

18<sup>th</sup> February 2026

TO ALL MEMBERS OF SHADOW HORSHAM PARISH COUNCIL

Dear Member

District Councillors: M. Boffey, N. Emery, R. Fletcher, C. Franke, A. Frankland, J. Mercer, C. Minto, J. Olson (Chair), S. Raby, D. Skipp, C. Sweeney and C. Trott.

Cllr. T. Mitchell – Chair of Denne Neighbourhood Council , J. Steele – Chair of the Neighbourhood Forum, Cllr. D. Sumpter – Chair of Forest Neighbourhood Council and Cllr. M. Warrack – Chair of Trafalgar Neighbourhood Council.

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of Shadow Horsham Parish Council to be held on **Tuesday 24th February 2026 at 6.00pm** in The Council Chamber, Albery House, Horsham for the transaction of the business on the agenda below.

Yours sincerely



Gill Gray

Interim Clerk

At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed or audio recorded. The whole of the meeting can be recorded, except where there are confidential or exempt items. If any member of the public has an objection to being filmed, please make yourself known to the Interim Clerk before the start of the meeting.

## **AGENDA**

1. **Public Forum**

The Public Forum will last for a period of up to 15 minutes during which members of the public may put questions to the Shadow Council or draw attention to relevant matters relating to the business on the agenda. Each speaker is limited to 3 minutes. Business of the meeting will start immediately following the public forum or at 6.15pm whichever is the earlier.

2. **Apologies and notification of substitute Members**

To receive apologies for absence and to note any substitutes and approve if required. **:Decision required.**

3. **Declarations of Pecuniary and Non-Pecuniary Interests**

Members who have an interest to declare on any items on the agenda, must declare the existence and nature of it at the start of the meeting and act in accordance with the Council's Code of Conduct (s27 Localism Act 2011).

4. **Minutes** **Attachment 1**  
The draft minutes for the meeting on 26<sup>th</sup> January were circulated to Members prior to the Agenda and are available on the HDC website with the agenda pack. To approve the Minutes of the Meeting of the Shadow HPC held on 26<sup>th</sup> January 2026. **:Decision required**
5. **Elections for Horsham Parish Council**  
The Horsham Parish Council elections will take place on Thursday 7<sup>th</sup> May 2026; all the details and information that relates to these elections can be found on the elections webpage on Horsham District Council - <https://www.horsham.gov.uk/council-democracy-and-elections/elections/upcoming-elections>. There will be publicity undertaken by the District Council and the resources provided by National Association of Local Councils have been shared by the Interim Clerk with the Democratic Services and Comms Team at HDC.  
Members are invited to note the information.
6. **Interim Venue for Parish Council Report** **Attachment 2**  
Interim Clerk has prepared a report ; Members are invited to comment on the recommendation for the viable solution for office and meeting space for an interim period until the new Parish Council is in place and can consider more permanent solutions. **:Decision required.**
7. **Draft Governance Documents** **Attachment 3a, 3b, 3c, 3d and 3e**  
Members are invited to consider the second draft of the Standing Orders, Financial Regulations and Code of Conduct, core documents for the new Parish Council. Comments and feedback are invited with a request that the governance documents are adopted for recommendation to the new Parish Council.  
Members are invited to consider the first draft committee structure and Terms of Reference and Scheme of Delegations; comments and feedback are invited. **: Decisions required.**
8. **Policies and Core Documents** **Attachment 4a, 4b, 4c, 4d and 4e**  
Interim Clerk has drafted the following policies/documents for Members to consider for recommendation to the new Parish Council, and comments are invited:

  - Complaints Procedure
  - Data Protection Policy
  - Publication Scheme
  - Statement of Internal Control
  - Training and Development Policy

Members are invited to consider the first draft of the policies and documents; comments and feedback are invited. **:Decisions required.**

9. **External Auditor for Horsham Parish Council** **Attachment 5**  
Correspondence has been received from the Smaller Authorities Audit Appointments to advise that the new authority will be subject to the Limited Assurance Review Scheme for 2025/2026. Members are asked to consider the report and support the recommendation from the Interim Clerk that the new Council should remain in the central scheme. **: Decision required.**
10. **Horsham Parish Council Website** **Attachment 6**  
Members to consider a report from the Interim Clerk that details three quotes obtained from suppliers to provide a website that is WCAG compliant and includes a suitable .gov.uk domain name. **:Decision required.**
11. **Insurance Policy for new Parish Council** **Attachment 7**  
Members to consider a report from the Interim Clerk that details three quotes obtained from insurance companies that have policies specifically tailored for local councils. The policy will need to be in force from 1<sup>st</sup> April 2026 as the new Council is a legal entity from that date. Members are invited to consider the recommendation from the Interim Clerk and select an insurance company. **:Decision required.**
12. **IT for new Parish Council** **Attachment 8**  
Members to consider a report from the Interim Clerk that details three quotes obtained from IT providers that provide services for existing local Councils. Members are invited to consider the recommendation from the Interim Clerk and select an IT company that will provide the essential elements for the start up for Horsham Parish Council. **:Decision required.**
13. **Communication Protocol for Shadow Council** **Attachment 9**  
Following the meeting in January the Chair and Interim Clerk have prepared a Communication Protocol; this was shared with Members for comment. Members are invited to note the information.
14. **Correspondence**  
Members are invited to report any correspondence received in their area with the Shadow Council that is directly relative to the new Parish Council.
15. **Next Meeting for Shadow Council**  
The Shadow Council shall meet on 23<sup>rd</sup> March 2026 at 6pm, meeting to take place in the Council Chamber, Albery House, Horsham; Members are invited to note the information.

**SHADOW COUNCIL FOR HORSHAM PARISH COUNCIL  
MINUTES OF THE MEETING OF SHADOW HORSHAM PARISH COUNCIL  
HELD AT THE COUNCIL CHAMBER, ALBERY HOUSE, HORSHAM  
ON MONDAY 26TH JANUARY 2026 COMMENCING AT 6pm**

**Present Members:** District Councillors: M. Boffey, N. Emery, R. Fletcher, C. Franke, J. Mercer, J. Olson (Chair), S. Raby and D. Skipp

Cllr. J. Pounds (substitute) – Vice-chair of Denne Neighbourhood Council, J. Steele – Chair of the Neighbourhood Forum, Cllr. D. Sumpter (Vice-chair)– Chair of Forest Neighbourhood Council and Cllr. M. Warrack – Chair of Trafalgar Neighbourhood Council.

**In attendance:** Gill Gray (Interim Clerk) and Aisha Nottage (Democratic Services and Elections Manager)

SC/01/01/26	<p><b>Elect a Chair</b></p> <p>It was moved by Cllr. M. Boffey and seconded by Cllr. R. Fletcher and <b>RESOLVED: that Cllr. J. Olson was duly elected as Chair of the Shadow Council.</b></p>	
SC/02/01/26	<p><b>Elect a Vice-chair</b></p> <p>It was moved by Cllr. J. Olson and seconded by Cllr. M. Warrack and <b>RESOLVED: that Cllr. D. Sumpter was duly elected as Vice-chair of the Shadow Council.</b></p>	
SC/03/01/26	<p><b>Apologies for absence and notification of substitute Members</b></p> <p>The Shadow Council received and accepted apologies from Cllrs. A. Frankland – personal commitment, C. Minto – work commitment, T. Mitchell – personal commitment and C. Trott – work commitment. No apologies were received from Cllr. C. Sweeney.</p> <p>J. Pounds was a substitute for T. Mitchell.</p>	
SC/04/01/26	<p><b>Declarations of Interest</b></p> <p>Cllr R. Fletcher confirmed memberships of various organisations; none of these were relevant to any item on the Agenda. The Interim Clerk clarified the definitions for both Pecuniary Interests and Non-Pecuniary Interests.</p> <p>There were <b>no</b> declarations of Interests.</p>	
SC/05/01/26	<p><b>Terms of Reference for Shadow Council</b></p> <p>Members considered the draft Terms of Reference for the Shadow Council as prepared by the Interim Clerk.</p> <p><b>It was moved by J Steele and seconded by Cllr. D Skipp and RESOLVED: that the draft Terms of Reference be adopted for the Shadow Council.</b></p>	
SC/06/01/26	<p><b>Draft Budget for 2026/2027</b></p> <p>Members considered the recommended draft budget for the new Parish Council for 2026/2027, prepared by the Interim Clerk based on a Precept figure of £188,575.00 and estimated expenditure. During the debate, the</p>	

	<p>following comments were captured:</p> <ul style="list-style-type: none"> <li>Existing contractors will be reviewed alongside quotes from two additional suppliers with a report to be presented at the next meeting.</li> <li>Members discussed venue options, including interim use of space within Albery House. The Interim Clerk will explore all options and report back to the next Shadow Council meeting.</li> <li>Concerns were raised regarding continued access for existing hirers of Blackbridge Community Centre. The Interim Clerk will clarify arrangements with the Property Team.</li> <li>The proposed staffing structure is to be reviewed again, including the option to outsource the finance function.</li> <li>It was noted that the Special Charge will remain in place for residents in 2026/2027 but will not form part of the Parish Council's income.</li> <li>There was no provision in the draft budget for publicity and engagement with the community.</li> </ul> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>Interim Clerk will review existing estimates alongside two further quotations and prepare a report.</li> <li>Interim Clerk will continue to explore venue options and report back to the next meeting.</li> <li>Interim Clerk will clarify access for existing hirers of Blackbridge CC with the Property Team.</li> <li>Interim Clerk will explore cost of outsourcing the finance function for the Parish Council.</li> <li>Interim Clerk will include estimated expenditure for community engagement and publicity, including a parish magazine or newsletter.</li> </ul> <p><b>Members noted the reports.</b></p>	
<p><b>SC/07/01/26</b></p>	<p><b>Draft Governance Documents</b></p> <p>Members considered the first draft of the Standing Orders, Financial Regulations and Code of Conduct. During the debate, the following comments were captured:</p> <ul style="list-style-type: none"> <li>The templates used are sector standard and using a legally sound foundation; the Interim Clerk suggested that any alterations and/or additions would be ideally undertaken by the new Parish Council when it has formed and has agreed/established the direction it specifically intends to follow.</li> <li>Communication approach by the Shadow Council to be agreed between the Chair and Interim Clerk; particularly for Members engaging with the public. An email to be shared with all Members.</li> <li>A draft Publication Scheme will be shared with Members of the Shadow Council at a future meeting.</li> <li>There is the option to alter Standing Order 3i and remove the insistence that individuals need to stand when addressing the Parish Council.</li> <li>The approved minutes from the Shadow Council meetings will be publicly available on the Horsham District Council website.</li> <li>The minutes for the new Parish Council will be publicly available</li> </ul>	

	<p>on the Parish Council new website.</p> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Interim Clerk and Chair to discuss the communication approach, particularly for Members engaging with the public; an email to be sent to all Members.</li> <li>• Interim Clerk to draft a Publication Scheme and present at a future meeting.</li> <li>• Interim Clerk to incorporate comments received from Members and bring them back to the next meeting.</li> </ul> <p><b>Members noted the documents.</b></p>	
<b>SC/08/01/26</b>	<p><b>Attendance to Horsham Association of Local Councils Area Committee</b></p> <p>It was noted that the proposed date for the HALC Area Committee meeting had been altered from 12<sup>th</sup> of February to the 25<sup>th</sup> of February 2026.</p> <p><b>Action</b></p> <p>Interim Clerk to contact the Secretary at Horsham District Association of Local Councils to confirm attendance and to seek the Agenda and meeting link to join.</p> <p><b>It was RESOLVED: that the Chair, Cllr. J Olson or the Vice-chair Cllr. D. Sumpter will attend the HALC Area Committee meeting on Wednesday 25<sup>th</sup> February 2026 at 7pm with the Interim Clerk.</b></p>	
<b>SC/09/01/26</b>	<p><b>Horsham District Council Website – Interim Arrangements</b></p> <p>Members debated the interim arrangements for the new Parish Council on the HDC website; the following comments were captured during the debate:</p> <ul style="list-style-type: none"> <li>• The Interim Clerk will seek a dedicated email address for the Shadow Council to be added to the website.</li> <li>• The dates for the future meetings of the Shadow Council and how the public can access in person or watch remotely will be uploaded to the HDC website.</li> <li>• Resources from NALC will be passed by the Interim Clerk to the Comms Team to be uploaded to the website to encourage interest in the upcoming elections for the new Parish Council.</li> </ul> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>• Interim Clerk to request a dedicated email address from the IT Team to be added to the website page.</li> <li>• Interim Clerk to request that future meeting dates, how to attend the meetings and access remotely are added to the website by the Comms Team.</li> <li>• Interim Clerk to pass NALC resources to the Comms Team to request they are uploaded for the forthcoming elections.</li> </ul> <p><b>Members noted the information.</b></p>	
<b>SC/10/01/26</b>	<p><b>Dates for Shadow Council Meetings</b></p> <p>The future meeting dates for the Shadow Council are <b>Tuesday 24<sup>th</sup> February 2026 at 6pm</b> and <b>Monday 23<sup>rd</sup> March 2026 at 6pm</b>; both meetings to take place in the <b>Council Chamber, Albery House, Horsham.</b></p> <p><b>Members noted the information.</b></p>	

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The Chair closed the meeting at 6.46pm.

Signed .....

Date .....

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**Meeting date: 24.02.2026**

**Subject: Interim Venue Options for Horsham Parish Council Office and Meeting Space**

**Report Author:** Interim Clerk

**1. Purpose of Report**

To present venue options for the Shadow Council’s consideration and to seek comments prior to determining interim office and meeting arrangements for Horsham Parish Council.

**2. Background**

The Shadow Council is in the process of considering suitable interim venues for the formal operation of Horsham Parish Council.

- The Interim Clerk has contacted all known potential venues to identify availability and cost.
- The spreadsheet presents the findings using the following colour-coding:
- **Green** – fully available; cost confirmed
- **Yellow** – partially available; cost confirmed
- **Red** – not available

The criteria used includes location, accessibility, cost, parking and availability. This decision is vital to enable the Interim Clerk to make the necessary arrangements, for example depending on the venue selected there may be a requirement to obtain a copier/printer, office furniture, intercom for access, broadband installation, and internal building modification.

**3. Cost Comparison Table and Options Appraisal**

<b>Venue</b>	<b>Office space cost inc. electricity</b>	<b>Room hire for meetings</b>	<b>Total per annum</b>
Blackbridge Community Centre	£6.25 per hour = £12,750.00 per annum	£17.50 per hour = £1,505.00	£14,855.00
Park Barn	N/A	£28.00 per hour = £2,408.00	£2,408.00
St Marys Church Barn	N/A	£30.00 per hour = £2,580.00	£2,580.00
Park Lodge WDR	£2,250 per month including parking	£275.00 for half day	£39,375.00
Freedom Works	£1,556 per month including parking	N/A	£18,672.00

## **Options Appraisal**

### **Blackbridge Community Centre**

#### Pros:

- Provides both office and meeting space on one site
- Clear cost structure for office and meetings

#### Cons:

- Requires displacement of existing hirers
- Building alterations required for office conversion
- Estimated business rates £600.00 per year
- Only available on a Wednesday evening for meetings
- Will require broadband installation

### **Freedom Works**

#### Pros:

- Modern office environment with utilities, furniture and Wi-Fi included
- Includes printing, meeting room access for five hours per month, and networking facilities

#### Cons:

- No large meeting space requires a separate venue for evening meetings
- Limited to five-person office capacity at present with high demand
- Estimated business rates £1,200 per year

### **Park Barn**

#### Pros:

- Suitable for evening meetings, purpose appropriate
- Reasonable hire cost

#### Cons:

- Not available on Mondays
- May require adjustments to meeting timetable, available Tuesdays and potentially Wednesdays after May

### **St Mary's Church Barn**

#### Pros:

- Suitable as a meeting venue

#### Cons:

- Restricted availability (mainly Thursdays)
- No office provision

### **Park Lodge (WDR)**

#### Pros:

- Provides combined office and meeting space

#### Cons:

- Extremely high cost compared to alternatives
- Meeting room hire additional and expensive

The addresses for each viable option are:

Blackbridge Community Centre - Three Acres, Horsham RH12 1RS

Park Barn – North Street, Horsham RH12 1RJ

Freedom Works – The Courtyard, 30 Worthing Road, Horsham RH12 1SL

Park Lodge WDR – 60 London Road, Horsham RH12 1AY

#### **Venues Found to Be Unavailable:**

- **Park House main building** – all space fully leased; no break clauses
- **Regus, Worthing Road** – no offices available
- **Drill Hall / Lifespring Church** – no availability for office or meetings
- **Albery House** – ruled out by SLT at HDC (no office space; Council Chamber conflicts)

#### **4. Recommendations**

**It is recommended that the Shadow Council:**

- 1. Reviews the spreadsheet summarising availability and costs for potential office and meeting spaces.**
- 2. Provides comments, proposes additional venues, or requests clarification where required.**
- 3. Approves the selection of both an interim office and an interim meeting venue to enable the Interim Clerk to prepare the facilities in time for May 2026.**

**Option A: Blackbridge CC (Office + Meeting) – £14,855 p.a.**

**Option B: Freedom Works (Office) + Park Barn (Meetings) – £18,672.00 p.a. + £2,408.00 = £21,080.00 p.a**

**Option C: Park Lodge (WDR) (Office + Meeting) - £39,375.00 p.a.**

#### **5. Importance of Decision**

This decision will ensure that Horsham Parish Council can:

- Operate from a safe and welcoming environment.
- Maintain accessibility and transparency for residents.
- Support Members and officers to work effectively.
- Meet legal and governance obligations from its inception.

#### **6. Appendix**

Appendix 1 – Venue Rental Interim Options spreadsheet

Attachment 2 - Appendix 1

Venue	Office space cost inc. electricity	Room hire for meetings	Business rates/BID levy	Comments - Office Space	Comments - Meetings Space	Total per annum
Blackridge Community Centre	£6.25 per hour = £12,750.00 per annum	£17.50 per hour = £1,505.00	Estimated £600.00	Office space - Assuming office used five days a week for eight hours per day for 51 weeks a year - 8hrs x 5 days for 51 weeks a year = 2,040 hours	Meeting space - Assuming there are four Committees - Planning, Human Resources, Finance & General Purposes and Policy & Resources as well as Full Council - HR 2 hours per meeting bi-monthly, Planning 1.5 hours per meeting monthly, F&GP 1.5 hours per meeting monthly, P&R 2 hours per meeting bi-monthly. Full Council 2 hours for 11 months. Total of 82 hours per year. There is also an Annual Parish Meeting which would be required which would be at least two hours with one hour set up and one hour derig. There would be some displacement of current hirers required and alterations for office space. Currently availability on a Wednesday evening.	£14,855.00
Park House main building				Not available as all space is currently leased with no break clauses or notice served by tenants for immediate availability	Not available as all space is currently leased with no break clauses or notice served by tenants for immediate availability	
Park Barn	N/A	£28.00 per hour = £2,408.00	N/A	N/A	Not available on a Monday but Tuesdays clear and potentially Wednesdays from May.	£2,408.00
Wicker Room in Park House				N/A	Only available for tenants at Park House	
Drill Hall/Lifespring Church				No space available as currently hired out on a regular basis.	No space available as currently hired out on a regular basis.	
St Marys Church Barn	N/A	£30.00 per hour = £2,580.00	N/A	N/A	Could be used for Council meetings, but only available potentially on a Thursday evening	£2,580.00
Regus on Worthing Road				No office space, currently fully let.	N/A	
Albery House				Senior Leadership Team at HDC have ruled out on the basis there is no office space available.	The use of the Council Chamber is not practical as there will be conflict with HDC meetings.	
Park Lodge WDR	£2,250 per month including parking	£275.00 for half day	N/A	Daily rate of £112.50 with an estimated monthly cost of £2,250.00 - assuming use Monday to Friday - very expensive option.	There is potential availability using the Chesworth room but an expensive option	£39,375.00
Freedom Works	£1,450.00 per month including parking	N/A	Estimated £1,272.00	<ul style="list-style-type: none"> <li>· Desks and chairs</li> <li>· Network Ports &amp; WIFI on a shared dedicated line</li> <li>· Utilities</li> <li>· Meeting Room Access (60 mins per month per desk) to be used in any Freedom Works space</li> <li>· Free Printing (B&amp;W)</li> <li>· Free Tea &amp; Coffee</li> <li>· Free Fruit &amp; Cereal</li> <li>· Access to All Member Networking events</li> <li>· Access to Barclays Eagle Labs Business Support</li> <li>· Access to all Freedom Works spaces to Hot Desk as part of membership</li> </ul>	There is a notice board on-site and a buzzer could be installed to permit the public access to visit officers. Only a 5 person space available at present.	£18,672.00

**Horsham  
Parish Local  
council**



**MODEL STANDING  
ORDERS 2025 UPDATE  
(ENGLAND)**

**National Association of Local Councils (NALC)**

**020 7637 1865 | [nalc@nalc.gov.uk](mailto:nalc@nalc.gov.uk) | [www.nalc.gov.uk](http://www.nalc.gov.uk)**

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## **INTRODUCTION**

### **HOW TO USE MODEL STANDING ORDERS**

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

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

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

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## DRAFTING NOTES

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

For convenience, the word "local councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-local councillor with or without voting rights. Model standing orders use gender-neutral language (e.g. "Chair").

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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 local councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A local 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 local councillor may speak once

in the debate on a motion except:

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

## 2. DISORDERLY CONDUCT AT MEETINGS

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

## 3. MEETINGS GENERALLY

Full Local 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 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 twenty 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 five 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 their hand when requesting to speak **and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.** – proposed to be deleted.
  - j A person who speaks at a meeting shall direct their 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 Local council may in their absence be done by, to or before the Vice-Chair of the Local council.**
  - p **The Chair of the Local council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Local council if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a local councillor as chosen by the local 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 local councillors and non-local 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 their**
- **casting vote whether or not they gave an original vote.**

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

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

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 local councillors who are present and the names of local councillors who are absent;
- iii. interests that have been declared by local councillors and non-local councillors with voting rights;
- iv. the grant of dispensations (if any) to local councillors and non-local councillors with voting rights;
- v. whether a local councillor or non-local 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 local councillor or a non-local councillor with voting rights who has a**
- **disclosable pecuniary interest or another interest as set out in the Local**
- **council's code of conduct in a matter being considered at a meeting is**
- **subject to statutory limitations or restrictions under the code on their**
- **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 Local 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 two and a half hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Local 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-local councillors unless it is a committee which regulates and controls the finances of the Local council.**
- c **Unless the Local council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-local councillors.**
- d The Local 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 Local council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer three days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no

less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. **ORDINARY LOCAL COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Local council shall be held on or within 14 days following the day on which the local councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Local council shall be held on such day in May as the Local council decides.**
- c **If no other time is fixed, the annual meeting of the Local council shall take place at 6pm.**
- d **In addition to the annual meeting of the Local council, at least three other ordinary meetings shall be held in each year on such dates and times as the Local council decides.**
- e **The first business conducted at the annual meeting of the Local council shall be the election of the Chair and Vice-Chair of the Local council.**
- f **The Chair of the Local council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Local council.**
- g **The Vice-Chair of the Local council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Local council at the next annual meeting of the Local council.**
- h **In an election year, if the current Chair of the Local council has not been re-elected as a member of the Local council, they shall preside at the annual meeting until a successor Chair of the Local council has been elected. The current Chair of the Local council shall not have an original vote in respect of the election of the new Chair of the Local 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 Local council has been re-elected as a member of the Local council, they shall preside at the annual meeting until a new Chair of the Local council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Local council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Local council and Vice-Chair of the Local council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Local council and local councillors of their acceptance of office forms unless the Local council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Local council of their acceptance of office form unless the Local council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Local 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 Local 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 Local council's and/or staff subscriptions to other bodies;

- xvi. Review of the Local council's complaints procedure;
- xvii. Review of the Local 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 Local council's policy for dealing with the press/media;
- xix. Review of the Local council's employment policies and procedures;
- xx. Review of the Local 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 Local council up to and including the next annual meeting of the Local council.

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

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

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least five local 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 Local council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Local council's statutory functions, powers and obligations or an issue which specifically affects the Local 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 seven 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 seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the local 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 local councillor or a member of the public;
- xiii. to exclude a local 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 Local 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 Local 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 Local 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 **Local councillors, staff, the Local council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. **DRAFT MINUTES**

- Full Local council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

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

“The chair of this meeting does not believe that the minutes of the

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

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

### 13. **CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 3(u).*

- a All local councillors and non-local councillors with voting rights shall observe the code of conduct adopted by the Local council.
- b Unless they have been granted a dispensation, a local councillor or non-local councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a local councillor or non-local councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so, required by the Local council’s code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Local 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 at the beginning of the meeting of the Local council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. granting the dispensation is in the interests of persons living in the Local council's area; or**
  - iii. it is otherwise appropriate to grant a dispensation.**

**14. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the Principal Local council that a local councillor or non-local councillor with voting rights has breached the Local council's code of conduct, the Local council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

**15. PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Local 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 local council, a committee or a sub-committee, or working group**
    - serve on local 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 local 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 Local council convened by local councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full local 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 local councillor has given written notice at least five days before the meeting confirming their withdrawal of it;
- iii. convene a meeting of the Local council for the election of a new Chair of the Local council, occasioned by a casual vacancy in their office;
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from local councillors;
- vii. hold a copy of every local 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 Local council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Local council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Local 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 Local 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 Local council in accordance with its financial regulations;
- xiv. record every planning application notified to the Local council and the Local council's response to the local planning authority in a book for such purpose;

- xv. refer a planning application received by the Local council to the Chair or in their absence the Vice-Chair of the Local council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee];
- xvi. manage access to information about the Local council via the publication scheme; and
- xvii. retain custody of the seal of the Local 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 Local council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local councils – a Practitioners' Guide."
- b All payments by the Local council shall be authorised, approved and paid in accordance with the law, proper practices and the Local council's financial regulations.
- c The Clerk/Responsible Financial Officer shall supply to each local councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Local council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Local council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the fiscal year and highlights any actual or potential overspends.
- d As soon as possible after the fiscal year end at 31 March, the Clerk/Responsible Financial Officer shall provide:

- i. each local councillor with a statement summarising the Local council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Local 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 Local 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 local councillors at least 14 days prior to anticipated approval by the Local council. The annual governance and accountability return of the Local council, which is subject to external audit, including the annual governance statement, shall be presented to the Local council for consideration and formal approval before 30 June.

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

- a. The Local council shall consider and approve financial regulations drawn up by the Clerk/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 Local 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 local councillors and local electors of the Local council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £30,000 or 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. Subject to additional requirements in the financial regulations of the Local 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 Local council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Local council's written response to the tender and (iv) the prohibition on prospective contractors contacting local councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - iv. tenders shall be opened by the Proper Officer in the presence of at least one local councillor after the deadline for submission of tenders has passed;
  - v. tenders are to be reported to and considered by the appropriate meeting of the Local council or a committee or sub-committee with delegated responsibility.
- d. Neither the Local council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Local council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Local council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. **HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of the Human Resources Committee is subject to standing order 11.
- b. Subject to the Local council's policy regarding absences from work, the Local council's most senior member of staff shall notify the chair of the Human Resources Committee or, if they are not available, the vice-chair of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
- c. The chair of the Human Resources Committee or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of Clerk/RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
- d. Subject to the Local council's policy regarding the handling of grievance matters, the Local council's most senior member of staff (or other members of staff) shall

contact the chair of the Human Resources Committee or in their absence, the vice-chair of the Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources Committee.

- e Subject to the Local council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Clerk/RFO relates to the chair or vice-chair of the Human Resources Committee, this shall be communicated to another member of the Human Resources Committee, which shall be reported back and progressed by resolution of the Human Resources Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

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

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**  
(Below is not an exclusive list).

*See also standing order 11.*

- a The Local council may appoint a Data Protection Officer.
- b **The Local council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**

- c **The Local council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Local 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 Local 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 Local 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 Local council, its local councillors or staff shall be handled in accordance with the Local council's policy in respect of dealing with the press and/or other media.

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

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

- a A legal deed shall not be executed on behalf of the Local council unless authorised by a resolution.

**Subject to standing order 23(a), any two local councillors may sign, on behalf of the Local council, any deed required by law and the Proper Officer shall witness their signatures.**

*The above is applicable to a Local council without a common seal.*

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

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

District and County Local council OR Unitary Local council shall be sent to the ward local councillor(s) representing the area of the Local council.

25. **RESTRICTIONS ON LOCAL COUNCILLOR ACTIVITIES**

- a. Unless duly authorised no local councillor shall:
  - i. inspect any land and/or premises which the Local council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Local 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 nine local councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Local council's standing orders to a local 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.

HORSHAM PARISH LOCAL COUNCIL FINANCIAL REGULATIONS  
Attachment 3b

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

## 1. General

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

1.6. **The local council must not delegate any decision regarding:**

- **setting the final budget or the precept (local council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the local council shall:

- determine and regularly review the bank mandate for all local council bank accounts;
- authorise any grant or single commitment in excess of £5,000;

**2. Risk management and internal control**

2.1. **The local council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The Clerk shall prepare, for approval by the local council, a risk management policy covering all activities of the local council. This policy and consequential risk management arrangements shall be reviewed by the local council at least annually.

2.3. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the local council.

2.4. **At least once a year, the local council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

2.5. **The accounting control systems determined by the Clerk/RFO must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

2.6. At least once in each quarter, and at each fiscal year end, a member other than the Chair or a signatory shall be appointed to verify bank reconciliations for all accounts produced by the Clerk/RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This

activity, including any exceptions, shall be reported to and noted by the local council Finance & General Purposes Committee.

- 2.7. Regular back-up copies shall be made of the records on any local council computer and stored either online or in a separate location from the computer. The local council shall put measures in place to ensure that the ability to access any local council computer is not lost if an employee leaves or is incapacitated for any reason.

### 3. Accounts and audit

- 3.1. All accounting procedures and financial records of the local council shall be determined by the Clerk/RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the Clerk/RFO must be sufficient to explain the local council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
  - **day-to-day entries of all sums of money received and expended by the local council and the matters to which they relate;**
  - **a record of the assets and liabilities of the local council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The Clerk/RFO shall complete and certify the annual Accounting Statements of the local council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the fiscal year. Having certified the Accounting Statements, the Clerk/RFO shall submit them with any related documents to the local council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The local council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the local council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the local council, supply the Clerk/RFO, internal auditor, or external auditor with such information and explanation as the local council considers necessary.
- 3.7. The internal auditor shall be appointed by the local council and shall carry out their work to evaluate the effectiveness of the local council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The local council shall ensure that the internal auditor:
  - is competent and independent of the financial operations of the local council;

- reports to local council in writing, or in person, on a regular basis with a minimum of one written report during each fiscal year;
- can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the management or control of the local council

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

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

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

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

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

#### **4. Budget and precept**

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

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the local council at least annually in October for the following fiscal year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Local council or relevant committee. The Clerk/RFO will inform committees of any salary implications before they consider their draft budgets.

4.3. No later than the beginning of November each year, the Clerk/RFO shall prepare a draft budget with detailed estimates of all income and expenditure for the following fiscal year along with a forecast for the following two financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be

carried forward by placing them in an earmarked reserve with the formal approval of the full local council.

- 4.5. Each committee shall review its draft budget and submit any proposed amendments to the Finance & General Purposes Committee not later than the end of November each year.
- 4.6. The draft budget with any committee proposals and two-year forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the Finance & General Purposes Committee and a recommendation made to the Local council.
- 4.7. Having considered the proposed budget and two-year forecast, the local council shall determine its local council tax (England) requirement by setting a budget. The local council shall set a precept for this amount no later than the middle of January for the ensuing fiscal year.
- 4.8. **Any member with local council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.9. The Clerk/RFO shall **issue the precept to the billing authority no later than the end of January** and supply each member with a copy of the agreed annual budget.
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the local council.

## **5. Procurement**

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The Clerk/RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the local council's Standing Orders and these Financial Regulations, and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the local council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:

- 5.6. For contracts estimated to exceed £60,000 including VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the local council. Tenders shall be invited in accordance with Appendix 1.
- 5.7. **For contracts estimated to be over £30,000 including VAT, the local council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**
- 5.8. For contracts greater than £3,000 excluding VAT the Clerk/RFO shall seek at least 3 fixed-price quotes;
- 5.9. where the value is between £500 and £3,000 excluding VAT, the Clerk/RFO shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.
- 5.10. For smaller purchases, the clerk shall seek to achieve value for money.
- 5.11. **Contracts must not be split to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. specialist services, such as legal professionals acting in disputes;
  - ii. repairs to, or parts for, existing machinery or equipment;
  - iii. works, goods or services that constitute an extension of an existing contract;
  - iv. goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the local council or relevant committee. Avoidance of competition is not a valid reason.
- 5.14. The local council shall not be obliged to accept the lowest of any tender, quote or estimate.
- 5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:
- the Clerk, under delegated authority, for any items below £500 excluding VAT.
  - the Clerk, in consultation with the Chair of the Local council or Chair of the appropriate committee, for any items below £2,000 excluding VAT.
  - a duly delegated committee of the local council for all items of expenditure within their delegated budgets for items under £5,000 excluding VAT.
  - in respect of grants, a duly authorised committee within any limits set by local council and in accordance with any policy statement agreed by the local council.
  - the local council for all items over £5,000;
- Such authorisation must be supported by a minute (in the case of local council or committee decisions) or other auditable evidence trail.
- 5.16. No individual member, or informal group of members may issue an official order or make any contract on behalf of the local council.

- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the local council or a duly delegated committee acting within its Terms of Reference except in an emergency.
- 5.18. In cases of serious risk to the delivery of local council services or to public safety on local council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the local council as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into, or tender accepted in relation to any major project, unless the local council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order or letter/email shall be issued for all work, goods and services above £500 excluding VAT unless a formal contract is to be prepared, or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the Clerk/RFO.

## **6. Banking and payments**

- 6.1. The local council's banking arrangements, including the bank mandate, shall be made by the Clerk/RFO and authorised by the local council; banking arrangements shall not be delegated to a committee. The local council has resolved to bank with **name bank**. The arrangements shall be reviewed annually for security and efficiency.
- 6.2. The local council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Any payment will require dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised, and only authorised payments shall be approved or signed to allow the funds to leave the local council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the local council before being certified by the Clerk/RFO. Where the certification of invoices is done as a batch, this shall include a statement by the Clerk/RFO that all invoices listed have been 'examined, verified and certified' by the Clerk/RFO.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by online banking/cheque, in accordance with a resolution of the local council or duly delegated committee or a delegated decision by an officer, unless the local council resolves to use a different payment method.

- 6.6. For each fiscal year, the Clerk/RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the local council may authorise in advance for the year.
- 6.7. A copy of this schedule of regular payments shall be signed by two members on each and every occasion when payment is made - to reduce the risk of duplicate payments.
- 6.8. A list of such payments shall be reported to the next appropriate meeting of the Finance Committee for information only.
- 6.9. The Clerk/RFO shall have delegated authority to authorise payments only in the following circumstances:
  - i. any payments of up to £500 excluding VAT, within an agreed budget.
  - ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of local council services or to public safety on local council premises.
  - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the local council, where the Clerk/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 local council or finance committee.
  - iv. Fund transfers within the local councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of local council or finance committee.
- 6.10. The Clerk/RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the local council or finance committee. The local council or committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate agreed by the local council shall identify a number of local councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
- 7.2. All authorised signatories shall have access to view the local council's bank accounts online.

- 7.3. No employee or local councillor shall disclose any PIN or password, relevant to the local council or its banking, to anyone not authorised in writing by the local council or a duly delegated committee.
- 7.4. The Service Administrator and Finance Assistant shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to two authorised signatories that have been agreed at a meeting the previous month.
- 7.5. In the prolonged absence of the Service Administrator the Finance Assistant shall set up any payments due before the return of the Service Administrator.
- 7.6. Two local councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained showing which members approved the payment online and a printout of the transaction confirming that the payment has been made shall be appended to the invoice for audit purposes.
- 7.8. A full list of all payments made in a month shall be provided to the next local council meeting.
- 7.9. With the approval of the local council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the local council at least every two years.
- 7.10. Payment may be made by BACS or CHAPS by resolution of the local council provided that each payment is approved online by two authorised bank signatories, evidence is retained, and any payments are reported to the local council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the local council at least every two years.
- 7.11. If thought appropriate by the local council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by two members, evidence of this is retained and any payments are reported to local council when made. The approval of the use of a banker's standing order shall be reviewed by the local council at least every two years.
- 7.12. Account details for suppliers may only be changed upon written notification by the supplier verified by two of the following Clerk/RFO and one Member. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 7.13. Members and officers shall ensure that any computer used for the local council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

7.14. Remembered password facilities other than secure password stores requiring separate identity verification should not be used on any computer used for local council banking.

## **8. Cheque payments**

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk/RFO.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4. Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a local council or committee meeting. Any signatures obtained away from local council meetings shall be reported to the local council or Finance Committee at the next convenient meeting.

## **9. Payment cards**

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by local council or finance committee in writing before any order is placed.
- 9.2. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the local council. Transactions and purchases made will be reported to the local council and authority for topping-up shall be at the discretion of the local council.
- 9.3. Any corporate credit card or trade card account opened by the local council will be specifically restricted to use by the Clerk/RFO and Finance Assistant and any balance shall be paid in full each month.
- 9.4. Personal credit or debit cards of members or staff shall not be used under any circumstances.

## **10. Petty Cash**

- 10.1. The Clerk/RFO shall maintain a petty cash float/imprest account of £250 and may provide petty cash to officers for the purpose of defraying operational and other expenses.
  - a) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
  - b) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on any schedule of payments presented for approval.

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

- 11.1. **As an employer, the local council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Local councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the local council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the local council or relevant committee.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the finance committee to ensure that the correct payments have been made.
- 11.7. Any termination payments shall be supported by a report to the local council, setting out a clear business case. Termination payments shall only be authorised by the full local council.
- 11.8. Before employing interim staff, the local council must consider a full business case.

## **12. Loans and investments**

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full local council and recorded in the minutes. All borrowing shall be in the name of the local council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the fiscal year) must be authorised by the full local council, following a written report on the value for money of the proposed transaction.
- 12.3. The local council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the local council at least annually.
- 12.4. All investment of money under the control of the local council shall be in the name of the local council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.

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

### **13. Income**

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

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

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

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

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

13.6. Any repayment claim under section 33 of the VAT Act 1994 shall be made quarterly where the claim exceeds £100 and at least annually at the end of the fiscal year.

13.7. Where significant sums of cash are regularly received by the local council, the Clerk/RFO shall 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 record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.

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

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

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

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

15.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

15.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

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

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

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

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

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

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

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

16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the local council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to local council with a full business case.

## **17. Insurance**

17.1. The Clerk/RFO shall keep a record of all insurances effected by the local council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the local council's review of risk management.

17.2. The Clerk/RFO shall give prompt notification to the Finance & General Purposes Committee of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

17.3. The Clerk/RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the local council at the next available meeting. The Clerk/RFO shall negotiate all claims on the local council's insurer.

17.4. All appropriate members and employees of the local council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the

maximum risk exposure as determined [annually] by the local council, or duly delegated committee.

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

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

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## Appendix 1 - Tender process

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

# Guidance on Local Government Association Councillor Code of Conduct for Local Councils



Written by the LGA - Adapted for local town and parish  
councils as part of the civility and respect project in  
October 2022



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## Introduction

### Part One - Introduction

The Model Councillor Code of Conduct 2020 was developed by the Local Government Association (LGA) with support from the National Association of Local Councils (NALC) and the Society for Local Council Clerks (SLCC) in response to recommendations from the Committee on Standards in Public Life in their Local Government Ethical Standards Report published in 2019. The Civility and Respect Project endorses the Model Code and aims to encourage its adoption within the local (parish and town) council sector.

The Model Code is a template for local authorities, including local councils, to adopt in whole or with amendments to take into account local circumstances and is relatively short

and easy to read rather than an overly complex legal document as it needs to be accessible to councillors, officers, and the public alike.

The LGA produced supporting guidance which is aimed to help understanding and consistency of approach towards the Code. Produced as part of the Civility and Respect Project, this local council specific guidance builds upon that guidance, making it particularly relevant for the local council sector.

The Model Code, together with the supporting guidance, has been designed to encourage good conduct and safeguard the public's trust and confidence in the role of councillor in local government. While the Code sets out the minimum standards of behaviour expected, together with the guidance it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the Code.

Any comments on the use of the guidance or suggestions for improvement would be welcomed and should be sent to [ModelCode@local.gov.uk](mailto:ModelCode@local.gov.uk)

### **Guidance notes/definitions**

The Model Code uses the terms 'local authority' so where the Model Code is quoted this term is used and means a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, or an eligible parish council. However, this Guidance uses the terms 'local (parish or town) council' and 'principal authority' to make a clear differentiation between the tiers of local government.

### **General principles of Councillor conduct**

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are set out in Appendix 2 below.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, the principles are not part of the rules of the Code and should be used for guidance and interpretation only.

## **Application of the Model Councillor's Code of Conduct**

### **When does the Code apply?**

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

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

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

This means it applies when you are carrying out your official duties, for example when you are considering or discussing council business, either as a councillor or representing the council on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal council business it includes promoting and representing the council in the local community and acting as a bridge between the community and the council. The LGA’s Guidance for new councillors and NALC’s The Good Councillor’s Guide are helpful reference points.

The Code does not, therefore, apply solely when you are in council meetings or on council premises.

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

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

This includes interactions with the public as well as with fellow councillors and council officers.

### **Acting as a private individual**

For something to fall within the Code there must be a clear link to a council function or your role as a councillor. For example, an argument with a neighbour which does not relate to council business would not engage the Code, even if your neighbour happens to know you are a councillor and therefore complains to the principal authority about being treated disrespectfully.

### **Examples**

*A councillor and an officer had a personal relationship. The councillor sent and encouraged the officer to send inappropriate social media messages, including messages of a sexual nature, during office hours. The panel rejected arguments that the councillor had been acting in an entirely personal capacity. It found that the councillor could not divorce himself from his role as the officer’s quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.*

*A councillor used her personal Facebook account to accuse her council of being corrupt and the clerk of being incompetent on a village Facebook group. She claimed that she wasn’t acting as a councillor as she posted from her personal account and was merely expressing views as a concerned resident. The hearing panel determined that she was*

*acting as a councillor as her post related to council business and she was purporting to be using information she'd received through her role as a councillor.*

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

If you are a member of a political party or group their rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 and the Local Government (Disqualification) Act 2022 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order, receiving a custodial sentence of three months or longer (whether or not suspended) or being subject to a sexual offences order.

### **In what circumstances might I give the impression to a reasonable member of the public that I was engaged on council business?**

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

- writing to someone on council headed paper or using a council email address may lead someone to assume you were writing in your capacity as a councillor
- handing out a business card where you describe yourself as a councillor may also lead to that assumption
- wearing official council regalia.

#### **Examples**

*Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block someone's grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers, the clerk or fellow councillors, or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a finance committee.*

*Another example would be improperly disclosing confidential information you had received because of your role as a councillor.*

*A councillor got into an argument with another person at a private party. The other person ran a weekly yoga class at the village hall and the village hall was managed by the parish council. At the end of the argument the councillor told the other person that he was a parish councillor and would make sure that she was no longer able to hire the village hall*

*for her yoga classes. He was found to have breached the Code by invoking his office and seeking to misuse his position to intimidate the other person and to seek to disadvantage the other person, notwithstanding the fact that he did not in reality have the ability to carry out his threat.*

## **Social media postings**

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to council business. However, even if you do not describe yourself as a councillor you may fall within the scope of the Code if you are discussing council business.

For example, a posting which is simply discussing a recent football match is not covered by the Code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer or a posting detailing your own version of council proceedings contradicting official council communications that would fall within the Code even if you have not described yourself as a councillor as it relates to council business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis (see guidance on 'disrespect, bullying and harassment further information).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and councillor use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your council has guidance on the effective use of social media this can help.

NALC and the LGA have published guidance on councillors and social media.

### **Examples**

*Following a heavy snowstorm which meant a local street market could not go ahead a district councillor posted on the local community Facebook page that a certain district council officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a council page and he did not explicitly describe himself as a councillor in the post he was found to have breached the Code by treating an officer with disrespect and seeking to put undue pressure on officers.*

*A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his principal authority. He was found not to have breached the Code as the comments did not directly relate to his role as a councillor or council business but were seen as wider political comments.*

## **What does acting as a representative of my local authority mean?**

You are, for example, acting as a representative of the council when you are sitting on an outside body to which you have been appointed by the council.

You would also be considered a representative of the council where you were attending an external function or conference on behalf of the council or as the council's nominated delegate.

You would not be considered as a representative of the council where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

If you are a member of a political party, matters in party group meetings would also normally not be covered by the Code as they are more matters for a party to manage. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to council business, for example, then relevant provisions of the Code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local party group.

## **What if I sit on more than one local authority?**

If you sit on more than one local authority, you are subject to the Code and associated procedures of the local authority you are representing at any one time. As such, if you are on a principal authority and a local council, you would be bound by the principal authority code when attending principal authority meetings or speaking to principal authority officers; and bound by the local council code when attending local council meetings or speaking to local council officers.

If your local authorities have adopted the same code, the same rules would apply and, for example, your completed register of interests should be the same for both tiers.

## **What is a co-opted member?**

The Code also applies to co-opted councillors under the Localism Act. A co-opted councillor under the Act is someone who is entitled to vote on any matter to be decided at a council committee or sub-committee.

A local councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code in the same way as if they had been elected.

It does not, therefore include non-councillor members of council committees who do not have voting rights.

However, it would be good practice to ask such people to agree to abide by the Code of Conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the council should they be found to have committed a serious breach of the Code so it is important that they are also aware of the expected standards of behaviour.

## **Part 2 – General Principles of councillor conduct**

### **Respect**

As a councillor:

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

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

Showing respect to others is fundamental to a civil society. As a representative of the public, it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

### **Respect**

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to residents, attending council meetings, representing the council on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

### **Disrespectful behaviour**

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a council, and ultimately create a toxic culture and has been associated with instances of governance failure.

### **Freedom of expression**

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public

duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration.

### **Is the Respect provision of the Code a gag on councillors?**

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in councils. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillor's arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The Code is not intended to stifle the expressions of passion and frustration that often accompany discussions about council business.

### **Can councillors challenge officers?**

In the everyday running of a council, it is inevitable that councillors will have disagreements with officers from time to time. Councillors can challenge and express disagreement with policies and procedures and this disagreement might, in the appropriate context, manifest itself as challenge to the way in which an officer or officers handled particular matters.

However, councillors should not raise issues about an officer's performance unless it is done in the correct way and at the appropriate forum in accordance with your council's processes and procedures. It should not be raised in a public meeting or through a published attack in the media.

If a councillor's conduct is unfair, unreasonable, or demeaning the Code will be relevant. If a councillor's challenge is abusive or offensive it is likely to breach the Code.

### **What kinds of conduct are not covered?**

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

### **What if a member of the public is being unnecessarily disrespectful to me?**

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and

demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise councillors. For this reason, many councils and County Associations now offer social media guidance and training to councillors in addition to the civility in public life resources available on the LGA's website.

### **Examples**

*The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his council's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.*

*The complaint alleged that a councillor commented under a pseudonym on a village Facebook group referring to possible nepotism in the awarding of funding to a community group by the council. He was found to have breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his council into disrepute.*

*The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his council's Code of Conduct.*

### **Bullying**

As a councillor:

I do not bully any person.

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by

telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local council's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local councils less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance

- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

### **Does this mean that councillors cannot raise concerns about officers or fellow councillors?**

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in council meetings about policy or asking the clerk to explain the rationale for the guidance they have given. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

### **Preventing bullying conduct from developing**

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as councillor-officer work relations and appropriate behaviour (Councillor – officer protocol). The protocol can include such matters as acceptable times to contact the clerk by telephone at home or call at the clerk’s home on council business.

Officers also need to be mindful that councillors can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what the clerk or other officers expect; as a result, the councillor simply may not be aware of the impact that their communications have had on the officer. Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

### **Bullying and harassment and the law**

In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or a county court.

In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- physical assault
- making threats of violence or death threats
- stalking
- hate crimes
- sexual harassment

## Intimidation of councillors

Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.

The LGA and the Welsh Local Government Association have jointly developed a ‘Councillors’ guide to intimidation: Practical steps that you and your local authority can undertake to protect yourself as a person in a public position.’ The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved.

## Harassment

As a councillor:

I do not harass any person.

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one’s interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.

The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading ‘personal space’
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone’s appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone’s performance

- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

### **What does the law say about harassment?**

In some cases, acts of harassment can be civil offences, which can be brought to an employment tribunal or county court.

In some cases, conduct that amounts to harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats
- stalking
- hate crimes
- sexual harassment

#### **Example**

*The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two female councillors and female officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.*

### **Discrimination**

As a councillor:

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

Councillors have a central role to play in ensuring that equality is integral to the council's performance and strategic aims. They can articulate the council's vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your council may be liable for any discriminatory acts which you commit as a councillor.

This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your council's fulfilment of its positive duties under the Act. Such conduct may cause your council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your council you should seek advice from the clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

**Direct discrimination:** treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

**Indirect discrimination:** treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

**Harassment:** engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

**Victimisation:** treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs, conventions and practices
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of a council's practice, policy or rule in a way that may constitute indirect discrimination

- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

### **How can councillors cause their council to be in breach of the Equality Act?**

The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made during political debate, even if most people would find them offensive.

Some councillors have particular roles which may give a higher risk for the potential for discrimination; for example, if you are on an appointment panel for a position in the council, or you are able to award local grants in the neighbourhood and will need to decide which organisations to support.

Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the Code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the council doing anything.

Under the Equality Act 2010, a council is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

#### **Examples**

*The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The hearing panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.*

*A councillor was a member of the council's recruitment panel to appoint a new clerk. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, "good candidate, shame he's black." The hearing panel found that the Code of Conduct had been breached.*

### **Impartiality of officers**

As a councillor:

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

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

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective council.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the council and are responsible to the electorate whom they represent. They set their council's policy framework, ensure that services and policies are delivered and scrutinise council services.

The chair of the council and committee chairs may have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the council.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the Code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the council. It is also important for a council to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.

Officers may sometimes give you advice that you do not want to hear or does not suit your views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you with

matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.

The fundamentally held principle is that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole<sup>1</sup>”

### **Examples**

*A council was renewing its grounds maintenance contract and was seeking quotes from suppliers. A councillor became involved in the process and sought to influence the clerk on where to seek the quotes, he also sent discourteous and disrespectful correspondence to the clerk. In doing so, he lost sight of his overall responsibility to the council to allow its officers to perform their functions. He was found to have breached the Code of Conduct.*

### **What does working on behalf of the authority mean?**

Councils deliver services in a range of ways. Often services will have been contracted out to outside bodies. For example, if you have a play area, equipment repair services may be carried out by outside contractors. Their employees delivering that contract are doing so on behalf of the council and you should not use your position to interfere improperly in delivery of that service.

### **What if I disagree with the views of an officer?**

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels in line with your council’s councillor-officer protocol, see guidance on respect, bullying and harassment in Part 2.

Where you have a declarable interest in a matter you are discussing with an officer you should make that clear to the officer – see guidance on declarations of interest in Part 3. Where it is an interest which would stop you from taking part in a meeting you should not discuss those matters with officers except where you are seeking professional advice in the same way as any member of the public could – for example, assistance with making an application – and the officer should make a note that an interest has been declared. If you need to speak to an officer about the matter, you should arrange a meeting as a member of the public and not seek to use your position to gain preferential or quicker access.

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<sup>1</sup> Ahmed v United Kingdom (2000) 29 EHRR 1

## Having regard to officer advice

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the council could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered. The Proper Officer and the Responsible Financial Officer (both usually the clerk) have a statutory duty to report formally to the council where they believe a council action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer of your principal authority who is entirely independent of and separate from the council and is required to be politically neutral.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your council. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your clerk before taking any action.

Councils should adopt a protocol for councillor-officer relations and the document should be accessible on their websites.

## Confidentiality and access to information

As a councillor:

I do not disclose information:

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

- iii. I have consulted the monitoring officer prior to its release.

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

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

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

### **Confidential information**

While council business is by law generally open and councils should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for council business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

### **Disclosure in the public interest**

Disclosure 'in the public interest' is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your council

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

- **Whether you believe that the information disclosed, and any allegation contained in it, is substantially true.** If you do not believe this, the disclosure is unlikely to be reasonable.
- **Whether you make the disclosure for personal gain.** If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

- **The identity of the person to whom the disclosure is made.** It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media, social media, via emails, or in general discussion.
- **The extent of the information disclosed.** The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- **The seriousness of the matter.** The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
- **The timing of the disclosure.** If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
- **Whether the disclosure involves your authority failing in a duty of confidence owed to another person.**

The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- a criminal offence is committed.
- your council or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.

The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a political advantage or to settle a score with a political opponent.

The fourth requirement, that you comply with the reasonable requirements of your council, means that before making the disclosure you must comply with your council's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the clerk. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, where the information disclosed is protected by legal professional privilege or where the information contains sensitive information as defined under the Data Protection Act 2018.

## Circumstances in which a council can treat information as confidential

The presumption under local government law is that council business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:

- information given to the council by a Government Department on terms which forbid its public disclosure or
- information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

- relating to any individual.
- which is likely to reveal the identity of an individual.
- relating to the financial or business affairs of any particular person (including the council holding that information).
- relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the council or a Minister of the Crown and employees of, or officer-holders under the council.
- in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- which reveals that the council proposes:
  - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - to make an order or direction under any enactment
  - relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as 'confidential' under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the council has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the Code if they disclose that information (papers and content of discussion) without lawful excuse.

## **Does confidentiality under the Code apply only to information which is classified as confidential or exempt by law?**

No. The Code goes wider than matters simply considered in a formal council setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:

- it has the necessary 'quality of confidence about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a resident in the course of your duties. That is why the Code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.

### **Examples**

*A resident had made a complaint against a council officer. The officer asked one of the councillors for information as to what was happening with the case and the councillor inadvertently shared confidential information. This was found to be a breach of the Code.*

*A councillor circulated information about an officer's medical condition to other councillors. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.*

## **What does consent by the person authorised to give it mean?**

If somebody, for example a resident, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

## **In what circumstances am I required to disclose confidential information by law?**

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

## **In what way could I use information I have obtained to advance myself or others?**

As a councillor you will receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the

council is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

### **How does this relate to the Data Protection Act 2018?**

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act 2018 applies to their role in handling such information through training, and if they are not sure to seek advice from the clerk or another appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the council is responsible for information they provide to councillors and ensuring they know how it can be used.

### **Access to information**

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your council should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your council which they have a right to access.

If in doubt seek advice from the clerk or other relevant council officers.

### **The 'need to know'**

As a councillor, you are not automatically entitled to access all information the council holds. For example, the council may deal with highly confidential and sensitive information about employees.

In addition to rights set out in law or conferred by your standing orders, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Councils have more justification for denying free access to particularly sensitive papers such as staffing records. You should not seek to get information if you have a declarable interest in it.

If you feel you are not being given access to information you seek, you can seek advice from the clerk.

You can also exercise the "need to know" in respect of attending meetings. Access to Information Rules set out rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

### **Can I use council information for matters outside the council?**

A councillor is entitled to access information held by the council for the performance of their duties as a councillor. If a councillor wishes to use council information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document or other publicly viewable state (e.g on a council webpage). However, that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the council and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual resident or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

Please see the ICO website for helpful guidance on data protection and freedom of information.

### **Disrepute**

As a councillor:

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

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your council and may lower the public's confidence in your ability to discharge your functions as a councillor or your council's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- reducing the public's confidence in them being able to fulfil their role; or
- adversely affecting the reputation of your council's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their council being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to residents, making demonstrably dishonest posts about your council on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your council in a public arena might well be regarded as bringing your local authority into disrepute.

### **What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?**

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or council, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

- Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
- Similarly, situations where a councillor defies important and well-established rules of the council for private gain.
- Where a councillor engages in conduct which directly and significantly undermines the council’s reputation as a good employer or responsible service provider.

#### **Examples**

*A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You have failed. I hope that the Serious Fraud Office is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the tweet would reasonably bring the councillor’s office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.*

*A councillor brought his role and authority into disrepute by taking advantage of a council mistake and failing to prevent council-employed contractors from working on his privately-owned garden. The council mistakenly sent a tree surgeon to perform hedge maintenance on his land, which bordered on council-owned land. The councillor only told the council about the mistake after the work had been completed and then said he could not be charged for the work.*

*The chair of a council made a deeply inappropriate remark at a council meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.*

## **Misuse of position**

As a councillor:

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

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

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the Code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to local councillors when your local council is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help local groups apply to the council, for example, for a grant, it is quite improper to seek to influence the decision to be taken by the council and would also be in breach of paragraph 3 of the Code.

### **What kinds of attempts to advantage or disadvantage would be improper?**

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillor's attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

## What if the attempt to confer an advantage or disadvantage fails?

The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the Code even if they did not in fact vote that way.

### **Examples**

*Most alleged improper uses of position are in connection with matters in which the councillors have interests.*

*A councillor who was a 'joint coordinator' of a community group did not notify the council of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the council.*

*A councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the clerk to make a payment which had not been approved by the council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.*

## **Misuse of resources and facilities**

As a councillor:

I do not misuse local authority resources.

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

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

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

Examples include:

- office support
- stationery
- equipment
- transport
- access and use of council buildings and rooms

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

You must make sure you use the council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the council's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

The Code of Recommended Practice on Local Authority Publicity published by the Department for Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your council. Failure to comply with the council's rules is likely to amount to a breach of the Code.

If you authorise someone (for example a member of your family) to use your council's resources, you must take care to ensure that this is allowed by the council's rules.

You should never use council resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your council may authorise you to use its resources and facilities for legitimate political purposes in connection with your council's business. For example, dealing with correspondence from your residents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your council's resources outside of these limitations is likely to amount to a breach of the Code.

You should never use council resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your council's procedures allow for you to repay any costs accrued.

### **What are the “resources of the local authority?”**

The resources of the council include services and facilities as well as the financial resources of the council.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the council, or working on its behalf, are also resources, as is information held by the council which it has not published.

### **What constitutes using resources “improperly for political purposes?”**

The Code acknowledges that party politics can have a proper role to play, both in the conduct of council business and in the way that councillors carry out their duties.

However, councillors and clerks will need to exercise considerable care to ensure that this provision is not abused. You must ensure that there is a sufficient connection between the use of resources and the business of the council. Only improper use of resources will be a breach of the Code of Conduct.

This part of the Code complements Section 2 of the Local Government Act 1986, which prevents the publication of material "designed to affect public support for a political party". The Code, however, goes further than the Code of Recommended Practice on Local Authority Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests.

You must have regard to any applicable local authority code of publicity made under the powers contained in Section 4 of the Local Government Act 1986. Publicity is defined as "any communication, in whatever form, addressed to the public at large or to a section of the public". It will cover meetings, websites, and social media postings as well as printed and other written material.

You should be particularly scrupulous about the use of council resources when elections are pending, particularly those resources relating to publicity. When using the council's resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

### **How do you know what the council's requirements for the use of resources are?**

Your council should have a protocol dealing with use of council resources. A typical protocol would cover the following topics:

- use of council premises
- councillor-officer relationships including use of officer time
- information technology, for example computer equipment and the use of associated software, including the use of such equipment at home
- telephones
- photocopying
- use of stationery and headed notepaper
- postage
- use of council transport
- allowances and expenses

Your council may also have a separate protocol on the use of social media which would also be relevant.

The key principle underlying all such protocols should be that public office and public resources should not be used to further purely private or party-political purposes.

It is worth noting that where you authorise someone such as a family member to use the council's resources, you must check whether the council's rules allow this.

### **Example**

*The complaint alleged a town councillor used his computer equipment provided by his council for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the council's equipment in breach of the Code and had brought his office into disrepute.*

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

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

As a councillor:

I undertake Code of Conduct training provided by my local authority.

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your council's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your council, you equip yourself with sufficient knowledge of the Code to ensure that you comply with it at all times.

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

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the council as a whole.

While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any Code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters on and does not allow you to put across your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the principal authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your council.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If

you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

### **When does the duty not to intimidate start and how do I avoid allegations of intimidation?**

Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling of their case may be viewed. However innocently the contact is intended or may appear, great care should be taken when councillors deal with people involved with their case.

You should refer to your principal authority's procedures and protocol for dealing with alleged breaches of your Code of Conduct.

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

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

## **Part 3 – Protecting your reputation and the reputation of the local authority**

### **Registration of gifts, hospitality and interests**

#### **Gifts and hospitality**

As a councillor:

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

I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal

may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the clerk for guidance.

### **What does “hospitality” mean?**

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

### **How much detail should I include on the register?**

Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

### **How do I know if gifts or hospitality have been offered to me because of my role as a councillor?**

The Code says you must register any gift or hospitality received in your capacity as a councillor if the estimated value exceeds £50 or such other limit as agreed by your council.

You should ask yourself whether you would have received the gift or hospitality if you were not on the council. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk before deciding whether to accept it. You should also refer to the council's policy on gifts and hospitality.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if a birthday present arrives from a family friend who is also the chair of a local community group just before a funding application from the group is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

### **What about gifts or hospitality I do not accept?**

The Code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the council and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not 'made right' by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a councillor to a

local festival or faith celebration along with other members of the community then it maybe entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the council on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the principal authority's monitoring officer. That helps the council to identify if there are any patterns and to be aware of who might be seeking to influence the council.

### **What about gifts or hospitality that falls below the limit in the Code?**

You should always notify the principal authority's monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the council (or is about to) even where that hospitality falls below £50 or the limit set by the council.

While that would not be a matter for the public register it again allows the council to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

### **What if I do not know the value of a gift or hospitality?**

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the council which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

### **What if I'm at an event but don't have the hospitality or only have a small amount?**

The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.

As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

### **Is there a minimal threshold where I wouldn't have to notify the monitoring officer?**

The Code is about ensuring that there is transparency and accountability about where

people may be trying to influence you or the council improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an external meeting lasts all day and the organisers offer you a sandwich lunch and refreshments.

The Government's guide to the Bribery Act for employers says that 'the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.'

You should use your discretion and think how it might look to a reasonable person but always seek the views of the clerk if in doubt.

### **What are 'normal expenses and hospitality associated with your duties as a councillor?'**

As well as the minimal threshold hospitality above there may be times when you are paid expenses which include an element for food and drink as part of your role.

The focus of the Code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the council or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor's ball would not need to be registered.

However, the hospitality should be registered if it is provided by a person or body other than the council and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in council offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.

### **What if my role involves me attending regular events or receiving gifts or hospitality?**

Some roles in a council will inevitably involve being offered more entertainment than others because of the 'ambassadorial' nature of the role. For example, the mayor or chair of the council may be invited to a number of functions.

Although the mayor or chair, for example, may attend some social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the Code to register the hospitality against your

individual register. The question a councillor needs to ask themselves is, “would I have received this hospitality even if I were not the mayor/chair?” If the answer is yes, then it must be registered.

If matters are recorded on a mayor or chair’s register any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be ‘donated’ to the council or to charity or as raffle prizes for example.

Gifts that are clearly made to the council, for example a commemorative goblet which is kept on display in the council’s offices, do not need to be registered in the councillor’s register of gifts and hospitality. However, such gifts ought to be recorded by the council for audit purposes.

### **Register of interests**

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council’s principal authority to establish and maintain a register of interests of members of the council.

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

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

You must register two different categories of interests:

**Disclosable Pecuniary Interests** – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.

**Other registerable interests** – these are categories of interest which apply only to you and which should be registered as an aid to transparency.

Further details about these two categories follow. For guidance on when these interests give rise to a matter which needs to be declared at a meeting see the guidance on declaring interests in Part 3.

### **Declarations of interest**

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council's principal authority to establish and maintain a register of interests of councillors.

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

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

Appendix B of the Code sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the clerk.

This part of the Code is about the registering of your interests and then how to go about declaring or managing your interests.

At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. However, the rules to set out whether you have an interest or not in any given situation can be complex given the infinite variety of issues that may arise. This guidance is to help you steer a way through those rules.

The Code therefore requires councillors to declare interests in certain circumstances. Disclosure, in the register and at meetings, is about letting members of the public and interested parties know where you are coming from when involved in decision making and is to enable you to be 'up front' about who you are and what your conflicts of interest might be. Conflicts of interest in decision making as a councillor, and what in public law is known as 'apparent bias', are an established part of the local government legal landscape. The Seven Principles of Public Life and the Model Code require councillors to act impartially (i.e. not be biased) when carrying out their duties (see also guidance on bias and predetermination).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council, yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

The object of this part of the Code is therefore twofold.

Firstly, it is to provide an explanation and a guide to the public and councillors as to what is or isn't a conflict of interest and then how a conflict between the interest you may hold as an individual councillor and the public interest you must hold as a decision maker of a public authority can be best managed.

Secondly, the Code provides a means to hold an individual councillor to account for their actions when they fail to manage that conflict of interest properly and put the decision of the public authority, including the public purse, and decisions around individuals' daily lives, at risk.

The test at law for apparent bias is 'would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias'. This is why you will see this question reflected in the Code when you are asked to consider whether or not you should participate in a meeting where you have a conflict of interest.

The Code contains three different categories of interests – Disclosable Pecuniary Interests (DPI); Other Registerable Interests (ORI); and Non-Registerable Interests (NRI).

For the first two categories these are interests which must be recorded on a public register except in limited circumstances (see guidance on Registration of Interests). The third category do not need to be recorded on the register but will need to be declared as and when they arise.

This means an interest may arise not just from interests already on your register. There will also be times when, although the interest does not personally involve you, it may involve a relative or close associate. You are not expected to register every interest of those people, but you will need to declare them as and when they might arise. These are referred to in the Code as 'non-registerable interests'.

As a brief summary, the requirements of the Code apply where:

- you or someone you are associated with has an interest in any business of your council, and
- where you are aware or ought reasonably to be aware of the existence of that interest, and
- you attend a meeting of your council at which the business is considered.

You must disclose to that meeting the existence and nature of your interests at the start of the meeting, or when the interest becomes apparent. It is usual to have for any declarations of interest at the start of the meeting but it is good practice also to ask again at the start of any agenda item. For example, members of the public may only be present for a specific item so will not have heard the declaration at the start, and a councillor may only become aware of the interest part-way through the meeting or item in any case.

And there will be times that because your interest is so close to the matter under discussion you will not be able to take part in that item of business. Those circumstances are explained in greater detail for each category of interest below.

This means there are three types of interest which you may have to declare:

- Disclosable Pecuniary Interests (Part A of the Register);
- Other Registerable Interests (Part B); and
- Non-registerable interests.

Guidance is given below on each of these categories in turn.

### **Disclosable Pecuniary Interests**

(Annex B, paragraphs 4 and 5)

Disclosable Pecuniary Interests (DPIs) were introduced by [s30 of the Localism Act 2011](#). They are a category of interests which relate to the councillor and/or their partner, such as financial interests of you or your partner such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and are in Table 1 of Annex B of the Code.

'Partner' is defined by regulations as your 'spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.'

They must be registered and, where they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

The Localism Act says that if you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the council, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.

The Act says you need to declare the nature of the interest only if it is not on the public register. In addition, your council's rules might require you to leave the room where the meeting is held while any discussion or voting takes place.

However, the Model Code states that it is important to declare the nature of the interest and to withdraw while the item is being dealt with. This aids transparency for the public and helps avoid accusations that you may be seeking to influence the outcome by remaining in the room even if your council's rules don't explicitly require it.

If you have a DPI, you may in certain circumstances be granted a dispensation to take part (see guidance on Dispensations).

### **When does a Disclosable Pecuniary Interest arise?**

The Localism Act uses the phrase 'you have a DPI in any matter...'

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that s31 of the Act "requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered relates to their interest. It prohibits a member from participating in discussion or voting on any matter relating to their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations)." (our emphasis)

This means you have a DPI in a matter when the matter being discussed directly relates to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does not directly relate to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property.

### **Other Registerable Interests**

(Paragraphs 6, 8 and 9 of Annex B)

The second category of interests are Other Registerable Interests (ORIs).

If you have an ORI – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

- when a matter directly relates to the finances or well-being of that interest. (paragraph 6); or
- when a matter affects the finances or well-being of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paragraphs 8 and 9).

An interest 'directly relates' to an outside body where the council is taking a decision which directly relates to the funding or well-being of that organisation.

For example, under a) if you are a member of a local group which has applied for funding from the council, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the group's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the council is simply discussing that outside organisation but not making a decision which relates to its finances or well-being that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the council was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial

impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the council might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the clerk.

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

### **Non-Registerable Interests**

(paragraphs 7, 8 and 9 of Annex B)

The third category of interests is Non-Registerable Interests (NRIs).

An NRI arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or well-being. The Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to that interest; or
2. when a matter affects that interest to a greater extent than it affects the majority of inhabitants and a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted a planning application the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare an NRI.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the

meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of residents.

As with DPIs you can be granted a dispensation (see below).

### **What is the difference between ‘relates to’ and ‘affects?’**

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

### **What does “affecting well-being” mean?**

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your well-being on a temporary basis. Closure of a local amenity may have a more permanent impact on your well-being if you use it more than the majority of people in the area.

### **What are the definitions of relative or close associate?**

The Code does not attempt to define “relative” or “close associate”, as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (e.g. whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

### **What if I am unaware of the interest?**

You can only declare an interest in a matter if you are aware of the interest. For example, a sports club of which your father-in-law is a chair may have made an application to the council. You may not be aware that he is the chair, and you are not expected to have to ask about the social affairs of your relatives or acquaintances simply because you are a

councillor. However, you would need to declare an interest as soon as you became aware. A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter's address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the clerk.

### **Do I always have to withdraw if I have an Other Registerable Interest or a Non-Registerable Interest to declare?**

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

If the matter is an ORI or NRI you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or well-being of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

- Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?

For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:

- Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (see guidance on predetermination and bias) and if the answer is yes to that question then you must not take part in the meeting.

#### **Examples**

*You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.*

*You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.*

*You are discussing closure of allotments where your brother has a plot. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your brother.*

### **What does 'withdraw from the meeting' mean?**

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by

time limits. However, unlike the public you would then withdraw once you had spoken. This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a 'virtual waiting room' while the item is discussed.

## **Dispensations**

Wherever you have an interest the Code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your standing orders or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the clerk) in good time before the relevant meeting and will be considered according to the council's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where -

- It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- That the authority considers that the dispensation is in the interests of persons living in the authority's area.
- That the authority considers that it is otherwise appropriate to grant a dispensation.

## **What is a 'sensitive interest'?**

There are circumstances set out in the Localism Act where you do not need to put an interest on the public register or declare the nature of an interest at a meeting although you would have to declare in general terms that you have an interest. These are so-called 'sensitive interests'.

An interest will be a sensitive interest if the two following conditions apply:

- a) That you have an interest (whether or not a DPI); and
- b) the nature of the interest is such that you and the principal authority's

monitoring officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

Where it is decided that an interest is a “sensitive interest” you must inform the monitoring officer of the interest so that a record is kept but it will be excluded from published versions of the register. The monitoring officer may state on the register that the councillor has an interest, the details of which are excluded under that particular section.

Where the sensitive interest crops up in a meeting the usual rules relating to declaration will apply except that you will only be required to disclose that you hold an interest in the matter under discussion but do not have to say what that interest is. The Localism Act sets out the scheme where the DPI is a sensitive interest. Your council’s procedures should allow for similar arrangements for other registerable or declarable interests.

For example, if your sister has been subject to domestic violence such that the perpetrator has been served with a Domestic Violence Protection Order you would not be expected to disclose your sister’s address to a meeting.

### **What do I do if I need advice?**

If you are unsure as to whether you have an interest to declare you should always seek advice from the clerk.

The Golden Rule is be safe – seek advice if in doubt before you act.

### **Bias and Predetermination**

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The Code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly (see guidance on declarations of interest)

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the council. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the Code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be

areas where a formal declaration is not required under the Code, but councillors need to be clear that they are not biased or predetermined going into the decision-making process. Otherwise the decision is at risk of being challenged on appeal or in the courts. To quote a leading judgment in this field "All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach."<sup>2</sup>

The rules against bias say that there are three distinct elements.

The first seeks accuracy in public decision-making.

The second seeks the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.

The third requirement is for public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is made into whether the decision-maker was biased in fact. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the Code's requirement to declare certain interests and withdraw from participation (see guidance on declaration of interests).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

## **Predetermination**

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

<sup>2</sup> Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly-hostile lines of questioning for example.

You are therefore entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, that you are able to take account of all of the evidence and make your decision on the day.

### **How can bias or predetermination arise?**

The following are some of the potential situations in which predetermination or bias could arise.

#### **Connection with someone affected by a decision**

This sort of bias particularly concerns administrative decision-making, where the council must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

For example, a principal authority councillor also belongs to a local council that has complained about the conduct of an officer of the principal authority. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and is not involved with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.

#### **Improper involvement of someone with an interest in the outcome**

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

For example, a principal authority receives an application to modify the Definitive Map of public rights of way. A panel of councillors are given delegated authority to make the statutory modification Order. They have a private meeting with local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

#### **Prior involvement**

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being

required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

### **Commenting before a decision is made**

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If the councillor is merely seeking to lobby a public meeting at which the decision is taking place but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

For example, a council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: "speaking for myself I am inclined to go along with the barrister's recommendation". He later participates in the council's decision to accept the barrister's recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister's report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

Another example is where a developer entered into negotiations to acquire some surplus council land for an incinerator. Planning permission for the incinerator had already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new councillors who have campaigned against the incinerator and a full debate, the council's executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council's is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

### **What do I do if I need advice?**

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the clerk

The Golden Rule is be safe – seek advice if in doubt before you act.

## Proposed Parish Council Committee Structure Summary

### Committee Membership & Meeting Frequency

Committee	Number of Councillors	Co-opted Members	Meeting Frequency
<b>Finance &amp; General Purposes Committee</b>	9 Councillors	Up to 3 (non-voting)	Monthly (no August meeting)
<b>Policy &amp; Resources Committee</b>	Minimum 9 Councillors	Up to 3 (non-voting)	Bi-monthly (no August meeting)
<b>Human Resources Committee</b>	6 Councillors	None permitted	Bi-monthly (no August meeting)
<b>Appeals Committee</b>	5 Councillors (incl. 1 from HR Committee)	None	Meets as required
<b>Planning Committee</b>	Up to 9 Councillors	Up to 3 (non-voting)	Monthly (August only if applications require)

## **HORSHAM PARISH COUNCIL**

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### **COMMITTEE TERMS OF REFERENCE & SCHEME OF DELEGATION 2026**

Adopted: Minute Ref \_\_\_\_ Review: May 2027

#### **1. INTRODUCTION**

These Terms of Reference and Scheme of Delegation set out the responsibilities, membership, authority and operational expectations of all Committees of Horsham Parish Council.

All Committees operate subject to:

- Standing Orders
- Financial Regulations
- Approved annual budget
- Local Government Act 1972 and all relevant legislation
- Any prior resolutions of Full Council

Committees may exercise delegated functions only as set out within this document.

#### **2. GENERAL**

Horsham Parish Council is a legally constituted local authority serving the residents of Horsham. These Terms of Reference ensure transparent governance, effective delegation, and consistent decision-making across all Committees.

#### **3. FINANCE AND GENERAL PURPOSES COMMITTEE – ROLE**

To oversee all financial, governance, administrative, operational and asset-related functions of the Council, ensuring the proper management of public funds, compliance, and efficient delivery of Council services.

#### **3A. FINANCE AND GENERAL PURPOSES – MEMBERSHIP**

- Nine Councillors appointed annually by Full Council
- Chair elected at first Committee meeting
- Quorum: five Councillors
- Up to three non-voting co-opted advisors with specialist knowledge

- Non-committee Councillors may attend and participate (no vote)
- Casual vacancies filled by Full Council

### **3B. FINANCE AND GENERAL PURPOSES – MEETINGS**

- Meets monthly except August
- Clerk/RFO must attend
- Three clear days' notice of meetings required
- Draft minutes circulated within seven days of meeting to Chair and Committee

### **3C. FINANCE AND GENERAL PURPOSES – VOTING**

- Majority decision-making by vote
- Chair holds casting vote where there are equal numbers of votes
- Voting by show of either hands or voting cards

### **3D. FINANCE AND GENERAL PURPOSES – DUTIES AND RESPONSIBILITIES**

#### **FINANCIAL:**

- Preparation of annual budget
- Recommendation of the precept
- Monitoring expenditure, income and financial controls
- Oversight of reserves, earmarked funds and forward financial planning
- Annual review of Financial Regulations
- Ensuring value for money across Council operations

#### **ASSETS & CONTRACTS:**

- Management of all Council land, buildings, equipment, vehicles and physical assets
- Oversight of leases, licences and service contracts
- Authorising repairs, maintenance and replacements within budget
- Managing allotment provision

#### **GOVERNANCE & COMPLIANCE:**

- Corporate governance oversight
- Internal and external audit liaison
- Managing legal matters and initiating legal proceedings up to delegated limits
- Ensuring adequate insurance cover

#### OPERATIONS & COMMUNICATIONS:

- Oversight of IT systems, data management and digital security
- Ensuring accessibility of Council meetings including recording and livestreaming
- Public communications, website, press and social media compliance

#### GENERAL:

- Identifying service needs and improvements
- Considering service devolution from other authorities
- Responding to urgent consultations
- Managing matters not allocated to another Committee

### **3E. FINANCE AND GENERAL PURPOSES – DELEGATED AUTHORITY**

The Committee may authorise expenditure up to £9,999 where within approved budgets.

### **4. POLICY AND RESOURCES COMMITTEE – ROLE**

To lead long-term strategic development, policy creation, community consultation, major projects and partnership working on behalf of the Council.

#### **4A. POLICY AND RESOURCES – MEMBERSHIP**

- Nine Councillors appointed annually by Full Council
- Chair elected at first Committee meeting
- Up to three non-voting co-optees permitted
- Quorum: five Councillors
- Casual vacancies filled by Council
- Non-committee Councillors may attend and participate (no vote)

#### **4B. POLICY AND RESOURCES – MEETINGS**

- Meets monthly except August
- Clerk/RFO must attend
- Three clear days' notice of meetings required
- Draft minutes circulated within seven days of meeting to Chair and Committee

#### **4C. POLICY AND RESOURCES - VOTING**

- Majority decision-making by vote
- Chair holds casting vote where there are equal numbers of votes
- Voting by show of either hands or voting cards

#### **4D. POLICY AND RESOURCES – DUTIES AND RESPONSIBILITIES**

- Developing and reviewing Council policies
- Overseeing major projects and strategic initiatives
- Conducting community engagement and consultations
- Long-term planning of assets, facilities and service needs
- Establishing strategic partnerships
- Recommending policies and strategies to Full Council

#### **5. HUMAN RESOURCES COMMITTEE – ROLE**

To manage staffing matters, HR compliance, staff performance, welfare, training and employment policies of the Council.

#### **5A. HUMAN RESOURCES – MEMBERSHIP**

- Six Councillors appointed annually by Full Council
- Chair elected at first Committee meeting
- No co-optees permitted
- Quorum: five Councillors
- Casual vacancies filled by Council

#### **5B. HUMAN RESOURCES – MEETINGS**

- Bi-monthly except August.

- Clerk must attend
- Three clear days' notice of meetings required
- Draft minutes circulated within seven days of meeting to Chair and Committee

### **5C. HUMAN RESOURCES - VOTING**

- Majority decision-making by vote
- Chair holds casting vote where there are equal numbers of votes
- Voting by show of either hands or voting cards

### **5D. HUMAN RESOURCES – DUTIES AND RESPONSIBILITIES**

#### **STAFFING & LEGAL:**

- Recruitment, contracts, pay and staffing structure
- Compliance with employment law and HR policies
- Equality-based recruitment practice
- Oversight of grievance, disciplinary and capability procedures
- Monitoring staff welfare and absences

#### **APPRAISALS & PERFORMANCE:**

- Annual staffing structure review
- Clerk appraised by Chair + trained HR member
- Clerk to appraise all staff

#### **TRAINING:**

- Managing staff and Member training budgets
- Ensuring professional development opportunities are available

#### **DELEGATIONS:**

- Approve pay uplifts and regradings within budget
- Approve increases to contracted hours within budget
- Confirm staff probation (not the Clerk, has to be Full Council decision)

## **6. APPEALS COMMITTEE**

Purpose: To hear appeals relating to disciplinary, grievance or capability matters.

Membership: five Councillors including one Human Resources Committee member; quorum three.

Members must not have participated in the original decision.

## **7. PLANNING COMMITTEE – ROLE**

To consider, scrutinise and comment on planning applications and planning-related matters affecting the parish.

### **7A. PLANNING – MEMBERSHIP**

- Up to nine Councillors appointed annually by Full Council
- Up to three non-voting co-optees permitted
- Quorum: five Councillors
- Casual vacancies filled by Council
- Non-Committee Councillors may attend and participate (no vote)

### **7B. PLANNING – MEETINGS**

- The Committee meets monthly except August unless there are planning applications to be considered.
- Clerk/RFO must attend
- Three clear days' notice of meetings required
- Draft minutes circulated within seven days of meeting to Chair and Committee

### **7C. PLANNING - VOTING**

- Majority decision-making by vote
- Chair holds casting vote where there are equal numbers of votes
- Voting by show of either hands or voting cards

### **7D. PLANNING – RESPONSIBILITIES**

- Statutory consultee responses
- Planning applications, appeals and enforcement
- Local and national planning policy consultations

- Tree works, street naming, licensing and highways
- Pedestrian, cyclist and road safety considerations
- External-only site visits where felt appropriate
- Monthly reports to Full Council if matter is

## **7E. PLANNING – DEVOLVED AUTHORITY**

If deadlines fall before next meeting, Chair/Vice Chair may:

- Call an extraordinary meeting
- Request call-in from Ward Members
- Seek deadline extension
- Submit comments via Clerk in line with policy

## **8. CHANGES TO THE TERMS OF REFERENCE**

This constitution may be amended with the support of at least two thirds of the current membership at a Committee meeting and with the approval of the Parish Council.

## **9. SUBSTITUTION**

Substitutes are allowed for all Committees except Human Resources and Appeals. Substitutes must have no prejudicial interest.

## **10. DELEGATIONS – GENERAL**

Committees may delegate functions to the Clerk; all actions must be reported to the next meeting.

### **10A. CLERK (PROPER OFFICER) DELEGATIONS**

- Arrange and service meetings
- Manage Council services, facilities and operations
- Handle correspondence, complaints and FOI requests
- Authorise repairs and purchases within budget
- Manage staff, training and development
- Take emergency actions to protect Council property (report to Council)

### **10B. RESPONSIBLE FINANCIAL OFFICER DELEGATIONS**

- Maintain accounts and financial records

- Prepare budget estimates
- Manage internal audit arrangements
- Process and authorise salary payments

#### **10C. CHAIR'S EMERGENCY POWERS**

The Clerk may act with the Chair where delay would disadvantage the Council.  
Written record required. No spending outside budget is permitted.

DRAFT

# Horsham Parish Council

ADOPTED BY COUNCIL

Date:

Review due:

## Complaints Procedure

**DRAFT**

# Complaints Procedure

## 1. The Importance of Complaints

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

## 2. Definition of A Complaint

- 2.1 A complaint is *any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff, which affects an individual customer or group of customers.*

### 2.2 What the complaints procedure will deal with: -

The complaints procedure will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

### 2.3 What the complaints procedure will not deal with: -

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

## 3. Equal Opportunities

- 3.1 The Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

3.2 Complaints by members of the public of discrimination and/or harassment against the Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

#### **4. Complaints Officer**

4.1 The Complaints Officer for the Council is the Clerk. Their main duties are:

- (i) The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- (iv) To identify improvement points arising from any complaints.
- (v) To identify staff training issues.

#### **5. Stages of The Procedure**

5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner, and it is important that the procedure does not in itself become a barrier to effective communication.

#### **5.2 Every day problems, queries and comments**

The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue should be recognised as a complaint.

#### **5.3 Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

#### 5.4 **Formal Complaint (First Stage)**

A customer may wish to make a formal complaint directly or may be dissatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the Clerk to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

##### ***Timescales***

***Acknowledgement - by return of post***

***Investigation completed - 14 days***

***or Progress Reports Issued - 14-day intervals***

***Investigating Officer: Clerk***

#### 5.5 **Review of Investigation and Complaint (Second Stage)**

If the complainant is not satisfied with the Clerk's response, they should be advised of their right to have the complaint referred to the Councillor's panel who will review the complaint.

##### ***Timescales***

***Response by the Town Clerk - 14 days***

***Councillor's panel (if thought necessary) - Convened***

***within 14 days***

***Review completed - 14 days thereafter***

***Investigating Officer: Clerk***

#### 5.6 **Councillor's panel**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to a panel consisting of the Chair (or the Vic-chair if the complaint refers to the Chair), and two other Councillors appointed by the Council who have not had previous involvement with the complaint or are referred to in the complaint. There will also be a note-taker, nominated by the panel, who will also not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the panel will be advised to the Council.

## 5.7 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## 5.8 Anonymous Complaints

Anonymous complaints should be referred to the Clerk, and may be acted on at their discretion, according to the type and seriousness of the allegation.

## 6 Resolution and Remedies

The aim of dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy. An explanation or an apology will always be needed.

## 7 Contact

**Horsham Parish Council**

**Interim Clerk:** Gill Gray

**Address:**

**TBC**

**Tel:** TBC

**Email:** [TBC](#)

# DATA PROTECTION POLICY HORSHAM PARISH COUNCIL

Adopted:

Review due:

## 1. Introduction

Horsham Parish Council (“the Council”) is fully committed to compliance with the requirements of the General Data Protection Regulation 2016/679 (GDPR) and the Data Protection Act 2018 (the DPA). The Council will, therefore, follow procedures which aim to ensure that all personal data collected about council members, staff, visitors and other individuals is processed fairly, lawfully and transparently.

The GDPR, the DPA and Article 8 of the Human Rights Act 1998, stress that the processing of personal data needs to strike a balance between the needs of the Council to function effectively and efficiently and respect for the rights and freedoms of the individual. This policy sets out how the Council intends to safeguard those rights and freedoms.

Obligations and responsibilities under the General Data Protection Regulation are not optional; **they are mandatory**. There can be harsh penalties, up to €20 million or 4% of global turnover for the preceding year (whichever is the greater) in relation to breaches of rights and obligations and up to €10 million or 2% of global turnover for the preceding year (whichever is the greater) imposed for non-compliance regarding Control and Mitigation.

The Council will therefore follow procedures that aim to ensure that all members, staff, visitors and any other person working for the Council who have access to any personal data held by or on behalf of the Council is fully aware of and abides by their duties and responsibilities under the General Data Protection Regulation and Data Protection Act.

All individuals permitted to access personal data in line with their work duties must agree to comply with this policy and agree to undertake any relevant training that may be appropriate to the role being undertaken.

As well as the Council, any individual who knowingly or recklessly processes data without appropriate consent or proper authorisation, for purposes other than those for which it is intended or is deliberately acting outside of their recognised responsibilities may be subject to the Council’s disciplinary procedures, including dismissal where appropriate, and possible legal action liable to prosecution and possible criminal conviction under the Criminal Justice and Immigration Act 2008.

## 2. Scope

This policy applies to the collection and processing of all personal data held by the Council, falling within the scope of the GDPR and the DPA in all formats including paper, electronic, audio and visual. It applies to all members, staff, volunteers and contractors.

### **3. Personal and special category personal data**

GDPR and DPA provide conditions for the collection and processing of any personal data. It also makes a distinction between **personal data** and **'special category' personal data**.

Personal data means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special category personal data is defined as personal data consisting of information as to:

- racial or ethnic origin;
- political opinion;
- religious or other beliefs;
- trade union membership;
- physical or mental health or condition;
- sexual life or sexual orientation;
- genetics
- biometric data (where used for ID purposes)

Although there are clear distinctions between personal and special category data for the purposes of this policy the term *'personal data'* refers equally to *'special category data'* unless otherwise stated.

The GDPR and DPA rules for special category data do not apply to information about criminal allegations, proceedings, or convictions. Instead, there are separate safeguards for personal data relating to criminal convictions and offences, or related security measures.

### **4. Personal data processed by the Council**

The Council processes personal data for a variety of purposes concerning our employees, residents, suppliers and other individuals. A description of the types of personal data processed and the purposes for processing are included in the Council's privacy notices.

Personal data must be managed and dealt with in accordance with the GDPR and DPA and this policy. There are safeguards within the GDPR and DPA to ensure personal information is collected, recorded and used whether it is on paper, computer records or recorded by any other means.

The obligations outlined in this policy apply to everyone who has access to and holds copies of or processes personal data. This includes those who work at/from home or have remote or flexible patterns of working.

## **5. The Data Controller**

The Data Controller is the person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are or are to be processed. Horsham Parish Council is the Data Controller for all personal data relating to its members, employees, residents, suppliers and any other individuals.

## **6. Roles and Responsibilities**

### **• Clerk & Proper Officer**

The Clerk & Proper Officer has overall responsibility for ensuring that the Council complies with all relevant data protection obligations and acts as the representative of the data controller on a day-to-day basis.

### **• Data Protection Officer**

The Council is not required to employ a Data Protection Officer (DPO), and the Clerk and Proper Officer will maintain responsibility for overseeing the implementation of this policy, monitoring the compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report on their activities and, where relevant, report to the committee their advice and recommendations on Council data protection issues.

The Clerk and Responsible Officer oversees our data protection responsibilities and is contactable via email at: TBC

### **• All Staff**

All Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy;
- Informing the Council of any changes to their personal data, such as a change of address
- Contacting the Clerk and Proper Officer in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If you have concerns that this policy is not being followed

- If you are unsure whether or not, you have a lawful basis to use personal data in a particular way
- If you need to rely on or capture consent, deal with the rights of the data subjects or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whether you are engaging in a new activity that may affect the privacy rights of individuals
- If you need help with any contracts or sharing personal data with third parties

## **7. Data Protection Principles**

Anyone processing personal data must comply with the principles of good practice. These principles are legally enforceable and can be summarised as follows:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Obtained for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased, or rectified without delay;
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures. In accordance with the rights of data subjects under the GDPR and DPA.

## **8. Fair Processing**

In meeting any obligation to ensure that processing of information is fair, due consideration will be given to the adoption of any recognised standards or advice to provide individuals with such information as it is necessary to ensure that they are likely to understand: -

- a) The purposes for which their personal data are to be processed;
- b) The likely consequences of such processing and;
- c) Whether particular disclosures can be reasonably envisaged

## 9. Notification

The national body for the supervision of GDPR is the Information Commissioners' Office to whom the Clerk and Proper Officer notifies his/her purposes for processing personal data.

This notification process serves to provide transparency and openness about the processing of personal data. It is a fundamental principle of the GDPR that the public should know or be able to find out who is conducting the processing of personal data and for what purpose.

A copy of the Council's notification details is available on the Information Commissioner's website [www.ico.org.uk](http://www.ico.org.uk) The Council ICO registration number is TBC.

## 10. Individuals' Rights

The Council recognises that access to personal data held about an individual is a fundamental right provided in the Act. These rights include: -

- The right to be informed
- The right of access to personal information
- The right to request rectification
- The right to request erasure
- The right to restrict processing in certain circumstances
- The right to data portability
- The right to object to processing
- Rights related to automated decision-making including profiling

The Council will ensure that all requests from individuals to access their information are responded to within one calendar month which is the time allowed in the legislation. However, the one-month timescale will not commence until after receipt of all identity or clarification of information sought is received. To minimise delays and unnecessary work all requests from data subjects must:

- Be made in writing (paper or email) to TBC
- Be accompanied by adequate proof of the identity of the data subject where required and, where applicable, the written authorisation of the data subject (if the request is being made on their behalf by a legal or lawfully appointed representative or authorised agent).
- Specify clearly and simply the information required.
- Give adequate information to enable the requested data to be located
- Make it clear where the response should be sent.

The Clerk and Proper Officer must be informed of any request for action against one or more of these rights.

The Act allows exemptions from providing information to individuals making a subject access request, and non-disclosure of information, in specific and limited circumstances.

When the Council collect personal data, the Council does not need to provide the individual with any information they may already have.

When obtaining personal data from other sources, the Council does not need to provide individuals with privacy information if:

- The individual already has the information;
- Providing the information to the individual would be impossible;
- Providing the information to the individual would involve disproportionate effort;
- Providing the information to the individual would render impossible or seriously impair the achievement of the objectives of the processing;
- The Council is required by law to obtain or disclose the personal data; or
- The Council is subject to an obligation of professional secrecy regulated by law that covers personal data

If a data subject remains dissatisfied with a response received, they may ask for the matter to be reviewed, or, in the case of an employee, a resolution may be sought using the Council's grievance process.

Ultimately if a data subject continues to be dissatisfied, she/he has the right to ask the Information Commissioner's Office (ICO) to conduct an assessment of their case and/or pursue a legal remedy.

## **11. Legal Requirements**

The Council may be required to disclose personal data by a court order, or to comply with other legal requirements including the prevention or detection of crime, apprehension of an offender or gathering of taxation.

External agencies or companies contracted to undertake processing of personal data on behalf of the Council must demonstrate, via a written agreement, that personal information belonging to the Council will be handled in compliance with the GDPR and DPA and that it has the necessary technical and organisational security measures in place to ensure this.

Any sharing of the Council data with external partners for the purpose of service provision must comply with all statutory requirements.

The Council will follow relevant guidance issued by the Government and the ICO for users of CCTV and similar surveillance equipment monitoring spaces to which the public, residents, service users and employees have access and will also strive to ensure that partner organisations involved in joint or multi-agency initiatives seek to do the same. The Council reserves the right to monitor telephone calls, email and internet access in compliance with relevant legislation. This will be managed in line with guidance issued by the ICO.

The legal basis for this policy is the GDPR and DPA which provides the legal parameters for the processing of personal data. However, compliance with other legislation, Codes of Practice, policies and guidance also has relevance, such as; -

- The Freedom of Information Act 2000
- The Computer Misuse Act 1990
- The Crime and Disorder Act 1998
- Human Rights Act 1998

## **12. Data Security**

The Council will process personal data in accordance with other related Policies and Procedures. To ensure the security of personal data, the Council has appropriate physical, technical and organisational measures in place.

GDPR and DPA require that appropriate technical and organisational measures should be taken to protect data against:

- Unauthorised access;
- Unauthorised or unlawful processing;
- Accidental loss, destruction, or damage

Appropriate technical and organisational security measures will include:

- using and developing technological solutions to ensure compliance with the data protection principles
- using and developing physical measures to protect Council assets
- ensuring the reliability of any persons who has access to Council information
- reporting and investigating security breaches

These obligations include the need to consider the nature of the data to be protected and the harm that might arise from such unauthorised or unlawful processing or accidental loss, destruction, or damage.

All printout material, magnetic tape, diskettes, CD's or DVD's, manual files, handwritten notes etc, which contain personal data and are no longer required, will be treated as confidential waste, and disposed of securely.

Where processing of Council data is to be conducted by a third party on behalf of the Council, the Clerk and Responsible Officer must ensure that the third party provides sufficient guarantees in respect of the technical and organisation measures governing the processing to be undertaken.

## **13. Sharing Personal Data**

The Council will not normally share personal data with anyone else, but may do so where:

- There is an issue that puts the safety of our staff at risk
- The Council need to liaise with other agencies – the Council will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable the Council to provide services to staff and residents, for example, IT companies. When doing this, the Council will:
  - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
  - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data the Council share
  - Only share data that the supplier or contractor needs to conduct their service, and information necessary to keep them safe while working with the Council

The Council will also share personal data with law enforcement and government bodies where the Council are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided

The Council may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our members or staff.

Where the Council transfer personal data to a country or territory outside the European Economic Area, the Council will do so in accordance with data protection law.

#### **14. CCTV**

The Council does not currently use CCTV. Should CCTV be used, the Council will adhere to the ICO's [code of practice](#) for the use of CCTV.

The Council does not need to ask individuals' permission to use CCTV, but the Council makes it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

#### **15. Data protection by design and default**

The Council will use a Data Protection Impact Assessment (DPIA) toolkit to evaluate all new computer systems to help it determine how data protection compliance can be assured. In addition, all existing systems will be subject to periodic assessment.

DPIA toolkits provide a step-by-step approach to evaluate the proposed test, new or existing information systems for compliance with the legislation. The DPIA process helps to identify weaknesses or risks to data losses or breaches and consider action that needs to be taken to ensure compliance where such compliance is not yet achieved. DPIA applies equally to paper as well as electronic data holding systems.

The Clerk and Proper Officer **must** be consulted when conducting a data protection impact assessment.

## **16. Personal data breaches**

The Council will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, the Council will follow the guidance from the Information Commissioners Office.

When appropriate, the Council will report the data breach to the ICO within 72 hours. Such breaches in a Council context may include, but are not limited to:

- The theft of a Council or personal electronic device containing non-encrypted personal data about members/employees and/or residents
- Accidental disclosure of personal data to another person or organisation
- Inappropriate access to or use of personal data
- The theft of personal information, either paper based or electronic
- Accidental loss of personal data
- Information that has not arrived at its destination
- Fraudulent acquisition of personal data

## **17. Training and awareness**

Data Protection training and awareness are crucial so that all staff understand their responsibilities relating to data protection and the use of personal data. Failure to comply with the GDPR, DPA and the principles could lead to serious problems, and in some cases may result in significant fines or criminal prosecution.

It is the Council's policy that all members and officers complete the applicable training annually. This includes employees that do not have internet or email access. The Clerk and Proper Officer will be responsible for ensuring that staff without internet or email access receive appropriate training.

## **18. Council commitment to data protection**

The Clerk and Proper Officer of Horsham Parish Council will be accountable for ensuring compliance with this policy.

The Council will ensure that individuals handling personal information will be trained to an appropriate level in the use and control of personal data.

The Council has implemented a process to ensure all staff handling personal information know when and how to report any actual or suspected data breach(es), and that appropriately trained staff manage these breaches correctly, lawfully and in a timely manner.

The Council will monitor and review its processing activities to ensure these are consistent with the principles of the GDPR and DPA and will ensure that its notification is kept up to date.

The Council will ensure that any new or altered processing identifies and assesses the impact on a data subject's privacy as a result of any processing of their personal data, and that appropriate Privacy Notices are maintained to inform data subjects of how their data will be used.

The Council will review and supplement this policy to ensure it remains consistent with the Law and any compliance advice, and Codes of Practice issued from time to time by the ICO.

## **19. Policy Review**

The Clerk and Proper Officer is accountable for monitoring and reviewing this policy. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

## **19. Links with other policies**

This data protection policy is linked to the Council's:

- Request for Information Policy
- Privacy Policy
- Data Security and Bring Your Own Device Policy
- Record Management & Retention Policy
- Data Breach Policy
- Subject Access Request Policy

The ICO also provides a free helpdesk that can be used by anyone and a website containing a large range of resources and guidance on all aspects of Information Law for use by organisations and the public. See [www.ico.org.uk](http://www.ico.org.uk)



**PUBLICATION SCHEME  
HORSHAM PARISH COUNCIL**

Adopted Version 1.0 Date:  
Next Review:

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# Information available from Horsham Parish Council under the Freedom of Information Act

## Model Publication Scheme

This template guide covers only information we currently hold. If we do not hold some of the information listed below, we will mark it as 'not held' in the table.

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Cost</b>
<b>Class 1 - Who we are and what we do</b>  (Organisational information, structures, locations and contacts)  Current information only	(hard copy or website)	
List of Council members and their responsibilities as well a list of Council Committees	Website	

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Details of any representation on local public bodies	Website	
Postal and email address	Website	
Contact details for Clerk and Council members Where possible, provide named contacts including contact phone numbers and email addresses	Website Website	
Location of main Council office and accessibility details	Website	
Staffing structure	Website	
<b>Class 2 – What we spend and how we spend it</b>  (Financial information about projected and actual income and expenditure, procurement, contracts and financial audit)  Current and previous financial year as a minimum	(hard copy or website)	
Statement of accounts and internal audit report in the format included in the Annual Return form	Website	
Finalised budget	Website	
Precept	Website	
Borrowing Approval letter	Not held	
All items of expenditure above £100	Website	
Financial Standing Orders and Regulations	Website	
Grants given and received	Not held	
List of current contracts awarded and value of contract	Hard copy	
Members' allowances and expenses	Not held	

<p><b>Class 3 – What our priorities are and how we are doing</b></p> <p>(Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current and previous year as a minimum</p>	(hard copy or website)	
Annual governance statement in format included in the Annual Return form	Not held	
Neighbourhood Plan	Website	
Annual Report to Town Meeting	Not held	
Quality status	Not held	
Local charters drawn up in accordance with DLUHC's guidelines		
Data Protection impact assessments (in full or summary format) or any other impact assessment (eg Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant	Not held	
<p><b>Class 4 – How we make decisions</b></p> <p>(Decision making processes and records of decisions)</p> <p>Current and previous council year as a minimum</p>	(hard copy or website)	
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website	
Agendas of meetings (as above)	Website	
Minutes of meetings (as above) – exclude material that is properly considered to be exempt from disclosure	Website	

Reports presented to council meetings – exclude material that is properly considered to be exempt from disclosure	Website	
Responses to consultation papers	Not held	
Responses to planning applications	Website	
Bye-laws	Not held	
<p><b>Class 5 – Our policies and procedures</b></p> <p>(Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only</p>	(hard copy or website)	
<p>Policies and procedures for the conduct of Council business:</p> <ul style="list-style-type: none"> <li>• Procedural standing orders</li> <li>• Committee and sub-committee terms of reference</li> <li>• Delegated authority in respect of officers</li> <li>• Code of Conduct</li> <li>• Policy statements</li> </ul>	<p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p>	
<p>Policies and procedures for the provision of services and about the employment of staff:</p> <ul style="list-style-type: none"> <li>• Equality and diversity policy</li> <li>• Health and safety policy</li> <li>• Recruitment policies and details of current vacancies</li> <li>• Policies and procedures for handling requests for information</li> </ul>	<p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p>	

<ul style="list-style-type: none"> <li>Complaints procedures (including those covering requests for information and operating the publication scheme)</li> </ul>	Website	
<p>Records management, personal data and access to information policies</p> <p>Include information security policies, records retention, destruction and archive policies, and data protection (including data sharing and CCTV usage) policies</p>	Website	
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only.</p>	(hard copy or website; some information may only be available by inspection)	
Information legally required to hold in publicly available registers (in most circumstances existing access provisions will suffice)		
Assets register, including details of public land and building assets	Hard copy	
Disclosure log indicating the information provided in response to FOIA and EIR requests. These are recommended as good practice	Hard copy	
Register of members' interests	Website	
Register of gifts and hospitality	Hard copy	

<p><b>Class 7 – The services we offer</b></p> <p>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</p> <p>Current information only</p>	<p>(hard copy or website; some information may only be available by inspection)</p>	
Allotments	Website	
Burial grounds and closed churchyards	Not held	
Community centres and village halls	Not held	
Parks, playing fields and recreational facilities	Not held	
Seating, litter bins, clocks, memorials and lighting	Not held	
Bus shelters	Not held	
Markets	Not held	
Public conveniences	Not held	
Agency agreements	Not held	
Services for which we are entitled to recover a fee and details of those fees (eg burial fees)	Not held	
<p><b>Additional Information</b></p> <p>Information not itemised in the lists above</p>		
	Not held	

## Contact Details

Gill Gray  
Interim Clerk  
Horsham Parish Council  
Address: TBC  
Telephone number: TBC  
Email: TBC

## Schedule of charges

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

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying @ ..p per sheet (black & white)	Actual cost *
	Photocopying @ ..p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class

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<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

\* the actual cost incurred

DRAFT

## HORSHAM PARISH COUNCIL

### STATEMENT OF INTERNAL CONTROL

FOR THE YEAR 1<sup>ST</sup> APRIL 2026 – 31<sup>ST</sup> MARCH 2027

#### 1. SCOPE OF RESPONSIBILITY

Horsham Parish Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions, and which includes arrangements for the management of risk.

#### 2. THE PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. Therefore, it can only provide reasonable, and not absolute, assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The system of internal control will be in place at the Council for the financial year ending 31<sup>st</sup> March 2027 and up to the date of approval of the Annual Report and Accounts and, except for the details of significant internal control issues at section 5, accords with proper practice.

#### 3. THE INTERNAL CONTROL ENVIRONMENT

##### a) The Council:

- a) Annually appoints a Chair who is the Chair of Horsham Parish Council and is, therefore, responsible for the smooth running of meetings and for ensuring, in conjunction with the Clerk, that all Council decisions are lawful
- b) Reviews its obligations and objections and approves budgets for the following financial year in December or January of each year and, at such meeting, approves the level of Precept it will require for such period
- c) Monitors progress against objectives, financial systems and procedures, and budgetary control, and carries out regular reviews of financial matters
- d) The Policy and Resources Committee monitors progress, on behalf of the Council, against its aims and objectives at each meeting by receiving

relevant reports from the Clerk. The Policy and Resources Committee reports at Full Council meetings, which are held 6 times each year.

e) Carries out regular reviews of its internal controls, systems and procedures

**b) Clerk/Responsible Financial Officer**

The Council has appointed a Clerk who acts as the Council's adviser and administrator and is responsible for day-to-day compliance with laws and regulations that the Council is subject to and for managing risks. The Clerk also ensures that the Council's procedures, control systems, and policies are adhered to. The Clerk is the Council's Responsible Financial Officer and is responsible for administering the Council's finances.

**c) Payments**

All payments are reported to the Council for approval, and two Members of the Council must authorise every cheque or BACs payment.

**d) Risk Assessments/Risk Management**

The Council carries out regular risk assessments in respect of actions and regularly reviews its systems and controls.

**e) Monthly Councillor Audits**

The Council appoints a Councillor (and Reserve) to carry out monthly audits on payments, receipts and procedures who reports to the Policy and Resources Committee.

**f) Internal Audit**

The Council has appointed an Independent Internal Auditor who reports to the Council, through the Clerk, on the adequacy of its:

- a) Records
- b) Procedures
- c) Systems
- d) Internal control
- e) Regulations
- f) Risk management
- g) Reviews

The effectiveness of the Internal Audit is reviewed annually.

**g) External Audit**

The Council's external auditors, TBC, submit an annual Certificate of Audit, which is presented to the Council and publicised.

**4. REVIEW OF EFFECTIVENESS**

The Council has responsibility for conducting an annual review of the effectiveness of the system of internal control. The review of the effectiveness of the system of internal control is informed by the work of:

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- a) The full Council
- b) The Clerk to the Council/Responsible Financial Officer, who has responsibility for the development and maintenance of the internal control environment and managing risks.
- c) The Policy and Resources Committee.
- d) The Independent Internal Auditor who reviews the Council's system of internal control.
- e) External Auditors who make the final check using the Annual Return, a form completed and signed by the Responsible Financial Officer, the Chair of the Council, and the Internal Auditor and issues an annual Audit Certificate.
- f) Any number of issues that may be raised during the year.

#### **5. SIGNIFICANT INTERNAL CONTROL ISSUES**

The Council strives for the continuous improvement of the system it has adopted for internal control and has addressed the issues and weaknesses raised and reported during the review process.

**Reviewed at the Policy and Resources Committee dated**

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## **HORSHAM PARISH COUNCIL TRAINING AND DEVELOPMENT POLICY**

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Identifying, meeting and evaluating training and development needs	2
Consideration	2
Categorising training and personal development	3
Guidance for support	4
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**DRAFT**

## **Purpose and scope**

This purpose of this policy is to set out the Council's position on the provision of training and development opportunities for staff. It applies to all staff whether full or part time, temporary or fixed term.

## **Identifying, Meeting and Evaluating Training and Development Needs**

Training and development needs will be identified from a variety of sources:

- Induction and probationary periods
- One-to-ones
- Appraisal
- Workforce planning
- Team meetings
- Annual plan
- Change processes

In addition, the council will encourage staff to identify their own learning styles and will seek to provide a wide variety of learning and training methods, including:

- Attendance at conferences, seminars and short courses
- Online training
- Internal coaching
- Shared in-house learning resources (books, journals, DVDs etc.)
- In house training
- Work shadowing
- Time for self-directed research and learning

## **Consideration**

A number of factors will be taken into account when assessing a request from an individual. This policy provides one element of the decision-making process. Other factors will include availability of finance and the individual's employment record.

In order to ensure that the council is able to consistently evaluate requests, training and development opportunities have been organised into three categories according to the degree of importance each intervention has for different roles.

## Categorising training and personal development

The three categories are as follows:

### 1. Mandatory

Mandatory training is legally required for the post-holder, or a qualification deemed to be so fundamental to the role, that the council makes it a mandatory requirement. Any mandatory training or qualifications are to be stated on the job description. They should also be stated in the contract for new starters, along with whom is responsible for the costs of the training/qualifications. For mandatory qualifications, it is unlikely that an applicant would be recruited without having previously attained the qualification. Where a qualification becomes mandatory for the role, the council will provide reasonable assistance for the employee to attain the qualification (see the section on Guidance for Support below).

Some mandatory training may be specific to a particular job role whilst other training may be a generic requirement. Examples of mandatory training include:

#### Generic training

- Health and Safety (Personal Safety, Manual handling, Display Screen equipment)
- Data Protection

### 2. Desirable

Desirable training is not legally required for the post, but it is directly relevant to the individual's job. Any desirable training or qualifications are to be stated on the job description.

For desirable qualifications or training, an individual may be recruited without having previously attained the qualification or undergone the training but may be expected to attain the qualification within a defined period of time. The need for training may also be identified through one-to-one meetings or annual appraisals. A desirable qualification is likely to enhance the skills and reputation of the council. Examples may include:

#### Job specific

- Introduction to Local Council Administration (ILCA)
- Certificate in Local Council Administration (CiLCA)
- Financial Introduction in Local Council Administration (FiLCA)
- Microsoft Excel
- Training for Allotments in Local Authorities
- Safeguarding
- IOSH Managing Safely

### 3. Optional

An optional qualification or optional training may not be directly linked to the individual's current job. Optional training or development is generally more beneficial to the individual's career than it is for the council.

Personal development aimed at developing the skills or knowledge of an individual in order to provide a successor for an existing job is deemed to be optional. However, depending on the circumstances, training for succession may be 'desirable.'

#### Job specific

- Community Governance
- Town Planning Technical Support - Level 3 Diploma

#### **Guidance for support**

Support for qualifications, training and personal development can include financial assistance towards the cost of tuition, examinations and resource materials in addition to half / day release and time off for study leave and taking the examination. Any financial and non-financial support to training and development is entirely at the discretion of the council.

The approved qualifications and/or memberships undertaken by officers will be sponsored by the Council and will include reimbursements and/or payment of the following:

- Course fees
- Examination fees
- Professional membership fees

Any financial support in excess of £500.00, including the offer of a loan, will always be conditional upon the employee's agreement to either a full or partial repayment of the financial support provided. The council reserves the right to reclaim financial support where the employee;

- Leaves the council during the duration of the course, or up-to 1 year following completion of the course.
- Fails to complete the training
- Fails to attend training without good reason

Where a Member or officer is required to attend a conference or seminar the conference/seminar fees will be met; in addition, if there is the requirement for attendance for more than one day the following expenses will be paid:

- Travelling expenses that are reasonable and in line with the Council's current policy
- Subsistence expenses that are reasonable and in line with the Council's current policy

The policy should be reviewed on an annual basis as a minimum; also, if any of the following occur:

- Employment Law and/or Legislation alters, for example Health and Safety at Work Act 1974 or regulations made under that Act
- Introduction of any new equipment or services
- Alteration to any working methods or practices
- Accidents, dangerous occurrences, learning events or complaints to the Council

### **Study leave**

Where an individual requires study leave to undertake mandatory training, they will be able to take all the leave within normal working hours.

Where individuals require study leave to undertake study which is not mandatory but part of the individual's formal continuous professional development, the council will contribute up to 50% of study leave time, to a maximum of 3 days per annum.

Where individuals require study leave to undertake training which is not mandatory but part of the individual's desire for career development, the council will contribute up to 3 days study leave per annum for courses which are directly related to the individual's role.

Time off for study leave must be approved in advance. To make a request the individual is asked to write to the Clerk (or Chair of the Council), setting out the details of the course of study, how it relates to their work, and the time being requested.

No study leave will be granted where individuals undertake study, which is not required for their role, or not directly related to their role. However, the Clerk (or Chair of the Council) will consider requests for flexible working to allow the study to take place, as long as the needs of the council can be met.

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

### **Identifying, Meeting and Evaluating Training and Development Needs for Members**

All new Councillors will be informed that it is desirable they attend Councillor training provided by the local Association – WSALC. There will be refresher training for existing Councillors offered annually and more specific Committee training, for example Planning, Human Resources and Finance. There is also the option to join seminars, conferences, online training as well as access to in-house resources such as books and journals. All requests for training should be directed to the HR Committee.

### **Evaluation and Recording Training for the Public Body**

The Human Resources Committee will work closely with the Clerk to implement this policy and monitor the effectiveness for the authority. The officer training and development needs will be identified following confirmation of appointment and/or during the appraisal process. The Member training and development requirements will be identified following election or co-option as well as an annual review following the forming of the committee structure for the Council in May. Where appropriate evaluation feedback should be sought from the Member or officer for any training undertaken to assist with the monitoring process. The records for all training courses undertaken, seminars and conferences attended, and qualifications obtained will be the responsibility of the Clerk; a report will be produced at least once a year to the Human Resources Committee and should include any evaluations obtained. The Clerk will closely monitor the requirements for training and priorities in relation to the annual budget during the fiscal year to ensure value for money is secured.

Date of policy:

Policy version reference:

Date for next review:

**Report to: Shadow Council**

**Meeting date: 24.02.2026**

**Subject: External Audit Arrangements – Recommendation to Remain in the SAAA Central Appointment Scheme**

**Report Author:** Interim Clerk

## **1. Purpose of Report**

To advise the Shadow Council on the options available for the appointment of the external auditor for Horsham Parish Council and to recommend that the Council remains within the Smaller Authorities' Audit Appointments (SAAA) central auditor appointment scheme.

## **2. Background**

Horsham Parish Council has been identified as a *new smaller authority* and will be subject to the Limited Assurance Review regime from the 2025–26 fiscal year onwards (as confirmed in a supplementary SAAA email).

SAAA is the sector-led body appointed by the Minister for Local Government to undertake auditor appointments for smaller authorities under the Local Audit (Smaller Authorities) Regulations 2015.

All smaller authorities formed after 1 April 2022 must be provided with the option to **opt out** of the central scheme if they wish to appoint an auditor independently.

## **3. Central Appointment Scheme**

SAAA has already procured external auditors nationally for the five-year period beginning 1 April 2022, with scale fees that apply consistently across smaller authorities.

If Horsham Parish Council remains in the central scheme:

- An auditor will be appointed automatically following the **statutory eight-week period** set out in the SAAA communication.
- Based on county area allocations, **Moore** will be the appointed external auditor (as confirmed in a supplementary email).
- SAAA will issue a formal “Notification of Auditor Appointment” once the period expires or sooner if the Council confirms its intention to remain in the scheme.

## **4. Option to Opt Out**

If the Council opts out, it must comply with statutory requirements under the Local Audit and Accountability Act 2014, including:

- Establishing an **audit panel or committee** following CIPFA guidance;
- Developing specifications and conducting a full **tender process**;
- Assessing the suitability of potential audit firms;
- Formally notifying SAAA of the opt-out decision and undergoing procedural review.

SAAA has indicated that if an authority fails to comply with these requirements, the Secretary of State may appoint an auditor and levy an administrative charge.

This option is administratively burdensome and is not recommended for a new smaller authority with limited resources.

## **5. Additional Information from SAAA**

The supplementary email provides the following clarifications:

- Horsham Parish Council will enter the **Limited Assurance Review** regime from 2025–26.
- The **Shadow Council** currently in place is recognised for the purposes of this decision.
- If the Council wishes to remain in the central scheme, SAAA can formally appoint the auditor **immediately** upon confirmation — the Council does not need to wait the full eight weeks.
- If no response is received within eight weeks, the appointment will occur automatically.
- The appointed auditor for this Council under the scheme will be **Moore**.

This additional detail reinforces the simplicity and advantages of remaining within the scheme.

## **6. Financial Considerations**

Audit fees will be charged in accordance with SAAA's published scale of fees.

Remaining in the central scheme avoids the overhead costs of procurement, committee formation, and compliance verification.

## **7. Governance & Compliance Considerations**

Remaining within the SAAA scheme ensures that the Council meets statutory obligations without needing to establish additional governance structures or undertake complex procurement work.

## **8. Options**

### **Option 1 – Remain in the SAAA Central Scheme (Recommended)**

- Ensures compliance.
- Minimises administrative burden.
- Provides certainty and continuity for a newly formed authority.
- Auditor (Moore) already identified.

### **Option 2 – Opt Out and Procure Own Auditor**

- Significant procedural and administrative burden.
- Requires forming an audit panel and running a compliant procurement.
- Carries risk of Secretary of State intervention if process is not fully compliant.
- No evidence of improved financial or governance outcomes.

## **9. Recommendation**

**That the Shadow Council resolves to remain within the Smaller Authorities' Audit Appointments (SAAA) central auditor appointment scheme for the appointment of its external auditor, and that the Clerk notifies SAAA accordingly so that the formal appointment of Moore can be made without delay.**

## **10. Appendix**

Appendix 1 – Letter from the Smaller Authorities' Audit Appointments (SAAA).

**Horsham Parish Council**

Attachment 5 - Appendix 1

Dear Clerk,

As a newly established Council which is a “smaller authority” established on or after 1st April 2022, the Council will not currently be included in the central external auditor appointment regime for which Smaller Authorities’ Audit Appointments Ltd is responsible.

Smaller Authorities’ Audit Appointments (SAAA) was formally appointed in January 2016 by the Minister for Local Government at the then Department of Communities and Local Government (DCLG) as “a person specified to appoint local auditors” under powers set out in Regulation 3 of the Local Audit (Smaller Authorities) Regulations 2015 to perform the functions set out in legislation for smaller authorities. It is the sector led body for smaller authorities (those under £15 million annual turnover) formed by the National Association of Local Councils, Society of Local Council Clerks, and Association of Drainage Authorities.

SAAA undertook a formal procurement process following which it appointed external auditors to all smaller authorities for the 5-year period commencing 1<sup>st</sup> April 2022, with the audit fees fixed according to published fee scales: <https://www.saaa.co.uk/audit-fees/>. Auditors are individually appointed for each authority based on contract areas that broadly equate to county areas. Further information is available on the SAAA website <https://www.saaa.co.uk/>.

All authorities were given the opportunity to opt-out of the central procurement and appointment regime (although none did), and SAAA is obliged to write to any new authorities to provide the option to opt-out of the central appointment regime and to procure and appoint its own external auditors if you do not wish to be included in the central auditor appointments.

If an authority decides to opt-out of the central regime the authority must follow the prescribed statutory procedures for appointing its own external auditor as set out in the Local Audit and Accountability Act 2014, Part 3. To be eligible for appointment as external auditor to a smaller authority an audit firm must be a statutory auditor under the Companies Act 2006 and registered with a recognised supervisory body.

The authority must appoint an audit panel/committee in line with CIPFA guidance on setting up an audit panel. This includes drawing up a specification, advertising, determining the appointment process and recommending to the full council who should be the authority’s “appointed auditor”. The audit committee/panel should determine what information is required from firms as part of the tendering process, such as financial standing, public audit experience, understanding of the ‘limited assurance’ regime, insurance cover and limits (professional indemnity, public liability, employee liability).

The authority must inform SAAA if it decides to opt-out of the central regime by completing an Appointment of External Auditor Certificate. Opted out authorities will be subject to review to ensure that they have complied with proper procedures in opting out and the appointment of external auditors. If an authority fails to comply with the set procedures, SAAA is obliged to notify the Ministry of Housing, communities and Local Government and the Secretary of State will appoint an auditor for the authority and an administration charge will be levied.

**If SAAA does not hear from the authority within 8 weeks of the date this communication that it wishes to opt-out, then it will assume that you wish to be included in the central appointment regime and the external auditor for your county area will be appointed to the authority. You will then be sent by e-mail a formal ‘notification of auditor appointment’ letter from SAAA.**

**Report to: Shadow Council**

**Meeting date: 24.02.2026**

**Report Author:** Interim Clerk

**Subject: Horsham Parish Council – Website Supplier Comparison Report**

**1. Purpose:** To present and compare three quotations for the development of a new, fully compliant, accessible parish council website.

## **2. Summary of Three Quotes**

### **Quote 1 – Aubergine 262 Ltd**

#### **Cost (Year 1):**

- Website build: **£999 + VAT** (or £899 + VAT for SLCC members)
- Hosting & support (includes 2 hours): included in Year 1
- Domain registration (.gov.uk): Free in Year 1

#### **Annual renewal (from Year 2):**

- Platform subscription & hosting: **£299 + VAT**
- Domain renewal: **£100 + VAT**
- Optional extras (e.g., forms builder, planning integration, payment module, etc.): priced individually

#### **Included features:**

- Fully WCAG 2.2 AA compliant WordPress-based framework
- SSL-protected UK hosting
- Content migration (2 years of agendas & minutes, councillor info, finance, AGAR, latest news)
- Ongoing software maintenance
- Access to training sessions & learning centre
- GDPR-compliant framework
- Monthly drop-in Zoom training sessions

**Timescale:** Approx. 6 weeks

#### **Strengths:**

- Comprehensive compliance support
- Training and ongoing guidance included
- Content migration included (within limits)
- Specialist parish-sector provider with strong credibility

#### **Weaknesses:**

- More expensive optional modules
- Costs increase with additional storage or advanced features

## **Quote 2 – MyParishCouncil.co.uk**

### **Annual cost:**

- **£156 + VAT per year** (Economy package)
- .gov.uk domain registration: **£30 + VAT**
- Content migration: **Price dependent** on size of current website

### **Included features (Economy package):**

- Parish-focused website platform
- Hosting and support included
- Standard features such as meeting pages, news, councillor profiles
- Basic accessibility features (not confirmed as WCAG 2.2 AA)

**Timescale:** Not specified but likely to be dependent on domain registration

### **Strengths:**

- Lowest annual cost
- Simple, straightforward package
- Suitable for small councils with limited needs

### **Weaknesses:**

- Accessibility compliance unclear
- No one-off build cost option; ongoing subscription only
- Content migration will create additional costs
- Limited customisation and functionality

## **Quote 3 – Parish Online Websites**

### **Cost:**

- Annual subscription: **£600 + VAT per year**
- Domain registration for .gov.uk: **Included and paid by them**

### **Included features:**

- Modern, accessible website following Government Digital Service design guidelines
- Full WCAG 2.2 AA compliance
- Hosting, SSL, maintenance, updates
- Content migration included
- Support & knowledge base
- Domain registration + management
- Email domain support (compatible with MS365)

### **Additional offer:**

- Optional mapping software (6-month free trial, then discounted **£800 + VAT** per year)

**Timescale:** 4–6 weeks

### **Strengths:**

- Fully WCAG 2.2 AA compliant
- Domain registration costs fully covered
- Content migration included

- Uses GDS design guidelines (consistency with government standards)

**Weaknesses:**

- Higher annual cost than other subscription models
- No one-off build cost option
- Dependent on continued subscription for service delivery

**3. Cost Comparison Table**

Supplier	Year 1/2 Core Cost	Domain Cost	Content Migration	Notes
<b>Aubergine 262 Ltd</b>	£999 + VAT Year 1 £299 + VAT Year 2	Free year 1 and £100 + VAT year 2	Included for 2 years of core content	Optional modules extra. Strong compliance and support with training included.
<b>MyParishCouncil</b>	£156 + VAT Year 1 £156 + VAT Year 2	£30 + VAT each year	Additional cost (TBC)	Lowest cost option. May incur content/storage extra costs.
<b>Parish Online</b>	£600 + VAT Year 1 £600 + VAT Year 2	Included	Included	WCAG 2.2 AA & GDS design and domain included. Higher cost but fully managed service.

#### 4. Feature Comparison

Feature	Aubergine 262	MyParishCouncil	Parish Online
<b>WCAG 2.2 AA compliance</b>	Yes	Not confirmed	Yes
<b>Website design system</b>	WordPress framework	Custom platform	GDS-inspired design
<b>Content migration</b>	Included (defined content)	Additional cost	Included
<b>Hosting &amp; SSL</b>	Included	Included	Included
<b>Training</b>	Extensive (videos, Zoom, support)	Basic	Knowledge base & support
<b>Domain management</b>	First year free, then £100	£30 a year	Fully included & managed
<b>Support level</b>	Strong, sector-specific	Basic	Full ongoing maintenance
<b>Timescale</b>	6 weeks	Not stated but will be dependent on domain name registration	4–6 weeks

#### 5. Analysis & Considerations

##### Accessibility (Legal Requirement)

- Parish Online and Aubergine both offer WCAG 2.2 AA compliance.
- MyParishCouncil does not confirm WCAG compliance, posing risk.

##### Cost

- MyParishCouncil is cheapest, but with limited functionality and potential hidden costs.
- Parish Online is mid-range yearly but includes the domain and migration.
- Aubergine is most expensive initially but offers the most comprehensive build and support structure.

##### Content Migration

- Aubergine and Parish Online include migration.
- MyParishCouncil charges depending on volume.

##### Long-term sustainability

- Aubergine offers a clear framework for annual maintenance.

- Parish Online provides continuous updates and domain management.
- MyParishCouncil is low-cost but may not meet long-term compliance needs.

## 6. Recommendation

Based on compliance, support, and overall value, the options rank as follows:

### **Best for councils wanting greater customisation & sector-leading guidance:**

#### ★ Aubergine 262 Ltd

Full WCAG 2.2 compliant

Content migration included

Strongest training & governance support

More adaptable WordPress platform

Clear framework for annual maintenance

Higher initial cost but excellent sector reputation

### **Best overall compliance & professional standard without greater customisation:**

#### ★ Parish Online Websites

Full WCAG 2.2 AA compliant

Domain included

Content migration included

Modern GDS-style design

Mid-range pricing

Ideal for a newly formed parish needing a compliant, low-effort solution.

### **Best low-cost option:**

#### ★ MyParishCouncil.co.uk

Suitable only if budget is extremely restricted

Compliance risk means it may not satisfy legal duties without further spending

## Interim Clerk's Recommendation

Having reviewed the three quotations in detail, and taking into account the legal accessibility requirements, long-term sustainability, sector-specific support, and overall value for money, **my professional recommendation is that the Shadow Council selects Aubergine 262 Ltd as the supplier for the new Horsham Parish Council website.**

Aubergine provides the most comprehensive and future-proof package, offering **full WCAG 2.2 AA compliance**, sector-leading governance guidance, and a **robust WordPress-based framework** that allows for future expansion as the council develops. Their proposal includes **content migration, extensive ongoing training**, and a support model designed specifically for parish councils. Although the Year 1 cost is higher than the other providers, the offer includes substantial added value in terms of compliance assurance, training provision, and support for

best-practice transparency. These elements will be particularly beneficial to a newly established parish council needing a dependable and well-supported digital platform.

The Aubergine framework also provides a clear and predictable cost structure from Year 2 onwards, with annual maintenance fees set at a reasonable level, ensuring long-term budget stability. Additionally, the council will benefit from their compelling reputation within the sector, their dedicated training resources, and the reassurance that the website will continue to meet evolving accessibility and governance standards.

For these reasons, and in the interests of establishing a compliant, resilient, and well-supported online presence from the outset, **I recommend that the Shadow Council approves Aubergine 262 Ltd as the preferred supplier for the development of the new Horsham Parish Council website.**

## Attachment 7

**Report to: Shadow Council**

**Meeting date: 24.02.2026**

**Report Author:** Interim Clerk

**Subject: Horsham Parish Council - Insurance Quote Comparison Report**

### **1. Executive Summary**

Two full quotations have been received so far: Clear Insurance (Ecclesiastical Insurance Office plc), Zurich Municipal, and a third from Forum Insurance is pending. Clear Insurance offers extensive property and asset cover at a higher cost, while Zurich Municipal offers strong liability, legal, fidelity and personal accident cover with a significantly lower premium and a flexible service approach. A placeholder in the report remains for Forum Insurance before final recommendations are made.

### **2. Detailed Narrative Review**

#### **Quote 1 – Clear Insurance (Ecclesiastical Insurance Office plc)**

Premium: £3,561.92. Optional 3-year Long-Term Agreement available when the new Council is formed.

Coverage includes:

Public Liability: £10m

Employers' Liability: £10m

Fidelity Guarantee: £250k (Aggregate limit; £250 excess)

Officials' Indemnity (Trustees' & Management Liability): £500k (excess £250)

Libel & Slander: Insured (limit not specified on the schedule)

Legal Expenses: £250k (population >20,000)

Personal Accident: 10 units (Employees & Authorised Volunteers, 14-day deferment).

Per schedule, benefits per unit are:

- Death £10k → 10 units = £100k
- Loss of limb/eye/hearing £10k → 10 units = £100k

- Permanent total disablement £10k → 10 units = £100k
- Temporary total disablement £20/week → 10 units = £200/week
- Temporary partial disablement £10/week → 10 units = £100/week

Key Worker / Key Person Cover: Insured (benefit limits not shown on the schedule)

Money:

- Non-negotiable money: £250k
- Other money: £5k (on premises/in locked safe during business hours), £5k (in transit), £500 (other circumstances)
- Safes out of business hours: £1.5k (unspecified safe)

Material Damage (Property): as per schedule

- Contents: £108k
- Street Furniture: £120k
- Walls, Gates & Fences: £48k
- Playground Equipment: £120k
- War Memorials: £90k
- Mowers & Machinery: £30k
- Sports Equipment: £36k

Strengths: Most comprehensive asset cover; strong liability, fidelity, legal, reputational risk and trustees' liability protections. There is support for local Councils that relates to risk management and preparing draft risk assessments. Notes: Higher cost reflects higher physical asset sums insured.

### **Quote 2 – Zurich Municipal**

Premium: £968.47 per year (including IPT). Optional 3-year Long-Term Agreement available when the new Council is formed.

Coverage includes:

Public Liability: £12m

Employers' Liability: £10m

Fidelity Guarantee: £250k

Officials Indemnity: £12m

Libel & Slander: £250k

Legal Expenses: £200k

Personal Accident: £50k/£200pw

Key Worker Cover: £50k/£500pw then £100pw

Money: £250k

and Material Damage as per schedule to include SIDs.

Key strengths: No admin fees, pro-rata adjustments, dedicated support contact, Local Community Advisory Service risk management service, and 30+ years' experience supporting local councils.

### **Quote 3 – Forum Insurance (Awaited)**

This section will be completed upon receipt of the Forum Insurance quotation.

### **3. Side-by-Side Comparison Table (Summary)**

A comparison table will be included in the report summary once the Forum Insurance quote is received.

### **4. Observations for a Shadow Council**

Zurich's service model and flexible pricing appear particularly suited to early-stage councils that will change and grow. Clear Insurance provides the strongest property protection, which may be advantageous if asset transfers are expected shortly. Final recommendation cannot be made until Forum's quote arrives.

### **5. Recommendations (Provisional)**

Short-term, low-asset environment → Zurich: Better value, higher liability limits, strong governance and staff injury cover, no admin fees and adaptable as assets grow.

High-asset or soon-to-acquire-assets environment → Clear Insurance: Full property schedules in place, higher sums insured for physical infrastructure.

**Report to: Shadow Council**

**Meeting date: 24.02.2026**

**Report Author:** Interim Clerk

**Subject: Horsham Parish Council – IT Comparison Report**

**Executive Summary**

This report compares Cloudy IT, Orchard IT, and Netcom Solutions across broadband, telephony, Microsoft 365 licensing, support, set up, governance and risk. Assumptions: 3 telephony users; councillor support excluded; domain management excluded as this is covered by the website provider. The Shadow Council can recommend commitment to the first year to ensure readiness for May 2026; multi-year decisions are for the new Parish Council. If a decision is favoured for occupying a serviced office, broadband can be a phased introduction dependent on venue.

**1. Background**

Ensure day-one capability for the newly formed Horsham Parish Council in May 2026, including secure email, collaboration, compliant data handling, and responsive support.

**2. Objectives**

- Secure M365 tenant and governance.
- Reliable connectivity/telephony (or defer in serviced office).
- Support for officers and councillors.
- Value for money and low risk of lock-in.

**3. Requirements**

M365 licensing, Multi-Factor Authentication, backups, device management, patching/AV, VoIP (3 users), Service Level Agreement-backed support, GDPR compliance, and exit/migration assistance.

**4. Supplier Snapshots**

- Cloudy IT: FTTP 330/50 £46.00/m; Teams Calling (3 users) £41.28/m; support/licensing £270.34/m; one-off £4,096.20.

- Orchard IT: Broadband £129.00/m; Telephony £75.00/m; M365 licences £1,564.20/y ( $\approx$  £130.35/m); Support £1,890.00/y ( $\approx$  £157.50/m); set up £623.00.
- Netcom Solutions: SoGEA £45.00/m; Webex/softphone (3 users) £42.00/m; support £76.20/m; M365 licenses £1,749.60/y ( $\approx$  £145.80/m); one-off  $\sim$ £50.00.

## 5. Headline Comparison Tables

### 5.1 Monthly Costs (ex VAT)

Category	Cloudy IT	Orchard IT	Netcom Solutions
Broadband	£46.00	£129.00	£45.00
Telephony (3 users)	£41.28	£75.00	£42.00
Support & licensing	£270.34	£157.50	£76.20

### 5.2 One-Off Setup Costs (ex VAT)

Supplier	One-Off Cost	Notes
Cloudy IT	£4,096.20	Includes broadband install, firewall, Wi-Fi AP, migration, training
Orchard IT	£623.00	Setup/onboarding (3-year discount not applicable yet)
Netcom Solutions	£50.00	Number porting / minimal upfront

## 6. Broadband, Telephony, Licensing & Support Breakdown

Cost Element	Cloudy IT	Orchard IT	Netcom Solutions
Broadband (monthly)	£46.00	£129.00	£45.00
Telephony (3 users, monthly)	£41.28	£75.00	£42.00
Licensing	Included in £270.34/m bundle	£1,564.20/y ( $\approx$ £130.35/m)	£1,749.60/y ( $\approx$ £145.80/m)
Support	£270.34	£1,890.00/y ( $\approx$ £157.50/m)	£76.20–£76.20/m
One-off setup (total)	£4,096.20	£623.00	£50.00

## 7. Risk Register

Risk	Impact	Likelihood	Mitigation
Delayed number porting	Medium	Medium	Plan lead time; dual-running during cutover
Connectivity shortfall for hybrid meetings	High	Low-Med	Line tests; FTTP or leased line option
Security incident (phishing/ransomware)	High	Medium	MFA; backups; user training; EDR options
Cost escalation (CPI/RPI)	Medium	Medium	Negotiate caps; fix pricing for Yr1
Accommodation dependency (serviced office)	Low-Med	Medium	Phase broadband; confirm landlord coverage

## 8. Governance & Compliance Assessment

All suppliers operate within M365 with MFA and backup options. Orchard IT emphasises council-specific governance (audit assistance, policy support, DPIA readiness). Cloudy IT provides structured onboarding and training; Netcom offers flexible, lower-cost options with lighter default governance.

## 9. Appendices

### Appendix A – Feature Matrix

Feature	Cloudy IT	Orchard IT	Netcom Solutions
Broadband type/speed	FTTP 330/50	Managed fibre (speed tbc)	SoGEA 80/20
Static IP	TBC	TBC	TBC
Failover (4G/5G)	Option	Option	Option
Hosted PBX / Teams	Teams Calling	Cloud PBX/handsets	Webex softphone
Call recording/retention	Option	Option	Option
M365 backup	Datasafe Cloud	Recommended add-on	SaaS backup optional

Security suite	Cyber Pro 24/7	Governance/audit add-on	EDR/Webroot options
Support hours	8–5:30 (std.)	Business hours	Business hours

### 10. IT-Only Cost Comparison (1-Year, Excluding One-Off Costs and Broadband)

This section compares Cloudy IT, Orchard IT, and Netcom Solutions for one-year IT-only services, excluding all one-off setup costs and excluding broadband.

Netcom’s standard and richer packages are included for comparison.

**This table summarises the total 1-year costs for each supplier, including IT services (licensing + support) and telephony for 3 users, while excluding broadband and all upfront or set-up costs.**

Supplier	1-Year Cost (Licensing + Support)	Telephony (3 users)	Total (1 Year)
Netcom – Standard	£2,664.00	£504.00	£3,168.00
Cloudy IT	£3,244.08	£495.36	£3,739.44
Orchard IT – Core + Backup	£3,454.20 + £588.00	£900.00	£4,942.20
Netcom – Richer (EDR + SAT)	£3,722.40	£504.00	£4,226.40

### Conclusion

Netcom – Standard is the most cost-effective IT-only supplier at £2,664.00 per year but comes with lighter default governance.

Netcom – Richer enhances security but increases cost to £3,722.40 per year.

Cloudy IT provides deeper onboarding and governance respectively at a competitive cost at £3,739.44 per year.

Orchard IT provide deeper onboarding and governance respectively, but at a higher cost at £4,942.20 per year.

## **11. Interim Clerk's Recommendation**

Having reviewed the three quotations in detail, I recommend Orchard IT as preferred supplier based on governance alignment and compliance model if the package is to include broadband as they are based in West Sussex. The Shadow Council can commit to the first year of IT setup and services to ensure readiness for May 2026. Multi-year commitments should be decided by the newly elected Council.

If a serviced office is used from May 2026, broadband can be phased in when required. If this is the preferred option for the venue, then I recommend Cloudy IT as preferred supplier based on governance and structured onboarding.

**Option A – Recommend Orchard IT for all IT services including broadband if using venue without broadband installed**

**Option B – Recommend Cloudy IT for all IT services without the requirement for broadband installation**

## Attachment 9

### Shadow Council – Public Communication Protocol

#### Purpose

A clear framework to ensure consistent, professional, and legally sound communication between the Shadow Council and the public during the preparatory phase.

#### Communication Principles

- Clear, factual, and concise information
- Consistent messaging across all members
- Transparent about the Shadow Council's role and limitations
- Politically neutral and non-campaigning
- Accessible to all residents (plain English, inclusive formats)

#### Primary Contact Route

- Interim Clerk – Official Point of Contact
- Manages official email inbox and website updates
- Provides accurate, procedural responses
- Maintains records of all public contact
- Ensures compliance with governance, data protection, and transparency requirements

#### Leadership-Level Communication

- Chair – Formal Spokesperson
- Delivers official statements and public addresses
- Represents the Shadow Council at meetings and events
- Responds to media only on agreed positions
- Does not manage routine enquiries or operational correspondence

#### Best Practice Position

- Public enquiries are best directed to the Interim Clerk to ensure accurate and consistent responses.
- The Chair communicates only on strategic or formal matters where a leadership voice is appropriate.
- This approach ensures clarity and avoids confusion or inconsistent messaging

#### Approved Communication Channels

- Official Shadow Council email (managed by Clerk)
- Shadow Council webpage with updates, FAQs, and meeting information
- Public meetings or Q&A sessions (Chair leads; Clerk manages follow-up)
- Press statements drafted by Clerk and approved by Chair
- Individual members should avoid issuing statements or interpretations of decisions

### **Member Responsibilities**

- Redirect enquiries to the Interim Clerk when governance or procedural guidance is needed
- Maintain confidentiality and uphold the Shadow Council's reputation
- Notify the Clerk promptly of any media approach
- Use only the approved communication channels

### **Escalation & Approval**

- Sensitive issues escalated to the Chair via the Clerk
- Public statements require Chair approval
- Media enquiries logged and coordinated centrally

### **Review**

This protocol should be reviewed after three months or earlier if required.