

West Swindon Parish Council
Freedom of Information Scheme 2018

DRAFT

West Swindon Parish Council

Freedom of Information Scheme 2018 (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

As a newly formed parish council, there are no historical records for the finances of the West Swindon Parish Council prior to April 2017. Details of the budget for the financial year 2017/2018 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. The only asset currently is Blagrove Allotments.

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 @ 0.10p 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

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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):

**West Swindon Parish Council
Formal Complaints Procedure**

Adopted:tbc

Revised:

DRAFT

COMPLAINTS PROCEDURE

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 grievance has been properly and fully considered.

West Swindon Parish Council will work hard to ensure that all problems and queries that are raised with the Parish Council are responded to with efficiency, honesty and empathy. The Parish Council will aim to resolve all matters locally, thereby minimising the need for escalation of complaints. If this cannot be achieved, this formal complaints procedure will apply.

In this document, references to the *Chair* refers to the Chair of the West Swindon Parish Council.

1 Introduction

- 1.1 All formal complaints against the parish council, a parish councillor or officer must be communicated in writing. 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 and General Data Protection Regulation 2018 to safeguard against the unlawful disclosure of personal data.

2. Complaints Procedure

- 2.1 Any complaint should be submitted in writing and signed, to the Parish Manager at West Swindon Parish Council, c/o West Swindon Library, Whitehill Way, Swindon, SN5 7DL or by email to: Clerk/Parish Manager@westswindon-pc.gov.uk
- 2.2 If a complaint concerns the Clerk or Parish Manager, the letter should be sent to the Chair of the Parish Council - Cllr Nigel Gibbons, Chair – West Swindon Parish Council c/o West Swindon Library, Whitehill Way, Swindon, SN5 7DL or by email to: negibbons@hotmail.com
- 2.3 Upon receipt of a written complaint, the Clerk/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 Clerk/Parish Manager or Chair, will investigate the facts and collate relevant evidence. A complaint against the Clerk/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 Clerk/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 correspondence, agreed between the Clerk/Parish Manager and the Chair.
- 2.7 If helpful, the complainant will be invited to a meeting with the Clerk/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 Clerk/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 Pane

- 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 The Clerk/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 working 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 at the meeting.

At the Meeting

- 3.5 The Complaints Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at a Council meeting in public.
- 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 Clerk/Parish Manager or other Proper Officer will explain the Council's position.
- 3.10 Councillors will ask any question of the Clerk/Parish Manager or other Proper Officer.
- 3.11 The Clerk/Parish Manager or other Proper Officer, if appropriate, and the complainant will be offered the opportunity of last word (in this order).
- 3.12. The Clerk/Parish Manager or other Proper Officer, 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 Clerk/Parish Manager or other Proper Officer 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 working 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 of law or practice 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.

Breaching the Code of Conduct

- 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 Director of Law and Democratic Services, 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.

Protocol.

- 4.3 Swindon Borough Council's Director of Law and Democratic 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.

West Swindon Parish Council

EQUALITY POLICY

Approved by Full Council
Reviewed on: 21 May 2018

West Swindon Parish Council, West Swindon Library, Link Centre, Whitehill Way,
Swindon, SN5 7DL, EMAIL: clerk@westswindon-pc.gov.uk TEL: 01793 466418

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)

West Swindon Parish Council
Health & Safety Policy

DRAFT

Health & Safety Policy

Adopted: 21 May 2018

Revision:

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 Clerk 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 Clerk 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 Clerk.
- 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

West Swindon Parish Council

Training and Development Policy

(DRAFT)

Review date: 21 May 2018

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 2018/2019 £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 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 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 clerk 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. Clerk/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) Clerk 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 £200 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 Clerk. Opportunities to attend courses will be investigated by the Clerk 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 Clerk 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 Clerk 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;

West Swindon Parish Council

Tree Management Policy

Reviewed 21 May 2018

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 for budget 2018/19 £219,000
General Reserves at April 2018/19 £355,000

West Swindon Parish Council

Annual Plan 2018/2019

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	Website updated to reflect GDPR + Data Protection Policy	-Residents can self serve key information about the Council. -Residents can access contact details and report concerns - Residents understand how personal data is handled	£2000	Council/Clerk	Website updated 31.05.18	Commencement 10.05.18
2	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 – Summer, Winter/Christmas & Spring	Commencement 01.04.18
3	Play Area Leases	WSPC secures the lease of the play area leases.	£1000	Council/Clerk	Leases with SBC legal – final discussion with Assets Working Party	Commencement 01.06.17
4	Play Area Refurbishment	WSPC embarks on renewal and refurbishment of five play areas.	£180,000	Leisure & Amenities, Streetsmart/Clerk	Tenders open 01.06.18 Close 15.07.18.	Renewal programme from Sept 18.

Item no.	Action	Outcome	Budget	Responsible body and partners	Timescales	Progress/Comments
5	Flytipping & Litter Review - the Parish Council reviews options for tackling Flytipping & Litter	A cleaner local environment	To be determined	Flytipping & Litter Working Party	Final Report June 2018.	Underway. Community Workshop 12.05.18
6	Streetsmart Contract Review - WSPC review the Streetsmart contract with independent expert advice.	Parish secures an improved service at a value for money cost	£5,000 Phase 1 Phase 2 to be determined	Council/Services Working Party	Consultant Report June 2018	Ongoing
7	West in Bloom – promote, support and nurture community involvement for In Bloom activities	Growth in community pride in West Swindon. Growth in community involvement in environmental projects.	£5,000 with links to main parish grants programme	Leisure & Amenities Committee and In Bloom Working Party	Working party set up 01.06.18	t.b.c.
8	Parish Grants (criteria established)	Residents and small groups can access small funds for local projects including In Bloom activities	£10,000 per annum	West Swindon Parish/Clerk to promote and administer the scheme. Decisions through report at Council.	Grant deadlines end of July/Sep/Dec/Feb/ or sooner if budget is spent.	Ongoing
9	Wildflower Meadows/Spring planting	Residents feel they have a good service from the Parish that enhances the local environment	To be confirmed.	Leisure & Amenities Committee/FAB Swindon/Streetsmart	Working party set up 01.06.17	Ongoing 01.05.17
Quarterly reviews due August, November 2018 and February 2019.						

WEST SWINDON
SHADOW PARISH COUNCIL

RECORDING and
REPORTING on
COUNCIL MEETINGS
POLICY

Adopted 8 December 2016
Reviewed 18 May 2017
Reviewed 21 May 2018

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 2018 – 19 Adopted 18.05.17 Reviewed 21.05.18.

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>	<p>L</p>	<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 Clerk in the Precept Demand notice. • The Council has set up General Reserves. 	<p>Existing procedure adequate.</p>
<p>Financial Accountability¹</p> <p>Inadequate records</p> <p>Financial irregularities</p>	<p>L</p> <p>L</p>	<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>L</p> <p>L</p>	<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</p>

Inadequate checks			adequate
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	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.
Correct use and record keeping			
Procurement			
Less than best service provided.	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.	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.
Overspend on services or no contingency plan.	M	Significant contracts will include service standards, clauses and contingencies.	
Salaries and assoc. costs			
Salary paid incorrectly.	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.
Inaccurate deductions withdrawn.	L		
Employees			
Fraud by staff	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.	Existing procedures adequate. Take into account any recommendations arising from audit.

Health and safety	L	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.	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 Loss or damage and potential injury, risk/damage to third party	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 play areas.	Existing procedures adequate
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