



STANDING ORDERS 2019

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1 RULES OF DEBATE AT MEETINGS

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- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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

- ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his/her decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

2 DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this/her 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/her may include temporarily suspending or closing the meeting.

3 MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice** OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 10 minutes unless directed by the Chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his/her hand when requesting to speak and stand (if it is practical to do so) when speaking.
- j A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election

of the Chair of the Council at the annual meeting of the Council.

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

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

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

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

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

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

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

x A meeting shall not exceed a period of 2.5 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

- v. terms of office of members of such a committee;
- vi. 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;
- vii. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- viii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
- ix. 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;
- x. shall determine if the public may participate at a meeting of a committee;
- xi. 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;
- xii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xiii. may dissolve a committee or a sub-committee.

5 ORDINARY COUNCIL MEETINGS

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her**

successor is elected at the next annual meeting of the Council.

- g **The Vice-Chair of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He 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/her to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her acceptance of office form unless the Council resolves for this/her to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council

- becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;
 - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see *also standing orders 11, 20 and 21*);
 - xviii. Review of the Council's policy for dealing with the press/media;
 - xix. Review of the Council's employment policies and procedures;
 - xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

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

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 7 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/her process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

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

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

reason for rejection.

10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

11 MANAGEMENT OF INFORMATION

See also standing order 20.

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

12 DRAFT MINUTES

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

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

13 CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

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

- iii. **it is otherwise appropriate to grant a dispensation.**

14 CODE OF CONDUCT COMPLAINTS

- a Upon notification by Swindon Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- 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;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**

15 PROPER OFFICER

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

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his/her withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her 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;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. manage access to information about the Council via the publication scheme;
and
- xvi. 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 the Assistant Clerk to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer (Parish Manager) is absent.

17 ACCOUNTS AND ACCOUNTING STATEMENTS

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to the Finance & Staffing Committee 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 in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers.**
- 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

19 HANDLING STAFF MATTERS

- a A matter personal to a member of staff that] is subject to standing order 11.
- b The Chair of the council and the Vice-chair shall conduct a review of the performance and annual appraisal of the work of Clerk/Parish Manager. The review and appraisal shall be reported in writing and is subject to approval by resolution.
- c Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the chair of council or in his/her absence, the vice-chair of council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- d Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Clerk relates to the chair or vice-chair of the council, this shall be communicated to another member of the Council.
- e Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- f The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- g Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Clerk and the Chair of the Council.
- h In accordance with standing order 11(a), persons with line management

responsibilities shall have access to staff records referred to in standing order 19(f).

20 RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

See also standing order 11.

- a **The Council shall appoint the Parish Manager as the Council's Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her 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.
- b Official media contact shall be handled by the chair, or in absence the vice-chair or the Clerk.
- c When representing the Council, no Councillors shall provide oral or written statements, or written articles to the

23 EXECUTION AND SEALING OF LEGAL DEEDS

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

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

24 COMMUNICATING WITH BOROUGH COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) as and when relevant and appropriate.

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 to any individual employee
 - iii. issue purchase orders.

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 () 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.



WEST SWINDON PARISH COUNCIL

FINANCIAL REGULATIONS

For adoption: 13 May 2019

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Financial regulations

1. General

- a 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 governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders.
- b 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.
- c 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.
- d These financial regulations demonstrate how the council meets these responsibilities and requirements.
- e 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.
- f A breach of these Regulations by an employee is gross misconduct.
- g 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.
- h The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Parish Manager for West Swindon Parish Council is also the RFO.

- i 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 in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- j The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and enable the RFO to ensure that any income and expenditure account and statement of balances comply with the Accounts and Audit Regulations.
- k 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.
- l 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;
 - measures to ensure that risk is properly managed.

m 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;
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- declaring eligibility for the power of competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the Full Council only.

n In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve recommendations for expenditure in excess of £5,000 from each of the Council's Committees
- approve any grant or a single commitment in excess of £10,000; 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.

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

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

2. Accounting and Audit (Internal and External)

- a All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- b The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return as soon as practicable after the end of the financial year. The accounts shall be submitted to the council within the timescales set by the Accounts and Audit Regulations.
- c 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 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.
- d 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.
- e 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.
- f 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 employee has been appropriately assigned to assist the internal auditor.

- g 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.
- h The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- i The RFO shall, without undue delay, bring to the attention of the Finance and Staffing Committee any correspondence or report from internal or external auditors.

3. Annual Budget and Forward Planning

- a The Full Council shall consider a forecast of revenue and capital receipts and payments and having regard to the forecast, shall formulate and submit proposals for long term projects to be consider as part of the budget process.
- b The RFO must each year prepare detailed reports 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 Full Council.
- c The council shall consider annual budget proposals and long term projects in relation to the forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding.
- d The council shall approve the Precept and the 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.
- e The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary Control and Authority to Spend

- a 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 up to a maximum of £5,000; or
 - the Parish Manager/Clerk, for delivery of services, up to a maximum of £1,000.

Authority is required by the delegated committee or full council for all expenditure in excess of £5,000.

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

- b 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.
- c Unspent provisions in the revenue budgets shall not be carried forward to a subsequent year and will be included in General Balances.
- d The salary budgets are to be reviewed as part of the budget process for the following financial year by the Staffing Working Party and such review shall be reported for approval to the Finance & Staffing Committee.
- e In cases of extreme risk to the delivery of council services, the Parish Manager/Clerk may authorise revenue expenditure on behalf of the Council which in the Parish Manager/Clerk's judgement 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 £1,000. The Parish Manager/Clerk shall report such action to the relevant delegated committee as soon as practicable thereafter.
- f 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.

- g All capital works shall be administered in accordance with the council's Standing Orders and Financial Regulations relating to contracts.
- h The RFO shall regularly provide the council with a monthly statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against the budget. Further statements shall be prepared at the end of each financial quarter which includes a forecast of the year end figure and an explanation of material variances.
- i Changes in earmarked reserves shall be approved by council at the beginning of each financial year.

5. Banking Arrangements and Authorisation of Payments

- a The council's banking arrangements shall be approved by the Council. They shall be regularly reviewed for safety and efficiency.
- b A schedule of payments requiring authorisation shall form part of the Agenda for the Finance and Staffing Committee and/or Council, together with the relevant invoices. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the committee. The approved schedule shall form part of the minutes of the meeting at which payment was authorised. Payments for salaries, 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.
- c All invoices for payment shall be examined, verified and certified 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.
- d All invoices shall be examined for arithmetical accuracy and analysed to the appropriate expenditure heading. Invoices submitted and which are in order should be paid at the next available meeting of the Council.

- e The Parish Manager/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - i 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 the Finance and Staffing Committee, where the Parish Manager/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 the Finance and Staffing Committee:
 - ii An expenditure item authorised under a continuing contract or obligations, provided that a list of such payments shall be submitted to the next appropriate meeting of the Council:
 - iii Fund transfers within the councils banking arrangements.
- f A record of regular payments made by Direct Debit will form part of the schedule of payments and authorised by the Council.
- g In respect of Section 137 grants the Council shall consider and approve the expenditure within any limits set by the budget and in accordance with any policy statement approved by council.
- h Annual grants will be considered and approved as part of the budget process and paid following receipt of the Precept.
- i Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

6. Instructions for the Making of Payments

- a Following authorisation under Financial Regulation 5 above, the Council or the Parish Manager/RFO shall give instruction that a payment shall be made.
- b All payments shall be effected by cheque, BACS or other instructions to the council's bankers, or otherwise, in accordance with a resolution of the Council.
- c Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to the Council shall be signed by the Parish Manager/Clerk and two Members of the Council. If a Member who is also a bank signatory has declared a

disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.

- d To indicate agreement of the details shown on the cheque, the signatories shall initial the relevant invoice.
- e Payment for utility supplies, National Non-Domestic Rates and other regular payments may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to the Council.
- f Payment may be made by BACS, CHAPS or other electronic methods in accordance with the schedule as presented to the Council provided that the instructions for each payment are checked by the Parish Manager and released by one member who is an authorised bank signatories. The signatories shall initial the relevant invoice as confirmation of payment.
- g 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 kept in a separate location from the fobs which are kept in the locked safe.
- h No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts other than when leaving the council when the PIN or password shall be given to the Clerk/ RFO.
- i Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question in a locked safe.
- j The council shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- k Where internet banking arrangements are made with any bank, the Parish Manager/ RFO shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify the number of councillors who will be authorised to approve transactions on those accounts.
- l Remembered or saved passwords facilities must not be used on any computer used for council banking work.

- m A trade card account opened by the council will be on the terms that the council will be invoiced at each month-end. Personal credit or debit cards of members of staff may be used occasionally and shall be reimbursed as soon as practicable.

- n The Parish Manager/ RFO shall provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

The RFO shall maintain as petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

Income received must not be paid into the petty cash float but must be separately banked;

- o Any corporate credit card opened by the Council will be specifically restricted to use by the Parish Manager and/or Clerk/RFO and will also be restricted to a single transaction maximum value of £1000.

- p Transactions and purchases made using the corporate credit card will be reported to the council and shall be subject to automatic payment in full at each month-end.

7. Payment of Salaries

- a 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 the Council.

- b 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.

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

- d 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 file. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- i) by any councillor who can demonstrate a need to know;
 - ii) by the internal auditor;
 - iii) by the external auditor; or
 - iv) by any person authorised under Audit Commission Act 1998, or any superseded legislation.
- e 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.
- f An effective system of personal performance management should be maintained for all staff by annual appraisals.
- g Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- h Before employing interim staff the council must consider a full business case.

8. Loans and Investments

- a All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval and subsequent arrangements for the Loan shall only be approved by Full Council.
- b Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Full Council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- c 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.
- d 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.
- e All investments of money under the control of the council shall be in the name of the council.

- f All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/ RFO.
- g Long term investments shall be reviewed by the Council regularly and at least annually.

9. Income

- a The collection of all sums due to the council shall be the responsibility of and under the supervision of the Parish Manager/ RFO.
- b The council will review all fees and charges at least annually as part of the budget process.
- c Any sums found to be irrecoverable and any bad debts shall be written off at the end of the financial year.
- d All sums received on behalf of the council shall be banked intact. In all cases, receipts shall be deposited with the council's bankers with such frequency as the Parish Manager/ RFO considers necessary.
- e A receipt shall be completed for all income received in the office and entered on the paying-in slip. Payments received on line will be recorded on the accountancy software.
- f Personal cheques shall not be cashed out of money held on behalf of the council.
- g The VAT Return shall be completed promptly. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made quarterly to coincide with the financial year end.
- h Where any significant sums of cash are regularly received by the council, the Parish Manager/ 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

- a An official purchase order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- b Order books shall be controlled by the Parish Manager/ RFO.
- c All 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 below.
- d A member shall not issue an official order or make any contract on behalf of the council.
- e The Clerk/ 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 may record on the Order the power being used.

11. Contracts

- a Procedures as to contracts are laid down as follows:

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 solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external Auditor;
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Parish Manager shall invite tenders from at least three firms and advertise on the Government Contract Finders website. The Clerk must ensure that Articles 109 to 114 of the Public Contracts Regulations 2015 are comply with. The Parish Council may use an existing list of approved suppliers.
- 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 Parish Manager 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 Parish Manager in a sealed marked envelope.
- e All sealed tenders sent by post or emails shall be opened at the same time on the prescribed date by the Parish Manager in the presence of at least one member of council.
- f If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Parish Manager/ RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Parish Manager/ RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10(c) above shall apply.
- h The council shall not be obliged to accept the lowest of 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.
- k Where the value of a contract is likely to exceed £181,302 (or other threshold specified by the Office of Government Commerce from time to time) the council must

consider whether the Public Contracts Regulations 2015/102 and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

12. Payment under Contracts for Building or Other Construction Works

- a Payments on account of the contract sum shall be made within the time specified in the contract by the Parish Manager/ 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).
- b Where contracts provide for payment by instalments the Parish Manager/ 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.
- c Any variation to a contract or addition to or omission from a contract must be approved by the council and then confirmed to the consultant and contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and Equipment

- a The Parish Manager/ RFO shall be responsible for the care and custody of machinery and equipment.
- b Delivery Notes shall be obtained in respect of all goods received and goods must be checked as to order and quality at the time delivery is made.
- c Stocks shall be kept at the minimum levels consistent with operational requirements.
- d The Parish Manager/ RFO shall be responsible for periodic checks of machinery and equipment.

14. Assets, Properties and Estates

- a Assets with a relative value below £1000 will be deemed de minimis and not recorded on the Asset Register.
- b. The Parish Manager/ RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The Parish Manager/ RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- c No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the relevant committee, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £2,000.
- d 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).
- e No real property (interests in land) shall be purchased or acquired without the authority of the 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).
- f Subject only to the limit set in Reg. 14(b) above, no tangible moveable property shall be purchased or acquired without the authority of the relevant committee. In each case a report in writing shall be provided to council with a full business case.
- g The Parish Manager/ 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

- a Following the annual risk assessment (see Financial Regulation 17), the Parish Manager/ RFO shall effect all insurances and negotiate all claims with the council's insurers.
- b The Parish Manager/ RFO shall ensure all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances are effected as soon as practicable.
- c The Parish Manager/ RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- d The Parish Manager/ 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.
- e 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 by the council, or duly delegated committee.

16. Charities

- a Where the council is sole managing trustee of a charitable body the Parish Manager/ RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Parish Manager/ RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

17. Risk Management

- a The council is responsible for putting in place arrangements for the management of risk. The Parish Manager/ 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.

- b When considering any new activity, the Parish Manager/ RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. Suspension and Revision of Financial Regulations

- a It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Parish Manager 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.
- b 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.

SWINDON BOROUGH COUNCIL

MEMBERS CODE OF CONDUCT

July 2012

**Revised May 2013
Reviewed January 2018**

Section 28 Localism Act 2011

This Code of Conduct is, when viewed as a whole, consistent with the following principles set out in the Localism Act 2011. The descriptions are as revised to be in accordance with the Fourteenth Report of the Committee on Standards in Public Life published in January 2013.

- **Selflessness,**
- **Integrity,**
- **Objectivity,**
- **Accountability,**
- **Openness,**
- **Honesty**
- **Leadership**

Principle

Revised description

Selflessness

Members should act solely in terms of the public interest.

Integrity

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

Objectivity

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

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

Openness

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

Honesty

Members should be truthful.

Leadership

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

Swindon Borough Council

MEMBERS CODE OF CONDUCT

Part 1 – General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Swindon Borough Council (“the authority”).
- (2) This Code complies with section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in the table at the front of this Code.
- (3) It is your responsibility to comply with the provisions of this Code.

In this Code—

“meeting” means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” refers to members and co-opted members of the authority.

Scope

2. (1) This Code sets out the conduct that is expected of you as a member of the authority when you are acting in that capacity.
- (2) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach the Equality Act 2010 or other relevant equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—

- (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
- in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority —
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest 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 which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(iii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial interest generally

- 10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) 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;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to Overview and Scrutiny Committees

- 11. 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 or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

Part 3 - Registration of Members' Interests

Registration or Disclosure of Members' Interests

13. (1) Subject to paragraph 15, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests, maintained under section 29 of the Localism Act 2011, details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer, together with any disclosable pecuniary interest which you have, or you are aware that your spouse or civil partner (or person with whom you are living as husband and wife or civil partner) may have.
- (2) Failure to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

- (3) Where you have a disclosable pecuniary interest which is a sensitive interest under paragraph 15 below, you must disclose not the sensitive interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.
- (4) You must, within 28 days of becoming aware of any new or change in a registered personal interest, register details of that new or changed interest by providing written notification to your authority's monitoring officer.

Disclosable Pecuniary Interest

14. (1) A disclosable pecuniary interest is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ('the Regulations') and is as follows:
 - (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
 - (b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period as defined in the Regulations in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - (c) Any contract which is made between you and/or a person mentioned in paragraph 13 above (or a body in which you and/or such a person has a beneficial interest) and the authority—
 - (i) under which goods or services are to be provided or works are to be executed; and
 - (ii) which has not been fully discharged.
 - (d) Any beneficial interest in land which is within the area of the authority.
 - (e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
 - (f) Any tenancy where (to your knowledge)—
 - (i) the landlord is the authority; and
 - (ii) the tenant is a body in which the relevant person has a beneficial interest.
 - (g) Any beneficial interest in securities of a body where—
 - (i) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
 - (ii) either—
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person

has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Sensitive interest

- 15.
- (1) Where you consider that you have a sensitive interest (whether or not a disclosable pecuniary interest), and your authority's monitoring officer agrees, if the interest is entered in the authority's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Localism Act 2011).
 - (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest, notify your authority's monitoring officer asking that the interest be included in your authority's register of members' interests.
 - (3) In this Code, "sensitive interest" means an interest, the nature of which is such that you and your authority's monitoring officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.



Terms of Reference & Delegation Scheme

For approval: 14 May 2019

DECISION MAKING

The Full Council can take all decisions on behalf of the Parish Council, or it may appoint one or more committees for the purpose of discharging any of its functions.

This document sets out:

- The Terms of Reference for each Committee
- The Functions delegated to Committees
- The Terms of Reference for each Working Party

EMERGENCY POWERS

At the request of the Clerk and in circumstances deemed to be exceptional and urgent the Chair and Vice-Chair to exercise any powers afforded to Full Council. This is on condition that the decision cannot wait until the next meeting, the Chair and Vice-Chair are satisfied that the decision is not against Council policy, is financially viable or defensible and is reported to the next Full Council Meeting.

At the request of the Clerk and in circumstances deemed to be exceptional and urgent the Chair and Vice-Chair of a Committee to exercise any powers within the purview of their Committee. This is on condition that the decision cannot wait until the next meeting, the Chair and Vice-Chair are satisfied that the decision is not against Council policy, is financially viable or defensible and is reported to the next Committee Meeting. In the event that the Chair and/or Vice-Chair are absent and cannot be contacted, then this power shall pass to the Chair and/or Vice-Chair of the Council.

Matters to be resolved only by Full Council

1. To approve the annual budget and the Precept.
2. To approve the End of Year Accounts and Annual Return.
3. Adoption of new policies.
4. To maintain Standing Orders and Financial Regulations.
5. To maintain the Council's other Policy Documents.
6. To review annually the Council's Risk Management Policy.
7. To determine the functions and constitution (terms of reference and delegated authority) of Committees and Working Parties.
8. To determine the Committee structure annually at the Annual Parish Council.
9. To appoint representatives on outside bodies annually at the Annual Parish Council and filling vacancies that occur during the year.
10. The setting up of Working Parties (including the identifying the Committee to which they should report).
11. To set the Calendar of Meetings of the Council and its Committees.
12. To fill vacancies occurring on any Committee or Full Council.
13. To approve the borrowing of money and loan applications.
14. The awarding of a Contract following the Tendering Process.
15. To consider complaints in accordance with the Complaints Procedure.
16. To appoint annually the Council's Internal Auditor and review of the effectiveness of the Internal Audit.
17. To have responsibility for the Policies and Governance Working Party.
18. To approve expenditure from the Revenue Budget and General Balances of over £5,000.
20. To deal with matters that do not fall within the province of any committee and such other matters as may be referred to the Full Council by a committee.

Finance and Staffing Committee

General

The Finance and Staffing Committee will generally meet monthly.

Committee membership shall comprise the Chair and Vice-Chair of the Parish Council and sufficient other members to bring the membership to a total of seven.

The Chair of the Parish Council shall also be the Chair of the Finance and Staffing Committee. The Vice-Chair of the Parish Council shall also be the Vice-Chair of the Finance and Staffing Committee.

Terms of Reference

To deal with all financial aspects of the Council.

To deal with all staff issues and conditions of service.

Delegated to the Finance and Staffing Committee

1. To review at each meeting the financial accounts of the Council.
2. To review quarterly the revenue budget of the Council.
3. To select such bank accounts for the Council as it considers appropriate and relevant investments.
4. To ensure that adequate insurance cover is in place for Council property and all Council activities.
5. To consider all personnel issues concerning the staff of the Council including staff salary reviews and their conditions of service.
6. To be responsible for staff appointments.
7. To be responsible for the Council's policies in relation to the involvement of community volunteers.
8. To be responsible for the Council's office equipment and accommodation needs.
9. To be responsible for reviewing the Council's risk assessments and safe systems of working.
10. To consider all new leases and the renewal of existing leases.

11. To negotiate land transaction on behalf of the Council.
12. To consider grants.
13. To consider initial complaints in accordance with the Complaints Procedure.
14. To have responsibility for the Staffing Working Party.
15. To approve expenditure from funds within the purview of the Committee and expenditure from General Balance up to a maximum of £5,000.
16. To deal with any other matter of a financial nature.

Planning & Environment Committee

General

The Planning Committee will meet monthly. Committee membership is open to all Members of the Council. Applications that are received outside of Committee meetings will be dealt with by the Chair or if the matter is of particular importance to the Committee, an additional meeting will be called.

Terms of Reference

- To respond to Planning Authorities on behalf of the Council in respect of planning applications, planning documents and planning policy documents.
- To deal with matters relating to the environment and well-being of the residents of the parish.
- To deal with matters relating to ecology and biodiversity.
- To deal with matters relating to highways and road safety.

Delegated to Planning and Environment Committee

1. To respond on behalf of the Council on all Planning Applications, Listed Building Consents and other Planning documents.
2. To respond on behalf of the Council to Planning Appeals.
3. To respond on behalf of the Council to Tree Preservation Orders and consider matters relating to trees within the Parish.
4. To respond on behalf of the Council to planning policy documents.
5. To make representation to Planning Authorities breaches of planning control and failure to comply with conditions of planning permissions.
6. To review and respond to enforcement notices.
7. To agree representatives to speak on behalf of the Council at Planning Committee Meetings of Swindon Borough Council, Public Inquiries and similar Planning Inspection Meetings.
8. To monitor the general maintenance of all highways and pavements and roundabouts (including sponsorship arrangements) within the parish.
9. To monitor the maintenance of highway verges and green areas adjacent to highways.

10. To administer and maintain the benches and public seats owned by the Parish Council.
11. To administer and maintain the upkeep of dog bins and litter bins owned by the Parish Council.
12. To monitor the state of footpaths within the West Swindon Parish and respond to all matters regarding Rights of Way.
13. To monitor the public transport provision for the parish.
14. To monitor traffic, parking, and pedestrian issues in relation to the environment of the parish.
15. To provide floral planting for the parish.
16. To maintain the Parish Council's public notice boards.
17. To monitor the condition of the rivers and streams in the parish and liaise with appropriate Agencies responsible.
18. To monitor the policing within the parish and receive Police reports as and when available..
19. To work in conjunction with Shaw Residents Association, Westlea Residents Association, Peatmoor Copse group, Greendown Copse group, West Swindon FAB and other local organisations in the maintenance of open spaces in West Swindon.
20. To work in conjunction with community volunteers with regard to community environmental activities and projects.
21. To approve expenditure from funds within the purview of the Committee and expenditure from General Balance up to a maximum of £5,000.
22. To deal with other matters of a planning, highways or environmental nature.

Leisure and Amenities Committee

General

The Leisure and Amenities Committee generally meets every other month. Committee membership is open to all Members of the Council.

Terms of Reference

- To manage the play areas, parks and open spaces within the West Swindon parish.
- To encourage sport and physical activity, leisure, arts and tourism within the parish.

Delegated to Committee

1. To maintain the play areas and review the annual safety inspections.
2. To maintain other areas of public open spaces in the parish that are the responsibility of the Council.
3. To administer and maintain the allotments and determine charges for use of the allotments.
4. To promote sports, physical activity, the arts and tourism within the parish.
5. To oversee any community events created by the Council.
6. To deal with publicity and communication matters.
7. To monitor the provision for young people within the parish.
8. To have responsibility for the Allotment Working Party.
9. To approve expenditure from funds within the purview of the Committee and expenditure from General Balance up to a maximum of £5,000.
10. To deal with other matters of a leisure nature.
11. To review accessibility and availability of litter bins.

Response Working Party

General

The Response Working Party reports to the relevant Committee or Full Council depending on the nature and subject of the consultation.

The Response Working Party has been established to consider and respond to consultations from Swindon Borough Council or any other organisation.

The Response Working Party will meet as and when required.

Terms of Reference

1. To consider consultations received by the Full Council or any of its committees and submit recommendations thereon to the relevant Committee or Full Council.

Allotment Working Party

General

The Allotment Working Party reports to the Leisure & Amenities Committee.

The Allotment Working Party has been established to consider and make recommendations on all matters relating to the allotments.

The Allotment Working Party will include 2 Allotment Holders that will be appointed at the Annual Plot Holders Meeting in September.

Terms of Reference

1. To advise on any necessary changes required to the allotment regulations and tenancy agreement.
2. To offer suggestions for improvements to the running of the allotment site.
3. To advise on any necessary actions for non-compliance with tenancy agreements.
4. To advise of any other issues relating to the allotments.

Staffing Working Party

General

The Staffing Working Party reports to the Finance & Staffing Committee.

The Staffing Working Party has been established to consider and make recommendations on matters relating to the staffing structure, the recruitment process and relevant terms and conditions.

The Staffing Working Party will include the Chair and Vice-Chair of the Council and 2 members of the Finance and Staffing Committee.

Terms of Reference

1. To undertake a review of staffing structures and to make recommendations to the Finance & Staffing Committee.
2. To draw up job descriptions for any new staff posts.
3. To review terms and conditions for staff and make recommendations to the Finance and Staffing Committee.
4. To review pensions arrangements for staff and make recommendations to the Finance & Staffing Committee.
5. To draw up an appointment processes for new staff posts.
6. To review relevant policies for staff e.g. lone working, grievance policy, disciplinary procedure and conditions of employment.

Policies and Governance Working Party

General

The Policies and Governance Working Party reports to the Full Council. The Working Party has been established to consider and make recommendations on matters relating to the council policies.

The Policies and Governance Working Party will include 6 Councillors.

Terms of Reference

1. To identify policies necessary for the governance and operational requirements of the West Swindon Parish Council.
2. To review policies and procedures drafted by the Parish Manager/Clerk and make recommendations to the Full Council.

Fly tipping, Graffiti & Litter Working Party

General

The Flytipping & Litter Working Party reports to the Planning and Environment Committee.

The Flytipping & Litter Working Party has been established to consider and make recommendations on matters relating to the litter collection within the Streetsmart contract, flytipping, community education and volunteering, options for enforcement action and awareness raising/campaigns.

The Flytipping & Litter Working Party will include the Chair and Vice-Chair of the Planning and Environment and 2 members of the Council. Representation from community groups, Swindon Borough Council, and Streetsmart will be initiated as required.

The Flytipping & Litter Working Party will link with the Services Working Party across matters relating to the Streetsmart contract.

Terms of Reference

1. To undertake a review of the service response to flytipping and litter collection schedules and street sweeping routines undertaken by Streetsmart for the West Swindon Parish.
2. To research good practice and successful campaigns relating to awareness raising and behaviour change.
3. To identify and review different models and structures for delivering street cleaning services (linking with Services Working Party).
4. To review volunteering and community action with recommendations about how to support and grow involvement.
5. To consider options for enforcement action such as penalty notices.
6. To identify and review options for signage, and, notices.
7. To consider options for business involvement, corporate (community) responsibility, sponsorship and employee volunteering.

Assets Working Party

General

The Assets Working Party reports to Full Council or the relevant Committee determined by the assets under consideration. The Working Party has been established to consider and make recommendations on matters relating to the detailed lease agreements.

The Assets Working Party will include 6 Councillors.

Terms of Reference

1. To assess the viability and risks associated with individual assets.
2. To review the terms proposed for the transfer of assets to West Swindon Parish Council.
3. To review the wording and content of draft lease agreements and related demises.
4. To review policies and procedures required for asset transfer.

Backlands, Communal Areas and Former Play Areas Working Party

General

A number of issues are prevalent in West Swindon that relate to backland sites, small patches of open space and areas that were once small play areas. Often there is not a clear line of responsibility and the land may be wrongly designated on the land ownership maps. It is likely that this is a long term project.

This Working Party brings the relevant parties together such as Swindon Borough Council Housing & Highways to review responsibilities and the purpose of these areas. Then grounds maintenance responsibilities now and for the future could be addressed (including a strategy for addressing current deterioration/abandonment).

The Working Party reports to Full Council or the relevant Committee determined by the matters under consideration.

The Working Party will include 6 Councillors.

Terms of Reference

1. To review that land ownership and designation is correct (this would start to improve the Parish's data knowledge about the classification of land across the Parish).
2. To highlight issues that are arising in communal areas for instance, parking bays, such as damaged walls, overgrown shrubbery, flytipping and littering.
3. To consider potential for improvement projects and small scale works in these areas.
4. To look at how to encourage joint working with residents to take responsibility for communal areas.

West Swindon Parish Council
Freedom of Information Scheme 2019-20

DRAFT

To be approved and adopted 14 May 2019

West Swindon Parish Council

Freedom of Information Scheme 2019-20 (Draft)

West Swindon Parish Council serves the residents of West Swindon.

Anyone can ask the Parish Council for information at any time and normally this can be done quickly and simply by telephone or e-mail. More formal requests for the provision of information under the Freedom of Information Act 2000 should be made in writing by letter or e-mail. The request should be made to the Parish Clerk and must include details of the applicant's address and the information sought. The applicant has the right:

1. To be told whether the information requested is held by the Parish Council.
2. To receive the information as a copy or summary, unless the information is of a confidential or sensitive nature or its disclosure is otherwise deemed to be not in the public interest or prohibited by law.

The Parish Council will respond within 20 working days of a request, subject to any requisite fee being paid before the disclosure of the information.

Charges

The availability of information regarding West Swindon Parish Council is set out in the table *Publication Scheme* below. Where information is listed as being available on the Website, it is publicly available and may be downloaded free of charge. If you cannot see it on the website, please contact the Parish Office who will aim to either direct you or email you a copy.

Hard copies to view will be available at the West Swindon Parish Council office. If you require your own copy it may be subject to a small charge to cover the costs of production and printing as set out in the table at the end of this document.

Under the Freedom of Information Act 2000:

West Swindon Parish Council commits to

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.

- ❑ To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- ❑ To review and update on a regular basis the information the authority makes available under this scheme.
- ❑ To produce a schedule of any fees charged for access to information which is made proactively available.
- ❑ To make this publication scheme available to the public.
- ❑ To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Who we are and what we do

West Swindon Parish Council covers the parish of West Swindon. The Council was formally elected on 4 May 2017. Details of the services provided by the Council and the area it serves are available on the Council's website www.westswindon-pc.gov.uk.

What we spend and how we spend it

Details of the budget's and spend for previous financial years is available on the Council's website. The public have a legal right to inspect, ask questions and challenge items in the Council's accounts. For information about how to do this please contact the West Swindon Parish Council or review the Guide produced by the National Audit Office: <https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf>

Key documents and policies:

There are a number of key documents which set out the rules, policies and procedures for the West Swindon Parish. These include Standing Orders, Financial Regulations, Equalities Policy, Health and Safety Policy and Complaints Procedure. These are available on the website under 'Core Documents'.

Lists and registers

The Council holds an asset register relating to the assets of the West Swindon Parish.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, please contact the West Swindon Parish Office. An appointment to view the information will be arranged within 10 working days.

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

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

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for actual disbursements incurred such as:

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

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

Written requests

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

Additional Information

Information will be available unless the West Swindon Parish Council:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute;
- the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

WEST SWINDON PARISH PUBLICATION SCHEME

Additional Information Available	How the information can be obtained	Cost
1 - Who we are and what we do	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet
The West Swindon Parish Councillors Who's who on any committees: Contact details Staff arrangements, structure, job descriptions	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet

<p>2 – What we spend and how we spend it Financial information relating to projected and actual income and expenditure and financial audit reports.</p> <p>Current and previous financial year as a minimum (available for West Swindon Parish from April 2017).</p>	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet
Precept Annual Return Form Auditor’s annual report	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet
<p>3 – What our priorities are and how we are doing Strategies and plans, audits, inspections and reviews</p> <p>As a new parish council, these will evolve over the year.</p>	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet
<p>4 – How we make decisions Decision making processes and records of decisions as set out in the Standing Orders and Financial regulations.</p>	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet
Agendas of meetings (Parish Meeting and Committee Meetings) Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	hard copy, website or arrangements to view in the office	Personal hard copy £0.10 Per sheet

<p>5 – Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities Policies and procedures for the conduct of business by the Parish Meeting: Standing orders Financial regulations Health and Safety Policy Equalities Policy Complaints Procedure</p>	<p>hard copy, website or arrangements to view in the office</p>	<p>Personal hard copy £0.10 Per sheet</p>
<p>Schedule of charges (for publication of information)</p>	<p>hard copy, website or arrangements to view in the office</p>	<p>Personal hard copy £0.10 Per sheet</p>
<p>6 – Lists and Registers Currently maintained lists and registers only – Assets Register</p>	<p>hard copy, website or arrangements to view in the office</p>	<p>Personal hard copy £0.10 Per sheet</p>
<p>7 – The services we offer Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses</p>	<p>hard copy, website or arrangements to view in the office</p>	<p>Personal hard copy £0.10 Per sheet</p>
<p>Details of services provided by the Parish Meeting</p>	<p>hard copy, website or arrangements to view in the office</p>	<p>Personal hard copy £0.10 Per sheet</p>
<p>Services for which the parish is entitled to recover a fee, together with those fees</p>	<p>Allotments Further information available.</p>	<p>Personal hard copy £0.10 Per sheet</p>

West Swindon Parish Council Contact details:

West Swindon Parish Council
West Swindon Library
Whitehill Way
Swindon
SN5 7DL

WWW.WESTSWINDON-PC.GOV.UK

01793 466418

SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 0.05p per sheet (black & white)	Actual cost for paper, printing and staff time*
	Photocopying @ 0.10p per sheet (colour)	Actual cost for paper, printing and staff time
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)



West Swindon Parish Council

Data Protection Policy

To be approved and adopted on 14 May 2019

DRAFT

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1 The purpose of this policy

The purpose of this policy is to detail the West Swindon Parish Council's commitment to data protection throughout the organisation. This policy is appropriate to the West Swindon Parish Council's activities and is available to all staff and stakeholders.

It sets objectives and is subject to periodic review and improvement.

1.1 The policy

The West Swindon Parish Council will comply with all applicable data protection legislation and good practice.

- 1.1.1 The West Swindon Parish Council will only process personal information where strictly necessary for operational, legal or regulatory purposes.
- 1.1.2 Only the minimum amount of personal information required for these purposes will be processed. This personal information will be relevant and adequate. The West Swindon Parish Council will keep the information accurate and up to date.
- 1.1.3 The West Swindon Parish Council will provide clear documented details to persons on how their personal information can be used and by whom.
- 1.1.4 Special documented safeguards must be in place if information is gathered directly from children however there are no circumstances where this is proposed at the current time.
- 1.1.5 The West Swindon Parish Council will collect and process information fairly and lawfully.
- 1.1.6 A documented inventory will be maintained of the categories of personal information processed by the West Swindon Parish Council. The purpose of each category will also be documented including explicitly high-risk categories of personal information.
- 1.1.7 Personal information will be accurate and where necessary up to date.
- 1.1.8 The West Swindon Parish Council operates a data retention policy.
- 1.1.9 The West Swindon Parish Council respects persons rights in relation to their personal information and will maintain easily accessible records of privacy information provided to individuals and consents received before the collection of the data.
- 1.1.10 All personal information will be kept secure and will not be transferred outside of the UK. Any data sharing will be covered by a written agreement or contract between both parties documenting the responsibilities of both parties. Individuals have the right to data portability and data will be transferred to them or their nominees free of charge.

- 1.1.11 Employees with specific roles, responsibility and accountability for data protection will be identified.
- 1.1.12 Interested parties are identified in the interested party document
- 1.1.13 The West Swindon Parish Council has a procedure for addressing data protection breaches see 7.0

2 Employees

2.1 Your rights as an employee

- 2.1.1 All employees will be made aware of the nature of information stored about them, its source, how it will be used and who it will be disclosed to.
- 2.1.2 Employee consent may be required to collect some sensitive data.

2.2 How to access your data – a Subject Access Request

- 2.2.1 Employees have a right to gain access to information about them held by the West Swindon Parish Council, by means of an access request.
- 2.2.2 The West Swindon Parish Council will process the requests and respond promptly in any case within 1 month, this may be extended in the case of complex requests.

2.3 Your Privacy Notice

- 2.3.1 The West Swindon Parish Council will only collect and process the personal information about employees that it requires to run its business within the law. All information will be handled properly and stored and processed securely. The privacy notice will contain the lawful basis and the intended purposes of processing the data.

3 Customers and Contacts

3.1 Your rights as a customer or contact

- 3.1.1 All customers and contacts will be made aware of the nature of information stored about them, its source, how it will be used and who it will be disclosed to.
- 3.1.2 Consent may be required to collect some sensitive data although the majority

of data held by the Parish Council relates to places rather than people.

- 3.1.3 Consent requests will be prominent, concise, easy to understand and separate from any other information such as general terms and conditions. Consent may be withdrawn at any time.

3.2 How to access your data – a Subject Access Request

- 3.2.1 Customers and contacts have a right to gain access to information about them held by the West Swindon Parish Council, by means of an access request.
- 3.2.2 The West Swindon Parish Council will process the requests and respond promptly in any case within 1 month, this may be extended in the case of complex requests.

3.3 Your Privacy Notice

- 3.3.1 The West Swindon Parish Council will only collect and process the personal information about customers and contacts that it requires to run its business within the law. All information will be handled properly and stored and processed securely. The privacy notice will contain the lawful basis and the intended purposes of processing the data.

4 Suppliers, Consultants and Sub-contractors

4.1 Your rights as a supplier, consultant or sub-contractor

- 4.1.1 All suppliers, consultants and sub-contractors will be made aware of the nature of information stored about them, its source, how it will be used and who it will be disclosed to.
- 4.1.2 Consent may be required to collect some sensitive data
- 4.1.3 Consent requests will be prominent, concise, easy to understand and separate from any other information such as general terms and conditions. Consent may be withdrawn at any time

4.2 How to access your data – a Subject Access Request

- 4.2.1 Suppliers, consultants and sub-contractors have a right to gain access to information about them held by the West Swindon Parish Council, by means of an access request.
- 4.2.2 The West Swindon Parish Council will process the requests and respond promptly in any case within 1 month, this may be extended in the case of

complex requests.

4.3 Your Privacy Notice

4.3.1 The West Swindon Parish Council will only collect and process the personal information about suppliers, consultants and sub-contractors that it requires to run its business within the law. All information will be handled properly and stored and processed securely.

4.4 Processing of information by contractors or suppliers.

4.4.1 The West Swindon Parish Council will ensure where personal data is processed on its behalf by a contractor, the contractor will be pre-audited to ensure they can provide the required level of security. Once selected a contract will be put in place governing the relationship.

5 Rectification, Erasure and Restriction

5.1 Rectification

5.1.1 Once made aware of an error the West Swindon Parish Council will without undue delay rectify any incorrect or incomplete information about a natural person.

5.2 Erasure

5.2.1 The West Swindon Parish Council will ensure that right to erasure requests from natural persons are promptly and appropriately handled without undue delay.

5.2.2 The West Swindon Parish Council will erase the data if it falls within the categories defined within the act.

5.2.3 Where the information has been made public the West Swindon Parish Council will take measures to inform other companies who may be processing the information that an erasure request has been made.

5.3 Restriction

5.3.1 The West Swindon Parish Council will ensure individuals have the right to restrict information processing when applicable.

5.3.2 The requester will be informed if a restriction is to be lifted.

6 Objections, Complaints and Appeals

6.1 Objections

6.1.1 The West Swindon Parish Council will consider and respond to requests from individuals who object to information processing.

6.1.2 If the request is an objection to processing for direct marketing purposes the West Swindon Parish Council will ensure processing ceases.

6.2 Complaints and appeals

6.2.1 The West Swindon Parish Council will ensure complaints about the processing of personal information are handled correctly, this will include appeals to the objections procedure.

6.3 Unfounded or excessive requests

6.3.1 Unfounded or excessive requests can be charged for or refused. When making a subject access request you should consider carefully what information you require and why to ensure that your request can be dealt with quickly and effectively. Submit your request to the Parish Council setting out the grounds for your request. Your request will be acknowledged and you will be advised when you can expect to receive the information you requested and any other information relevant to processing your request.

7 Data Breaches

7.1 Detecting and investigating data breaches

7.1.1 The West Swindon Parish Council will monitor for data breaches and in the event of detecting a breach investigate the cause of the breach and its potential impact on individuals.

7.2 Notification of data breaches

7.2.1 In the event that a breach is likely to result in a risk to the rights and freedoms of individuals, the ICO will be notified within 72 hours.

7.2.2 In the event that a breach is likely to result in a high risk to the rights and freedoms of individuals, they will be notified individually without undue delay.

8 Training and Awareness

8.1 Training and awareness

- 8.1.1 The West Swindon Parish Council will ensure that all employees and contractors are aware of their responsibilities when processing personal information.
- 8.1.2 The West Swindon Parish Council will ensure the training and awareness maintains and improves information protection requirements and practice.

9 Appendix (extracts from the Regulations)

9.1 The six categories of lawful processing

Processing shall be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks

9.2 Consent guidelines

The GDPR sets a high standard for consent.

- Doing consent well should put individuals in control, build customer trust and engagement, and enhance your reputation.

- Check your consent practices and your existing consents. Refresh consents if they don't meet the GDPR standard.
- Consent means offering individuals genuine choice and control.
- Consent requires a positive opt-in. Don't use pre-ticked boxes or any other method of consent by default.
- Explicit consent requires a very clear and specific statement of consent.
- Keep your consent requests separate from other terms and conditions.
- Be specific and granular. Vague or blanket consent is not enough.
- Be clear and concise.
- Name any third parties who will rely on the consent.
- Make it easy for people to withdraw consent and tell them how.
- Keep evidence of consent – who, when, how, and what you told people.
- Keep consent under review and refresh it if anything changes.
- Avoid making consent a precondition of a service.
- Public authorities and employers will find using consent difficult.
- Remember – you don't always need consent. If consent is too difficult, look at whether another lawful basis is more appropriate.

9.3 Approved By (Signature):



Formal Complaints Procedure

To be approved and adopted on 14 May 2019

For the benefit of good local administration, it is recommended that Councils adopt a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to the Council from other bodies. Such a procedure is needed to ensure that complainants can feel satisfied that their complaint or grievance has been properly and fully considered.

1. Introduction

- 1.1 All formal complaints against the parish council, a parish councillor or officer must be communicated in writing. This can be letter or email or via a complaints form. The complainant must state at the outset if he/she wants the complaint to be treated confidentially. The Parish Council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

2. Complaints Procedure

- 2.1 Any complaint should be submitted in writing, to the Parish Manager at West Swindon Parish Council, c/o West Swindon Library, Link Centre, Whitehill Way, Swindon, SN5 7DL or by email to: clerk@westswindon-pc.gov.uk
- 2.2 If a complaint concerns the Parish Manager, the letter should be sent to the Chair of the Parish Council.
- 2.3 Upon receipt of a written complaint, the Parish Manager (or Chair in the case of 2.2 above) will acknowledge receipt of the complaint within 7 days and will confirm to the complainant whether the matter will be treated as confidential, and confirm the next steps in the complaints procedure.
- 2.4 On receipt of a written complaint the Parish Manager or Chair, will investigate the facts and collate relevant evidence. A complaint against the Parish Manager or any of the Councillors will be notified to that person giving them an opportunity to comment. All written complaints will be reported to the next meeting of the Parish Council.
- 2.5 Where the Parish Manager or Chair receives a written complaint about their own actions, they will refer the complaint to the Parish Council.
- 2.6 Wherever possible complaints will be dealt with by communication in writing that is agreed between the Parish Manager and the Chair.
- 2.7 If helpful, the complainant will be invited to a meeting with the Parish Manager or the Chair to discuss their complaint in an attempt to settle the matter. The procedure for that meeting will be explained.

- 2.8 At the meeting the Parish Manager will explain the council's position and questions may be asked by the complainant. Both parties will be given an opportunity to explain their respective positions.
- 2.9 The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

3. Complaints Panel

- 3.1 Depending on the complexity or sensitivity of a complaint being lodged with the Council, it may wish to establish a Panel to deal with such a complaint. This avoids the need for full Council having to assemble and also makes the process less daunting for a complainant if he or she chooses to attend a meeting in person. If a panel is formed, it should report its conclusions to the next Council meeting. Any Councillor can be called upon to act on such a Complaints Panel which will comprise the Chair or Vice Chair of the Council. No Councillor so nominated should be connected in any way with the matter which has led to the complaint.

Before the Complaints Panel meeting:

- 3.2 Parish Manager shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the panel established for the purposes of hearing complaints.
- 3.3 The complainant shall be invited to attend the relevant meeting and to bring with him or her such representative as he or she wishes.
- 3.4 Seven clear calendar days prior to the meeting, the complainant shall provide the Panel with copies of any documentation or other evidence, which he or she wishes to refer to at the meeting. The Panel shall similarly provide the complainant with copies of any documentation upon which it wishes to rely on at the meeting.

At the Complaints Panel Meeting

- 3.5 The Complaints Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.
- 3.6 The Chair will introduce everyone and explain the procedure to be followed.
- 3.7 The Complainant (or representative) will outline his or her grounds for complaint.
- 3.8 Councillors will ask any question of the complainant.
- 3.9 If relevant, the Parish Manager will explain the Council's position.
- 3.10 Councillors will ask any question of the Parish Manager.

- 3.11 The Parish Manager, if appropriate, and the complainant, will be offered the opportunity of last word (in this order).
- 3.12. The Parish Manager, if appropriate, and the complainant will be asked to leave the room while Members decide whether or not grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).
- 3.13 The Parish Manager and the complainant will return to hear the decision or formal recommendation to be made to the Council and to be advised when a decision will be made by the Council.

After the Complaints Panel Meeting

- 3.14 Once a decision has been taken by the Council, this should be confirmed in writing within seven calendar days together with details of any action to be taken.
- 3.15 The Council shall defer dealing with any written complaint only if it is of the opinion that issues arise on which advice is necessary from sources of legal advice. The complaint will be dealt with at the next meeting after the advice has been received.

4. Swindon Borough Council Standards Committee

- 4.1 In the event of a complaint about the behaviour of a Councillor, which involves an alleged breach of the Code of Conduct, complainants should be reminded that they may complain to the Standards committee of Swindon Borough Council.
- 4.2 The Standards Committee (England) Regulations 2008 direct that parish and town councils must be notified if a complaint about one of their members is being assessed by the District Council, and must be informed of subsequent significant steps taken in dealing with the complaint.
- 4.3 Swindon Borough Council's Director of Law and Legal Services will be informed that the Parish Council's Proper Officer is the person to whom all information concerning a complaint made against one of its members should be directed, unless the Proper Officer is the person making the complaint.
- 4.3 The Parish Council will appoint two Councillors to be consulted on receipt of information about a complaint.
- 4.4 On receipt of information, the Proper Officer will consult the two members who are not involved in the complaint. The Proper Officer and the two members will consider what action, if any, needs to be taken, bearing in mind the need to

keep the fact of the complaint, and its nature, confidential, until the district council standards committee has published its findings.

Such action may include

- Making arrangements for securing and providing evidence
 - Where the complainant is an employee of the Council, making appropriate arrangements between the employee and the subject member
 - Notifying members of the Council by confidential memorandum
 - Reporting to the Council or a committee if the nature of the information received necessitates a Council or committee decision. **If such a report is required:**
- 4.5 The Agenda for the meeting should not identify the subject and nature of the complaint. The item should be considered in confidential session. The minutes of the meeting should be written in such a way as to preserve confidentiality.



EQUALITY POLICY

Approved by Full Council
To be approved and adopted on: 14 May 2019

Our Equality Policy

1. Introduction

The Public Sector Equality Duty came into force in April 2011 (s.149 of the Equality Act 2010) and public authorities including Parish Councils are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;**
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities, to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)

West Swindon Parish Council like all public bodies and organisations carrying out public functions has a duty to consider the needs of all individuals in their day to day work – in shaping policy, in delivering services and in relation to its own employees. The Public Sector Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

The purpose of this policy is to provide equal opportunities for everyone who comes into contact with West Swindon Parish Council, irrespective of their characteristics (unless it can be shown that the treatment is a proportionate means of achieving a legitimate aim).

2. Discrimination:

To discriminate against someone means to treat them less favourably, to harass or victimise them or to subject them to a provision, criterion or practice which puts them at a disadvantage. It is unlawful to discriminate against an individual on the grounds of the following 'protected characteristics' (as defined in the Act):

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership

West Swindon Parish Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010. We are committed to the promotion and delivery of equal opportunities in the work place and in the delivery of services. This policy is fully supported by all Members of the Council.

3. Our Commitment to Employees

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

Breaches of the Council's Equal Opportunities Policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the council's Grievance Procedure.

If any member of the public has particular needs in relation to access to the West Swindon Parish meetings, documents or general information, please contact the West Swindon Parish Manager in the first instance for assistance. The policy will be monitored and reviewed annually.

4. Delivery of functions and services:

In exercising its functions and delivering services, the West Swindon Parish Council will have due regard to the three aims of the Equality Duty and it will take a proportionate approach when complying with it. Equality issues will be an influence on our policies and decisions.

The West Swindon Parish Council will consider equality issues in its contractual terms and conditions as agreed with external contractors as appropriate.

Other policies will be reviewed against the values stated in this main Equal Opportunities policy to ensure that this council strives to remain an Equal Opportunities employer.

West Swindon Parish Council acknowledges the following sources of information from which this policy has been created:

- The Equality Act 2010 (Specific Duties) Regulations 2011, 2011 No. 2260
- Society of Local Council Clerks - Model Equal Opportunities Policy (Oct 2010)
- National Association of Local Councils – Legal Topic Note 78: Equality Act 2010 (Jan 2013)



Health & Safety Policy

To be reviewed and adopted on 14 May 2019

1. GENERAL STATEMENT

- 1.1. West Swindon Parish Council recognises and accepts its responsibilities as an employer for providing a safe and healthy working environment for all its employees, contractors, voluntary helpers and others who may be affected by the activities of the Council.
- 1.2. The Council will meet its responsibilities under the Health and Safety at Work Act 1974, and will provide, as far as is reasonably practicable, the resources necessary to fulfil this commitment.
- 1.3. The Council will seek, as and when appropriate, expert technical advice on Health and Safety to assist the Parish Manager in fulfilling the Council's responsibilities for ensuring safe working conditions.

2. AIMS OF THE HEALTH AND SAFETY POLICY

To provide as far as is reasonably practicable,

- 2.1 A safe place of work and a safe working environment.
- 2.2 Arrangements for considering, reporting and reviewing matters of Health and Safety at work, including regular risk assessments of working activities.
- 2.3 Systems of work that are safe and without risks to health.
- 2.4 Obtaining specialist technical advice and assistance on matters of Health and Safety when necessary.
- 2.5 Sufficient information, instruction and training for employees, contractors and voluntary helpers to carry out their work safely.
- 2.6 Care and attention to the health, safety and welfare of employees, contractors, voluntary helpers and members of the public who may be affected by the council's activities.

3. ARRANGEMENTS AND RESPONSIBILITIES FOR CARRYING OUT THE HEALTH AND SAFETY POLICY

As the Council's Safety Officer, the Clerk will:

- 3.1 Keep informed of relevant health and safety legislation.
- 3.2 Advise the Council on the resources and arrangements necessary to fulfil the Council's responsibilities under the Health and Safety Policy.
- 3.3 Make effective arrangements to implement the Health and Safety Policy including:
 - a. Plant, equipment and systems of work that are safe.
 - b. Safe arrangements for the use, handling, storage and transport of articles and substances.
 - c. Sufficient information, instruction, training and supervision to enable all employees to identify and avoid hazards and also to be able to contribute positively to their own safety and health at work, and that of others.
- 3.4 Ensure that matters of health and safety are regularly discussed at meetings of the Parish Council.
- 3.5 Ensure that regular risk assessments are carried out of working practices and facilities, with subsequent consideration and review of any necessary corrective/protective measures.
- 3.6 Maintain a file of risk assessments, summarised in the minutes.
- 3.7 Make effective arrangements to ensure those contractors or voluntary helpers working for the Council comply with all reasonable health and safety requirements. All contractors will be required to abide by the terms of the contractors' service level agreement and specified scope of work and will be given a copy of the Council's Health & Safety Policy.
- 3.8 Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.
- 3.9 Maintain a central record of notified accidents.
- 3.10 When an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.

- 3.11 Act as the contact and liaison point for the Health and Safety Executive.
- 3.12 It shall be the duty of every parish council employee while at work:-
 - a. To take reasonable care for the health and safety of him/herself and of other persons who may be affected by his acts or omissions at work..
 - b. To ensure Council equipment in their charge is properly maintained and correctly used.
 - c. To report promptly to the Parish Manager all accidents, damage and dangerous occurrences in which they are involved and any illness, physical disability or other impairment of their health which may effect, either permanently or temporarily, their ability to perform their normal work

All employees, contractors and voluntary helpers will:

- 3.13 Cooperate fully with the aims and requirements of the Council's Service Agreement for Contractors and Health and Safety Policy.
- 3.14 Comply with Codes of Practice or work instructions for health and safety.
- 3.15 Take reasonable care for their own health and safety, to use appropriate personal protective clothing and, where appropriate, ensure that appropriate first aid materials are available.
- 3.16 Take reasonable care for the health and safety of other people who may be affected by their activities.
- 3.17 Not intentionally interfere with or remove safety guards, safety devices or other equipment provided for health and safety.
- 3.18 Not misuse any plant, equipment tools or materials.
- 3.19 Report any accidents or hazardous incidents to the Parish Manager.
- 3.20 Contractors are expected to have their own Health & Safety policy and to carry out a risk assessment prior to the commencement of work



Training and Development Policy

To be reviewed and adopted on 14 May 2019

Training and Development Policy

1. Introduction

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

For 2019/2020 £1000 of funds have been made available for training and development.

In this document training and development are defined as follows:

- **Training** is a form of development to specifically address the acquisition and development of new knowledge and skills, or fills gaps in existing knowledge and skills
- **Development** involves a wide range of learning activities (including training) all of which are aimed at improving and sustaining individual and collective performance in terms of knowledge, skills and behaviours.

2. Policy Statement

The West Swindon Parish Council is committed to ensure that it continues to fulfil its duties and responsibilities to residents. To that end the Council's intention is that councillors, the Parish Manager, Assistant Clerk and volunteers are suitably equipped with knowledge and skills to carry out their roles and maintain effective working practices. The Council will procure or provide such training and development opportunities as it deems necessary and relevant.

3. Training and Development Activity

The Parish Council comprises fifteen councillors and employs a Parish Manager and an Assistant Clerk. Other staff to be confirmed. On occasion volunteers provide invaluable support to the Council. Training and development for each of these groups will be regularly reviewed.

4. Training and Development for Councillors

- a) Attendance induction sessions for new councillors;
- b) Provide a Parish Information Pack including copies of the Standing orders, Financial Regulations, Code of Conduct, policies of the Council and other helpful information;
- c) Participate in relevant courses including those held by the Wiltshire Association of Local Councils (WALC);
- d) Parish Manager will circulate briefings, notices and updates

5. Training and Development for the Parish Employees

- a) Induction session explaining the roles of the employees e.g. Parish Manager/Assist. Clerk and the role of Councillors

- b) Staff Handbook to include copies of the Standing orders, Financial Regulations, Code of Conduct, policies of the Council and other helpful information;
- c) Parish Manager to gain the Certificate in Local Council Administration (CiLCA) within 12 months of appointment (if not already achieved);
- e) Any other training relevant to the proficient discharge of their duties such as IT, health and safety, legal powers, finance and understanding the planning system, identified through regular training needs assessments;
- f) Agreement to attend relevant local meetings of bodies such as the National Association of Local Councils (NALC) and briefings by WALC;
- g) Subscription to relevant publications and advice services £500 in the budget;
- h) Provision of Local Council Administration by Charles Arnold Baker and other relevant publications, which will remain the property of the Council;
- i) Participation in the local Clerks forum and regular liaison with other Clerks in neighbouring parishes, and;
- j) Taking responsibility for personal and professional development based on feedback through staff appraisal.

6. Training and Development for Volunteers

- a) Briefings on relevant health and safety matters and the scope of their work prior to starting will be mandatory;
- b) Staff to assess any additional training or information or supervision needs necessary to safely and appropriately complete the task in hand;
- c) Briefing on the safe use of any equipment provided by the Council, and;
- d) Training for volunteers will not be beyond that which is deemed necessary for their role.

7. Identification of Training Needs

- a) Training requirements for councillors and staff will usually be identified by themselves, the Chair and Parish Manager. Opportunities to attend courses will be investigated by the Parish Manager and brought to the attention of Council;
- b) The Council will formally review this policy and the training needs at the Annual Meeting of the Parish Council;
- c) The Parish Manager is expected to keep up-to-date with developments in the sector and highlight to the Council any training required with cross reference to the Councils policies, powers and risk assessments.

8. Training Resources

- a) Annually, an allocation will be made in the budget each year as required to enable reasonable training and development. The amount will be reviewed at the meeting where the Council sets a budget, usually January as part of the precept preparation.;
- b) The Council will make an allocation in the budget for the payment of relevant subscriptions to support information updates, and training courses and conferences, and;

- c) The purchase of relevant resources such as publications will be considered on an ongoing basis.

9. Review

- a) Training will be reviewed in the light of changes to legislation or any quality systems relevant to the Council; new qualifications; new equipment; new service delivery, complaints received or incidents which highlight training needs and requests from Councillors, the employees or volunteers of the Council, and;
- b) The Parish Manager will maintain a record of training that they, staff, councillors and volunteers attend.

10. Linking with Other Council Policies

It is also acknowledged that undertaking training and development is a clear indication of continuing professional development particularly in respect of significant changes to public services and changes in legislation.

This training and development policy links to the following policies and documents of Council:

- a) Code of Conduct;
- b) Action Plan;
- c) Standing Orders;
- d) Written Contract of Employment;
- e) Health and Safety Policy;
- f) Risk Assessments
- g) Equalities Policy;



Tree Management Policy

To be reviewed and adopted on 14 May 2019

INTRODUCTION

Trees are a highly valued feature of the West Swindon Parish; they make an important contribution to the character of our local landscape and create environments rich in biodiversity.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience, to potentially causing serious injury. Trees are the responsibility of Swindon Borough Council but are managed jointly with the West Swindon Parish Council. This policy sets out West Swindon Parish Council's approach to tree management.

1. THE IMPORTANCE OF TREES IN THE URBAN LANDSCAPE

Trees are important features in the landscape. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- they improve air quality by filtering airborne dust, smoke and fumes;
- they absorb traffic noise in built-up areas and can help limit noise pollution;
- they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
- they act as a screen, increasing privacy in residential roads and gardens;
- they provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

2. TREES MANAGED BY WEST SWINDON PARISH COUNCIL

The West Swindon Parish Council has discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such, we have a responsibility to maintain trees within our management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance.

This policy applies to all trees under West Swindon Parish Council maintenance responsibilities. The Parish Council contracts work that is able to be undertaken at ground level and up to head height. Swindon Borough Council maintains work on trees outside of that work.

Ground level work with hand tools is delivered by Streetsmart within Swindon Borough Council as part of the West Swindon Parish Council's service level agreement. Maintenance that falls outside of the service level agreement is the responsibility of Swindon Borough Council – www.swindon.gov.uk tel: **01793 445500**. Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority, Swindon Borough Council.

Swindon Borough Council is responsible for over 40,000 street and park trees, including the pruning and maintenance of trees that are situated along the roadside, in publicly owned parks and green/open spaces.

Trees are generally maintained as part of Swindon Borough Council's continuous programme of work. The normal standards are:

- Trees along the main roads are all inspected on an annual basis.
- The majority of street trees are pruned on a cyclical basis every 1, 3 or 5 years depending on species and location.
- Parks and green spaces trees are pruned on an ad-hoc basis.

Any problems reported are assessed by Swindon Borough Council's expert Tree Officer and any remedial work is determined on a priority basis, depending on the nature of the request. **Situations where there is a potential risk to public safety will be given the highest level of priority.**

All enquiries regarding trees in West Swindon should be directed Swindon Borough Council on 01793 445500, www.swindon.gov.uk, email: streetsmart@swindon.gov.uk

3. TREE MAINTENANCE

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to inspections and reports from the public.

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, Both West Swindon Parish Council and Swindon Borough Council receive requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment, and, enjoyment of the Parish by local residents and visitors. Many of the complaints received involve minor or seasonal issues or social problems associated with living near trees.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below:

- ***Obstructing/ Overhanging Tree Branches***

Tree branches can cause obstructions to public footpaths, roadways / signs,

streetlights and open spaces. The West Swindon Parish Council will respond to reports where work can be undertaken at ground level by the maintenance team, to eliminate hazards caused by obstructive branches.

Adjacent Landowners do have a common law right to prune back tree branches **to their boundary**, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

- ***Shading and Loss of Light***

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

- ***Loss of View***

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

- ***Trees affecting reception {Television, Satellite or Solar Panels}***

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune to improve natural light to a solar panel.

- ***Overhead Cables/ Telephone Wires***

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long term solution, giving consideration to tree health, local tree cover and visual amenity.

We will not prune a tree within our maintenance work in order to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

- ***General/ Minor Nuisances***

We will not prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

We would not normally prune or fell a tree under our maintenance that bears poisonous fruit/ foliage (such as laburnum or yew).

However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

- ***Trees considered too big/ too tall***

Felling trees sits within the remit of Swindon Borough Council.

4. DAMAGE AND TREE ROOTS

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners

do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

All issues relating to tree roots from land maintained by the Parish Council should be directed to Swindon Borough Council.

- ***Damage to walls and fences***

Any issues where trees are considered to be causing damage to walls or fences should be referred to Swindon Borough Council.

- ***Damage to paths***

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, West Swindon Parish Council will work jointly with Swindon Borough Council to address the issue.

- ***Damage to drains or water pipes***

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense.

- ***Trip Hazards***

West Swindon Parish Council will work with Swindon Borough Council to make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership / management.

5. OTHER FACTORS CONSTRAINING WORK TO TREES

- **Birds**

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal, reduction and hedge cutting operations should not normally be undertaken during bird nesting and breeding season, which is considered to be from 1st March to 31st July.

- **Bats**

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

- **Restrictive covenants**

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

- **Unadopted land**

There are areas in West Swindon that may not be adopted by Swindon Borough Council and may not have ownership recognised by neighbouring properties. The West Swindon Parish Council does not have the authority or responsibility to maintain private land. Some instances may be considered on a case by case basis as exceptional circumstances.

6. DAMAGE RELATING TO TREES

- **Direct Damage to Property**

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size, they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' structures such as houses. Any reports of damage to property need to be reported to Swindon Borough Council in the first instance.

- **Indirect Damage to Property (Subsidence)**

Incidents of subsidence related damage involving H&DPC trees are rare; however there are areas of shrinkable clay soil within the Parish. Any reports of indirect damage to property to Swindon Borough Council.

- **Subsidence**

Any incidents relating to trees and subsidence should be reported to Swindon Borough Council.

- **Heave**

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by the third party.

7. INSURANCE CLAIMS

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Swindon Borough Council's insurers.

Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

8. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances the West Swindon Parish Council's Planning and Environment Committee will consider applications to the Parish for assistance with tree work. The Parish Council will ask Swindon Borough Council to assess and price the work to be undertaken.

If the Committee agree that the work is exceptional, it will consider offering a financial contribution of up to two thirds of the total cost.

WEST SWINDON PARISH COUNCIL
RESERVES POLICY

Reviewed: 21.05.18

WEST SWINDON PARISH COUNCIL RESERVES POLICY

1. Purpose

- 1.1 West Swindon Parish Council is required to maintain adequate financial reserves to meet the needs of the organisation. The purpose of this policy is to set out how the Council will determine and review the level of General Reserves. The Council's General Reserves is where all the revenue income and expenditure of the Council is accounted for. It does not include specific funds earmarked for long term projects.
- 1.2 Sections 32 and 43 of the Local Government Finance Act 1992 require local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. However, there is no specified minimum or maximum level of reserves that an authority should hold and it is the responsibility of the Responsible Financial Officer to advise the Council about the level of reserves and to ensure that there are key protocols for their establishment and use.

2. Types of reserves

General Reserves

- 2.1 Reserves can be categorised as general (e.g. held to cushion the impact of uneven cash flows or unexpected events) or earmarked (held for a specific purpose).

Earmarked Reserves

- 2.2 Earmarked reserves are held for five main reasons:
- **Renewals** – to enable Council to plan and finance an effective programme of vehicle and equipment replacement and planned property maintenance. These reserves are a mechanism to smooth expenditure so that a sensible replacement programme can be achieved without the need to vary budgets.
 - **Carry forward of underspend** - some services commit expenditure to projects, but cannot spend the budget in year. Reserves are used as a mechanism to carry forward these resources.
 - **Trading accounts** – In some instances surpluses are retained for future investment.
 - **Insurance reserve** – to meet the estimate of future claims to enable the Council to meet the excesses not covered by insurance.
 - Other earmarked reserves may be set up from time to time to meet known or **predicted liabilities**.

- 2.3 General reserves or working balances are funds which do not have any restrictions as to their use. These reserves can be used to smooth the impact of significant pressures, offset the budget requirement if necessary or can be held in case of unexpected events or emergencies.

3. Earmarked reserves

- 3.1 The Governance and Accountability Practitioners' Guide (2018) sets out guidance and audit considerations for Town & Parish Councils.
- 3.2 Earmarked reserves will be established on a "needs" basis, in line with planned or anticipated requirements.
- 3.3 As outlined in the regulations, any decision to set up a reserve must be given by the Council.
- 3.4 Expenditure from reserves can only be authorised by the Council.
- 3.5 If reserves are used to meet short term funding gaps, they must be replenished in the following year. However, earmarked reserves that have been used to meet a specific liability would not need to be replenished, having served the purpose for which they were originally established.
- 3.6 All earmarked reserves will be recorded on a schedule held by the Responsible Financial Officer which lists the various earmarked reserves and the purpose for which they are held.
- 3.7 Reviewing the Council's Financial Risk Assessment is part of the budgeting and year end accounting procedures and identifies planned and unplanned expenditure items and thereby indicates an appropriate level of Reserves.

4. Working balances

- 4.1 The level of general reserves or working balances is a matter of judgement and so this policy does not attempt to prescribe a blanket level. The primary means of building working balances will be through an allocation from the annual budget. This will be in addition to any amounts needed to replenish reserves that have been consumed in the previous year.
- 4.2 Setting the level of working balances is one of several related decisions in the formulation of the medium term financial strategy and the annual budget. The

Council must build and maintain sufficient working balances to cover the key risks it faces, as expressed in its financial risk assessment.

4.3 In practice, however, in determining the precise level of reserves about this minimum, the Responsible Financial Officer will consider most if not all of the factors shown in the following table:

Budget assumptions	Financial standing and management
The treatment of inflation and interest rates	The overall financial standing of the authority (e.g. level of borrowing, debt outstanding, council tax collection rates)
The treatment of demand-led pressures	The authority's capacity to manage in-year budget pressures
The treatment of planned efficiency savings	The strength of the financial information and reporting arrangements
The financial risks inherent in any significant new funding partnerships, major contractual arrangements or major capital developments	The authority's virement and end-of-year procedures in relation to budget under/overspends at council and committee level
The availability of other funds to deal with major contingencies and the adequacy of provisions	The adequacy of the authority's insurance arrangements to cover major unforeseen risks

4.4 If in extreme circumstances general reserves were exhausted due to unforeseen spending pressures within a particular financial year, the Council would be able to draw down from its earmarked reserves to provide short-term resources.

5. Opportunity cost of holding reserves

5.1 In addition to allowing the Council to manage unforeseen financial pressures and plan for known or predicted liabilities, there is a benefit to holding reserves in terms of the interest earned on funds which are not utilised. This investment income is fed into the budget strategy.

5.2 However, there is an "opportunity cost" of holding funds in reserves, in that these funds cannot then be spent on anything else. As an example, if these funds were used to repay debt the opportunity cost would equate to the saving on the payment of interest and the minimum revenue provision, offset by the loss of investment income on the funds. However, using reserves to pay off debt in

this way would leave the Council with no funds to manage unexpected risks nor provide a mechanism to fund the planned expenditure for which the reserves were earmarked.

5.3 Given the opportunity costs of holding reserves, it is critical that reserves continue to be reviewed each year as part of the budget process to confirm that they are still required and that the level is still appropriate.

6. Governance concerning the Balances and Reserves.

6.1 West Swindon Parish Council will review The Reserves Policy as part of the review of Financial Regulations (Section 18) and reported to the Parish Council as part of the budget setting process.

6.2 The Council will have the opportunity to review the levels of Earmarked Reserves held in accordance with the Parish Council's Financial Regulations and make recommendations for the creation of additional Earmarked Reserves as part of the annual budgeting process.

6.3 The Council will be required to identify the following when making recommendations for each reserve:

- The reason for/purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserve's management and control
- A process and timescales for review of the reserve to ensure continuing relevance and adequacy

6.4 General Reserve balances will be held by the Parish to cushion the impact of uneven cash flows and the impact of unexpected, unforeseen, emergency and uninsured situation and will be reviewed annually.

Earmarked Reserves 2019-20	£ 76,900.00
General Reserves 2019-20	£629,800.00

DRAFT

West Swindon Parish Council

Annual Plan 2019/2020

West Swindon Parish Council (WSPC) will publish an action plan annually in May. Priorities in the plan will reflect matters raised by members of the public during the Annual Parish Council Meeting and other public meetings. West Swindon Parish Council will continually review the action plan on a quarterly basis, and will add any matters as required through the year.

Item no.	Action	Outcome	Budget	Responsible body and partners	Timescales	Progress/Comments
Annual Plan (Draft)						
1	Quarterly Newsletter (within Link Magazine)	Residents feel informed about the work of the Parish	£800 per issue printing and distribution to majority of dwellings	Council/Clerk	Newsletter distributed seasonally – post elections, Summer, Christmas and Spring	Commencement May 2019
2	Play Area Leases	WSPC concludes the lease of the play area leases.	£3000	Council/Clerk	Leases with WSPC solicitor	Completion 30.06.19
3	Play Area Refurbishment	WSPC identifies next phase of renewal and refurbishment of play areas.	£110,000	Leisure & Amenities, Streetsmart/Clerk	Tenders proposed to open 01.07.19 Close 31.07.19.	Renewal programme from Autumn 19.
4	Flytipping & Litter Project – volunteering, promotion	A cleaner local environment, growth in volunteering	To be determined – volunteer reward grant pot budget £18,000	Flytipping & Litter Working Party	Ongoing	Ongoing
5	Data Management	Parish develops and manages its own data for Parish maintenance work	Software license to be confirmed	Clerk/Assistant Clerk	Ongoing	30.06.19.

DRAFT

Item no.	Action	Outcome	Budget	Responsible body and partners	Timescales	Progress/Comments
6	Backlands and former play areas	Parish works with Swindon Borough to agree a plan of action regarding former play areas and planters	To be determined	Backlands and Former play areas Working Party & Swindon BC Housing/Property	Ongoing	Ongoing
7	Grounds & Street Cleaning Contract Implementation	Value for money services delivered efficiently and effectively.	£440,000	Clerk/Council/Service s Working Party	Monthly Review by Clerk, Quarterly Review by Council	Contract start to be agreed.
8	Bio Diversity Plan & Engagement	Grounds maintenance is undertaken in ways that maximise bio diversity as much as is practicable. Residents participate in bio diversity initiatives	To be confirmed c. £5,000	Council, Clerk, Partner organisations, Streetsmart, and residents	Plan completed and initiatives underway by end of the year.	Awaiting appointment of partner organisation.
9	Consider initiatives to promote reduction in fly tipping and graffiti	Cleaner local environment	None committed currently.	Council & Flytipping Working Party	Ongoing	Ongoing
Annual Review						



Recording and Reporting on Council Meetings Policy

To be reviewed and adopted on 14 May 2019

INTRODUCTION

This policy applies to Full Council Meetings and meetings of any Committee of the Parish Council.

West Swindon Parish Council supports the principles of openness and transparency and encourages public interest and engagement in decision making.

This sets out the criteria for the recording or reporting of Council Meetings.

AUDIO AND VISUAL RECORDING – YOUR OBLIGATIONS

Any member of the public or of the media wishing to photograph and / or audio or visually record a meeting must agree to the following:

- a) Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chair so as to minimise disruption to the proceedings;
- b) The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Chair, so as to minimise disruption to the proceedings;
- c) If the Chair feels that any photography, audio or visual recording is disrupting the meeting in any way then the operator of the equipment will be required to stop;
- d) If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- e) If the Chair adjourns the meeting, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- f) Those making audio or visual recordings must comply with any request made by the Chair regarding respecting the public's right to privacy;
- g) People seated in the public gallery / seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are seated in a "public seating area";
- h) Use must not be made of an image or recording if consent is refused by an individual;
- i) Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes

refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

It should be noted that failure to comply with this Protocol may lead to the refusal of any future requests to photograph or audio or visually record any future Council meetings in view of the risk of future disruption to proceedings.

If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect may be displayed in the relevant meeting room. To assist the public, the Chair will make an announcement that the meeting will be photographed and /or recorded or filmed. The Council may, on occasion, audio record meetings for minuting purposes only. The Chair will make an announcement to this effect and these recordings will not be made available to anyone outside the Council.

AUDIO AND VISUAL RECORDING – YOUR RIGHTS

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Clerk or Chair before the start of the meeting.

PROCEDURE PRIOR TO THE MEETING FOR RECORDING OR PHOTOGRAPHING A MEETING

Requests to take photographs or undertake audio or visual recordings of meetings open to the public, either by members of the public or by the media should wherever possible be made to the Clerk at least two working days before the meeting.

The request should include the following information as this will assist the Council in making preparations for the meeting to avoid any disruption to the proceedings:

- a) to which meeting this request refers;
- b) the name, organisation (if applicable) and contact details of the person making the request;
- c) what equipment it is intended will be used (e.g. camera/audio recorder/video camera);
- d) what the photographs, or audio / visual recording will be used for and / or where the information is to be published.

PROCEDURE AT THE MEETING

Equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Chair. This will be communicated to all relevant parties. This is to minimise disruption to the proceedings. If the Chair feels the photography/audio / visual recording is disrupting

the proceedings the operator of the equipment will be required to stop. If use continues the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Chair's requests may be refused permission to photograph, record or film at future Parish Council meetings that are open to the public so as to minimise the risk of future disruption to the proceedings.

SOCIAL MEDIA

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chair does not consider their actions are disrupting the proceedings of the meeting. Any person can provide a written commentary during a meeting, as well as an oral commentary outside or after the meeting.

If the Chair feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. Councillors and members of the public are reminded that the law of the land applies to social media use – including the law of defamation and the law on public order offences.

The Council allows the filming or recording of meetings only in accordance with its legal obligations and takes no responsibility for, nor accepts any liability for filming or recording material made by persons or its subsequent use or publication.

WEST SWINDON PARISH COUNCIL

RISK MANAGEMENT SCHEME 2019 – 20 To be reviewed and adopted 14.05.2019

Subject and Risk(s) identified	High (H) Medium (M) Low (L)	Management/control of Risk	Action to consider
<p>Council funding & precept</p> <p>Precept is sufficient for the planned budget of the Council to carry out its statutory obligations and duties.</p>	L	<p>To determine the annual precept amount required, the Council has a number of processes throughout the year</p> <ul style="list-style-type: none"> • It appoints a Finance & Staffing Committee to review the budget requirements of the Council and to secure costs for current and future works. • The Parish Manager compiles a monthly budget update report • The Council agrees an annual project plan for key areas of expenditure such as play areas, recreation spaces, community buildings and grounds maintenance preparing outline requirements.in a timely manner ahead of setting the precept. • At the precept meeting (Dec/Jan) the Council receives a budget report, which sets out the current actual budget position, and the projected position to the end of the financial year. With this information the Council maps out the required budget for standing costs and projects for the new financial year and revises the budget lines, the total of which is resolved to be the precept amount to be requested from Swindon Borough Council. The figure is submitted by the Parish Manager in the Precept Demand notice. • The Council has set up General Reserves. 	Existing procedure adequate.
<p>Financial Accountability¹</p> <p>Inadequate records</p> <p>Financial irregularities</p>	L L	<p>The Council has Financial Regulations and Standing Orders which sets out the requirements of the Council. The Council appoints a Responsible Financial Officer (RFO) to ensure appropriate financial procedures are observed. The Council also appoints an internal auditor to review the accounts during the financial year and an external auditor for an annual audit. The Council's Financial Regulations are in line with the Governance and Accountability for Smaller Authorities in England (2018). Councillors share accountability for the finances of the Council and support the Parish Manager /RFO. Two signatories on payments.</p>	<p>Existing procedure adequate</p> <p>Review the Financial regulations when necessary.</p> <p>Review the delegations on annual basis.</p> <p>Recommendation from the internal or external audit are acted upon.</p>
<p>Bank Account queries or irregularities</p> <p>Inadequate checks</p>	L L	<p>The Council's Financial Regulations set out banking requirements.</p> <p>The Parish Manager /RFO conducts a monthly reconciliation. Councillors receive a monthly budget update. Internal audit is undertaken.</p>	<p>Existing procedure adequate</p> <p>Existing procedure adequate</p>

Banking errors			
Reporting and auditing Lack of public information communication	L	Financial information is a regular agenda item (Finance Report) and discussed/reviewed by the Finance & Staffing Committee and approved at each Council meeting. The Council can use its website to publish key financial decisions and budget information that should be accessible to the public.	Existing procedures adequate.
Accounting for payment of rents/leases Defaulting or delayed payments	L	Monies payable to the Parish Council will be the subject of lease or rent agreements and will be invoiced in accordance to the agreement. The Finance & Staffing Committee will agree the process and policy for payments and arrears. Allotment working group reviews the payment process for allotments. Allotment payments are recorded in line with Auditor recommendations.	Existing procedure adequate. Regular monitoring will ensure necessary recommendations
Grants payable Authorisation of Council to pay Correct use and record keeping	L	All such expenditure in the form of grants goes through the required process for approval which will vary depending on the amount but is set out in the Financial Regulations. Approval of expenditure will be minuted and listed accordingly if a payment is made using S137 powers of expenditure or the General Power of Competence.	Existing procedure adequate.
Procurement Less than best service provided. Overspend on services or no contingency plan.	M M	Parish Council practice would be to seek, quotations in line with the Council's Financial Regulations. The decisions will take into account, reliability, quality of service and track record for any significant work to be undertaken. For major work competitive tenders would be sought. If problems encountered with a contract or performance the Parish Manager would investigate the situation and report to the Council. The Council will also seek advice from Swindon Borough Council. For new contracts, the Council will take advice from other parish councils and Swindon Borough Council. Significant contracts will include service standards, clauses and contingencies.	Existing procedure adequate but to be reviewed as part of the review of Financial Regulations. The Council will also take advice from officers within Swindon Borough Council particularly in relation to contracting new work such as play area refurbishment and grounds maintenance.
Salaries and assoc. costs Salary paid incorrectly. Inaccurate deductions withdrawn.	L L	The Council is fully aware of its responsibilities in terms of payment of staff salaries, pensions and national insurance. The Council will create a process with the necessary Financial Controls to establish regular and timely payment. It will take advice from external bodies and regularly review the required payments schedule through the Finance Committee. Financial controls will be reviewed annually.	Existing procedure adequate.
Employees Fraud by staff Health and safety	L L	Requirements of the Insurance adhered to with regards to fraud. The scheme of delegation should protect against fraud as well as involvement and vigilance from the RFO and councillors. Monthly budget updates should keep track of any unusual variances. Internal audit will provide a further check. All employees to be provided adequate direction and safety equipment needed to undertake their roles. All Councillors and employees adhere to the Councils Health and Safety Policy.	Existing procedures adequate. Take into account any recommendations arising from audit. Monitor health and safety requirements and insurance annually.

VAT Reclaiming/charging	L	The Council has Financial Regulations which set out the requirements. This will be verified by the internal audits and external annual audit. VAT claims calculated by the IT financial tool and checked and submitted by the Parish Manager.	Existing procedures adequate
Annual Return Submit within time limits	L	Annual Governance Statement is completed and approved by the Council, submitted to internal auditor for completion and signing then checked within time frame. Statements and Audit reports are submitted online and on local noticeboards with the prescribed time frame by the Parish Manager.	Existing procedures adequate.
Legal Powers Illegal activity or payments	L	All activity and payments to be enacted within the powers of the Parish Council to be resolved at full Council Meetings, including review of powers to be used as part of the Council Standing Agenda Item on Finance. Training for new Councillors will cover the range of powers and duties in order that the Council operates in an informed manner. Parish Manager clarifies legal position on new proposals. Legal advice to be sought where necessary. Parish Manager attends training updates. Membership of the Wiltshire Association of Local Councils should also assist as a source of advice should queries arise in the exercise of powers. Also have direct access to the National Association of Local Councils. Councillors monthly report should also monitor and track expected transactions. Further safeguarding through monthly bank reconciliation.	Existing procedures adequate
Meeting paperwork and Notices follow Statutory guidance on format and publication	L	Minutes and agenda are produced by the Parish Manager and adhere to the legal requirements. Minutes are approved and signed at the next Council meeting. Agendas are publicly displayed according to legal requirements. Venues meet requirements.	Existing procedures adequate.
Members interests Conflict of interests	L	Declarations of interest by members at Council meetings. Register of member's interests forms reviewed regularly.	Existing procedures adequate. Council members update the register.
Insurance Adequacy	L	An annual review is undertaken of all insurance requirements. West Swindon Parish will need to liaise with Swindon Borough Council in relation to technicalities on management and ownership of assets. Employers and Employee liabilities are adequately covered.	Existing procedure adequate. Insurance reviewed annually in conjunction with Swindon Borough Council.
Data protection Policy provision	L	The Parish Council is registered with the Data Protection Agency and has a Data Protection Policy that it adheres to.	Ensure annual renewal of registration
Freedom of Information Compliance	L	The Council adopts a Freedom of Information Publication Scheme. The office resources should be able to deal with day to day requests for information. The website offers an opportunity to self serve general requests.	Monitor any requests made under FOI
Assets	L	An annual review of the parishes assets is undertaken for insurance provision and to evaluate potential maintenance requirements. This includes external annual audit of	Existing procedures adequate

Loss or damage and potential injury, risk/damage to third party		play areas.	
Maintenance Poor quality or sub standard assets or amenities	L	All assets owned by the Parish Council are regularly reviewed and maintained. All repairs and relevant expenditure for any repair is actioned/authorised in accordance with the correct procedures of the Parish Council. Assets are insured and consideration will be given to replacement or refurbishment in the event of loss or damage.	Existing procedures adequate
Council records – paper Secure storage to minimise loss due to fire, flood, theft.	M	The copies of the Parish Council paper records are stored in the Parish Council offices. Individual Council members also have access to personal copies of papers and reports. Papers are stored in a secure fire-proof cabinet within the office. The building meets minimum fire regulations and includes a sprinkler system.	Damage or theft is unlikely but not impossible - provision is adequate.
Council records – electronic Loss through theft, fire damage, IT corruption or loss of computer	L	The Parish Council electronic records are stored on Parish Council computers. There is more than one computer to allow for ongoing access to records in the event of damage or corruption to a single device. Hard drive back up storage is also undertaken at regular intervals and stored securely.	Existing procedures considered adequate.
Security of council assets, buildings, equipment	H	Regular security inspections by parish staff. Internal fire risk assessment carried out. Leased buildings operated securely. Health and Safety Policy reviewed on an annual basis.	Existing procedures considered adequate.

Paula Harrison
Parish Manager