



Penyffordd Council Working Groups & Procedure – July 2023

Below are the current Working Groups together with examples of responsibilities. To assist the Working Groups in being proactive a set of procedures has also been provided.

Community Engagement - This group is tasked with engaging with the residents, groups, schools and the community as a whole. To include (examples but not limited to):

- Community events
- Noticeboard updates
- Newsletters
- Website updates
- Volunteer register
- School links
- Crime and ASB
- Dog poo
- Sports and clubs
- History

Environment - This group is tasked with overseeing the spaces around us and the facilities that serve us. To include (examples but not limited to):

- West View Wildlife Garden
- Memorial Garden
- Community Litter Picks
- Planting
- Water and drainage
- Sustainability
- Public Open Spaces Play Areas - improvement and maintenance
- Footpaths and Cycle paths
- Medical / Schools / Socialcare facilities

Infrastructure - This group is about improving and protecting the infrastructure of the community. To include (examples but not limited to):

- Community Place Plan
- Housing and planning
- Economic - business links and employment development
- Public and Community Transport
- Highways and road improvements
- Community Building projects

Procedures for the Working Groups

- The three core groups should meet as and when required.
- They must have an elected chairman and an elected secretary.
- The group does not have delegated powers - they report back to full council.
- Full discussions can take place in the group, a summary shared in writing ahead of the Council meeting for information purposes only.
- Should a group require an item to be discussed by full council, an agenda proforma and written proposal should be submitted to the Clerk so this can be included as an agenda item and can be discussed by the full council.
- The preference would be for volunteer members of each group with individuals taking an area for them to take a lead on within the group. This will share the workload. There is no reason why anyone on the Council should not be able to attend any group meeting.
- There is no reason why members of the community with specialist knowledge or interest should not be invited to be involved in a group, by agreement with the group as a whole.
- Each group should start the year by reviewing the actions set out in the Place Plan and agreeing an order of priority for what will be undertaken.

These Procedures were reviewed and approved at the AGM held on 8th May 2024



Booklet of the Councils Policies and Procedure Documents

- CCTV Policy
- Code of Conduct (Model)
- Complaints Procedure
- Data Protection Policy
- Financial Regulations (Model)
- Freedom of Information Scheme
- Internal Financial Controls
- Investment Statement
- Local Resolution Policy (Model)
- Multi Location (Hybrid) Meeting Procedure
- Press & Media Policy
- Retention Policy
- Risk Assessment
- Scheme of Delegation
- Social Media Policy
- Standing Orders

Staffing Policies

- Dignity At Work Policy
- Disciplinary Policy
- Equality Policy
- Grievance Policy
- Health & Safety Policy
- Lone Working Policy (NEW 2024)

**The above policies and procedures are to reviewed by the council at the AGM held on
Wednesday 8th May 2024**



CCTV Code of Practice Policy

1. INTRODUCTION AND OBJECTIVES

- 1.1 This code of practice has been written in accordance with the Information Commissioner's CCTV Code of Practice and the National Surveillance Commissioner's CCTV Code of Practice.
- 1.2 This Code of Practice applies to all CCTV cameras operated and managed by Penyffordd Community Council at the Millstone Play Area, Penyffordd and Hawarden Road, Penyffordd.
- 1.3 The system owner and Data Controller is Penyffordd Community Council. It is responsible for the ownership of the system with overall responsibility for ensuring this Code of Practice is adhered to and the system is properly maintained. The Council are responsible for the day to day management of the system and the management of the code of practice, North Wales Police (Mold Police Station) are the Data Processor responsible for the including data processing and management of the code of practice.

2. STATEMENT IN RESPECT OF HUMAN RIGHTS ACT 1998

- 2.1 The system owners have considered the obligations imposed by the above legislation and consider that the use of cameras in the locations mentioned above is necessary proportionate and a suitable tool to help prevent and detect crime and disorder.
- 2.2 The system will be operated with respect to all individuals, without any discrimination on the grounds of gender, race, colour, language, religion, political opinion, national or social origin or sexual orientation.

3. OBJECTIVES OF THE SYSTEM

- 3.1 The primary objective of the CCTV system is to protect Community Council owned property and increase the safety of the users of our facilities. To achieve this objective the system will be used and data processed for the following purposes only:
 - To prevent and detect crime, providing evidential material for criminal proceedings;
 - To deter and detect incidents of anti-social behaviour, providing evidential material for criminal proceedings;
 - To assist with other civil proceedings such as insurance claims.
- 3.2 The need to assist with personal safety will override any other requirements.

4. SYSTEM REVIEW

- 4.1 The system will be reviewed annually to ensure it remains necessary, proportionate and effective.

5. STATEMENT OF PURPOSE AND PRINCIPLE

- 5.1 Purpose – The purpose of this document is to state how the Owners and System Manager intend to use the system to meet the objectives and principles outlined in Sections 1 to 4 above.
- 5.2 General Principles of Operation – The system will be operated in accordance with this Code of Practice and the Data Protection Act 2018 at all times. The system will be operated in due deference to the general right to respect for an individual and regard for their private and family life.
- 5.3 The public interest in the operation of this system will be safeguarded by ensuring the security and integrity of operational procedures.
- 5.4 Copyright – Copyright and ownership of all material recorded on the system, will remain with the Data Controller.
- 5.5 Monitoring and Recording Facilities – The images from the cameras located at the Millstone Play Area and Hawarden Road Penyffordd are stored on the CCTV hard drives and or/on a PC located at Mold Police Station
- 5.6 The images from the cameras located at the Millstone Play Area and Hawarden Road Penyffordd are stored securely within an encrypted hard drive which can only be accessed by the Data Processor (North Wales Police).
- 5.7 Processing and Handling of Recorded Material – No record material, whether digital, analogue, hard copy or otherwise will be released by the Data Processor unless it is in accordance with this Code of Practice.
- 5.8 Changes of this Code of Practice – All changes to this Code will be agreed by the Owners of the system.

6. PRIVACY AND DATA PROTECTION

- 6.1 Data Protection Legalisation – The operator of the system has been notified to the Office of the Information Commissioners in accordance with the current Data Protection Legalisation. Data will be processed in accordance with the Data Protection Act 2018, summarised as:
 - Processed fairly, lawfully and in a transparent manner
 - Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with the original purpose
 - Adequate, relevant and limited to what is necessary in relation to the purposes
 - Accurate and kept up to date
 - Kept in a form that permits identification no longer than is necessary
 - Processed in a way that ensures appropriate security of the personal data
- 6.2 Subject Access Request – Any request from an individual for disclosure of personal data which they believe is recorded by virtue of the system will be directed in the first instance to the Data Processor and should be treated as a Subject Access Request.
- 6.3 Any personal making such a request should use the form included as Appendix 2 and must be able to provide sufficient information to prove their identify and enable the data to be located.
- 6.4 If the relevant footage shows third parties and the provision of such could involve an unfair intrusion into their privacy of the third party, the footage will not be disclosed unless all third parties have provided written agreement of the relevant footage can be obscured.
- 6.5 In accordance with the Data Protection Act 2018, personal data processed for the prevention of crime and/or the apprehension or prosecution of offenders is exempt from the subject access

provisions, to the extent to which the application of the provisions to the data would be likely to prejudice these matters.

- 6.6 A request from an individual for footage for themselves is exempt from the provisions of the Freedom of Information Act. Instead this request should be treated as a data protection subject access request as explained above.

7. ACCOUNTABILITY AND PUBLIC INFORMATION

- 7.1 This Code will be made available on the Council's website and upon request to the Data Controller.

8. ASSESSMENT OF THE SYSTEM

- 8.1 The operation of the system will be audited on an annual basis to check for compliance with this Code of Practice and to ensure the system meets the objectives specified in section 3.

9. MANAGEMENT OF RECORDED MATERIAL

- 9.1 Guiding Principles – For the purposes of this Code, 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of this system; this specifically includes images recorded digitally or on other media including still prints.
- 9.2 Every recording made by the use of the system has the potential for containing material that may need to be admitted in evidence at some point during the period of its retention.
- 9.3 Members of the public must have total confidence that information recorded will be treated with due respect for private and family life. It is therefore imperative that all recorded is treated strictly in accordance with this Code of Practice until the final destruction of the material.
- 9.4 Access to and the use of recorded material will be strictly for the purposes defined in this Code of Practice only.
- 9.5 Recorded material will not be copied, sold or otherwise released or used for commercial purposes or otherwise made available for any use incompatible with this Code of Practice.

10. NATIONAL STANDARD FOR RELEASE OF DATA TO A THIRD PARTY

- 10.1 Requests from the Police for footage for the prevention and/or detection of crime and disorder will be submitted to the Data Processor.
- 10.2 In complying with the National Standard it is anticipated, as far as is reasonably practicable, to give effect to the following principles:
- Recorded material shall be processed lawfully and fairly, and used only for the purposes defined in the Code.
 - Access to recorded material will only take place in accordance with the National Standard and this Code.
- 10.3 Subject to compliance with this Code, the Police and other agencies with a Statutory Authority to investigate and/or prosecute offences, may release details of recorded information to the media only in an effort to identify offenders or potential witnesses. In all cases this will need the permission of the Data Controller.

11. RETENTION OF FOOTAGE AND RECORDED MATERIAL

- 11.1 Images are recorded by cameras are retained on the system for 28 days. After this time, the footage is erased.

11.2 When footage is released as recorded material a master copy is made and retained securely. This is retained for 6 years plus the financial year it is recorded in, after which it is securely destroyed.

12. REGISTER AND RELEASE OF RECORDED MATERIAL

12.1 Every item of recorded material that is produced is managed using specific software which provides a clear audit trail.

12.2 Prints of Recorded Material – Prints will be treated in the same manner as other recorded material and in accordance with this Code of Practice and the National Standard.

**This Code of Practice was reviewed and approved at the
Annual Meeting held on 8th May 2024**

APPENDIX 1 - NATIONAL STANDARD FOR THE RELEASE OF DATA TO THIRD PARTIES

All requests for the release of data shall be processed in accordance with this standard and the Code of Practice. All Police requests for footage needed for the prevention and/or detection of crime and disorder shall be dealt with by the Data Processor. Data to day responsibility for the operation of the CCTV system lies with the Data Processor.

1. Primary Request to View Data

- (a) Primary requests to view data generated by a CCTV system are likely to be made by third parties for any one or more of the following purposes:
 - i. Providing evidence in criminal proceedings (e.g. Police and Criminal Evidence Act 1984, Crime Procedures and Investigations Act 1996, etc).
 - ii. Providing evidence in civil proceedings or tribunals
 - iii. The prevention of crime
 - iv. The investigation and detection of crime (may include identification of offenders).
 - v. The identification of witnesses
- (b) Third parties, which are requested to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:
 - i. Police (see note 1)
 - ii. Statutory (enforcing) authorities with powers to prosecute (e.g. Custom & Excise, Trading Standards etc).
 - iii. Solicitors (see note 2)
 - iv. Plaintiffs in civil proceedings (see note 3)
 - v. Accused persons or defendants in criminal proceedings (see note 3)
 - vi. Other agencies, according to purpose and legal status (see note 4)
- (c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:
 - i. Not unduly obstruct a third party investigation to verify the existence of relevant data.
 - ii. Ensure the retention of data which may be relevant to the request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.
- (d) In circumstances outlined in note (3) below, (requests by plaintiffs, accused persons or defendants), the Data Controller or nominated representative shall:
 - i. Be satisfied that there is no connection with any existing data held by the Police in connection with the same investigation.
 - ii. Treat all such enquiries with strict confidentiality.

Notes

- (1) The release of data to the Police is not to be restricted to the civil Police but could include (for example), British Transport Police, British Military Police, Ministry of Defence Police etc. Special arrangements may be put in place in response to local requirements.
- (2) Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases, a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstance, data will only be released for lawful and proper purposes.

- (3) There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor falls outside the terms of disclosure or subject access legalisation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution investigation. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.
- (4) The data controller shall decide which (if any) 'other agencies' might be permitted access to data. Having identified those 'other agencies', such access to data will only be permitted in compliance with this Standard.
- (5) The Data Controller can refuse an individual request to view if sufficient or inaccurate information is provided. A search request should specify reasonable accuracy (could be specified to the nearest half hour).

2. Secondary Request to View Data

- (a) A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the Data Processor shall ensure that:
 - i. The request does not contravene and that compliance with the request would not breach current legislation (e.g. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994 etc.)
 - ii. Any legislative requirements have been complied with (e.g. the requirements of the Data Protection Act 1998).
 - iii. Due regard has been taken of any known case law (current or past) which may be relevant
 - iv. The request would pass a disclosure of 'public interest' (see note 1).
- (b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before releasing the material:
 - i. In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV Code of Practice.
- (c) Recorded material may be used for bona fide training purposes such as police or staff training. Under no circumstances will recorded material be released for commercial sale or for entertainment purposes.

Note

- (1) 'Disclosure in the public interest' could include the disclosure of personal data that:
 - i. Provides specific information which would be of value or interest to the public well being.
 - ii. Identifies a public health or safety issue.
 - iii. Leads to the prevention of crime.
 - iv. The disclosure of personal data which is the subject of a 'live' criminal investigation would always come under the terms of a primary request (see 3 above)

3. Individual Subject Access under Data Protection Legislation

- (a) Under the terms of the Data Protection legalisation, individual access to personal data, of which that individual is the data subject, must be permitted providing:
 - i. The request is made in writing
 - ii. A specified fee is paid for each search
 - iii. The Data Controller is provided with sufficient information to suffice him/herself as to the identity of the person making the request

- iv. The person making the request provides sufficient and accurate information about the time, date and place to enable the Data Controller to locate the information which that person seeks (it is recognised that a person making a request may not know the precise time. Under these circumstances, it is suggested that within one hour of accuracy would be a reasonable requirement).
 - v. The person making the request is only shown information relevant to that particular search and which contains personal data of him/herself only, unless all other individuals who may be identified from the same information have consented to the disclosure.
- (b) In the event of the Data Controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied (all other personal data which may facilitate the identification of any other person should be concealed or erased).
 - (c) The Data Controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however, every effort should be made to comply with subject access procedures and each request should be treated on its own merits.
 - (d) In addition to the principles within the Data Protection legislation, the Data Controller should be satisfied that the data is:
 - i. Not currently and as far as can be reasonably ascertained, not likely to become part of a 'live' criminal investigation.
 - ii. Not currently or as far as can be reasonably ascertained, not likely to become relevant to civil proceedings.
 - iii. Not the subject of a complaint or dispute which has not been actioned
 - iv. The original data and that an audit trail has been maintained
 - v. Not removed or copied without proper authority
 - vi. For individual disclosure only (i.e. to be disclosed to a named subject)

4. Process of Disclosure

- (a) Verify the accuracy of the request
- (b) Replay the data to the requestee only (or a responsible person acting on their behalf).
- (c) Only data relating to the request will be shown.
- (d) It must not be possible to identify any other individual from the information being shown
- (e) If a copy of the material is requested and there is no one site means of editing out other personal data, then the material should be sent to an editing house for processing prior to being sent to the requestee.

Note: The Information Commissioner's Code of Practice for CCTV makes specific requirements for the precautions to be taken when images are sent to an editing house for processing.

5. Media Disclosure

- (a) In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted.
 - i. The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits for its use.
 - ii. The release form shall state that the receiver must process data in a manner prescribed by the data controller e.g. specific identifies/data that must not be revealed.
 - iii. It shall require that proof of any editing must be passed back to the Data Controller either for approval or final consent, prior to its intended use by the media (protecting the position of the Data Controller who would be responsible for any infringement of Data Protection legislation and the System Code of Practice).

iv. The release form shall be considered a contract and signed by both parties (see note 1)

Note: In the well case of R v Brentwood Borough Council, ex parte Geoffrey Dennis Peck (QBD, November 1997), the judge concluded that by releasing the video footage the Council had not acted lawfully. A verbal reassurance that the broadcasters would mast the identity of the individual had been obtained. Despite further attempts by the Council to ensure the identity would not be revealed, the television company did in fact broadcast footage during which the identity of Peck was not concealed. The judge concluded that tighter guidelines should be considered to avoid future accidental broadcasts. Attention is drawn in this respect, detailed in her Code of Practice summarised above.

6. Principles

- 6.1 In adopting a national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:
- (a) Recorded material shall be processed lawfully and fairly and used only for the purposes defined in the Code of Practice for the system.
 - (b) Access to recorded material shall only take place in accordance with this standard and Code of Practice.
 - (c) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

APPENDIX 2 - SUBJECT ACCESS REQUEST FORM



SUBJECT ACCESS REQUEST FORM

Under the Data Protection Act you have a statutory right to request confirmation that the council is processing your data and to request to see information held on you by that organisation.

You also have the right to be told:

- the purposes of and legal basis for the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data has been disclosed;
- the period for which the personal data is to be held;
- that you have rights to rectification and erasure of personal data where, for example, factual information has been recorded incorrectly;
- that you have the right to lodge a complaint with the Information Commissioner's Office and the contact details of the Commissioner;
- any information about the origin of the personal data concerned.

This information is likely to be available in general terms within our privacy notices, however you can request it in addition to any request to see your records.

To request to see your records, please complete this form, read and sign the declaration and then send the completed form to Penyffordd Community Council, 3 Old Chester Road, Ewloe, Deeside, Flintshire, CH5 3RU

To ensure proper security, the Penyffordd Community council must be sure of your identity before complying with a subject access request. To confirm your identity, we need to see an official document with a photograph, such as a driving licence or a passport.

If you are making the request on behalf of another individual to access their information, we will need written consent from the individual to whom the data relates as well as your proof of identity.

If you have legal authorisation to act on behalf of an individual, such as if you act with power of attorney or as a litigation friend, you will need to provide a copy of that authorisation to evidence it.

We can refuse your request if it is manifestly unfounded or excessive, such as if it is repetitive. We will explain why we consider your request to be manifestly unfounded or excessive if we do refuse it.

Details of the person making the request	
Title:	
First name(s):	
Surname:	
Any other names that you have been known by	
Date of Birth:	
Address:	
Daytime telephone number:	
Email address:	

Are you requesting information about yourself?	
If Yes	Please go to section 4
If No	If you are making the request on behalf of another person you must enclose with the request a signed authority from them to do so. If you are making the application because the data subject lacks capacity to make the application in their own right please outline your authority to make the application in their stead (for example, Power of Attorney). You should enclose a copy of any evidence that you may have of that authority. The Council will contact you if further evidence is required. (please complete section 3)

Details of the Data Subject (if requesting information on behalf of someone else)	
Title:	
First name(s):	
Surname:	
Date of Birth:	
Address:	
Daytime telephone number:	
Email address:	
Relationship to Data Subject	

Describe the information you are requesting.

If you are only seeking certain records, it would be helpful for us to know which types of record you are seeking, any time period to cover, and if you would like to see only specific document(s). Please describe these below with as much detail as you can.

Declaration:

I certify that the information given on this form is true and correct.

Signed:

Date:

Return Address : 3 Old Chester Road, Ewloe, Deeside, Flintshire, CH5 3RU

If as a result of the response to your request you are dissatisfied with the way we are using your personal information you should raise the matter with the Data Protection Officer who can be contacted via the address above. We will do everything we can to put the matter right if the council has not processed your data correctly. You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office, whose web site is <https://ico.org.uk/>

We only use the information that you provide for us to process your request. We may need to share that you have made a request with other organisations if we hold information about you that they have supplied and we need to consult with those organisations regarding release of the information to you. Records of requests will be kept for 6 years after the closure of the request for operational, statistical and audit purposes.



Members

Code of Conduct

Adopted By Resolution of Penyffordd Community Council at the

Annual Meeting held on 8th May 2024

updated 11th May 2016

THE LOCAL AUTHORITIES

(MODEL CODE OF CONDUCT) (WALES) ORDER 2008

With the non application of paragraph 15 (1) & (2) as it does not apply to Town and Community Councils and the determination of the amount of £10.00 for the purposes of paragraph 17

(v. 01.04.2016)

THE MODEL CODE OF CONDUCT
PART 1
INTERPRETATION

1.—(1) In this code —

"co-opted member", in relation to a relevant authority, means 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 which falls to be decided at any meeting of that committee or subcommittee;

"meeting" means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" means you as a member or co-opted member of a relevant authority; and

"your authority" means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) "proper officer" means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

- (b) “standards committee” means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

- 2.(1)** Save where paragraph 3(a) applies, you must observe this code of conduct —
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3.** Where you are elected, appointed or nominated by your authority to serve —
- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4.** You must —
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
- 5.** You must not —
- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
 - (b) prevent any person from gaining access to information to which that person is entitled by law.
- 6.(1)** You must —
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve

criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must —

comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3
INTERESTS
Personal Interests

10.(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

- (i) any employment or business carried on by you;
- (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iv) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
- (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.(1) Subject to sub-paragraph (4), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.



PENYFFORDD COMMUNITY COUNCIL

COMPLAINTS PROCEDURE

One Voice Wales has previously recommended that each Council should develop complaints handling procedure which suits their particular circumstances. It should be well-publicised in material about the Council's services, such as Council's web site. Any procedure should include the basic elements of record keeping, staff receiving it should be empowered to resolve if possible or know when to pass it on if more serious, cover all services provided, easily understood, set manageable time constraints and keep the complainant informed of progress.

The advice envisages a three stage system:

Stage 1: attempted resolution by frontline staff;

Stage 2: attempted resolution by the Clerk:

Stage 3: the complaint is considered by a panel of Councillors (or possibly full Council).

In Council's where the Clerk is the sole employee then Stage 1 is redundant. The Council is recommended to approve the following procedure.

Since 1st April 2006 the Ombudsman has had responsibility for investigating complaints of maladministration against Town and Community Councils in Wales. This is separate to role of investigating allegations of misconduct against individual Councillors and focuses on the standards of service provided by the Council. The collation, analysis and resolution of complaints should be an essential element of the efficient administration of all Councils.

The definition used by the Ombudsman for a complaint is as follows:

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

In the advice issued by OVV the following are not to be regarded as a complaint:

- An initial request for a service.
- Complaints about third parties: e.g. a community group for which the Council is not responsible
- A request for an explanation of a decision
- A representation about a major policy decision e.g. setting the precept

PENYFFORDD COMMUNITY COUNCIL

COMPLAINTS PROCEDURE

1. All complaints about the Council's action or lack of action or about the standard of a service whether provided itself or on its behalf should be sent in writing to the Clerk either by post to Mrs Sarah Hughes, 3 Old Chester Road, Ewloe, Deeside, Flintshire, CH5 3RU or by E-mail to clerk@penyfforddcouncil.org
2. The Clerk will acknowledge a complaint within three working days of receipt by the manner received (post or E-mail), forward a copy of the Council's Complaints procedure and enter the complaint in a register kept for the purpose, numbering in the order received.
3. The Clerk will advise the Chairman (or in his or her absence the Vice-Chairman) as soon as possible of the receipt of a complaint and will forward him or her copy of the response to the complaint unless the Chairman (or the Vice Chairman as appropriate) in consultation with the Clerk is of the view that it is of such a serious nature that it should be fast-tracked to a Panel of Councillors as referred to in paragraph 5.
4. The response referred to in paragraph 3 above (unless to be dealt with by a Panel of Councillors) will be sent in writing by the Clerk within ten working days by the manner in which it was received.
5. If the complainant is not satisfied by the response from the Clerk (or if referred direct as indicated in paragraph 3) then it will be referred to a Panel of Councillors known as the Complaints Panel who will consist of the Chairman and Vice-Chairman and the immediate past Chairman.
6. A meeting of the Complaints Panel which will be convened by the Clerk in consultation with the three Members concerned will be convened as soon as practical and unless there are exceptional circumstances within 21 working days of receipt in writing of the original complaint if deemed to be of such a serious nature (paragraph 3) or further response from the complainant in the event of dissatisfaction with the reply from the Clerk (paragraph 5).
7. The Clerk will ensure that the complainant is kept informed of the progress and will advise that he or she has the right to make a complaint to the Public Services Ombudsman for Wales. A copy of the Council's Complaints procedure will be forwarded to any member of the public on request.
8. The Council will normally only consider complaints under the above procedure if they are received within six months of the complainant becoming aware of the problem, but are prepared to be flexible if there are exceptional circumstances.

This Procedure will be reviewed on an annual basis or earlier if so required by legislation.

**This Procedure was reviewed and approved by the Council
at its Annual Meeting held on 8th May 2024**



DATA PROTECTION POLICY

1. INTRODUCTION

1.1 Penyffordd Community Council has a responsibility under the Data Protection Act 2018 to hold, obtain, record, use and store all personal data relating to an identifiable individual in a secure and confidential manner. This Policy is a statement of what the Community Council does to ensure its compliance with the Act.

1.2 The Data Protection Policy applies to all Community Council employees, councillors, volunteers, and contractors. The Policy provides a framework within which the Community Council will ensure compliance with the requirements of the Act and will underpin any operational procedures and activities connected with the implementation of the Act.

2. BACKGROUND

2.1 The Data Protection Act 2018 governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information. It provides a mechanism by which individuals about whom data is held (the “data subjects”) can have a certain amount of control over the way in which it is handled.

2.2 Some of the main features of the Act are:

- All data covered by the Act must be handled in accordance with the Six Data Protection Principles (see Appendix 1)
- The person about whom the information is held (the Data Subject) has various rights under the Act including the right to be informed about what personal data is being processed, the right to request access to that information, the right to request that inaccuracies or incomplete data are rectified, and the right to have personal data erased and to prevent or restrict processing in specific circumstances. Individuals also have the right to object to processing based on the performance of a task in the public interest/exercise of official authority (including profiling), direct marketing (including profiling); and processing for the purposes of scientific/historical research and statistics. There are also rights concerning automated decision making (including profiling) and data portability.
- Processing of special categories of data must be done under a lawful basis. This data includes information about race, ethnic origin, political persuasion, religious belief, trade union membership, genetics, biometrics (where used for identification purposes), health, sex life and sexual orientation.
- The Data Protection Act deals with criminal offence data in a similar way to special category data, and sets out specific conditions providing lawful authority for processing it.
- There is a principle of accountability of data controllers to implement appropriate technical and organisational measures that include internal data protection policies and procedures, staff training and awareness of the requirements of the Act, internal audits of processing activities, maintaining relevant documentation on processing activities, appointing a Data Protection Officer, and implementing measures that meet the principles of data protection by design and

data protection by default, including data minimisation, transparency, and creating and improving security features on an ongoing basis.

- Data protection impact assessments are carried out where appropriate as part of the design and planning of projects, systems and programmes.
- Data controllers must have written contracts in place with all data processors and ensure that processors are only appointed if they can provide 'sufficient guarantees' that the requirements of the Act will be met and the rights of data subjects protected.
- Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner's Office within 72 hours of the council becoming aware of the breach. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the council will notify those individuals concerned directly.
- The Information Commissioner is responsible for regulation and issue notices to organisations where they are not complying with the requirements of the Act. She also has the ability to prosecute those who commit offences under the Act and to issue fines.

3. POLICY STATEMENT

The Community Council is committed to ensuring that personal information is handled in a secure and confidential manner in accordance with its obligations under the Data Protection Act 2018 and professional guidelines. The Community Council will use all appropriate and necessary means at its disposal to comply with the Data Protection Act and associated guidance.

4. ROLES AND RESPONSIBILITIES

4.1 *Data Protection Officer*

- 4.1.1 The Data Protection Officer is Paul Russell (Microshade VSM): 2 Church Road, Knighton, Powys LD7 1EB. Tel: 07772 657446. Email: paul@microshadevsm.co.uk, and they are responsible for the following tasks;
- 4.1.2 informing and advising the Community Council, any processor engaged by the Community Council as data controller, and any employee of the Community Council who carries out processing of personal data, of that person's obligations under the legislation;
- 4.1.3 providing advice and monitoring for the carrying out of a data protection impact assessments;
- 4.1.4 co-operating with the Information Commissioner's Office, acting as the contact point for the Information Commissioner's Office monitoring compliance with policies of the Community Council in relation to the protection of personal data monitoring compliance by the Community council with the legislation.
- 4.1.5 In relation to the policies mentioned above, the Data Protection Officer's tasks include:-
 - (a) assigning responsibilities under those policies,
 - (b) raising awareness of those policies,
 - (c) training staff involved in processing operations, and
 - (d) conducting audits required under those policies.
- 4.1.6 The Community Council must provide the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

4.2 Community Council

4.2.1 The Community Council will be responsible for ensuring that the organisation complies with its responsibilities under the Data Protection Act through monitoring of activities and incidents via reporting by the Data Protection Officer. The Community Council will also ensure that there are adequate resources to support the work outlined in this policy to ensure compliance with the Data Protection Act.

4.3 All Staff and Councillors

4.3.1 All staff and councillors will ensure that:-

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.
- Personal information is only used for the stated purpose, unless explicit consent has been given by the Data Subject to use their information for a different purpose.
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- Personal information is recorded accurately and is kept up to date.
- They refer any subject access requests and/or requests in relation to the rights of individuals to the Data Protection Officer.
- They raise actual or potential breaches of the Data Protection Act to the Data Protection Officer as soon as the breach is discovered.

It is the responsibility of all staff and councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

4.4 Contractors and Employment Agencies

Where contractors are used, the contracts between the Community Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as Community Council members of staff and councillors in relation to the Data Protection Act.

4.5 Volunteers

All volunteers are bound by the same code of behaviour as Community Council members of staff and councillors in relation to the Data Protection Act.

5. RECORDS MANAGEMENT

Good records management practice plays a pivotal role in ensuring that the Parish/Town Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the Act. All records should be retained and disposed of in accordance with the Community Council retention schedule.

6. CONSENT

The Community Council will take all reasonable steps to ensure that service users, members of staff, volunteers, and contractors are informed of the reasons the Community Council requires information from them, how that information will be used and who it will be shared with. This will enable the data subject to give explicit informed consent to the Community Council handling their data where the legal basis for processing is consent.

Should the Community Council wish to use personal data for any purpose other than that specified when it was originally obtained, the data subject's explicit consent should be obtained prior to using the data in the new way unless exceptionally such use is in accordance with other provisions of the Act.

Should the Community Council wish to share personal data with anyone other than those recipients specified at the time the data was originally obtained, the data subject's explicit consent should be obtained prior to sharing that data, failure to do so could result in a breach of confidentiality.

7. ACCURACY AND DATA QUALITY

The Community Council will ensure that all reasonable steps are taken to confirm the validity of personal information directly with the data subject.

All members of staff and councillors must ensure that service user personal information is checked and kept accurate and up to date on a regular basis, for example, by checking it with the service user when they attend for appointments in order that the information held can be validated.

Where a member of the public exercises their right for their data to be erased, rectified, or restricted, or where a member of the public objects to the processing of their data, the Data Protection Officer must be notified and the appropriate procedures followed.

8. DATA PROTECTION IMPACT ASSESSMENTS

A data protection impact assessment is a process which helps to assess privacy risks to individuals in the collection, use and disclosure of information. They must be carried out at the early stages of projects and are embedded in to the Parish/Town Council's decision making process.

9. PROVIDERS

The Community Council must have written contracts in place with all suppliers who process personal data on behalf of the Community Council as "data processors". The Community Council will ensure that processors are only appointed if they can provide 'sufficient guarantees' through the procurement process that the requirements of the Act will be met and the rights of data subjects protected.

10. COMPLAINTS

Any expression of dissatisfaction from an applicant with reference to the Community Council's handling of personal information will be treated as a complaint, and handled under the Community Council's complaint's processes. The Data Protection Officer will be involved in responding to the complaint.

Should the complainant remain dissatisfied with the outcome of their complaint to the Council, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

11. SECURITY AND CONFIDENTIALITY

All staff and councillors must ensure that information relating to identifiable individuals is kept secure and confidential at all times. The Community Council will ensure that its holdings of personal

data are properly secured from loss or corruption and that no unauthorised disclosures of personal data are made.

The Community Council will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

12. RIGHTS OF DATA SUBJECTS

Individuals wishing to request their information as a subject access request should contact the Community Council, who will arrange for the information to be processed in accordance with the Data Protection Act. Further information on this is available in a separate document, How to access your records.

Individuals should also make requests in writing to the Community Council if they wish to exercise their other rights under the legislation.

**This policy was adopted by Penyffordd Community Council at the
Annual General Meeting held on 8th May 2024**

APPENDIX 1

DATA PROTECTION PRINCIPLES

First Principle

processed lawfully, fairly and in a transparent manner in relation to individuals;

Second Principle

collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

Third Principle

adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

Fourth Principle

accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

Fifth Principle

kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Data Protection Act in order to safeguard the rights and freedoms of individuals;

Sixth Principle

processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.



PENYFFORDD COMMUNITY COUNCIL

MODEL FINANCIAL REGULATIONS 2019 FOR WALES

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These Financial Regulations were adopted by the Council at its Meeting held on **8th May 2024**

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders¹ and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct
- 1.8. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The RFO;
 - acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;

¹ Model standing orders for Councils 2019 Edition are available from NALC (© NALC 2019)

- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.
- 1.14. In addition, the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts;

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

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils in Wales - A Practitioners' Guide* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

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

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

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

2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

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

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and

- have no involvement in the financial decision making, management or control of the Council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the [relevant committee and the] Council.
- 3.2. The Council shall consider annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over [£5,000];
 - a duly delegated committee of the Council for items over [£500]; or
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below [£500].

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

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in [December] for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of [£2000]. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of [15%] of the budget.
- 4.9. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, present the schedule to Council [or finance committee]. The Council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council [or finance committee]. The approved schedule shall be initialled by the Chairman of the Meeting at a face to face meeting, however, if approved during a virtual meeting the schedule for payments will be signed and dated by the Clerk. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including

salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council [or Finance Committee] meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee];
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee]; or
 - c) fund transfers within the Councils banking arrangements up to the sum of [£20,000], provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee].
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council [or Finance Committee].
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council [or duly delegated committee].
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by [two] members of Council at a face to face meeting, however, if approved during a virtual meeting the schedule for payments will be signed and dated by the Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council [or Finance Committee] at the next convenient meeting.
- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or

passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk [the RFO]. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of [£500] unless authorised by Council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council [Finance Committee]. Transactions and purchases made will be reported to the [Council] [relevant committee] and authority for topping-up shall be at the discretion of the [Council] [relevant committee].
- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk [and RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the [Council] [relevant committee].
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a) by any Councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff, the Council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

- 8.3. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.4. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

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

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more

quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.

- 10.2. A member may not issue an official order or make any contract on behalf of the Council.
- 10.3. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by legal professionals acting in disputes;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. The full requirements of The Public Contracts Regulations 2015 (“the Regulations”), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
 - c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
 - d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - e. 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.

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£181,302)
- b. For public works contracts 5,225,000 Euros (£4,551,413)

- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders [18], ³ and shall refer to the terms of the Bribery Act 2010.
 - g. When it is to enter into a contract of less than [£60,000]⁴ in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£5,000] and above [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.1 above shall apply.
 - h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - i. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- 11.2. The Proper Officer shall maintain a register of personal interests, in respect of both members and senior staff.
- a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.
 - b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.]

³ Based on NALC's model standing order 18d (© NALC 2018)

⁴ This suggested figure is based on the sum above which special rules are applicable (under the Regulations) to Councils in England and is therefore considered an appropriate threshold.

13. STORES AND EQUIPMENT

- 13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed [£250].
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Clerk].
- 15.2. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.

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

16. RISK MANAGEMENT

- 16.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk [with the RFO] shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 16.2. When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 17.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

* * *

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PENYFFORDD COMMUNITY COUNCIL

FREEDOM OF INFORMATION SCHEME



Information available from Penyffordd Community Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only <i>N.B. Councils should already be publishing as much information as possible about how they can be contacted</i>		
Who's who on the Council and its Committees	Website, Hard copy Contact Clerk	10p per page
Contact details for Community Council Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website, Hard copy Contact Clerk	10p per page
Location of main Council office and accessibility details	Clerk's home address	10p per page
Staffing structure	Clerk and Litter Picker	10p per page
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum		
Annual return form and report by auditor	Website, Hard copy Contact Clerk	10p per page
Finalised budget	Website, Hard copy Contact Clerk	10p per page
Precept	Council January minutes. Website, Hard copy Contact Clerk	10p per page
Borrowing Approval letter	Not Applicable	10p per page
Financial Standing Orders and Regulations	Website, Hard copy Contact Clerk	10p per page
Grants given and received	Website, Hard copy Contact Clerk	10p per page
List of current contracts awarded and value of contract	Hard copy contact Clerk	10p per page
Members' allowances and expenses	Website, Hard copy Contact Clerk	10p per page
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)		
Place Plan (current and previous year as a minimum)	Website, Hard copy Contact Clerk	10p per page
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Not Applicable	
Quality status	Not Applicable	
Local charters drawn up in accordance with WAG guidelines	Not Applicable	
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous council year as a minimum		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Website, Hard copy Contact Clerk	10p per page
Agendas of meetings (as above)	Contact Clerk	10p per page
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Website, Hard copy Contact Clerk	10p per page
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Website, Hard copy Contact Clerk	10p per page
Responses to consultation papers	Hard copy contact Clerk	10p per page
Responses to planning applications	Website, Hard copy Contact Clerk	10p per page
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		

Policies and procedures for the conduct of council business: <i>Procedural standing orders</i> <i>Committee and sub-committee terms of reference</i> <i>Delegated authority in respect of officers</i> <i>Code of Conduct</i> <i>Policy statements</i>	Website, Hard copy Contact Clerk	10p per page
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services <i>Recruitment policies (including current vacancies)</i> <i>Policies and procedures for handling requests for information</i> <i>Complaints procedures (including those covering requests for information and operating the publication scheme)</i>	Hard copy contact Clerk	10p per page
Data protection policies	Website, Hard copy Contact Clerk	10p per page
Schedule of charges (for the publication of information)	Website, Hard copy Contact Clerk	Free
Class 6 – Lists and Registers Currently maintained lists and registers only (some information may only be available by inspection)		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Website, Hard copy Contact Clerk	10p per page
Assets Register	Website, Hard copy Contact Clerk	10p per page
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	Website, Hard copy Contact Clerk	10p per page
Register of members' interests	Website, Hard copy Contact Clerk	10p per page
Register of gifts and hospitality	Website, Hard copy Contact Clerk	10p per page
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only		
Parks, playing fields and recreational facilities	Contact Clerk	10p per page
Seating, litter bins, clocks, memorials and lighting	Contact Clerk	10p per page
Bus shelters	Contact Clerk	10p per page
Rights of Way	Contact Clerk	10p per page
Christmas Lighting	Contact Clerk	10p per page
Applications for Financial Assistance from Local Organisations	Contact Clerk	10p per page
Notice Boards	Contact Clerk	10p per page
Additional Information This will provide Councils with the opportunity to publish information that is not itemised in the lists above		

SCHEDULE OF CHARGES

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

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @10p per sheet (black & white)	Actual cost *
	Photocopying @ ..p per sheet (colour) Not Available	Actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee	To cover time spent by staff collating the information	In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred by the public authority

Contact details:

Mrs Sarah Hughes, Clerk & RFO:

3 Old Chester Road, Ewloe, Deeside, Flintshire, CH5 3RU

Tel.: 01244 537032

Email : clerk@penyforddcouncil.org

Reviewed, updated and approved by the Council at its Annual Meeting held on 8th May 2024



PENYFFORDD COMMUNITY COUNCIL

INTERNAL FINANCIAL CONTROLS

1. The Responsible Financial Officer will prepare annual estimates of income and expenditure for submission to the December and January meetings of the Council, following consultation with the Chairman.
2. As soon as estimates have been approved at the Council's Annual Finance Meeting it shall be the responsibility of the Responsible Financial Officer to submit the precept required to Flintshire County Council, which under arrangements agreed with that Authority is received in three instalments at the end of April, August and December, and transferred automatically to the Council's HSBC Deposit Account by means of BACS.
3. The Responsible Financial Officer will report to the meetings the financial position in relation to income and expenditure for the particular financial year.
4. The Responsible Financial Officer shall record all payments and income in the ledger on a regular basis, to reconcile income and expenditure and remaining balances on a monthly basis and to report this to Council. At the year end to provide a final bank reconciliation report and to prepare accounts in the receipts and payments format with balance sheet and supporting statements for Council approval as soon as possible after the year end.
5. The Responsible Financial Officer shall pay all invoices approved by the Council by means of a minute reference, ensuring all cheques and electronic payments have the required signatures. If approved during a virtual meeting the schedule for payments will be verbally approved by the council and signed and dated by the Clerk, and all electronic payments processed. All cheque payments will require signing by two bank signatories.
6. The Responsible Financial Officer shall maintain a bank paying-in book to record receipt No., in case of cash, name of person/organisation from which received, reason for payment and amount.
7. The Responsible Financial Officer will ensure that all payments have a voucher and are kept in a folder and appropriately numbered for internal audit purposes and that all miscellaneous income is paid in promptly to the appropriate Bank account.
8. The Responsible Financial Officer will ensure that
 - a) Goods should be acquired by Official Order wherever possible, having regard to the Council's Financial Standing Orders.

- b) Payments should be made on a monthly basis on approval of Council, to which a list of payments should be submitted for approval. List to be produced by Clerk and Financial Officer.
 - c) Payments must only be made on receipt of Invoice.
 - d) Whenever possible, Order Acknowledgement/Delivery Note should be attached to Invoice and Payment Voucher.
 - e) Cheques should be written by Clerk and Financial Officer.
 - f) Cheques and electronic payments should be signed by two authorised Members of Council.
 - g) Payments should be recorded by Clerk and Financial Officer, detailing cheque No., payee, reasons for payment, vat and gross amounts and date of payment.
 - h) Paid invoices should be kept in a lever arch file, filed in transaction order, within month of payment together with returned cheques.
 - i) The authorised payment should be included within Minutes of Council.
9. The Responsible Financial Officer will keep the Council's present three bank accounts with the HSBC Bank under review, transferring monies between each as appropriate to ensure interest earning opportunities are maximised.
10. The Responsible Financial Officer will reclaim VAT at the year end and check that this and other incomes received automatically (precept, bank interest), or otherwise, are credited to the appropriate bank account.
11. Salary payments are subject to the appropriate deductions of income tax and national insurance which are processed by AVOW (Association of Voluntary Organisation in Wrexham).
12. The Responsible Financial Officer, as part of the annual risk assessment required to be undertaken by the Council, will ensure that insurance cover is at the appropriate level and that the asset register is kept up to date.
13. As soon as the Council have approved the year end accounts referred to in paragraph 4, the Responsible Financial Officer will arrange for the appropriate documentation to be made available to the Council's Internal Auditor.
14. The report and action plan (if any) of the Internal Auditor will be reported to the Council at the meeting following their receipt and the Responsible Financial Officer will respond to any action plan items for Council approval.
15. On receipt of notification of external audit, the Responsible Financial Officer will arrange for appropriate public notice to be given, arrange for completion of the Annual Return required by the External Auditor and public notice of the completion of the audit, ensuring also that the Council is notified of both stages.

**This Procedure was reviewed and approved by the Council
at its Annual Meeting held on 8th May 2024**



PENYFFORDD COMMUNITY COUNCIL

ANNUAL INVESTMENT STRATEGY

This Annual Investment Strategy is prepared in accordance with the statutory guidance on Local Government Investments issued by the National Assembly for Wales.

All cash, bank balances, financial assets, borrowings and credit arrangements are defined as a part of the Council's treasury management activities. This Annual Investment Strategy will concentrate on the Council's temporarily surplus resources (or other financial assets it holds) and the investments it undertakes of these resources.

The Council undertakes to ensure that for all its investments, priority will be given to security and liquidity rather than to yield. In drafting this Annual Investment Strategy, the Council has made appropriate arrangements for:

- Identification, management and control of risks in the investments/treasury management activities it undertakes.
- Budgeting, accounting and audit arrangements.
- Its cash and cash flow management requirements
- Segregation of responsibilities, organisational arrangements, adequate documentation and the identification of a responsible officer for investment/treasury management activities.
- Corporate governance.
- A procedure to ensure it is alert to the possibility it may become subject to an attempt to involve it in a transaction involving the laundering of money.

All investments undertaken by this Council will be made and repaid in sterling.

Sums to be invested

All monies not required for approved expenditure purposes to be invested in the Council's Reserve Account to be available without notice.

Listing of investments undertaken

The Council will undertake the following categories of investment for each financial year.

- All excess funds to be held in a Reserve Account

New investments – reporting requirements

If any new investment instruments (other than those approved in the list above) are proposed during the current financial year, before such an investment is undertaken it will need to first be approved by the Penyffordd Community Council.

**This statement was reviewed and approved by the Council
at its Annual Meeting held on 8th May 2024**




Un Llais Cymru



One Voice Wales

Model Local Resolution Protocol for Community and Town Councils

Reviewed and adopted by Penyffordd Community Council
at the AGM held on 8th May 2024



ONE VOICE WALES

Model Local Resolution Protocol for Community and Town Councils

Background

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However, to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co-operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

The Local Resolution Process

Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing
- Repetitive low level and frivolous complaints

Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, or malicious complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process

The Process

The complaint

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by Members and/or officers during this Stage, then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

Important Points to Note in preparing a process for use by the Council

The Clerk/Proper officer, Chair and Vice Chairs of Councils should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process. Councils wishing to pursue this route should contact One Voice Wales for guidance.

Councils might want to include some guidance where complaints which are most appropriately dealt with under this process are referred to the Council by PSOW. The PSOW could actively do this if the Council has an approved process.

It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Councils need to be clear on their powers in respect of code of conduct matters. The Ombudsman has seen examples of councils who have deemed it appropriate to fully investigate a code complaint, decide that there has been a breach and some have even thought it appropriate to consider the issue of a sanction. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.



ABOUT ONE VOICE WALES

One Voice Wales is the national representative organisation for Community and Town Councils throughout Wales. The vision subscribed to by One Voice Wales is:

“Working with local councils in Wales to shape places communities want to live in”

One Voice Wales aims to support Community and Town Councils in achieving this vision and has adopted the following Mission Statement to guide its work:

“To represent the interests of Community and Town Councils; raise awareness and understanding of this primary tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.”

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Multi Location (Hybrid) Meeting Procedure

As from the 1st May 2021 the Local Government and Elections (Wales) Act 2021 came into force making it easier for meetings to take place through a variety of arrangements, including multi-location. Examples of this could include:

- All participants are in the same physical location;
- All participants are in the same physical location except one individual who joins from another location;
- Roughly equal number of councillors are present in a physical space and joining through remote means;
- Wholly through remote means where no physical arrangements have been made.

The meeting will be a formal Community Council meeting and will be held using the agenda and summons which the Clerk has published. It will be governed by the usual Standing Orders, Financial Regulations and associated policies.

The Community Council has chosen to use the platform Zoom and the Clerk/Chair will Host the meeting using a paid account.

Members wishing to join the meeting remotely (whether by video or telephone) will be required to request the Zoom Access link in advance of the meeting(*). The meetings will be open to the press and public, however, the link to the virtual meeting will NOT be published on the agenda. Should a member of the public wish to attend virtually, they too will need to contact the Clerk in advance to request the meeting link(*) and the Clerk will keep a record of the attendees expected to reduce any security risks. As with face to face meetings, members of the public will be given the opportunity to speak during public participation, but will not be permitted, unless invited to do so by the Chairman, to speak at other times.

Attendees will collect in the Zoom 'waiting room' prior to the meeting. As the 'Host', the Clerk/Chair will have the ability to mute or remove anyone deemed a nuisance at the Chairman's request.

All attendees will be set to 'mute' on commencement of the meeting and only the Chairman of the meeting will remain unmuted. All other participants, if they wish to speak will be invited to unmute. The Clerk will have the ability to mute anyone who forgets.

All Councillor attendees will display their name in order for the public to be able to identify them, just as they would at an in-person meeting.

If a Councillor has declared an interest in an item on the agenda, they will be placed in the waiting room for the duration of the agenda item. Once the item has been concluded, they will be re-admitted.

The Clerk/Chair will display any documents required using the 'share screen' function and if necessary can allow this function to be opened to other members.

Anyone wanting to speak should raise their hand using 'raise hand' in the options within the Participants section [or by waving if they're using a camera so that the Chairman can see].

*(*The meeting link will need to be requested no later than 5pm on the evening of the meeting to allow, if necessary, for the equipment to be set up.*

The 'Chat' function will be disabled during the meeting.

Voting will be undertaken by a show of hands where video conferencing is enabled which will be verbally confirmed (so that members on the telephone can hear) and by a verbal response for telephone connection. The Chair will address each member individually. Should the council wish or be required to hold a ballot vote, this will be done by members individually contacting the Clerk.

Photographing, recording, broadcasting, or transmitting.

Photographing, recording, broadcasting, or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent in accordance with 3 (i) Meeting Generally of the Council's Standing Orders.

The Community Council is not liable for the actions of any person making a recording at or of a Community Council meeting which identifies a member of the public or for any publication of that recording.

The Community Council may itself photograph, film or record meetings and can retain, use, or dispose of such material in accordance with its document retention and disposals policy.

The printed, and signed, minutes of a Community Council meeting remain the statutory and legally binding formal record of Community Council decisions.

Meeting participants may wish to protect their personal environment by choosing a virtual background in the Zoom Settings 'Virtual Background' or alternatively should consider what can be seen behind them while on camera.

**This procedure was considered and approved at the council meeting held on 8th May 2024
and will be reviewed on an annual basis or sooner if necessary.**

May 2022

*(*The meeting link will need to be requested no later than 5pm on the evening of the meeting to allow, if necessary, for the equipment to be set up.*



PENYFFORDD COMMUNITY COUNCIL

PRESS & MEDIA POLICY

Responses to the press relating to matters discussed by the Community Council shall be dealt with in the first instance by the Clerk.

The Community Council Chair and in their absence the Vice-Chair, are also authorised to give the views of the Council to the press on any non-confidential subject discussed by Council.

Whenever possible any information given to the press shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting. At no time shall the personal views of either members or officers of the Council be given to the press in a way which could be interpreted as a view of the Council as a whole.

**This Procedure was reviewed and approved by the Council
at its Annual Meeting held on 8th May 2024**



Retention Policy

Retention Schedule for Council Records

There is a clear need to retain documentation for a variety of reasons including audit purposes, staff management, tax and VAT and the potential eventuality of legal dispute and proceedings.

The Retention Schedule includes the main types of Council records. Each entry lists the record series along with the proposed action, the retention periods and reasons for the action. Further information can be sought from the National Association of Local Councils (NALC) and, in particular, Legal Topic Note LTN 40.

The following information provides an explanation for each of the three action terms used within the schedule.

Records identified for permanent preservation

Records in this category have been identified for permanent retention. These should be deposited with the local Archive Service once there is no longer an administrative need for them to be kept locally.

The only financial records recommended for deposit are the payment and receipt books or the annual audited accounts if the former has not survived. These are often filed with receipts and payments that are not necessary for preservation and should be weeded prior to their transfer to the Archive Service.

Records in this category should be transferred to the local Archive Service after the minimum retention period or once they become inactive.

Records to be destroyed

A large number of parish and town council records can be destroyed once they become inactive or the minimum retention period expires. Financial records account for the majority of this category. These must be kept for a minimum of 6 years after the last entry (Limitation Act 1980 (as amended), VAT Act 1994 etc.), but may be retained for longer depending on local circumstances. Records not given a minimum retention period can be destroyed once there is no longer an administrative requirement for their custody. If Council is unsure whether a document or series of records should be destroyed, then please contact the local Archive Service for further guidance.

To protect confidential information, all records assigned for disposal should be securely destroyed. Paper records containing confidential information should be shredded or pulped, and not simply thrown out with other classes of records. Electronic or machine-readable records will require a two-step process for assured confidential destruction:

- Deletion of the contents of digital files, and
- The use of commercially available software applications to remove all residual data from the storage device. These processes may be outsourced to credible commercial companies who specialise in confidential destruction of records.

The Limitations Act 1980 (as amended) provides that legal claims may not be commenced after a specified period. The table below sets out the different limitation periods for different categories of claim. (Please see the NALC Legal Topic Note 40 for further information):

This policy was adopted by Penyffordd Community Council at the Annual General Meeting held on 8th May 2024

RETENTION PERIODS FOR COUNCIL DOCUMENTS

Records	Minimum Retention period	Action	Reason
Administrative	Minimum Retention period	Action	Reason
Minute books	Indefinite	Preserve	Archive
Signed council and committee minutes	Indefinite. Can be transferred to local Archive after 6 years or once they become inactive.	Preserve	Common practice
Draft minutes	Until the date of confirmation of the minutes	Destroy	Operational
Agendas	Until there is no longer an administrative requirement. Can be transferred to local Archive after 6 years or once they become inactive.	Destroy	Operational
Reports and other documents circulated with agendas	Until there is no longer an administrative requirement. Destroy these reports if copies are already included with signed minutes	Review	Common practice
Councillors' declarations of office	4 years or until they vacate office	Destroy	Operational
Register of electors	Until there is no longer an administrative requirement	Destroy	Copies already in existence
Grouping orders	Until there is no longer an administrative requirement	Destroy	Operational
Byelaws and orders	Preserve one of each copy and transfer to local Archive once they become inactive	Preserve	Common practice
Policy documents	Until there is no longer an administrative requirement. Destroy old versions.	Review	Operational
Title deeds more than 100 years old	Indefinite. Transfer to local Archive once they become inactive.	Preserve	Audit/Management Common practice
Title deeds less than 100 years old	Indefinite. Transfer to local Archive for review once they become inactive.	Review	Audit/Management Common practice
Property registers and terriers	Indefinite. Transfer to local Archive once they become inactive.	Preserve	Common practice
Maps, plans, and surveys of property owned by the council or meeting	Indefinite. Transfer to local Archive once they become inactive	Preserve	Common practice
General correspondence	6 Years after correspondence ends	Destroy	Operational
Complaints	6 Years after resolution of complaint	Destroy	Operational
Information Requests	6 Years after resolution of request	Destroy	Operational
Village/parish appraisals, plans, millennium projects and supporting papers	Until there is no longer an administrative requirement	Review	Operational
Planning applications and related papers for major controversial developments	Until there is no longer an administrative requirement	Review with the view to destroy	Operational
Planning applications for minor works where permission is refused	6 years	Destroy	Limitation Act 1980
Leases, agreements, contracts and wayleaves	Indefinite	Preserve	Audit/Management

Parish council newsletter	Indefinite. Transfer one copy to local Archive.	Preserve	Common practice
Newsletter mailing list	Retain until consent withdrawn or following regular review consent no longer provided	Destroy	Operational
Routine internal correspondence and papers	Until there is no longer an administrative requirement	Review with the view to destroy	Operational
Scale of fees and charges	Until superseded by new charges	Destroy	Operational
Employers' liability insurance policies	40 years after expiry date	Destroy	Employers' Liability Act 1969 Employers' Liability Regulations 1998
Risk assessments	Once superseded by a new risk assessment or once inactive	Destroy	Operational
Personnel	Retention period	Action	Reason
Personnel files	6 Years after termination of service	Destroy	Risk of investigation regarding any future litigation
Personnel files – annual leave	2 years	Destroy	Operational
Recruitment data		Destroy	Equalities Act
Successful	Add to personnel file		
Unsuccessful	6 months after recruitment finalised plus current year		
Financial	Retention period	Action	Reason
Scales of fees and charges	6 years	Destroy	Management
Receipt and payment books	Indefinite. Transfer to local Archive once they become inactive	Preserve	Council financial regulations
Rate books	Indefinite. Transfer to local Archive once they become inactive	Preserve	Common practice
Receipt books of all kinds	6 years	Destroy	VAT
Annual audited accounts	6 years.	Destroy, but preserve if the receipt and payment books have not survived.	Council financial regulations
Accounts and statements	6 years	Destroy	Council financial regulations
Vouchers before 1950	6 years	Destroy	Council financial regulations
Cash and petty cash books, rent books, postage and telephone books	6 years	Destroy	Tax, VAT, Limitations Act 1980 (as amended) Council financial regulations
Receipt books of all kinds	6 years	Destroy	Council financial regulations
Postage and telephone books	6 years	Destroy	Council financial regulations
Bank statements including deposit/saving accounts	6 years	Destroy	Council financial regulations
Bank paying-in books	Last completed Audit year	Destroy	Council financial regulations
Cheque book stubs	Last completed Audit year	Destroy	Council financial regulations

Paid invoices	6 years	Destroy	VAT Council financial regulations
Paid cheques	6 years	Destroy	Limitation Act 1980 (as amended) Council financial regulations
VAT records	6 years	Destroy	VAT Act 1994
VAT claims	6 years	Destroy	VAT Act 1994
Time sheets	Last completed Audit year	Destroy	Council financial regulations
Wage books	12 years	Destroy	Superannuation & Limitation Act 1980 (as amended)
Members' allowances register	6 years	Destroy	Tax, Limitation Act 1980 (as amended)
Quotations and tenders (successful)	6 years after contract ends	Destroy	Limitation Act 1980
Quotations and tenders (unsuccessful)	2 years	Destroy	Operational
Insurance policies	While valid	Destroy	Operational
Certificate for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed.	Preserve	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
Investments	Indefinite	Preserve	Audit, Management
Parish Halls, Centres and Recreation Grounds	Retention period	Action	Reason
Records relating to applications to: <ul style="list-style-type: none"> • Hire; • Letting diaries; • Copies of bills to hirers; • Records of tickets issued. 	6 years	Review with the view to destroy	VAT Council financial regulations
Allotments	Retention period	Action	Reason
Register & Plans	Indefinite	Preserve	Audit, Management
Burial Grounds	Retention period	Action	Reason
<ul style="list-style-type: none"> • Register of fees collected; • Register of Burials; • Register of Purchased Graves; • Register/plan of Grave Spaces; • Register of Memorials; • Applications for interment; • Applications for right to erect memorials; • Disposal certificates; • Copy certificates of Grant of Exclusive Right of Burial. 	Indefinite	Preserve	Archives, Local Authorities Cemetery Order 1977 (SI. 204)

Miscellaneous	Retention period	Action	Reason
Marketing Consent Forms	3 years	Destroy	Best Practice
Maps created under the provision of the Rights of Way Act 1932	Transfer to HRO once they become inactive	Preserve	Common practice
Papers concerning Rights of Way	Until there is no longer an administrative requirement	Destroy	Operational
Community magazines or newsletters(not created by the parish council)	Until there is no longer an administrative requirement	Review	Operational
Charity papers	Until there is no longer an administrative requirement	Review	Operational
Press cuttings book	Until there is no longer an administrative requirement	Review	Operational
Photographs	Until there is no longer an administrative requirement	Review	Operational
Any records predating the establishment of Parish Councils (1894), e.g. poor law, surveyors of the highway, tithe maps and apportionments, enclosure awards etc.	Transfer to local Archive as soon as possible	Preserve	Common practice
Records of other bodies such as burial boards, charities, fire brigades, Home Guard unit, local society or ad hoc committee	Transfer to local Archive once they become inactive	Preserve	Common practice
Reports, guides, handbooks etc received from other organisations	Until there is no longer an administrative requirement	Review	Operational

Category	Limitation Period
Negligence (and other "Torts")	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
To recover land	12 years
Rent	6 years
Breach of Trust	None

Penyffordd Community Council Risk Assessment 2024



Identified Risk	Potential consequence of risk	Assessment of impact (H/M/L)	Likelihood of risk occurring (H/M/L)	Controls in place to manage risk	Required Action (if necessary)
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ASSETS

Loss or damage of physical assets owned by the Council.	Assets unable to be used. Expense of replacing assets.	M	L	An up to date register of assets. Adequate insurance of assets.	
The risk of damage to third party property or individuals as a consequence of the Council providing services or amenities to the public.	Risk of litigation should an individual or third party property become injured or damaged.	H	L	Public liability insurance. Regular maintenance of street lights by street lighting contractor. Routine Play Area Inspections by FCC. Christmas Lights inspected each year before installation by the Contractor. West View Wildlife Garden managed by Woodswok	
Loss of cash through theft or dishonesty.	The Council may be unable to provide its services. Damage to reputation of the Council.	L	L	Internal financial controls/fidelity guarantee insurance/budgetary controls/ monthly Bank statement reconciliation reported to Council.	
Loss of Council Records	Loss through theft, fire and damage/damage to Council reputation	M	M	IT files are backed up weekly to a secure server. Where possible documents are stored in a lockable metal cabinet.	Archiving needs to be undertaken and files transferred to the Records Office.

FINANCE

Annual Return	Non-compliance with statutory deadlines for the completion/ approval/submission of accounts & other financial returns.	L	L	Current procedures more than adequate. Continue to ensure that all accounts and returns are completed and submitted by the deadlines.	
Banking arrangements, including borrowing or lending.	Loss of income through poor investment of funds. Bank charges incurred through unauthorised borrowing.	L	L	Regular bank reconciliations are carried out before each Council meeting.	.

Identified Risk	Potential consequence of risk	Assessment of impact (H/M/L)	Likelihood of risk occurring (H/M/L)	Controls in place to manage risk	Required Action (if necessary)
				The budget is monitored each month and balances are transferred between the deposit account and current account.	
Keeping proper financial records in accordance with statutory requirements.	Qualification of accounts by external auditor.	H	L	Production of monthly payment listing which are incorporated within the minutes are signed by the Chairman of Council and/or Finance Chairman. Cheques payments to be signed by two bank signatories.	
Ensuring all business activities are within legal powers applicable to local councils.	Ultra-vires expenditure could lead to local elector challenge/ possible external auditor investigation / public interest report.	M	L	Compliance with Legislation, Monthly reporting to Council, detailed minutes, Internal & External Audit.	
Ensuring that all requirements are met under employment law and Inland Revenue regulations.	Fines for not meeting requirements. Liability for unpaid tax. Risk of legal action from employee.	L	L	The payroll function is effected by AVOW (Association of Voluntary Organisations in Wrexham). Payroll records are maintained monthly. All employees have contracts for employment.	
Ensuring that all requirements are met under Customs and Excise regulations.	Entitlement to reclaim of VAT for a period being lost.	L	L	VAT is analysed separately in the cash book. VAT invoices are retained. VAT returns are submitted annually.	
Ensuring the adequacy of the annual precept within sound budgeting arrangements.	The Council would not be able to meet its objectives due to lack of funds.	M	L	The Council set a budget annually in the January Meeting and is monitored through the year.	
Responding to electors wishing to exercise their rights of inspection.	An elector could complain if they are not able to exercise their right of inspection of accounts.	L	L	A notice is put up on Council notice boards & website notifying electors of their right to inspection of the accounts during the relevant inspection period.	
Supplier Fraud	There is evidence the risk of supplier fraud for organisations has increased substantially. The risks can be managed via appropriately robust policies and procedures.	L	L	<ul style="list-style-type: none"> A rigorous change of supplier details procedure - where a supplier has purported to have changed their bank details always call the supplier to check the veracity of a request, using details in your system, rather than those on any associated letter or email. 	

Identified Risk	Potential consequence of risk	Assessment of impact (H/M/L)	Likelihood of risk occurring (H/M/L)	Controls in place to manage risk	Required Action (if necessary)
				<ul style="list-style-type: none"> • A periodic review of supplier accounts should also be undertaken to remove any dormant accounts. • The Council's bank uses 'Confirmation of payee' when making new online payments which checks the payee named, account number and sort code are correct. 	

COUNCIL

Members not aware of their responsibilities	Inefficient Council	M	L	Adoption of Standing Orders, Financial Regulations and Code of Conduct	
Member and Staff Training	Lack of knowledge could lead to poor decision making	M	M	Annual Appraisals are offered and undertaken for employees. The council produced and adopted a Training Plan and members are offered training on a monthly basis.	
Proper, timely and accurate reporting of council business in the minutes.	The Council could be open to challenge if they do not have an accurate record of any decisions taken.	L	L	Minutes are taken at each Council meeting by the Clerk, these are properly numbered and are approved at the next Council meeting.	
Proper document control.	Increased fee from the internal auditor or external auditor if there is a poor audit trail.	L	L	All documents are filed. There is an audit trail from the cash book to supporting documentation.	
Register of members' interests & gifts & hospitality in place, complete, accurate & up to date.	Possible complaint by elector. Conflict of interests.	L	L	All members have adopted the code of conduct. A Register of Members Interests.	

**This risk assessment was reviewed and approved by the Council
at its Annual Meeting held on 8th May 2024**



PENYFFORDD COMMUNITY COUNCIL

SCHEME OF DELEGATION

THE POWER TO DELEGATE

The power to delegate functions by local councils is set out in the Local Government Act 1972, s101 as follows:

Local Government Act 1972 s 101 arrangements for discharge of function by local authorities:

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a Sub-Committee or an officer of the authority, or (b) by any other local authority
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.
- (3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions
- (4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applied in relation to the functions of the individual authorities
- (5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

The aim of this document is to clarify the manner in which Penyffordd Community Council has delegated its powers and the authority to spend.

DELEGATION TO OFFICERS

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

RESPONSIBLE FINANCIAL OFFICER

The Responsible Financial Officer to the Council shall be responsible for the Community Council's accounting procedures in accordance with the Accounts and Audit Regulations (Wales) in force at any given time.

PROPER OFFICER

The Clerk and Financial Officer shall be the Proper Officer of the Council and as such is specifically authorised to:

- To receive Declarations of Acceptance of Office
- To receive and record notices disclosing personal and prejudicial interests
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To receive copies of by-laws made by the local authority
- To certify copies of by-laws made by the Council
- To sign summonses to attend meeting of the Council
- To arrange insurance

In addition, the Clerk and Financial Officer has the delegated authority to undertake the following matters on behalf of the Council:

- The day to day administration of services, together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council
- Authorisation of routine expenditure with the agreed budget
- Emergency expenditure up to **£2000 outside the agreed budget**
- Matters specifically delegated by Council or Committee

COUNCIL

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- Approval of the budget
- Setting the precept
- Approval of the Annual Return and Audit of Accounts
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from Welsh Government (eg hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking by-laws
- Making of Orders under any statutory powers
- Matters of principle or policy
- Appointment of Standing Committees
- Appointing Council representatives to outside bodies
- All other matter which much, by law, be reserved to the full Council

COMMITTEES

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees are authorised to:

- Elect a Chairman from within the Membership of that Committee
- Approve the minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year
- Delegate any of their functions to a Sub-Committee or Officer of the Council

TASK AND FINISH GROUPS (Working Groups)

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed. Each group will report back with recommendations to the Council or the Committee that formed it.

RECESS

Delegated powers are given to the Chair and Vice Chair to deal with any **urgent** matters during summer recess, or in the event of an unforeseen cancellation of a meeting. All matters dealt with shall be reported and recorded at the next meeting of the council.

This Scheme was reviewed and approved by the Council

at its Annual Meeting held on 8th May 2024



SOCIAL MEDIA POLICY

Introduction

A revolution is taking place in how we communicate. The world is experiencing the biggest ever change in how information is created and owned, as well as the speed in which it can be shared. This is changing the way we live, work and even how we speak and think.

Social media is a blanket term applied to a range of online multimedia tools that are used for creating content and two way communication. They can be accessed via your smartphone, PC, laptop, tablet or smart TV. All social media accounts are free of charge and can be set up quickly and easily from an Internet page.

1. Policy statement

- 1.1. This policy is intended to help employees and elected members make appropriate decisions about the use of social media such as social networking websites, forums, message boards, blogs or comments on web-articles, such as Twitter, Facebook and LinkedIn.
- 1.2. This policy outlines the standards the Council requires employees and elected members to observe when using social media, the circumstances in which your use of social media will be monitored and the action that will be taken in respect of breaches of this policy.

2. The scope of the policy

- 2.1. All employees and elected members are expected to comply with this policy at all times to protect the privacy, confidentiality, and interests of the Council.
- 2.2. Breach of this policy by employees may be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.
- 2.3. Breach of this policy by elected members will be dealt with under the Code of Conduct.

3. Responsibility for implementation of the policy

- 3.1. The Council has overall responsibility for the effective operation of this policy.
- 3.2. The Clerk, Chairman and Vice Chairman are responsible for monitoring and reviewing the operation of this policy and making recommendations for changes to minimise risks to our work.
- 3.3. All employees and elected members should ensure that they take the time to read and understand this policy. Any breach of this policy should be reported to the Clerk or Chair of the Council.
- 3.4. Questions regarding the content or application of this policy should be directed to the Clerk.

4. Using social media sites in the name of the council

- 4.1. Appointed Members are only permitted to post material on a social media website in the name of the Council and on its behalf in accordance with the rules and scope of this policy. The only exception to this is when a response is required to make a correction to a factual incorrect statement or post

- 4.2. If you are not sure if your comments are appropriate do not post them until you have checked with the Clerk/Chair.

5. Using social media

- 5.1. The Council recognises the importance of the internet in shaping public thinking about the Council and the support and services it provides to the community. It also recognises the importance of our employees and elected members joining in and helping shape community conversation and direction through interaction in social media.
 - a) Before using social media on any matter which might affect the interests of the Council you must have read and understood this policy and
 - b) Employees must have gained prior written approval to do so from the Clerk.

6. Rules for use of social media

Whenever you are permitted to use social media in accordance with this policy, you must adhere to the following general rules:

- 6.1. Do not upload, post or forward a link to any abusive, obscene, discriminatory, harassing, derogatory or defamatory content.
- 6.2. Any employee/elected member who feel that they have been harassed or bullied, or are offended by material posted or uploaded by a colleague onto a social media website should inform the Clerk/Chair.
- 6.3. Never disclose commercially sensitive, personal private or confidential information. If you are unsure whether the information you wish to share falls within one of these categories, you should discuss this with the Clerk/Chair.
- 6.4. For information that is not already in the public domain, do not up load, post or forward any content belonging to a third party unless you have that third party's consent.
- 6.5. Before you include a link to a third party website, check that any terms and conditions of that website permit you to link to it.
- 6.6. When making use of any social media platform, you must read and comply with its terms of use.
- 6.7. Be honest and open, but be mindful of the impact your contribution might make to people's perceptions of the Council.
- 6.8. You are personally responsible for content you publish into social media tools.
- 6.9. Don't escalate heated discussions, try to be conciliatory, respectful and quote facts to lower the temperature and correct misrepresentations.
- 6.10. Don't discuss colleagues without their prior approval.
- 6.11. Always consider others' privacy and avoid discussing topics that may be inflammatory e.g. politics and religion. Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are commenting on behalf of the Council.
- 6.12. Avoid publishing your contact details where they can be accessed and used widely by people you did not intend to see them, and never publish anyone else's contact details.

7. Monitoring use of social media websites

- 7.1. Employees and elected members should be aware that any use of social media websites (whether or not accessed for Council purposes) may be monitored and, where breaches of this policy are found, action may be taken against employees under our Disciplinary Procedure and councillors under the Code of Conduct.
- 7.2. Misuse of social media websites can, in certain circumstances, constitute a criminal offence or otherwise give rise to legal liability against you and the Council.
- 7.3. In particular, a serious case of uploading, posting forwarding or posting a link to any of the following types of material on a social media website, whether in a professional or personal

capacity, will probably amount to gross misconduct/breach of the Code of Conduct (this list is not exhaustive):

- a) pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- b) a false and defamatory statement about any person or organisation;
- c) material which is offensive, obscene, criminal, discriminatory, derogatory or may cause embarrassment to the Council our councillors or our employees;
- d) confidential information about the council or anyone else
- e) any other statement which is likely to create any liability (whether criminal or civil, whether for you or the organisation); or
- f) material in breach of copyright or other intellectual property rights, or which invades the privacy of any person.

Any such action will be addressed under the Disciplinary Procedure/Code of Conduct.

- 7.4. Where evidence of misuse is found the Council may undertake a more detailed investigation involving the examination and disclosure of monitoring records to those nominated to undertake the investigation and any witnesses or managers involved in the investigation. If necessary, such information may be handed to the police in connection with a criminal investigation.
- 7.5. If you notice any use of social media by other employees/elected members in breach of this policy, please report it to the Clerk/Chair.

8. Monitoring and review of this policy

- 8.1. The Council shall be responsible for reviewing this policy annually to ensure that it meets legal requirements and reflects best practice.

Further information for elected members, published by the Welsh Local Government Association, on the use of social media can be viewed on the One Voice Wales website:-

http://www.onevoicewales.org.uk/OVWeb/good_practicegeneral-8204.aspx

**This policy was reviewed and adopted by Penyffordd Community Council
at the Annual Meeting on 8th May 2024**



MODEL STANDING ORDERS 2023 (WALES)

**These Standing Orders were reviewed and adopted by
Penyffordd Community Council at its AGM
held on 8th May 2024**

A suggested amendment has been made in 10 (j)

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INTRODUCTION

This is a new version of the model standing orders designed to comply with all relevant legislation including the Local Government and Elections (Wales) Act 2021. (May 2023)

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. These 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 One Voice Wales (OVW).

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 OVW'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 their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or

- v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (10) 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 Notices of meetings

- i. The notice (including how the meeting may be accessed virtually, if applicable) must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.
- ii. If a member wants to receive the summons in writing rather than electronically to the address allocated to them or notified as their address to the clerk, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
- iii. The notice must provide details about how to access the meeting remotely, and the time and place of the meeting. The place may be omitted if the meeting is held by remote means only.
- iv. In exceptional circumstances, a meeting of a committee or sub-committee of the council may be called at shorter notice. In which case, notices should be published with at least 24 hours' notice.

These notice requirements also apply where a formal meeting is taking place which is not open to the public.

b Multi-location meetings

- i. All community councils must make and publish arrangements for its meetings to enable people who are not in the same place to meet. Under the arrangements, councils will need to take reasonable steps to allow meetings to be held from multiple locations. If the arrangements are revised or replaced the new arrangements must also be published.
- ii. The minimum requirement is that members are able to hear and be heard by others.

c Meetings Generally – Other.

- a **The minimum three clear days for notice of a meeting does not include the day on which the 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.**
- b **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- c **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 and the press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public and the press to be excluded.**
- d The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at

the meeting, unless doing so is likely to prejudice the effective conduct of the meeting. This does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity to make representations about business to be discussed.

- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) shall not exceed (15) minutes unless directed otherwise by the chair of the meeting.
- f Subject to standing order 3(e), a member of the public shall not speak for more than (3) minutes.
- g In accordance with standing order 3(d), 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.
- h A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
- i A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- j 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.
- k **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- l **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.**
- m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- n **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.**
- o **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.**
- p **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

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

- q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands.** Should there be a member in remote attendance, with only sound facility, they will verbally confirm their vote. **At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- r 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 stating whether they are present in person or remotely, 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.

- s **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts their right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.**

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

- u **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.

- v A meeting shall not exceed a period of (3.5) 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 (5) days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**

- f **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of the eligibility criteria for the use of the general power of competence
 - ~~xi. Review and adoption of the council's training plan~~
 - xii. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;

- xiii. Review of representation on or work with external bodies and arrangements for reporting back;
- xiv. Review of inventory of land and other assets including buildings and office equipment;
- xv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- ~~xvi. Review of the Council's and/or staff subscriptions to other bodies;~~
- xvii. Review of the Council's complaints procedure;
- xviii. 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*);
- xix. Review of the Council's policy for dealing with the press/media;
- xx. Review of the Council's employment policies and procedures;
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

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

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (6) 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 REQUIRES 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 (10) 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 re-submits it, so that it can be understood, in writing, to the Proper Officer at least (10) 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. Such date will include recordings of meetings held by the Council.**
- 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, recorded 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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Subject to 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.
- f **no later than seven working days of a council meeting, the council must publish electronically a note setting out:**
- **The names of the members who attended the meeting, and any apologies for absence;**
 - **Any declarations of interest; and**
 - **Any decisions taken at the meeting, including the outcomes of any votes.**

The requirements regarding the note to be published after a council meeting do not apply for private business or where disclosure would be detrimental to acting on those decisions.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights shall undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
- c **Dispensation requests shall be in writing and submitted to the standards committee of the [County Council] as soon as possible before the meeting that the dispensation is required for.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Public Services Ombudsman for Wales 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 13, report this to the Council.
- b 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.
- c 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;
 - iii. indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) (iii) a suitably qualified Clerk from another Flintshire Town or Community Council nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
 - i. The Proper Officer shall **at least three clear days before a meeting of the council, a committee** or a sub-committee:
 - a) Arrange for the serving of the notice (including how the meeting may be accessed virtually, (if applicable) which must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.
 - b) If a member wants to receive the summons in writing rather than electronically, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
 - c) The notice must provide details about how to access the meeting remotely , and the time and place of the meeting. The place may be omitted if the meeting is held by remote means only.
 - d) The notice must be available in a conspicuous place giving 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) and published electronically with notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.

See standing order 3 (a) and (b) (Meetings Generally – Other) for the meaning of clear

days for a meeting of a full council and 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 (5) days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection 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 or file for such purpose;
- xv. refer a planning application received by the Council to the [Chair or in their absence the Vice-Chair (if there is one) of the Council] 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 in Wales – A Practitioners’ Guide.”
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council’s receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

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 **£25,000** 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 £25,000 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. OVW can supply Council's with further information in this regard.**

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 [the (Council)] or, if they are 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 to [the (Council)] at its next meeting.

- c The chair of [the (Council)] or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the Clerk]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the (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 their 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 [the (Council)].
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the Clerk/ member of staff's job title] 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)] committee.
- 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.**

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

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 14(b)(xii) and (xvii).

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

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH COUNTY BOROUGH OR COUNTY 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 [County Council] representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the [County 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 (two thirds) 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.



DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY

1. Purpose and Scope

1.1 Statement

In support of our value to respect others Penyffordd Community Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

The Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Council may also wish to share this policy with contractors, visitors and members of the public.

1.2 Definitions

Bullying

"Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is

"Unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the Council's reputation and ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

Reviewed and adopted by the Council at the AGM held on 8th May 2024



Disciplinary Procedure

1. Purpose and scope

This procedure is designed to help and encourage all employees and members of the council to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all in the organisation.

2. Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. The procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for **6 months**, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered

if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after **6 months** subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the full council, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after **6 months** subject to achievement and sustainment of satisfactory conduct or performance.

Suspension

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay while the council investigates the alleged offence. Only the appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the council will be maintained although access to premises, equipment or systems may be denied. The Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision should inform the Chair (or Chair of the relevant committee) within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

Reviewed and adopted by the Council at the AGM held on 8th May 2024



Equality, Diversity and Inclusion Policy

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

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

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

The policy's purpose is to:

- provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities

The organisation commits to:

- Encourage equality, diversity and inclusion in the workplace as they are good practice and make business sense
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

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

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

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

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

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

- Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.
- Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.

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

The equality, diversity and inclusion policy is fully supported by the council.

You will be provided with details of the organisation's grievance and disciplinary policies and procedures.

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

Reviewed and adopted by the Council at the AGM held on 8th May 2024



Grievance Procedure

Dealing with grievances informally

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your Chairman. You may be able to agree a solution informally between you.

Formal grievance

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your Chairman. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your Chairman and you feel unable to approach him or her you should talk to the Vice Chairman.

Grievance hearing

Your Chairman will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the Chairman will give you a decision in writing, normally within 24 hours.

If it is necessary to gather further information before making a decision your Chairman will inform you of this and the likely timescale involved.

Appeal

If you are unhappy with your Chairman's decision and you wish to appeal you should let your Chairman know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by a separate panel of elected members who have not been involved in the original hearing, who will view the evidence with impartiality. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting a member of the panel will give you a decision, normally within 3 working days, followed by written notice normally within 7 working days. The decision of the Panel is final.

Reviewed and adopted by the Council at the AGM held on 8th May 2024



HEALTH AND SAFETY POLICY

This is the Health and Safety Policy Statement of Penyffordd Community Council:

Penyffordd Community Council recognises and accepts its responsibility for providing a safe and healthy environment for its members; staff; volunteers; visitors; and for anyone affected by its activities.

The Council maintains this policy for the management of health and safety as its top priority and will do all that is reasonably practicable to ensure effective organisation and planning are established and maintained. The Council will also ensure that appropriate and effective audit and review mechanisms are used to inform the work of the Council, which undertakes to commit appropriate resources to manage health and safety.

Our statement of general policy, below, is based upon that required by virtue of the Health and Safety at Work etc. Act 1974. Although the Council has a single employee, the principles of the Act and its underpinning Regulations as later published are taken by the Council as a minimum requirement for the safe and effective management of the Council and its activities.

Our statement of general policy is:

- To provide adequate control of the health and safety risks arising from our activities;
- To consult with our staff on matters affecting their health and safety;
- To provide and maintain safe equipment;
- To provide sufficient information, instruction, and supervision of staff, volunteers and visitors as far as is reasonably practicable;
- To ensure all staff and volunteers are competent in their Council-related activities, and to provide adequate training as far as is reasonably practicable;
- To prevent accidents and activity-related ill health as far as is reasonably practicable;
- To maintain safe and healthy conditions for conducting the Council's business and the public facilities it provides; and
- To continue to follow all relevant Government legislation on Health and Safety;
- To review and revise this Policy as necessary at regular intervals, but at least annually.

Reviewed and adopted by the Council at the AGM held on 8th May 2024



LONE WORKING POLICY

Introduction

There is often confusion/concern about the circumstances in which it is, or is not, safe to work alone. There is no general legal prohibition on working alone, but risk assessments should specifically consider whether the fact that a person is likely to undertake a task alone creates an unacceptable level of risk.

Establishing safe working for lone workers is no different from organising the safety of other employees, but it is necessary to consider any particular additional hazards of lone working. The end result should be that lone workers are at no greater risk than other workers.

This document gives general guidance on working alone. It offers advice on how to comply with duties towards lone workers under the Health and Safety at Work Act 1974 (HSW Act) and the Management of Health and Safety at Work (MHSW) Regulations 1999.

The Council's Policy

The Council is responsible for the health, safety and welfare at work of its employees, visitors and contractors and safety of those affected by the work, e.g. members of the public.

These responsibilities cannot be transferred to people who work alone. It is the Council's duty to assess risks to lone workers and take steps to avoid or control risk where necessary.

Employees have responsibilities to take reasonable care of themselves and other people affected by their work and to co-operate with the Council in meeting its legal obligations.

Who Are Lone Workers?

Lone workers are those who work by themselves without close or direct supervision. They are found in a wide range of situations

- Where only one person works on the premises, such as in an office, home workers.

Issues to be considered

The main issues to be considered in the risk assessment are:-

- Is there risk of violence?
- Is the person medically (and psychologically) fit to work alone?
- Is any special training required?
- Are the individual(s) concerned and any necessary safe working practices adequately monitored?
- Are there adequate arrangements in the event of an emergency?
- Can all plant, substances and equipment involved in the work be safely handled and/or operated by one person?

Assessing the risks

Although there is no general legal prohibition on working alone, the broad duties of the Health and Safety at Work, etc. Act 1974 and Management of Health and Safety of Work Regulations 1999 still apply. These

require identifying the hazards of the work, assessing the risks involved and putting measures in place to avoid or control the risks.

It is important to talk to employees and their safety representatives as they are a valuable source of information and advice. This will help to ensure that all relevant hazards have been identified and appropriate controls chosen. Consultation with employees and their representatives on health and safety matters is a legal duty anyway.

Controlling the risk

Control measures may include instruction, training, supervision, protective equipment, mobile phones, calling in systems, etc. Employers should take steps to check that control measures are used and review the risk assessment from time to time to ensure it is still adequate.

When risk assessment shows that it is not possible for the work to be done safely by a lone worker, arrangements for providing help or back up should be put in place.

Where a lone worker is working at another employer's workplace, that employer should inform the lone worker's employer of any risks and the control measures that should be taken. This helps the lone worker's employer to assess the risks.

Risk assessment should help decide the right level of supervision. There are some activities which are high risk.

Safe Working Arrangements

Establishing safe working for lone workers is no different from organising the safety of other employees. Employers need to be aware of the law and standards which apply to their work activities, and may need to seek expert advice, then assess whether the requirements can be met by people working alone.

Lone workers face particular problems. Some of the issues which need special attention when planning safe working arrangements are as follows:

- Can The Risk Of The Job Be Adequately Controlled By One Person?

Lone workers should not be at more risk than other employees. This may require extra risk-control measures. Precautions should take account of normal work and foreseeable emergencies, for example fire, equipment failure, illness and accidents. Employers should identify situations where people work alone and ask questions.

- Does the workplace present a special risk to the lone worker?
- Are there a safe way in and a way out for one person?
- Is there a risk of violence?
- Are women especially at risk if they work alone?
- Is the Person Medically Fit and Suitable To Work Alone?

Check that lone workers have no medical conditions which make them unsuitable for working alone. Seek medical advice if necessary.

Consider both routine work and foreseeable emergencies which may impose additional physical and mental burdens on the individual.

- What Training Is Required To Ensure Competency In Safety Matters?

Training is particularly important where there is limited supervision to control, guide and help in situations of uncertainty. Training may be critical to avoid panic reactions in unusual situations. Lone workers need to be sufficiently experienced and to understand the risks and precautions fully. Employers should set the limits to what can and cannot be done whilst working alone. They should ensure employees are competent to deal with circumstances which may be new, unusual or beyond the scope of their training.

Monitoring

Procedures will need to be put in place to monitor lone workers to see they remain safe. These may include:

- Regular contact between the lone worker and supervision using a mobile phone or landline phone.
- Checks that a lone worker has returned to their base or home on completion of a task.

Emergencies

What Happens If a Person Becomes Ill has an Accident, Or There Is an Emergency?

- Lone workers should be capable of responding correctly to emergencies.
- Risk assessment should identify foreseeable events.
- Emergency procedures should be established and employees trained in them. Information about
- emergency procedures and danger areas should be given to lone workers who visit premises.
- Lone workers should have access to adequate first-aid facilities and mobile workers should carry a
- first-aid kit suitable for treating minor injuries. Occasionally risk assessment may indicate that lone
- workers need training in first aid.

Control measures

Consider the following practical guidelines:

1. Lone workers, outside normal working hours and in isolated buildings, should telephone a Councillor or another designated person, place of work and expected duration of stay, as they leave the building by writing time span and location on the white board in office.
2. Ensure a working telephone is available.
3. Lone workers should not undertake dangerous work, for example using dangerous chemicals or operating dangerous machinery.
4. When undertaking off site visits, the checklist below must be considered prior to the visit.

Off site visit checklist for lone workers	YES NO
Is there a risk of violence?	
Is there safe access and exit for one person?	
Is manual handling undertaken?	
Is the employee medically fit to carry out the lone working tasks?	
Is there first aid provision?	
Can an emergency service approach close enough if necessary?	
Is there a clear understanding on how long the work will take?	
Are transport arrangements to and from the workplace adequate?	
Is there a system for maintaining contact with the lone worker?	
Is there CCTV on the site being visited?	
Is the Clerk trained to deal with violence and aggression?	
Does the Clerk know how to diffuse potentially violent situations?	
Is the Clerk briefed about the areas they visit?	

Does the Clerk have all available information on those being visited?	
Has an itinerary been left?	
Have plans been made to keep in contact with Councillors?	
Has the Clerk the means to contact their Chairman?	
Does the Clerk know how to complete an incident form?	

This Policy was reviewed and adopted by the Council at its AGM held on 8th May 2024

**PENYFFORDD COMMUNITY COUNCIL
FIXED ASSET REGISTER AS OF MAY 2024**



Item	Cost	Date of Purchase	Date of Disposal	Reason	Cost for Audit	Value for Insurance
STREET FURNITURE						
2 x stone seats	£350.00				£350.00	£2,836.27
3 x bus shelters	£18,000.00				£18,000.00	£28,930.08
11 x village signs	£7,122.10				£7,122.10	£4,254.34
1 x bench (PYM Roundabout)	£565.00	Feb-17			£565.00	£825.29
1 x bench (Millennium Clock)	£567.60	Oct-18			£473.00	£821.47
1 x bench (Meadow Rise)	£359.99	Sep-21			£299.99	£389.33
1x bench Alyn Drive					£0.00	£389.33
3 x silent soliders	£750.00	Aug-18			£750.00	£1,063.62
Salt Bins	£810.00				£810.00	£1,218.65
Telephone Box	£1.00				£1.00	£3,150.00
NOTICEBOARDS						
1 x notice boards -wall mounted Dobshill	£378.00		Mar-22	Replaced and obsolete	£0.00	
1 x wall mounted noticeboard PYF - Jemoleys	£396.74	Jul-20			£396.74	
1 x notice board - Penymynydd	£730.00	Apr-17			£730.00	
1 x notice board - Dobshill	£624.00	May-19			£520.00	
1 x notice board - Penyffordd Watts Rd	£624.00	May-19			£520.00	
						£3,711.86
STREET LIGHTS & CHRISTMAS LIGHTS						
44 x street lamps	£114,000.00				£66,000.00	£129,183.00
			Mar-21	17 x columns transferred to FCC (£25500)		
			Mar-22	6 x columns transferred to FCC (£9000)		
9 x Xmas Bracket Lights (PYF)	£2,640.00	Dec-15			£2,640.00	
			Feb-23	3 x disposed due to damage	-£660.00	
13 x Xmas Bracket Lights (PYM)	£2,860.00	Dec-16			£2,860.00	
15 x Xmas Bracket Lights	£3,750.00	Dec-17			£3,750.00	
7 x Xmas Bracket Lights	£3,360.00	Dec-21			£2,800.00	
3 x Xmas Bracket Lights	£780.00	Feb-23			£780.00	
						£17,145.18
MILLSTONE PLAY AREA						
Millstone Play Area - Junior Skate Ramp & Gym Equip	£38,970.00	Nov-16			£38,970.00	£41,787.65
						£16,842.93
Millstone Play Area - Toddler (play equip)	£20,773.48	Jan-17			£20,773.48	£31,256.11
Land						
Youth Shelter	£11,507.23	Jan-20			£9,589.36	£13,202.97
2 x benches & 2 picnic tables	£3,804.00	Jul-20			£3,170.00	£5,084.93
CCTV						
CCTV Camera (Millstone)	£2,658.00	Dec-20			£2,215.00	
CCTV Camera (Hawarden Road) (2 camera unit)	£2,988.00	Oct-18			£2,490.00	
Ipad for CCTV	£368.33	Sep-22			£368.33	
CCTV Camera (Millstone) NEW	£2,895.00	Apr-23			£2,895.00	
						£9,119.25
DEFIBRILLATORS & CABINETS						
1 x WMI	£0.00	Dec-20			£0.00	£1,069.38
1 x Bowling Club defib	£0.00	Dec-20			£0.00	£0.00
1 x Bowling Club cabinet	£0.00	Dec-20		Nov-23 rated - amt dispose £518.46 for insurance	£0.00	£525.00
1 x Bowling Club defib	£1,008.00	Nov-23			£840.00	£882.00
1 x Telephone Kiosk - Defib & Cabinet	£1,546.80	Nov-23			£1,289.00	£1,353.45
1 x St Johns - Defib & Cabinet	£1,546.80	Nov-23			£1,289.00	£1,353.45
8 x Defib Locations Signs	£280.00	Feb-24			£280.00	£294.00
8 x Defib Locations Signs	£280.00	Apr-24			£280.00	£294.00
OFFICE						
Chain of Office	£2,462.69				£2,462.69	£4,254.43
HP Office Jet Printer	£237.94	Jul-20			£198.28	£318.07
Hybrid Electrical Equipment	£403.10	Sep-21			£335.85	£435.88
Clock Tower/Stone Garden	£37,017.25				£37,017.25	£55,692.67
Orderly Barrow & Equipment	£497.59	Mar-16			£497.59	£748.63
Portacabins (community Facility - Ysgol Penyffordd)	£14,400.00	Aug-19			£12,000.00	£20,073.92
Land at West View Nature Area	£0.00	Jun-21			£0.00	£0.00
Strimmer/lawnmower (for Groundsman)	£190.83	Jul-22			£190.83	£300.00
2 x Wildlife Cameras	£156.66	Mar-23			£156.66	£168.00
2x Oak Signs - West View Nature Area	£0.00	Aug-23			£0.00	£1,786.05
					Asset Total For Audit Purposes	Asset Total For Insurance Purposes
					£246,016.15	£400,761.19

* In accordance and in preparation for the amendments to the 2016/17 External Audit they have advised that going forward on the Asset Register they will require it to show the true cost of the asset as opposed to the insurance valuation.