified which buildings were intended for conversion and added context to the proposal that would have informed the Council’s approach and decision. However, these documents are supporting documents and do not form part of the operative part of the permission.
17. The proposed substitution of the plans would not change the description of the development. Under s73 there is no requirement for the changes to be minor, and no limit to the degree of change. I therefore find the proposal to vary condition 2 and substitute new plans incorporating a third building would fall within the scope of a s73 application.

## Conditions

18. If a s73 appeal is allowed, the original permission is not at risk and remains intact and unaltered, and a new planning permission is created. The appellant can

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<sup>4</sup> *Mikael Armstrong v SSLUHC v Cornwall Council* [2023] EWHC 142

<sup>5</sup> PPG paragraph: 013 Reference ID: 17a-013-20230726

<sup>6</sup> PPG paragraph :014 Reference ID: 17a-014-20140306

choose which permission, if any, to implement. The PPG advises that the new permission should restate the conditions imposed on the earlier permission that continue to have effect.

19. The parties have provided an agreed update of the conditions that still have effect and those that have been discharged, as well as previous conditions 9 and 10 that are covered by other legislation. Those conditions that have been discharged are worded to reflect the details that have been agreed. The time limit for beginning the development must run from the date of the original permission, so I have added that to condition 1.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should succeed.

*K Stephens*  
INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the 6 June 2022.  
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.
- 2) This decision relates to the following drawings: PO1B, PO2B, PO3B, PO4B, PO5B, PO6B, PO7B, PO8B, PO9B, P10B, P11B, P12B, P13B  
Reason: To define the terms and extent of the permission.
- 3) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.  
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3, DP7 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 4) No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.  
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3, DP7 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 5) No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections,

profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3, DP7 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 6) No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3, DP7 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 7) No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) size, species and positions for new trees and plants,
  - b) boundary treatments,
  - c) surfacing materials (including roadways, drives, patios and paths),
  - d) any retained planting and
  - e) a detailed programme of implementation.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 8) No occupation of the dwelling shall commence until the agricultural building shown in red on drawing number PO4B has been demolished and the site cleared to provide parking in connection with the development hereby approved and as shown on drawing PO5B. The parking shall thereafter be retained permanently.

Reason: To ensure the provision of an appropriate setting to the development and to provide satisfactory amenity for the occupiers and the provision of safe parking in accordance with Policy DP1, DP3, DP4, DP7 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 9) The development hereby approved shall be carried out in accordance with the following details in relation to surface water drainage including infiltration testing: Drainage report by SLR Consulting Ltd dated 09.04.24 project no. 416.065225.00001 but excluding the Drainage Layout referenced in Appendix E of that document and revised Drainage Layout drawing 416.065255.00001\_DL\_01 Rev PO3 received 12.02.25 as approved by the LPA in its decision notice 2024/2054/APP dated 10 March 2025.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework.

- 10) The development hereby approved shall be carried out in accordance with those details in relation to foul drainage comprising drainage report by SLR Consulting Ltd dated 09.04.24 project no. 416.065225.00001 but excluding the Drainage Layout referenced in Appendix E of that document received 12.11.24 and revised Drainage Layout drawing 416.065255.00001\_DL\_01 Rev PO3 received 12.02.25 as approved by the LPA in its decision notice 2024/2054/APP dated 10 March 2025.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in accordance with Development Policy DP8 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 11) The development hereby approved shall be carried out in accordance with the details comprising Application form, European Protected Species Licence, and report from Nash Ecology dated 23.10.24 in accordance with those details approved by the LPA in its decision notice 2024/2054/APP dated 10 March 2025.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 12) The development hereby approved shall be carried out in accordance with the following details relating to replacement of bat roosts: photos showing position of bat house and bat boxes received 20.01.25 in accordance with those details approved by the LPA in its decision notice 2024/2054/APP dated 10 March 2025.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy DP5 and DP6 of the Mendip Local Plan.

- 13) The development hereby approved shall be carried out in accordance with those details in relation to reptiles and amphibians comprising report from Nash Ecology dated 23.10.24 in accordance with those details approved by the LPA in its decision notice 2024/2054/APP dated 10 March 2025.

Reason: In the interests of the strict protection of UK protected and priority species and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 14) No removal of trees, hedges or shrubs or demolition of buildings or structures that impact nesting birds shall take place between 1 March and 30 September inclusive unless a scheme to protect any nesting birds has been submitted to and approved in writing by the Local Planning Authority. No works that would impact nesting birds shall be undertaken between 1 March and 30 September inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 15) No external lighting shall be erected or provided on the site until a “lighting design for bats” has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed, operated, and maintained in accordance with the specifications and locations set out in the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 16) No development shall take place until all trees and hedgerows are protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. The habitat situated to the west, adjacent to the development which is registered as under the Priority Habitat Inventory as Traditional Orchards shall be protected by a 10m buffer, marked by Heras fencing prior to works commencing. No materials or plant should be allowed within the buffer zone.

Reason: To ensure that the trees are protected from potentially damaging activities and in the interests of maintaining important habitat in accordance with Policy DP1 and DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and BS 5837:2012, advice contained within the National Planning Policy Framework 2021 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018.

- 17) Within 3 months of the commencement of development a scheme for provision for nesting swallows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of the provision, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, along with the erection of two artificial nest cups within. The approved scheme will be implemented in full and retained thereafter.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

- 18) No occupation shall commence until the following have been installed within the application site:

- a) One Schwegler 2F bat boxes or similar will be mounted at least 4m high above ground level on the south or east facing aspects of trees and maintained thereafter.
- b) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.

- c) Two log piles as a resting place for reptiles and or amphibians constructed on the southern boundary.
- d) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, “RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)” provides a list of suitable plants both native and non-native.
- e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling.

The bat box and bird box shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework.

**End of conditions**



# PILTON PARISH COUNCIL

## Burial Ground Working Group (BGWG) Terms of Reference

### **Purpose:**

To check the Pilton Burial Ground monthly for maintenance issues including stability of gravestones, arboreal maintenance, clearance of debris and general maintenance issues. To make recommendations to Pilton Parish Council (PPC) on maintenance requirements and to liaise with the Burial Ground grounds man to implement PPC decisions.

### **A - Responsible for:**

1. Reporting to and implementing the decisions of PPC that relate to the BGGWG.
2. Reporting to PPC any requirements for equipment required to fulfil maintenance of the Pilton Burial Ground.

### **B - Membership:**

1. At least one Parish Councillor, who will be nominated by PPC at the Annual Council meeting.
2. Non-councillors may be invited to join the BGGWG by PPC at any time or at the Annual Council meeting, to provide relevant knowledge and expertise.
3. Quorum shall be three or one third of the membership, whichever is greater.
4. Membership of the BGGWG may be changed at any meeting of PPC.

### **C - Meetings:**

1. Meetings as and when required.
2. The first meeting of BGGWG shall nominate a Chair and a note taker.
3. The BGGWG is a non-decision making body however decisions can be made by consensus or by majority of those appointed members present prior to referring proposals to Full Council for approval.
4. All recommendations will be referred to the PPC Clerk for approval by PPC.

Adopted: May 2023 | Reviewed: May '24

## **COMMUNITY PLAN STEERING GROUP TERMS OF REFERENCE**

The Community Plan Steering Group (“the Steering Group”) is a working group of Pilton Parish Council (“the Council”).

### **1. Membership**

Membership of the Steering Group shall constitute up to 3 members of the Council and up to 6 members of the community who are not also members of the Council.

Membership of the Steering Group shall be agreed by the Council.

All members of the Steering Group will be required to act in accordance with the Council’s Code of Conduct.

### **2. Steering Group Chairperson**

A chairperson will be appointed by the members of the Steering Group at its first meeting.

The chairperson may be a councillor or a community member.

The chairperson will be the main point of contact for the Steering Group and will convene and chair meetings.

Should the chairperson of the Steering Group not be a member of the Council, a lead councillor will be appointed by the Council to provide updates at Council meetings.

### **3. Quorum of the Steering Group**

3 members of the Steering Group shall constitute a quorum of the Community Plan Steering Group of which 1 must be a member of the Council and 1 must be a member of the community, the third may be either a member of the Council or the community.

If the number of members present (not including those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned, and any business not transacted shall be transacted at the next meeting.

### **4. Meetings**

Meetings shall be held as required and copies of the notes of the meetings shall be circulated to the full Council.

Meetings of the Steering Group shall be open to the public unless a valid reason is given for excluding the public. Members of the Council and the public may speak at the discretion of the chairperson of the Steering Group.

## **5. Decision making**

The Steering Group is a working group of the Council. It cannot make decisions or speak on behalf of the Council. Any recommendations made by the Steering Group will be subject to approval by the Council or, under delegated authority, by the clerk to the Council.

As a Working Group, the Steering Group may not have a budget ~~shall have a budget~~. The Council has a budget of £500 towards Community Review expenditure, which is exercised through delegation by the clerk. Any additional expenditure should be agreed at a meeting of the Council. In all cases, the Council's Financial Regulations will be applied.

Members of the Steering Group will discuss matters with the aim of reaching a consensus. If, after full discussion, consensus cannot be achieved, the differing views will be recorded in the notes of the meeting and communicated to the Council.

## **6. Purpose and scope**

The purpose of the Steering Group is to work with the residents of the parish of Pilton to produce a Community Plan.

The aims of the Community Plan are:

- to involve and engage local people in identifying and addressing local needs;
- to give direction to the Council in deciding where its priorities should lie; and
- to provide a mandate to the Council for spending local council tax-payers money.

## **7. Responsibilities**

The Steering Group shall have the following responsibilities:

- a) To ensure that, as far as is reasonable, all households and organisations that have expressed an interest in being involved with the production of the Community Plan have the opportunity to contribute to it.
- b) To work with the CCS team in accordance with the agreement made between CCS and the Council.
- c) To cover the costs of any printing, venue hire, event, postage or any aspect of producing a Community Plan that falls outside of the support provided by CCS.

- d) To keep residents informed of its activities by regularly publishing news in local media and by providing regular updates at meetings of the Council or its committees
- e) To make recommendations to the Council on any matter that require a decision by the Council.

## **8. Reporting**

The Steering Group shall report in writing to the Council or a relevant committee of the Council as and when necessary.

## **9. Life of the Steering Group**

Once the Community Plan has been approved and adopted by the Council, the Steering Group will be disbanded.

## **10. Review**

These terms of reference should be reviewed by the Council at its annual meeting, or earlier if deemed necessary.

# PILTON PARISH COUNCIL

## TRAFFIC PLAN WORKING GROUP

### TERMS OF REFERENCE

#### 1. Aims and Objectives

- 1.1 The objective of the Traffic Plan Working Group (TPWG) is to determine whether there is a need for better road safety measures within the parish of Pilton, whether such measures are desired by the resident community and to make recommendations to the Parish Council.
- 1.2 In order to fulfil the above objectives the TPWG will complete at least the following tasks:
  - a) Survey of the resident population of Pilton to ascertain their concerns regarding road traffic safety in the parish (if any);
  - b) Benchmarking exercise with other villages in similar locations regarding available road safety measures;
  - c) Gather evidence supportive of any recommendation for improved road safety measures through the use of videos, photos and data from the Community Speedwatch Co-ordinator;
  - d) Liaison with and lobbying of other authorities such as Somerset Council

#### 2. Members

- 2.1 Councillor members: At least one Parish Councillor appointed by Full Council initially at formation and thereafter annually at the Annual Parish Council Meeting if required.
- 2.2 Members of the Public may be invited to join the TPWG at any time by Full Council and/or appointed at the Annual Full Council Meeting.

#### 3. Quorum

- 3.1 Quorum shall be three or all members appointed, whichever is greater.

#### 4. Voting

- 4.1 The TPWG is a non-decision making body however decisions can be made by consensus or by majority of those appointed members present prior to referring proposals to Full Council for approval.

#### 6. Chairperson

- 6.1 The Chairperson of the TWG is to be elected annually at the first meeting after appointment at the Annual Full Council Meeting.

#### 7. Reports

- 7.1 Formal minutes are not required of TWG meetings but notes should be taken and forwarded to the Parish Clerk

**Pilton Parish Council**  
**Fixed Assets and Long Term Investments**

<b>Asset Description</b>	<b>Date Acquired</b>	<b>Purchase Value</b>	<b>Current Value</b>	<b>Location /Responsibility</b>	<b>Estimated Life</b>	<b>Usage/Capacity</b>	<b>Charges</b>
Asus Notebook Laptop	July 2022	479.99					
Bus Shelter		6,272.97					
Dog waste / litter bins	October 2011	751.20					
Finger post	January 2016	2,442.36		Toll Cottage, Conduit Squ			
Fingerpost	November 2018	1,722.00		Village Hall, St Mary's La			
Mower		400.00					
Petrol Mower Masport 600series Serial no. 843	March 2021	450.00					
Printer Epsom WF2830	April 2024	50.00					
Strimmer Tanaka TBC231		419.01					
War Memorial	2014	12,180.53	30,000.00				
War Memorial Plaque	March 2018	122.20					
		<b>25,290.26</b>	<b>30,000.00</b>				
<b>Payments</b>							
Burial Ground Fence	29/04/2024	2,133.34					
		<b>2,133.34</b>					
<b>Grand Total:</b>		<b>27,423.60</b>	<b>30,000.00</b>				

**The Somerset Association of  
Local Councils Ltd**

Town Hall, Market Place  
Wells  
Somerset  
BA5 2RB  
info@somerset-alc.org.uk  
www.somerset-alc.org.uk



**INVOICE**

INVOICE TO  
Pilton Parish Council  
clerk@piltonparishcouncil.org  
Wells, Somerset BA5 3QJ GBR

INVOICE 2008  
DATE 10/04/2025  
TERMS Net 60  
DUE DATE 09/06/2025

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Somerset Association of Local Councils Ltd Affiliation Fee	affiliation fees 25/26 based on 1144 electorate	1	544.72	544.72
Payment to the National Association of Local Councils		1	95.41	95.41

BALANCE DUE **£640.13**

Please make payment to Somerset Association of Local Councils Limited

For BACS: Sort Code 60-83-01 Account No 20444015

For Cheques: Please clearly state the invoice number to which the payment relates and post to the following address:  
Town Hall, Market Place, Wells, Somerset, BA5 2RB

**PILTON PARISH COUNCIL**  
**STANDING ORDERS 2018 (ENGLAND)**  
**AS UPDATED BY NALC APRIL 2022**

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## **INTRODUCTION**

This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

### **How to use model standing orders**

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

### **Drafting notes**

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this '( )' requires information to be inserted by a council. A model standing order that includes brackets like this '[ ]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

# 1. RULES OF DEBATE AT MEETINGS

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

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he/she/they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 2 minutes without the consent of the chair of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

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

## 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 2 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he/she/they gave an original vote.**

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

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

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

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

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

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

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

- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

x A meeting shall not exceed a period of 2 hours.

#### **4. COMMITTEES AND SUB-COMMITTEES**

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

xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

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



**resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.

- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chair of a committee does not call an extraordinary meeting within 30 days of having been requested to do so by 5 members of the committee, any 5 members of the committee may convene an extraordinary meeting of the committee

## **7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

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

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

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;

- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## **11. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

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

## 12. DRAFT MINUTES

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

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

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

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- 
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 13. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest.

He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.

- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## 14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the

Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.

- b If, upon receiving a complaint that a councillor or non- councillor with voting rights has allegedly breached the Council's code of conduct, where the Unitary Council that is dealing with the complaint finds that no breach has occurred, the outcome will be reported to Council by the Proper Officer, however the substance of the complaint will not be reported to Council.
- c Any discussion by Council of an alleged or proven breach of the Council's code of conduct will be held in confidential session.
- d Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- e The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- f **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 15. PROPER OFFICER

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

**extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
*(see also standing order 23);*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chair or in his absence the Vice-Chair (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary



- meeting of the Council;
- xvi. manage access to information about the Council via the publication scheme; and
  - xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also *standing order 23*).

## **16. RESPONSIBLE FINANCIAL OFFICER**

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

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

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

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

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£30,000** including VAT due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 including VAT but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the

- prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 19. HANDLING STAFF MATTERS

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

an informal or formal grievance matter raised by the Parish Clerk/RFO relates to the chair or vice-chair of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.

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

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

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

OR

*[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **22. RELATIONS WITH THE PRESS/MEDIA**

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

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

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

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

## **24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

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

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to

inspect; or

- ii. issue orders, instructions or directions.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

# **MODEL FINANCIAL REGULATIONS FOR LOCAL COUNCILS**

This Model Financial Regulations template was produced by the National Association of Local Councils (NALC) in April 2024 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

## PILTON PARISH COUNCIL FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on **[enter date]**.



## 1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - "Approve" refers to an online action, allowing an electronic transaction to take place.
  - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 'Proper practices' means those set out in *The Practitioners' Guide*
  - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
  - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
  - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and control systems;
  - ensures the accounting control systems are observed;
  - ensures the accounting records are kept up to date;
  - seeks economy, efficiency and effectiveness in the use of council resources; and
  - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
  - **the outcome of a review of the effectiveness of its internal controls**
  - **approving accounting statements;**
  - **approving an annual governance statement;**
  - **borrowing;**
  - **declaring eligibility for the General Power of Competence; and**
  - **addressing recommendations from the internal or external auditors**
- 1.7. In addition, the council shall:
- determine and regularly review the bank mandate for all council bank accounts;
  - authorise any grant or single commitment in excess of [£5,000]; and

## **2. Risk management and internal control**

- 2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.2. The Clerk shall prepare, for approval by [the council], a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.
- 2.3. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.
- 2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. **The accounting control systems determined by the RFO must include measures to:**
- **ensure that risk is appropriately managed;**
  - **ensure the prompt, accurate recording of financial transactions;**
  - **prevent and detect inaccuracy or fraud; and**
  - **allow the reconstitution of any lost records;**
  - **identify the duties of officers dealing with transactions and**
  - **ensure division of responsibilities.**
- 2.6. At least once in each **six months {formerly each quarter}**, and at each financial year end, a member other than the Chair or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.
- 2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall

put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

### **3. Accounts and audit**

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
  - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
  - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return (AGAR).
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
  - is competent and independent of the financial operations of the council;
  - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
  - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - has no involvement in the management or control of the council

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

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

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

#### 4. Budget and precept

4.1. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council or relevant committee.

4.3. No later than **December** each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments for the following financial year **{along with a forecast for the following [three financial years]}**, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. **{Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.}**

4.5. N/A Each committee (if any) shall review its draft budget and submit any proposed amendments to the council {finance committee} not later than the end of [November] each year.

4.6. The draft budget and **[three-year]** forecast, including any recommendations for the use or accumulation of reserves, shall be considered by **the Finance Triad and a recommendation made to** the council.

- 4.7. Having considered the proposed budget and [three-year] forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.
- 4.8. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.9. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation (“the Legislation”), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed [£60,000] including VAT, the Clerk shall {seek formal tenders from at least [three] suppliers agreed by [the council]} **OR {advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation}. Tenders shall be invited in accordance with Appendix 1.**
- 5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation<sup>1</sup> regarding the advertising of**

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<sup>1</sup> The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

**contract opportunities and the publication of notices about the award of contracts.**

- 5.8. For contracts greater than [£3,000] excluding VAT the Clerk shall seek at least [3] fixed-price quotes;
- 5.9. where the value is between £600 and [£3,000] excluding VAT, the Clerk shall try to obtain 3 estimates {which might include evidence of online prices, or recent prices from regular suppliers.}
- 5.10. For smaller purchases, the clerk shall seek to achieve value for money.
- 5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. specialist services, such as legal professionals acting in disputes;
  - ii. repairs to, or parts for, existing machinery or equipment;
  - iii. works, goods or services that constitute an extension of an existing contract;
  - iv. goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council. Avoidance of competition is not a valid reason.
- 5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:
- the Clerk, under delegated authority, for any items below £600 excluding VAT.
  - the Clerk, in consultation with the Finance Triad for any items below [£2,000] excluding VAT.
  - {a duly delegated committee Finance Triad? of the council for all items of expenditure within their delegated budgets for items under [£5,000] excluding VAT}
  - the council for all items over [£5,000];
- Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.
- 5.16. No individual member, or informal group of members may issue an official order {unless instructed to do so in advance by a resolution of the council} or make any contract on behalf of the council.
- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.

- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to [£2,000] excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Finance Triad as soon as possible and to the council as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless [the council] is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order or letter shall be issued for all work, goods and services {above [£250] excluding VAT} unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the RFO.

## 6. Banking and payments

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Lloyds Bank. The arrangements shall be reviewed [annually] for security and efficiency.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO. {Where the certification of invoices is done as a batch, this shall include a statement by the RFO that all invoices listed have been 'examined, verified and certified' by the RFO}.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by online banking/cheque, in accordance with a resolution of the council {or a delegated decision by an officer}, unless the council resolves to use a different payment method.
- 6.6. For each financial year [the RFO] may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National

Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the council may authorise in advance for the year.

- 6.7. A copy of this schedule of regular payments shall be signed by [two members] on each and every occasion when payment is made - to reduce the risk of duplicate payments.
- 6.8. A list of such payments shall be reported to the next appropriate meeting of the council for information only.
- 6.9. The Clerk and RFO shall have delegated authority to authorise payments {only} in the following circumstances:
  - i. any payments of up to £600 excluding VAT, within an agreed budget.
  - ii. payments of up to [£2,000] excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
  - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 {or to comply with contractual terms}, where the due date for payment is before the next scheduled meeting of the council, where the Clerk 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.
  - iv. Fund transfers within the council's 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.
- 6.10. The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify [a number of] councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.
- 7.2. All authorised signatories shall have access to view the council's bank accounts online.
- 7.3. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.



- 7.4. The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to two authorised signatories, **members of the Finance Triad**.
- 7.5. In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.
- 7.6. Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained showing which members approved the payment online.
- 7.8. A full list of all payments made in a month shall be provided to the next council meeting and appended to the minutes.
- 7.9. With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are **[signed/approved online]** by **[two authorised members]**. **Note Lloyds Bank does not have this facility**. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
- 7.10. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.11. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed **{or approved online}** by **[two members]**, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
- 7.12. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk and **[the Finance Triad Lead]**. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every **[two years]**.
- 7.13. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.14. Remembered password facilities other than secure password stores requiring separate identity verification should not be used on any computer used for council banking.

## **8. Cheque payments**

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members.

- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4. Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting}. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

## **9. Payment cards**

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk/ RFO and will also be restricted to a single transaction maximum value of £600 unless authorised by council in writing before any order is placed.
- 9.2. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.
- 9.3. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/RFO and any balance shall be paid in full each month.
- 9.4. Personal credit or debit cards of members or staff shall not be used except for expenses of up to [£250] including VAT, incurred in accordance with council policy.

## **10. Petty Cash**

- 10.1. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk/RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **11. Payment of salaries and allowances**

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Councillors' allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account

or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the Finance Triad to ensure that the correct payments have been made.

11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

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

## **12. Loans and investments**

12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.

12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

12.4. All investment of money under the control of the council shall be in the name of the council.

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

12.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

## **13. Income**

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

13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the council.

13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.

13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

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

13.6. The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.

#### **14. Payments under contracts for building or other construction works**

14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

14.2. Any variation of, addition to, or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

#### **15. Stores and equipment**

15.1. The Clerk shall be responsible for the care and custody of stores and equipment.

15.2. 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.

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

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

#### **16. Assets, properties and estates**

16.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.

16.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £600. In each case a written report shall be provided to council with a full business case.

## **17. Insurance**

- 17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 17.2. The Clerk shall give prompt notification to the Council of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers.
- 17.4. 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.

## **18. [Charities]**

- 18.1. Where the council is sole managing trustee of a charitable body the Clerk / 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.]

## **19. Suspension and revision of Financial Regulations**

- 19.1. The council shall review these Financial Regulations annually and following any change of Clerk / RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 19.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 19.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

## **Appendix 1 - Tender process**

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 18, Financial Controls and Procurement, and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## Financial Risk Management template from the Joint Panel for Accountability and Governance (JPAG)

### Practitioner's Guidance

Pilton Parish Council — Financial Risk Management Record 2025/26

Risk area	Risk identified	Level of risk (H/M/L)	Management of risk	Action required	Review date
<b>Section one: Areas where there may be scope to use insurance to help manage risk</b>					
Property and contents owned by the council	Loss or damage	H	An up-to-date register of assets and investments	Review annually by council, annually by IA Check website list correct as of May 2025	May Full Council 2026
Damage to third party property or individuals	Public liability	H	Property maintenance and insurance cover. Playing Field inspections managed and maintained by the PFT. Weekly inspections are required by the insurer for play ground equipment	Insurance held with BHIB, renewal date of 23 March 2025, reviewed by council on 1 May 2024 and by IA. <b>Remove this line May 2025 - Playing Field Insurance now held by the Playing Field Trust</b>	April Full Council 2025
Consequential loss of income or the need to provide essential services following critical damage, loss or non-performance by a third party	Public liability	H	Annual review of risk and the adequacy of cover	Value of insurance £10,000,000, held with Clear, reviewed annually by council in March and by IA	March Full Council 2026
Loss of cash through theft or dishonesty	Fidelity guarantee	L		Level £100,000, with Clear internal controls checked by council in April 2024 and IA	March Full Council 2026
Cyber Attack	Loss of data, damage or distress covered relevant to Data Protection Act, as is cyber crime.	H	insurance includes business continuity	Files backed up to cloud. Clear provide Data Protection cover up to £1,000,000	March Full Council 2026
Legal liability as a consequence of asset ownership	Public liability	H	Property maintenance and insurance cover	Level of cover £250,000, renewal date 23 March 2026, mtce schedule reviewed <b>April 2024?</b> , inspection regime by Full Council	March Full Council 2026
<b>Section two: Working with others to help manage risk</b>					

Security for vulnerable buildings, amenities or equipment	Bus Shelter - Vehicle damage, vandalism. War Memorial - vandalism, accidental damage -trees. Burial Ground - Hedge/Fence/Gate damage. ASBO equipment - theft, vandalism . Office equipment - theft.	L	Repurchase of equipment is allocated in the reserves. ASBO equipment is stored in locked, private, discrete building adjacent to domestic house. Location is not revealed outside of the ASBO group. Office equipment is stored at registered Parish Council address - lap top has antivirus software - passwords are kept separate to the computer and held in sealed envelope by the Chair.	Inspection regime – councillors and Clerk / ASBO equipment is inspected routinely during working season - inspected during maintenance periods out of season routinely by house owner. reviewed April 2024, reporting systems ???	Annually
The provision of services being carried out under agency/partnership agreements with principal authorities	Standing orders and financial regulations dealing with the award of contracts	L		Reviewed by council annually (Last Review: Standing Orders Nov 2022, Financial Regulations Sep 2022) by IA all partner's risk assessed and multiple quotes obtained and compared in minutes	May Full Council 2023



Banking arrangements, including borrowing or lending	Detect and deter fraud or corruption	L	Administered by the RFO. Cheques require 2 of 3 signatories to sign. Up to £500 BACs or Cheque approved by Chair and Clerk (V Chair if Chair unavailable). Over £500 approved at Full Council. BACs payments over £500 requiring immediate payment - approved by email to the signatories.	Financial regulations and IA review in May 2024.	May Full Council 2025
Ad hoc provision of amenities/facilities for events to local community groups	Public Liability	L		Pilton Playing Fields Trust to ask all for hirers insurance, financial regulation, incl. Liquor licence where appropriate.	Delete this line
Vehicle or equipment lease or hire		L	Council does not hire vehicle or equipment	Hire from reputable companies, monitor by council	Council does not lease equipment of vehicles
Trading units (leisure centres, playing fields, burial grounds, etc.)	External contractors for maintenance	L		Burial Ground staff used – budget monitoring, employment law followed personal accident covered by Clear insurance	March Full Council 2026
Professional services (architects, accountancy, design, etc.)	Standing orders and Financial regs deal with the awarding of contracts	L		County association for legal or use SLCC IA reviewed regularly, others based on best available advice reviewed May 2025	May-26
<b>Section three: Self-managed risk</b>					
Proper financial records	In accordance with statutory requirements	L		Review <b>quarterly change to six monthly</b> by Internal Review Officer and Cllrs, annually and by IA	October Full Council 2025

Business activities	Ensuring that they are within the legal powers of councils	L		IA review on receipt and at half year and regular reference to legislation and guidance.	Ongoing
Borrowing	Complying with restrictions	L		IA review and council checked on ****	No borrowing undertaken
Employment law and Inland Revenue regulations	Ensuring that requirements are met	L		IA review and use bureau May 2025	May-26
VAT	Ensuring that requirements are met under HMRC regulations	L		IA review and advice taken as needed from SALC and SLCC	May-26
Annual precept	Ensuring adequacy within sound budgeting arrangement	L		IA review and budget published on web on Jan 2025	Nov-26
Monitoring of performance		L		Councillors review budget quarterly at dates in January, April, July, October and policies annually	Jul-26
Grants	Ensuring proper use of funds granted to local community bodies under specific powers, s137 or GPC	L		All grants based on approved form (last updated May25) and supporting information, minuted and checked by IA	May-26
Council minutes	Proper, timely and accurate reporting of council business in the minutes	L		Posted on website for public to see With full agenda packs as per Transparency Code and IA review	Monthly
Rights of inspection		L		Website / policies updated according to Policy Review Schedule	Policy Review Schedule to be drawn up
Document control	Proper systems	L		Policies approved and published after review	Published when reviewed
Register of Members' Interests and Gifts and Hospitality	In place, complete, accurate and up-to-date	L		IA and Somerset Council review web links checked Jan 2025	Kept on file where Councillors have provided copy to clerk. Now available on the new Somerset site

Compliance with Transparency Code		L		Stay up to date with legislative changes May 25	To be reviewed May 26
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Signed by Chair

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Date

01-May-25  
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# Pilton Parish Council

## Code of Conduct

### Introduction

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

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

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

### Definitions

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

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

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

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

### Purpose of the Code of Conduct

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

## General principles of councillor conduct

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

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

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

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

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

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

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

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

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

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

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

The Monitoring Officer will be able to advise on any matters that relate to the Code of Conduct.

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

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

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

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

##### **2.1 I do not bully any person.**

##### **2.2 I do not harass any person.**

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications

and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

**3. Impartiality of officers of the council**

**As a councillor:**

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

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

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- 4.1.a. given to me in confidence by anyone**
- 4.1.b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - 4.1.b.i. I have received the consent of a person authorised to give it;**
  - 4.1.b.ii. I am required by law to do so;**
  - 4.1.b.iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - 4.1.b.iv. the disclosure is:**
    - 4.1.b.iv.1. reasonable and in the public interest; and**
    - 4.1.b.iv.2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 4.1.b.iv.3. I have consulted the Monitoring Officer prior to its release.**

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

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

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

### **5. Disrepute**

**As a councillor:**

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

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

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

### **6. Use of position**

**As a councillor:**

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

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

### **7. Use of local authority resources and facilities**

**As a councillor:**

#### **7.1 I do not misuse council resources.**

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

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



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

Examples include:

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

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

## **7B Consideration of advice**

**As a councillor:**

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

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

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

## **8. Complying with the Code of Conduct**

**As a Councillor:**

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

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

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

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

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

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

## Protecting your reputation and the reputation of the local authority

### 9. Interests

#### As a councillor:

##### **9.1 I register and disclose my interests.**

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

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

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

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

### 10. Gifts and hospitality

#### As a councillor:

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

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

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

## Appendices

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

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

#### **Integrity**

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

#### **Objectivity**

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

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

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

## Appendix B Registering interests

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

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

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

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

### Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### Disclosure of Other Registrable Interests

5. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registrable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registrable Interests

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

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

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

In the event that your non-registerable interest relates to -

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

## Table 1: Disclosable Pecuniary Interests

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

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

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

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

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

**Table 2: Other Registrable Interests**

of which you are a member or in a position of general control or management

## Appendix C

### Guidance on Bias and Predetermination –This does not form part of the Code of Conduct

- Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you may participate in a decision on the issue in your political role as a councillor. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a ‘closed mind’ approach and likely to leave a decision susceptible to challenge by Judicial Review. Whereas being predisposed on a matter is acceptable provided you remain open to listening to all the arguments and changing your mind in light of all the information presented at the meeting.
- Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- In the circumstances, when making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.
- As a councillor you will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that you were biased. If you have predetermined your position, you should withdraw from being a member of the decision-making body for that particular matter.



The following complaints procedure should be read in conjunction with NALC Legal Topic Note 9E and should not be used for complaints against an individual.

## **COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL**

### **PILTON PARISH COUNCIL**

**The following procedure has been adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration. Clear guidance on handling complaints has been produced by the Local Government Ombudsman and can be access from the publications page of the LGO website ([www.lgo.org.uk](http://www.lgo.org.uk)).**

**This procedure does not cover complaints about the conduct of a Member of the Parish Council. Such complaints should be made through Somerset Council to the Monitoring Officer.**

#### **Before the Meeting**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer. If the complaint is only notified orally to a councillor, or to the clerk to the council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. Within 10 working days the clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. Within two months the complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence 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**

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii) members.

9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer 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.
12. The clerk or other nominated officer 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**

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

# PILTON PARISH COUNCIL

[clerk@piltonparishcouncil.org](mailto:clerk@piltonparishcouncil.org)

## **EMAIL CONTACT PRIVACY NOTICE**

### **When you contact us**

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services. Your personal information will be not shared or provided to any other third party.

### **The Councils Right to Process Information**

General Data Protection Regulations Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject or

Processing is necessary for compliance with a legal obligation or

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

### **Information Security**

Pilton Parish Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested.

### **Retention**

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Pilton Parish Council at any time).

### **Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

### **Access to Information**

You have the right to request access to the information we have on you. You can do this by contacting The Clerk.

### **Information Correction**

If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. Please contact The Clerk, to request this.

### **Information Deletion**

If you wish Pilton Parish Council to delete the information about you, please contact The Clerk, to request this.

### **Right to Object**

If you believe that your data is not being processed for the purpose it has been collected for, you may object. Please contact The Clerk, to object.

### **Rights Related to Automated Decision Making and Profiling**

Pilton Parish Council does not use any form of automated decision making or the profiling of individual personal data.

### **Complaints**

If you have a complaint regarding the way your personal data has been processed you may make a complaint to The Clerk, Pilton Parish Council or the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 (local rate) or 01625 545745, Email: [casework@ico.org.uk](mailto:casework@ico.org.uk).

### **Summary**

In accordance with the law:

Pilton Parish Council only collects a limited amount of information about you that is necessary for correspondence, information and service provision.

Pilton Parish Council does not use profiling nor does it sell or pass your data to third parties.

Pilton Parish Council does not use your data for purposes other than those specified.

Pilton Parish Council makes sure your data is stored securely.

Pilton Parish Council deletes all information deemed to be no longer necessary.

Pilton Parish Council constantly reviews its Privacy Policies to keep it up-to-date in protecting your data.

# Pilton Parish Council

## Social Media Policy

### 1. Policy statement

- 1.1. This policy is intended to help councillors and council staff make appropriate decisions about the use of social media such as emails, blogs, wikis, social networking websites, podcasts, forums, message boards, or comments on web-articles, such as Twitter, Facebook, LinkedIn and other relevant social media websites.

The council will encourage the use of social media for the purposes of:

- providing and exchanging information about services;
  - supporting local democracy;
  - gathering citizen insights and managing citizen relationships;
  - promoting cultural events or tourism for the area;
  - supporting community cohesion, neighbourliness and resilience; and
  - creating internal communications and learning and development.
- 1.2. This policy outlines the standards the council requires councillors and staff to observe when using social media, the circumstances in which the council will monitor the use of social media and the action to be taken in respect of breaches of this policy.
- 1.3. This policy supplements, and should be read in conjunction with all other policies and procedures adopted by the council, such as the Equal Opportunities Policy, Anti-Harassment Policy, Data Protection Policy, Disciplinary Procedure, Members Code of Conduct and such like.
- 1.4. This policy does not form part of any contract of employment and it may be amended at any time.

### 2. Who is covered by this policy

- 2.1. This policy covers all individuals working at all levels with the council, including all elected and co-opted councillors, the clerk to the council and all other employees and volunteers (collectively referred to as staff in this policy).

### 3. The scope of this policy

- 3.1. The council has a corporate presence on the web and by use of email, which it uses to communicate with people who live in, work in and visit the parish. The council will always try to use the most effective channel for its communications. We may ask those who contact us for their preferred channel of communication when we deal with them.

Over time the Parish Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur this Social Media Policy will be updated to reflect the new arrangements.

The following policy should be amended to suit the council and will need to be re-visited annually to reflect changes in the council's use of social media.

- 3.2 All members and staff are expected to comply with this policy at all times to protect the reputation, privacy, confidentiality, and interests of the council, its services, employees, partners and community.
- 3.2. Serious breaches of this policy by employees may be dealt with under the Employee Disciplinary Procedure. The council may take disciplinary action in respect of unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive comments by an employee.

Breach of the policy by volunteers will result in the council no longer using their services and, if necessary, appropriate action will be taken.

Behaviour required by the Members' Code of Conduct shall apply to online activity in the same way it does to other written or verbal communication. Members will bear in mind that inappropriate conduct can still attract adverse publicity, even where the code does not apply. Remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published in a way that cannot be contained. Online content should be objective, balanced, informative and accurate. Members must be aware that their profile as a councillor means the more likely it is they will be seen as acting in an official capacity when blogging or networking.

It must be remembered that communications on the internet are permanent and public. When communicating in a 'private' group it should be ensured that the council would be content with the statement should it be made public.

#### **4. Rules for using social media.**

- 4.1 Staff and councillors must not allow their interaction on any websites or blogs to damage their working relationships with others. They must not make any derogatory, discriminatory, defamatory or offensive comments about other staff, councillors, the council or about the people, businesses and agencies the council works with and serves.
- 4.2 Posts must not contain anyone's personal information, other than necessary basic contact details
- 4.2 If staff or councillors blog or tweet personally, and not in their role as a councillor, they must not act, claim to act, or give the impression that they are acting as a representative of the council. They should not include web links to official council websites as this may give or reinforce the impression that they are representing the council.
- 4.3 All staff and councillors must ensure they use council facilities appropriately. If using a council-provided website, blog site or social networking area, any posts made will be viewed as made in an official capacity. Do not use council facilities for personal or political blogs.
- 4.4 The Council will appoint a nominated person(s) as moderator(s). They will be responsible for posting and monitoring of the content on council pages, ensuring it complies with the Social Media Policy. The moderator(s) will have authority to immediately, without notice or comment, remove any posts from the council's social media pages if they are deemed to be inflammatory or of a defamatory or libellous nature. Such post will also be reported to the Hosts (i.e. Facebook) and also the clerk for council records.

The following policy should be amended to suit the council and will need to be re-visited annually to reflect changes in the council's use of social media.

4.3 The Council will appoint a nominated "Webmaster" to maintain and update the Parish Council Website. The website may be used to:

- Post notices and minutes of meetings
- Advertise events and activities
- Post good news stories
- Link to appropriate websites or press page if those sites meet the council's expectations of conduct
- Advertise vacancies
- Retweet or 'share' information from partners i. e. Police, Library, district council, etc.
- Announce new information appropriate to the council.
- Post or Share information promoting bodies for community benefit such as schools, Scouts, sports clubs and community groups
- Post other items as the council see fit.
- Facebook and/or Twitter, etc, may be used to support the website and its information as above.

4.4 Staff and individual parish councillors are responsible for what they post. They are personally responsible for any online activity conducted via their published e-mail address, which is used for council business. Both staff and councillors are strongly advised to have separate council and personal email addresses.

4.5 All social media sites in use should be checked on a regular basis to ensure the security settings are in place.

4.6 When participating in online communication staff and councillors must;

- Be responsible and respectful; be direct, informative, brief and transparent.
- Always disclose their identity and affiliation to the council.
- Never make false or misleading statements.
- Not present themselves in a way that might cause embarrassment. They must protect the good reputation of the council.
- Be mindful of the information posted on sites and make sure personal opinions are not published as being that of the council.
- Keep the tone of comments respectful and informative, never condescending or "loud." Use sentence case format, not capital letters, do not write in red to emphasise points.
- Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or belief should not be published on any social media site.
- Avoid personal attacks, online fights and hostile communications.
- Do not post comments that you would not be prepared make in writing or face to face.
- Never name an individual third party unless you have written permission to do so.
- Seek permission to publish original photographs or videos from the persons or organisations in the video or photograph before they are uploaded. You must check that there is parental permission before photos of children are used.
- Respect the privacy of other councillors, staff and residents.
- Never post any information or conduct any online activity that may violate laws or regulations, such as libel and copyright.
- Spell and grammar check everything.

The following policy should be amended to suit the council and will need to be re-visited annually to reflect changes in the council's use of social media.

- 4.7 Residents and councillors should be aware that not all communication through social media requires a response, although an acknowledgement should be made if appropriate.
- 4.8 If a matter raised in any form of social media needs further consideration by the council it may be raised at either the open forum or as a full agenda item for consideration by a quorum of Councillors. Again the 'poster' shall be informed via the page or direct message that this is the case and invited to contact the clerk direct. Any response agreed by the council will be recorded in the minutes of the meeting.
- 4.9 Reports of any concerns regarding content placed on social media sites should be reported to the Clerk for referral to the moderator(s) and/or council as required.
5. The Policy will be reviewed annually.

END



# Pilton Parish Council

## Model Publication Scheme

1. This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.
2. This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.
3. The scheme commits an authority:
  - To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
  - To specify the information which is held by the authority and falls within the classifications below.
  - To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
  - To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
  - To review and update on a regular basis the information the authority makes available under this scheme.
  - To produce a schedule of any fees charged for access to information which is made proactively available.

Adopted by Pilton Parish Council November 2023 | Reviewed May '24  
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- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

#### 4. **Classes of Information**

**Who we are and what we do.**

Organisational information, locations and contacts, constitutional and legal governance.

**What we spend and how we spend it.**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

**What our priorities are and how we are doing.**

Strategy and performance information, plans, assessments, inspections and reviews.

**How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

**Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

**Lists and Registers.**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

**The Services We Offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

**5. The method by which information published under this scheme will be made available.**

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

**6. Charges which may be made for information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

## 7. **Written Requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

## Pilton Parish Council

### Grant Awarding Policy

#### Introduction to Policy

A grant is any payment made by the Council to be used by an organisation for a specific purpose that will benefit the Parish, or residents of the Parish, and which is not directly controlled or administered by the Council. The Council awards grants, at its discretion, to Parish organisations which can demonstrate a clear need for financial support to benefit the Parish by:

- Providing a service
- Enhancing the quality of life
- Improving the environment
- Promoting the Parish of Pilton in a positive way

#### Grant Application Process

1. The Clerk to the council will receive all applications in the first instance. A designated Councillor or the Clerk will then collate all the necessary information from the applicant ready for presentation and discussion at the appropriate Council meeting.
2. Applicants will be required to complete an application form. All questions on the application form should be fully answered and additional appropriate information, which supports an application, should be provided.
3. In addition to the application form organisations will be required to provide the following supporting information:
  - a copy of their written constitution or details of their aims and purpose,
  - full details of the project or activity,
  - demonstration that the grant will be of benefit to the local community within the Parish,
  - the proportion or number of beneficiaries living in the electoral area,
  - demonstration of a clear need for the funding,
  - a copy of the previous year's accounts or, for unincorporated new initiatives, a detailed budget and business plan.
4. The Council will make the decision on which grants to award. All applicants will be contacted following the Council's decision.

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5. The Council has a limited budget each year and guidance can be given to applicants as to how much money is likely to be available in a specific financial year.

### Conditions of Funding

1. The organisation must be either non-profit or charitable. Applications will not be considered from private organisations operated as a business to make a profit or surplus.
2. Grants will not be made to individuals.
3. Grants will not be made retrospectively.
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. An organisation should have a bank account in its own name with two authorised representatives required to sign each cheque or that of an umbrella body that will receive the funds on their behalf.
6. The administration of and accounting for any grant shall be the responsibility of the recipient. All awards must be properly accounted for, and evidence of expenditure should be supplied to the Council as requested.
7. Only one application for a grant will be considered from each organisation in any one financial year.
8. Ongoing commitments to award grants or subsidies in future years will not be made. A fresh application will be required each year.
9. Each application will be assessed on its own merits.
10. The Council may make the award of any grant or subsidy subject to such additional conditions and requirements as it considers appropriate. The Council reserves the right to refuse any grant application which it considers to be inappropriate or against the objectives of the Council.
11. Any grant must only be used for the purpose for which it was awarded unless the written approval of the 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 Council by the end of the financial year in which it was awarded.

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12. The Council may make the award of any grant or subsidy as it considers appropriate in the event of any unforeseen urgent event.
13. Nothing contained herein shall prevent the Council from exercising, at any time, its existing duty or power in respect of providing financial assistance or grants to local or national organisations under the provisions of the Local Government Act 1972, Section 137.

## **PILTON PARISH COUNCIL**

### **DISCIPLINARY POLICY**

#### **Introduction**

This policy is based on and complies with the 2015 ACAS Code of Practice

(<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

[https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)

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

- 1 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 2 This policy confirms:
  - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
  - the Council will fully investigate the facts of each case
  - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
  - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee.



The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case

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

### **Examples of misconduct**

3 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

### **Examples of gross misconduct**

4 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

### **Suspension**

5 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

6 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not

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

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

### **Examples of unsatisfactory work performance**

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

### **The Procedure**

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

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

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

### **Disciplinary investigation**

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

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

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

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

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

### **The disciplinary meeting**

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

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

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

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

23 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.

24 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

### **Disciplinary action**

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

#### First written warning

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

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

#### **Final written warning**

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

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

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

### **Dismissal**

The Council may dismiss:

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

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

### **The appeal**

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

28 The grounds for appeal include;

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

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

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

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

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## **PILTON PARISH COUNCIL**

### **GRIEVANCE POLICY**

#### **Introduction**

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
  - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
  - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
  - any changes to specified time limits must be agreed by the employee and the Council
  - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final

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

### **Informal grievance procedure**

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

### **Formal grievance procedure**

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

### **Investigation**

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

### **Notification**

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

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

### **The grievance meeting**

10. At the grievance meeting:

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

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

### **The appeal**

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

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

- a failure by the Council to follow its grievance policy

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

## **PILTON PARISH COUNCIL SICKNESS ABSENCE POLICY**

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## What to do if you are unwell

If you are away from work because of sickness you must:

- Telephone [your manager / the Clerk], before your contractual (or normal start time for work) on the first day of absence providing details and how long you expect to be off. If you are unable to call personally, someone else may call for you. It is your responsibility to ensure the Council is notified. You must then telephone again each day (unless otherwise agreed with the Clerk).
- If you are away for seven days or less (including weekends and other non-working days), you must complete a self-certification form and provide it to the council when you are back at work.
- If you are away for more than seven days (including weekends and other non-working days), you must send in a 'fit to work' statement from your doctor and continue to do so as each new certificate is issued to you. This certificate gives details as to whether you are too ill to work or whether you are well enough to work with suitable support from the Council. This gives you and the Council the opportunity to discuss suitable arrangements which will support your return to work. The form also gives more space for the doctor to provide information about your condition and helpful tick boxes to suggest common ways to help you return to work.
- All sickness or injury absence will be entered on your employment record and will be monitored from time-to-time.

## Return-to-work meetings

On the first day back at work after a period of sickness absence your manager may want to meet informally. If this is not possible on your first day back, the meeting may take place later. The return-to-work meeting should take place in a private place, and all discussions should be private and confidential. The meeting would normally include

- a welcome back to work;
- outline the purpose of the return-to-work meeting; which is to manage and monitor absence and attendance to identify any problem areas and offer support where appropriate;
- a discussion about the reasons for absence, in a supportive way and to understand whether the council can take any steps to help the employee's attendance;
- explain that the absence will be recorded;
- establish if medical advice has been sought (if appropriate);
- ensure the self-certification form has been completed or a fit note from the doctor has been provided;
- a discussion on absence over the last 52 weeks, the impact on pay and any next steps; and

- a handover of work where appropriate.

### **Medical appointments**

The council recognises that employees will, from time to time, need to attend medical appointments. Please try to arrange medical appointments in your own time or, if this is not possible, at times that will cause the minimum amount of absence from work or inconvenience to the council. The council will allow reasonable time off work [with pay / without pay] for such appointments.

### **Statutory Sick Pay**

If you are ill and unable to attend work, you may be entitled to Statutory Sick Pay (SSP). SSP is currently paid after 4 Qualifying Days absence from work. The Qualifying Days are your normal working days that are in your contract. Tax and National Insurance will be deducted from SSP and if you earn below the lower earnings limit, you will not qualify for SSP.

### **Council's Sick Pay (Occupational Sick Pay) [to be deleted if the council decides to pay SSP only]**

It is the Council's policy to pay you your normal basic rate of pay exclusive of overtime/allowances during periods of sickness absence of up to 16 weeks and half pay for a further 16 weeks. This occupational sick pay will be for absences due to sickness calculated over the previous 52 weeks and will include your entitlement to SSP.

Payment is, however, conditional upon you complying with the council's procedure for notifying your manager of the absence, attending an interview with your manager on request to discuss the absence, and completing a self-certification form on return to work or providing a fit-note when requested. We may also ask you to attend an interview/examination with a nominated doctor at the request of the Council.

We may not pay you occupational sick pay where:

- you have failed to comply with the Council's sickness absence notification and evidence requirements;
- you unreasonably refuse to attend a sickness absence meeting with the Council on request;
- you are unable to work because you hurt yourself in dangerous sports / activities or any other occupation you have;
- you have misled the council about your fitness to work;
- you have resigned; or
- where disciplinary proceedings are pending against you.



## Medical advice

The Council may want to obtain advice on your fitness for work from occupational health advisers or medical practitioners. Examples of when the Council might refer to occupational health or a medical practitioner include the following:

- to seek a medical report on your illness or injury;
- to establish when you might be able to return to work;
- to understand when you are likely to be fully fit to resume your normal duties;
- to understand what alternative duties you might be fit to undertake if you are unfit to resume your normal duties;
- to understand when you are likely to be fit to undertake any alternative duties;
- to ask for guidance on your condition, for example if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition;
- to ask what reasonable adjustments could be made to working conditions or premises to facilitate a return to work;
- to understand the likely recurrence of the illness or injury once you have returned to work; and
- to discuss any adjustments that could be made to accommodate your disability, if you are disabled.

The Council will pay the cost of the report and you will have the right to see it. The Council will also be provided with a copy of the report and once we have seen it, we will want to meet you to discuss the findings and consider options available to you.

If you choose not to consent to an Occupational Health referral, any decisions in relation to your employment may be made without the benefit of access to medical reports.

## Definition of Absence

Short Term or Persistent Frequent Absence is defined as absence through illness of less than 20 working days. Absence can be of a short term duration (e.g. a few days or less) and may occur at regular intervals. These absences are normally self-certified (for periods of up to 7 calendar days).

Absence due to sickness or ill health means when someone is unable or not fit enough to work. If you would normally expect someone to be attending the work place, office or other location and they notify you that they are “working from home” because they do not feel fit enough to come into work you should discuss this with them at their next one to one or supervision session. You should explain that they must attend work as planned and if unwell then this should be recorded as “sickness absence” and not “working from home”. However, in some circumstances it could be appropriate for someone who is feeling “off colour” or has

a mild cold to work from home for a day or two as long as you are confident that “homeworking” is not being used to mask a more serious health issue and if this pattern becomes regular then it may be appropriate to review the flexible working arrangements for this employee.

Wherever possible it is hoped that absence can be improved through the use of informal monitoring and review procedures. However, if despite the appropriate support being given, there is no improvement then the formal procedure will apply. There are four stages within the formal procedure and the Council uses trigger points to help managers manage absence consistently.

Long Term Absence is defined as an absence due to illness for an unbroken period of four weeks or more where there is no anticipation of an imminent return. This may be a serious, continuing, worsening illness/disease or serious injury of a long-term nature. In all cases of long term absence, a referral will be made to Occupational Health.

The Council has adopted a four stage approach for managing long term absences due to ill health with the intention of facilitating the employee’s return to work at the earliest opportunity. These stages are detailed in the Appendix 1 attached to this policy.

However, the procedure also recognises that the employee may ultimately be unable to return to work. In such cases, the Council will always seek appropriate expert medical advice and review all reasonable options for alternative employment or other means of potentially facilitating a return to work before considering any termination of employment on grounds of capability.

### **Persistent short-term absence**

Persistent short-term absence is where an employee is frequently absent from work for relatively short periods due to sickness. We understand most employees will have some short-term sickness absence from time to time. However, if you are frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on your colleagues and councillors.

Therefore, it is essential that frequent absence is dealt with promptly and consistently and in some circumstances, the Council may begin a capability or disciplinary procedure as part of the absence management process. If we do so, we will meet with you to set attendance targets. Following a review meeting we may issue a formal warning if those targets are not met. You will be given written notice in advance of any formal meeting and you can be accompanied by a work colleague or trade union representative. You may appeal against a formal warning. If your absence remains unacceptable after a second formal warning, the council may bring your employment to an end following consultation with you.

If frequent absence is due to an underlying long-term health condition then we will also request, with consent, a medical report either from an Occupational Health Physician or your G.P. or consultant to establish further information about your health and how the council can support your attendance.

When considering the reasons for absence, and deciding on whether a formal meeting is appropriate, the council will not consider any pregnancy related absence. The council will also make adjustments where absences are related to a disability by allowing a higher level of absence before considering whether disciplinary action is appropriate.

The council will consider any alternative employment options before making any decision about ending employment. You will have the right to be accompanied by a work colleague or trade union representative at formal meetings and a right of appeal against a formal warning or dismissal sanction. The monitoring of absence operates on a rolling 52-week period.

Where it appears that there is no acceptable reason for an absence or if you have not followed the correct absence notification procedure, the matter should be treated as a conduct issue and dealt with under the disciplinary procedure.

### **Long-term absence**

As a guide, long term absence is any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence, it is essential for the Council to maintain contact with you. In cases where the return date is less certain this will take the form of consultation and will include:

- Discussions at the start of the absence and periodically throughout
- Obtaining better information on your health and likely prognosis, ideally through an Occupational Health Physician
- Where appropriate alerting you to the fact that your absence is becoming a problem, and
- Allowing you the opportunity to state your opinion of your condition and giving consideration to that opinion

Where ill-health means that you are unlikely to return to work for a long period of time, the council may need to consider bringing your employment to an end. In these circumstances, the council will:

- Review your absence record to assess whether or not it is sufficient to justify dismissal
- Consult with you
- Obtain up-to-date medical advice

- Advise you in writing as soon as it is established that termination of employment has become a possibility
- [Discuss whether you may be able to access benefits from the Local Government Pension Scheme (where appropriate)]
- Meet with you to discuss the options and consider your views on continuing employment before any decisions are made, allowing you to be accompanied by a work colleague or trade union representative
- Review if there are any alternative jobs that you could do prior to taking any decision on whether or not to dismiss
- Allow a right of appeal against any decision to dismiss you on grounds of long-term ill health
- Following this meeting, inform you of the final decision

### **Considerations under The Equality Act 2010**

Employers are under a duty not to treat a disabled employee. An employee who is off sick for a lengthy period of time may be disabled for the purposes of The Equality Act 2010. If this is the case the employee will be entitled to protection against discriminatory treatment and to expect the employer to make reasonable adjustments.

The Act contains a very broad definition of disability, which includes both physical and mental impairments that last, or are expected to last, 12 months or more and are substantial in terms of their effects on the person's day-to-day life.

A wide range of physical and mental conditions and illnesses may amount to disabilities, depending always on whether or not the effect of the condition on the person is substantial and long term.

An important point to note is that a condition may amount to a disability even if, as a result of medication or another form of support, the person experiences no adverse effects on a day-to-day basis. The question that determines whether or not an employee is disabled is how the condition would affect the employee if he or she did not take the medication or use the support.

unfavourably directly on the grounds that he or she has a particular disability. For example if an employer immediately decided to dismiss an employee, just because he or she had developed a particular illness, this would be discriminatory and unlawful.

Employers are also under a duty not to treat a disabled employee unfavourably on grounds related to disability, unless this is justified. For example dismissal on the grounds that an employee can no longer perform his or her job may be justified. Whether it is in fact justified will depend on the particular circumstances.

## **Absence as a result of disability**

Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly as part of the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

## **Data protection**

The Council will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.

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

Date of policy: March 2024

Approving committee: Pilton Parish Council

Date of committee meeting: 3rd March 2024

Policy version reference: Version 1

Supersedes: N/A

Policy effective from: 1st January 2024

Date for next review: March 2026

— policy ends here —

## **Notes**

### 1. Green Book terms

If the council adopts Green Book terms and conditions of employment, employees are entitled to receive sick pay for the following periods: -

#### During 1st year of service

1 month's full pay and (after completing 4 months service)

2 months half pay

During 2nd year of service

2 months full pay and  
2 months half pay

During 3rd year of service

4 months full pay and  
4 months half pay

During 4th and 5th year of service

5 months full pay and  
5 months half pay

After 5 years' service

6 months full pay and  
6 months half pay

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

Periods of full pay will include SSP. In periods of half pay, employees receive half pay in addition to SSP provided the total does not exceed normal pay.

If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended.

## 2. Council's Sick Pay

The legal requirement is to pay Statutory Sick Pay (subject to eligibility) and anything additional is for the council to decide. Any additional sick pay is known as 'occupational sick pay' (OSP). The council will need to commit to paying any OSP it decides to offer and take into account the cost of National Insurance and the cost of any temporary staff required to cover the absence.

It would be unusual to bring an employment contract to an end before the occupational sick pay expires.

If a member of staff already has a paid sick leave entitlement, you cannot unilaterally change their entitlement. Councils can change the policy for all new staff joining after a defined date provided this is consistently applied.

### 3. Return-to-work meetings

Return to work meetings should ideally take place following every absence, with notes taken, agreed and stored on file. They are especially important if the absence has been caused by, or related to incidents at work. Having a written record of a return to work meeting may help the council defend later claims or allegations.

Sometimes it is not practical to have return to work interviews after every absence so councils may decide to do so only after 2 absences in a 2-month period, or where the absence is work-related.

### 4. Medical appointments

There is no legal requirement to pay time off for medical appointments, except antenatal appointments. Please see the Maternity and Parental leave policies for details.

A council may decide that staff should make up the time (if possible) or take it without pay. If a council decides to offer payment for medical appointments, it is sensible to put some limit on this.

### 5. Medical advice

Health information is considered to be personal sensitive information under Data Protection legislation and particular care must be taken when processing medical information. The Information Commissioner website (<https://ico.org.uk>) contains guidance.

An Occupational Health report can comment on an individual's health in relation to the employee's role. It will be important to provide the OH physician or nurse a referral form with full details of the employee's job, the concerns you have about their health in relation to their work and be specific about the questions you need answering. Any report should then be discussed with the employee before the council decides on any follow up actions. If the report makes recommendations, these must be carefully considered and discussed with the employee.

### 6. Health and wellbeing

All employers have duty to provide a safe place of work which includes the physical environment as well as mental health. There are a range of initiatives that can promote health and wellbeing (see Fit for Work: <https://fitforwork.org>). Also, the Health and Safety Executive has useful information on their website including a stress risk assessment ([www.hse.gov.uk/stress/risk-assessment.htm](http://www.hse.gov.uk/stress/risk-assessment.htm)).

## Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

### **Important notice**

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.



## **APPENDIX 1**

### **Stages in Dealing with Short Term or Persistent Frequent Absence**

Informal Stage Meeting  Line Manager (with advice from Human Resources)		Triggered by 3 absences in 3 months  or 2 absences totalling 6 or more working days in 6 months  (this will be applied on a pro-rata basis for part-time employees)	No formal warning given at this stage
Next stage – if there is no improvement in attendance move to Formal Stages of procedure			
	Formal Procedure <b>Stage 1</b>  Line Manager Human Resources	further absence within 3 months or 2 further absences within 6 months*	Verbal Warning
	Formal Procedure <b>Stage 2</b>  Line Manager and Human Resources	further absence within 3 months or 2 further absences within 6 months**	Formal Written Warning
	Formal Procedure <b>Stage 3</b>  Line Manager and Human Resources	further absence within 3 months or 2 further absences within 6 months**	Final Written Warning
	Formal Procedure <b>Stage 4</b>  Divisional Director and Human Resources	further absence within 3 months or 2 further absences within 6 months**	Panel held due to ill health
*	a referral to Occupational Health should be made, if this has not already been done		
**	a full review of Occupational Health advice and guidance should be carried out with the employee sought where necessary		
Where it has been confirmed that there is no underlying medical condition or where, despite adjustment, attendance has not been achieved then the appropriate level of warning may be issued at the review.			
The warning must include:			

- the reason for the warning i.e. their unacceptable attendance levels;
- the improvement in attendance expected; and details of support put in place to assist
- that any further sickness absence which meets the trigger points within the relevant timescales will lead to the formal procedure
- at the relevant stages (2 and 3) that failure to improve their attendance to an acceptable level could result in
- the duration of the warning and right of appeal.

### Stages in Dealing with Long Term Absence

<p>Informal Procedure</p> <p><b>Stage 1</b></p>	<p><b>Informal Review – Line Manager (with advice from Human Resources)</b></p> <p>Employee has been absent for 4 weeks – manager should make contact with employee and establish how this is to be maintained Continue to monitor situation and agree a review date *</p>	<p>In li O th</p>
<p>Formal Procedure</p> <p><b>Stage 2</b></p>	<p><b>Formal Review – Line Manager and Human Resources</b></p> <p>Provide further support to employee</p> <p>Arrangements must be made for a referral to Occupational Health if not already made – consideration should be given to any reasonable adjustments.</p> <p>Occupational Health should be asked to confirm the likelihood of the employee’s return and any adjustments that may facilitate a return to work</p>	<p>C M</p>

		Where Occupational Health confirm there is no likelihood of return and/or where redeployment is not an option move to Formal Stage 3	
	Formal Procedure  <b>Stage 3</b>	<b>Formal Review – Line Manager and Human Resources</b>  The employee should be advised that unless they are able to resume their duties within a month, the matter will be referred to a Final Absence Review Hearing. They should also be advised that their employment may be terminated on the grounds of “incapability” due to continuing ill health.	C re P
	Formal Procedure  Stage 4	Final Review – Divisional Director (or nominated officer) and Human Resources  Consideration must be given to redeployment and reasonable adjustments under the <a href="#">Equality Act 2010</a> .	P g
<p>It is difficult to provide exact timescales when dealing with long term ill health issues. However disability health normally applies to employees who have been on continuous sick leave for one year. Disability Occupational Health recommends that the employee’s health is such that they can no longer carry out their existing post, or that they will not be able to return to work or sustain regular attendance which is considered to be reasonable. The ongoing business needs of the service may also be a legitimate business need - provided any justification for doing so has been agreed with Human Resources and Legal Services.</p>			

# DRAFT

## PILTON PARISH COUNCIL

### Biodiversity Conservation Policy

#### 1. Summary

Pilton Parish Council is committed to the conservation of biodiversity as an integral part of its responsibility to protect the environment and enhance the quality of life for its residents. Through proactive measures, collaboration, and community engagement, the council aims to safeguard the rich natural heritage of the parish for current and future generations.

#### 2. Introduction

Following publication of the [Government Biodiversity Duty guidance](#) for Parish Councils, Pilton Parish Council has produced the following policy to begin the process of meeting the requirements of the new Parish Council duty.

Pilton Parish Council recognises the critical importance of biodiversity in maintaining the health and resilience of its local ecosystems. As stewards of the community, it is committed to conserving and enhancing biodiversity within the parish. This policy outlines the goals and strategies to promote and protect Biodiversity for the benefit of current and future generations.

This policy draws on the Biodiversity Duty guidance, the Environmental Improvement Plan (EIP23), Somerset Wildlife Trust guidance and the Somerset Council [Wildlife and Biodiversity Strategy](#).

This policy will be enacted by the Full Council and relates to all areas of Pilton Parish Council work.

#### 3. Objectives:

The preservation and conservation of native flora and fauna, habitat restoration and invasive species control whilst monitoring, encouraging and enforcing sustainable land use planning. To be cognisant of measures to implement and enhance waterways as crucial wildlife corridors. Form partnerships, provide and/or support education initiatives and outreach. [Appendix 2](#) expands on these objectives.

#### 4. Implementation

Pilton Parish Council will implement this policy through:

- A. Direct action on land that we own/manage;
- B. Education, Information and Facilitation for other land within our parish.

In line with EIP23 we will:

- Manage land to improve biodiversity
- Make space for wildlife
- Enhance our protected sites eg SSSIs
- Improve our buildings

Other initiatives will include:

- Producing a Green Charter.
- Create and maintain partnerships with relevant local organisations, community groups and stakeholders.
- Integrate the biodiversity policy across the work of Pilton Parish Council.

## 5. Monitoring and Reporting

An annual review will be conducted on biodiversity conservation initiatives and strategies adjusted as required. Feedback will be sought from the community and stakeholders to improve the effectiveness of conservation, restoration, enhancement and mitigation measures.

Transparency and accountability will be maintained by sharing information with the public through various communication channels.

## 6. Review and Revision

This policy will be reviewed regularly and, if necessary, revised, to align with evolving scientific knowledge and best practices in biodiversity conservation.

Input from experts, community members, and stakeholders will be sought during the review process.

## Appendix 1 - Background Information

Pilton Parish comprises the village of Pilton, surrounding hamlets of East and West Compton, Upper and Lower Westholme, East Town, Steanbow and other outlying properties such as Beardsly Batch and Platterwell Lane. The area is largely rural farmland with a scattering of orchards and pockets of ancient woodland to the northwest, (Knowle Farm area), and southeast around Cockmill. The entire parish is identified as a Nitrate Vulnerable Zone. Species rich grassland can be found in the north and northwest of the parish bordering North Wootton, Shepton Mallet and within West Compton (Fig. 1 & Fig. 2).

Figure 1 - Habitat Data

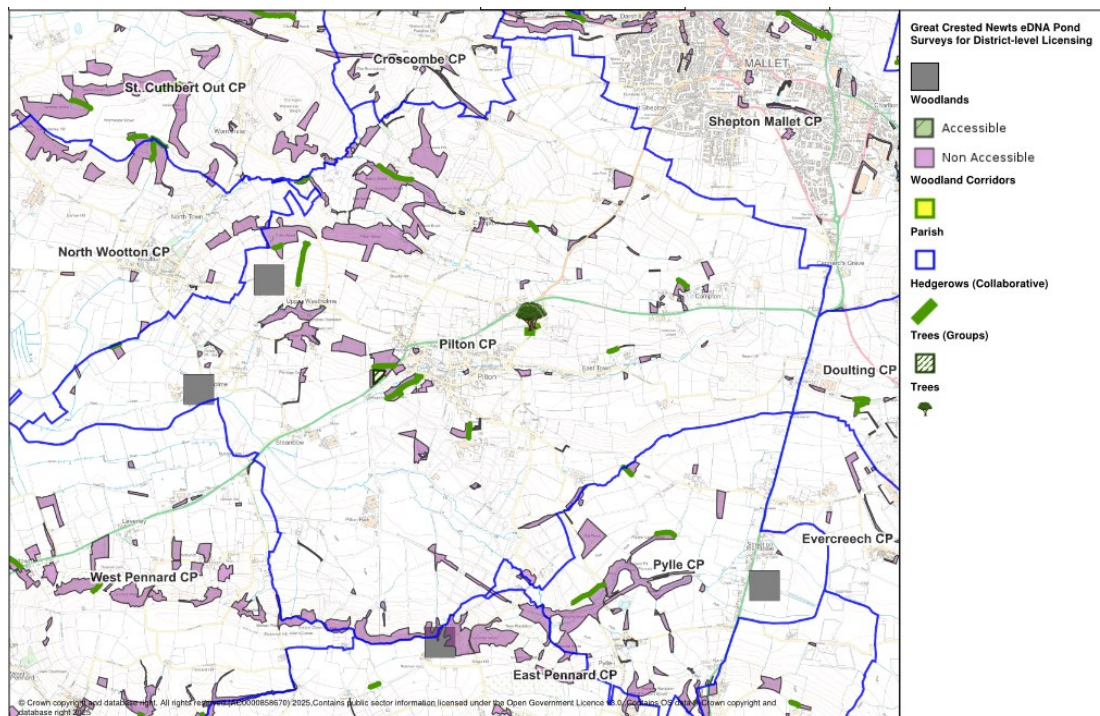
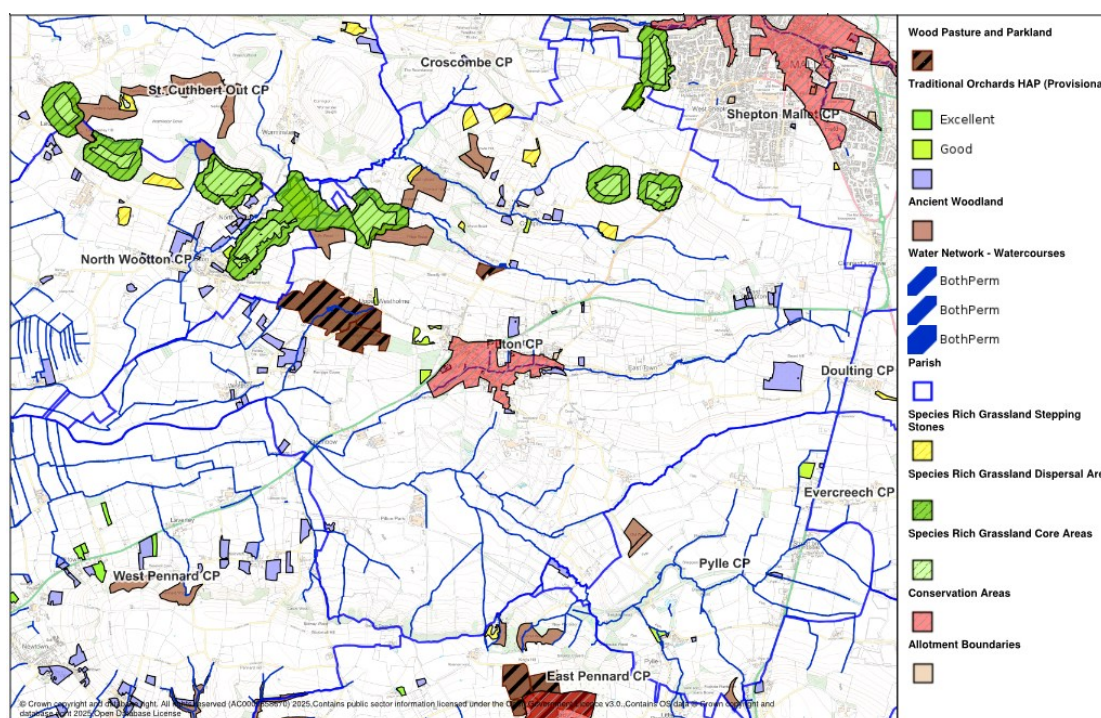


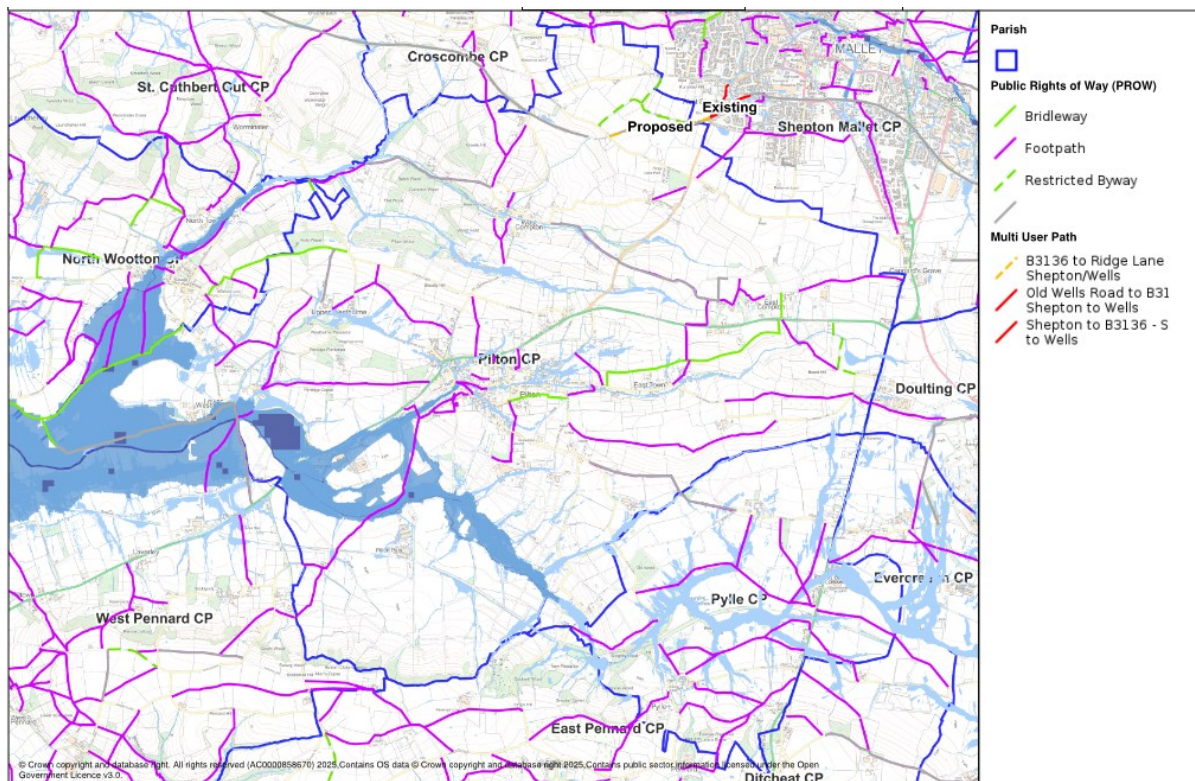
Figure 2 - Selected Land Characteristics



The A361, a designated freight route, runs through the parish East to West, B roads connect between hamlets and beyond and a fine web of 54 public rights of way is traversed annually by the local ASBOs group (Aged Suave Broom-pushing Operatives) who aim to keep the paths in order. A multi-user path is in construction linking Shepton Mallet to Wells that touches the northeast of the parish. (Fig. 3)

The surroundings of the Whitelake River to the southwest of the parish are designated as a flood zone, however flooding also occurs through run-off from hills and roadways, exacerbated by blocked culverts that require constant maintenance. Pilton village, East and West Compton and the ford at Cumhill are prone to flooding. (Fig. 3)

Figure 3 - Public Rights of Way and Flood Risk areas



## Appendix 2

### Objectives

#### 1. Preservation of Native Flora and Fauna

- a. Identify and protect areas with high biodiversity value, including habitats for endangered or threatened species such as woodlands, wetlands, and meadows.
- b. Promote the conservation and use of native plants in public spaces focusing on endangered or declining species and discourage the introduction of invasive species.

#### 2. Habitat Restoration

- a. Identify and restore degraded habitats, such as flood damaged areas and over developed environments.
- b. Implement habitat restoration projects to enhance the quality and connectivity of natural habitats.
- c. Collaborate with local environmental organisations, schools, and community groups to carry out habitat restoration initiatives.

- d. Create new habitats, such as wildflower meadows, ponds and wildlife corridors, to increase biodiversity.
- 3. **Invasive Species Control**
  - a. Monitor and control invasive non-native species that threaten local biodiversity.
  - b. Work with local landowners and residents to identify and manage invasive species such as Japanese Knotweed and Himalayan Balsam.
- 4. **Sustainable Land Use Planning**
  - a. Integrate biodiversity considerations into land use planning decisions, including the development and maintenance of green spaces, parks, and recreational areas.
  - b. Full Council is cognisant and refers to the Somerset Council [Net Gain guidelines](#).
  - c. Encourage sustainable landscaping practices that support biodiversity both commercially and within the community for example organic farming, agroforestry, reduced pesticide use.
  - d. Promote traditional land management such as hedgerow maintenance and coppicing to preserve local ecosystems.
- 5. **Climate Change Adaptation**
  - a. Implement strategies to enhance the resilience of local ecosystems to combat climate change.
  - b. Support tree, wildflower and hedgerow planting to increase carbon sequestration and mitigate climate change impacts.
- 6. **Waterway Protection and Enhancement**
  - a. Protect and improve the quality of local rivers, streams and ponds to support biodiversity.
  - b. Promote sustainable water management practices, e.g. to reduce run-off, prevent pollution and maintain healthy water ecosystems.
- 7. **Education and Outreach**
  - a. Raise awareness about the importance of biodiversity through educational programs, workshops, and community events by partnering with [Super National Nature reserves](#), Somerset Wildlife trust and local organisations.
  - b. Develop school and community projects focussed on wildlife conservation such as bird boxes, bug hotels, and tree planting
  - c. Provide information and resources to residents on how they can contribute to biodiversity conservation on their own properties.
  - d. Use Facebook and Social media, noticeboards, printed material and the Pilton Parish Council website to disseminate information.



**Pilton Parish Council**  
**PAYMENTS & RECEIPTS LIST**

5 May 2025 (2025-2026)

Vouche	Code	Date	Minute	Bank	Cheque No	Description	Supplier	VAT Type	Net	VAT	Total
1	Office Costs	01/04/2025		Community a/c		Payment - Scribe	Starboard Systems Ltd t/a	S	-31.00	-6.20	-37.20
1	Burial Fees	04/04/2025		Community a/c	A-J16	Receipt - EROB	Sarah Mnatzaganian	X	300.00		300.00
2	Burial Fees	10/04/2025		Community a/c	A-E21	Receipt - Memorial fee	Forsey & Son	X	100.00		100.00
3	Precept	15/04/2025		Community a/c		Receipt - Precept	Somerset Council	X	32,488.00		32,488.00
6	Bank Charges	22/04/2025		Community a/c		Payment - Bank Charges	Lloyds Bank	X	-4.25		-4.25
2	Staff Costs	23/04/2025		Community a/c	Mth 12	Payment - Clerk	Pilton Parish Council	X	-608.67		-608.67
5	Staff Costs	23/04/2025		Community a/c	Q4	Payment - PAYE	HMRC	X	-335.40		-335.40
3	Staff Expenses & Training	23/04/2025		Community a/c	Mth 12	Payment - Working From Home	Pilton Parish Council	X	-26.00		-26.00
4	Payroll	23/04/2025		Community a/c		Payment - Payroll	Chalmers	S	-85.00	-17.00	-102.00
5	Emp NI	23/04/2025		Community a/c	Q4	Payment - PAYE	HMRC	X	-10.91		-10.91
8	Staff Costs	29/04/2025		Community a/c	Mth 1	Payment - Clerk	Pilton Parish Council	X	-526.67		-526.67
9	Communications (Phone, Webs	29/04/2025		Community a/c		Payment - Wix Premium Plan	WIX.com Ltd	S	-230.40	-46.08	-276.48
7	Burial Groundsman	29/04/2025		Community a/c	Mths 12 & 1	Payment - Groundsman	Rick England	X	-146.52		-146.52
<b>Total</b>									<b>30,883.18</b>	<b>-69.28</b>	<b>30,813.90</b>



**Pilton Parish Council**  
**STATEMENT OF ACCOUNTS**

	RECEIPTS	PAYMENTS
Opening Balance		
Balance at Bank	11,070.30	
Cash in Hand		
Precept	25,990.00	
Grants/Donations	39,190.00	
Bank Interest	143.93	
VAT Refund		
Other Income		
Staff Costs		7,547.03
Staff Expenses & Training		25.00
Subscriptions & Memberships		771.72
Insurance		890.32
Utilities		
Communications (Phone, Website, Broac		225.15
Audit & Professional Fees		360.00
Elections		
S.137		80.00
Loan Repayment		
Open Spaces		
Defibrillator		
Other/Miscellaneous		
Meeting Costs		326.67
Burial Ground Maintenance		3,669.02
Working From Home Allowance		208.00
Office Costs		653.57
Burial Groundsman		784.29
Events		189.00
Payroll		395.00
Parish Plan		115.66
Emp NI		34.35
Grants		4,250.00
Burial Ground IT upgrade		256.91
Clerk Expenses		
Environment Initiatives		547.27
Training		125.00
ASBOs		
Assets		
Projects		
Burial Fees	7,025.00	
War Memorial		
Emergency Fund		
Insurance	300.00	

**Pilton Parish Council  
STATEMENT OF ACCOUNTS**

	RECEIPTS	PAYMENTS
Burial Ground Maintenance		
Bank Charge		6.51
VAT		721.67
	<b>72,648.93</b>	<b>22,182.14</b>
<b>Closing Balances:</b>		
Balances in Bank Account		61,537.09
Cash in Hand		
<b>TOTAL</b>	<b>83,719.23</b>	<b>83,719.23</b>

The above statement represents fairly the financial position of the council as at 31 Mar 2025

Signed \_\_\_\_\_  
Responsible Financial Officer

Date \_\_\_\_\_