

**Minutes of Duddon and Burton Parish Council
at Duddon, Clotton & District Memorial Hall
on Thursday 14th July 2022 at 7.00pm**

PRESENT:

Cllr G Goulbourne Chairman
Cllr Lightfoot
Cllr C Cummins

Cllr A Green

Members of the Public: 2

CLERK: Mrs T Ryall-Harvey (Clerk)

APPOINTMENT OF CLERK/RFO

RESOLVED 22/016: that the Parish Council appoint Mrs T Ryall-Harvey as Clerk and RFO.

APOLOGIES FOR ABSENCE

Apologies for absence were received and accepted from, Cllr J Warburton, Cllr J Leather & Cllr H Tonge – CWaC Ward Councillors.

DECLARATION OF PECUNIARY INTERESTS

No declarations were received.

PUBLIC PARTICIPATION

David Leadbetter from the Duddon, Clotton & District War Memorial Hall Committee reported that the Jubilee Event organised on 3rd June 2022 to celebrate the Queens Platinum Jubilee had been a huge success and it was wonderful to see the support from the community for this. The hall had raised £545.74 from the raffle and donations which was well received, he reported that the village hall is running smoothly with a new anti-natal class to start in September, there is also an art classes currently running. These classes are welcomed as they contribute towards improving community spirit in the area.

The PCSO reported that there were no issues currently in this area to highlight.

MINUTES OF THE MEETING OF 5th MAY 2022

RESOLVED 22/017: That the minutes of the meeting of 5th May 2022 be confirmed as a correct record and signed by the Chairman.

PLANNING APPLICATIONS

The council noted the Planning Register as circulated at the meeting, dated 29th June 2022 and noted the following application that had been received in since the last meeting:-

22/01640/FUL – Burton Grange, Burton Road, CW6 0ES – Demolition of existing conservatory, alteration to roof over porch, single storey side and rear extension to include terrace above, alterations to windows and doors, application of rendering and cladding – the Parish Council had no objection to this application.

ACTION: Report removal of Large Established Oak Tree on New Road, Duddon to the Forest Commission.

ACCOUNTS

Cashbook

RESOLVED 22/018: that the YTD Cashbook dated 29th June 2022 be approved.

Bank Reconciliation

RESOLVED 22/019 – that Cllr Cummins signs the Bank Reconciliation and Bank Statements.

Clerk's Subscription to Local Councils Update

RESOLVED 22/020 that the Parish Council would financially contribute the Clerk's subscription to the Local Council's update to a total of £20 (Total cost of subscription was £100 split between five Parish Councils).

Clerk's Mobile Phone

RESOLVED 22/021 that the Parish Council would contribute the Clerk's dedicated Parish Council Mobile phone which currently cost £10 per month and the costs would be split between the Parish Councils she worked for - therefore the cost to this PC would be £2.00 per month.

Clerk's Training

RESOLVED 22/022 that the Parish Council would share in the cost of training the clerk for the year, costs to be split between the Parish Councils and kept in-line with the budget.

Authorisation of Payments

RESOLVED 22/023: that the following expenses be approved for payment:-

Clerk's Salary – Tax Point 3	£225.96
Clerk's Salary – Tax Point 4	£225.96
Clerk's Expenses	£127.67
Shires Accountants /PQR Limited – Payroll Provider Q1	£28.80
Mrs T Ryall-Harvey – Jubilee Bunting	£83.92
Banner World – Jubilee Event	£85.44
Exceed Events – Magic Mirrors – Jubilee Event	£499.00
The Big Chocolate Fountain – Jubilee Event	£350.00
Baker Ross – Jubilee Event	£91.30
Jane Nicholas – Decoration for V Hall – Jubilee Event	£80.02
Jane Nicholas – Plates, Cups & Serviettes – Jubilee Event	£58.88
Vista Print- Printing of Flyers for Jubilee Event	£56.67
Circus Sensible – Circus Act for Jubilee Event	£456.00
Mrs T Ryall-Harvey – Reptile on Rooding – Jubilee Event	£378.06
Gallaghers Insurance	£1,009.12
The Spitting Pig Company – Jubilee Event	£180.00
Bank Charges	£5.80
Rustic Charms – Keyrings for Jubilee Event	£212.50
Clotton Hall Dairy – for Jubilee Event	£35.32
HAGS SMP Ltd – Replacement Seat and fixing for Play Equipment	£224.76
Stephen Harrison – Refreshments etc for Jubilee Event	£173.94
Duddon, Clotton & District V Hall – Insurance for Jubilee Event	£212.72
Mrs T Ryall-Harvey – Extras for Jubilee Event	£95.07
Mid-Cheshire Footpath Society – Membership Subscription	£8.00
HMRC PAYE – July	£56.40

Lloyds Bank Update

It was reported to the meeting that even though everyone had been into the bank and provided ID, Cllr Martin Lightfoot's ID had been found not to be suitable and therefore paperwork was being drawn up to remove him from the bank at this time to allow the bank account to be opened.

THE COMMUNITY

Queens Platinum Jubilee Event

The Clerk reported that a total of £4,948.84 had been spent, therefore it was confirmed that all of the grant money had been spent.

Play Group Equipment

It was reported that following the last meeting where it had been agreed to order two new seats for the Gullwing Sea-Saw and protective wrap fitted to the bench these actions had now been carried out, therefore there was currently no outstanding actions from the Playground Inspection.

Daffodil Planting

It was requested if the Parish Council wished to purchase daffodils for planting around the village at a cost of £37.44 per 25 kilo bag – it was agreed to purchase one bag.

PARISH COUNCIL MATTERS

CWaC Report It Items

A list of all items that had been reported to CWaC since the last meeting was circulated.

It was reported that Weed Control around the village had been reported to CWaC and was awaiting actioning.

It was also reported that following CWaC strimming the area the Parish Council had planted with Periwinkles that the Clerk had met with CWaC and it was agreed that all the vegetation would be cut back at the end of the year (on the junction of Back Lane) following this CWaC undertook to sow a yellow rattle and ox eye daisy mix to suppress the grass growth throughout the winter and provide colour in the summer, this will also allow the periwinkle the chance to overtake any lower vegetation.

Website

It was reported that the renewal of the website was due in July and the Clerk had arranged for the information currently on the website to be transferred to a new template at a cost of £100 + VAT allowing the annual cost of the website would be reduced.

Policies

The following policies were presented to the meeting:-

- Risk Management Strategy
- General Risk Management – Updated
- Reserves Policy
- Health & Safety Policy
- Training and Development Policy
- Planning Committee Terms of Reference and Delegated Powers

RESOLVED 22/024 to adopt the above documents and review again annually.

CORRESPONDENCE

Duddon and Burton PC Ideas – the email received by a resident following previous correspondence requesting the Parish Council developing short- and medium-term goals to benefit the residents and offering his assistance in this was discussed and the Parish Council suggested undertaking a survey of all residents to find out what they would like from their Parish Council in the future and what the residents consider the Parish Council's priorities should be to allow the Parish Council the opportunity to develop future goals and budget for them.

It was also agreed to undertake a walk around the Parish on Monday 18th July and report all issues that require attention by CWaC to them.

Update on Services at Tarporley War Memorial Hospital – it was reported that an email from the Board Trustees of the hospital had been received offering to attend a future meeting and provide the Parish Council

with an update on the role of the Trustees. It was agreed that a representative be invited to the next meeting.

ACTION: invite representative of Trustees of Tarporley War Memorial Hospital to next meeting.

Rural Crime Survey

Following the Police and Crime Commission launching a Rural Crime Survey it was agreed that all individuals should be encouraged to respond to the survey by an advert being placed on the Duddon Residents Facebook site informing them of the Survey.

Letter from Edward Timpson CBE MP

It was reported that Mr Timpson had written to acknowledge the immense amount of work which went into the Jubilee Events that took place across Cheshire and asked for a point of contact poster to be put on the parish noticeboard.

Mid Cheshire Footpath Society have written to seek the Parish Council's annual subscription to become an affiliated member, cost being £8 for the year.

DATE OF NEXT MEETING

The next meeting of Duddon and Burton Parish Council would be held on Monday 19th September 2022 at 7.00pm at Duddon Village Hall.

Meeting finished: 19.45

Duddon and Burton Parish Council Planning Register 2022

Received	Number	Location	Description	PC Response	Result
Tue 17 Aug 2021	21/03460/FUL	The Beeches Well Lane Duddon Chester CW6 0HG	Single storey rear orangery, alterations and extension to existing garage		Approved
Mon 02 Aug 2021	21/03264/LDC	Laurel Farm Tarporley Road Duddon Chester Cheshire CW6 0EW	Creation of 3 dwellings		Approved
22 Feb 2022	22/00247/FUL	Aspen Grove Tarporley Road Duddon Chester Cheshire CW6 0HA	Front single storey extension and continuation of wall around the front of the extension	No Objection	Refused
23 Feb 2022	22/00707/FUL	29 Willington Road Duddon Chester CW6 0HD	Single storey rear extension	No Objection	Approved
18 Mar 2022	22/01074/FUL	Duddon Mill Mill Lane Duddon Tarporley CW6 0HA	Two storey side and single storey extensions - amendment to application 19/04396/FUL	No Objections	Approved
21 April 2022	Planning Enforcement Ref: PL416911606	12 New Road Duddon, Chester, Cheshire, CW6 0HE (21/01153/FUL)	Removal of Large Establish Oak Tree		
Tue 03 May 2022	22/01640/FUL	Burton Grange Burton Road Burton Chester Cheshire CW6 0ES	Demolition of existing conservatory, alteration to roof over porch, single storey side and rear extension to include terrace above, alterations to windows and doors, application of rendering and cladding	No objections	Awaiting Decision
Thu 26 May 2022	22/02019/FUL	16 Back Lane Duddon Chester Cheshire CW6 0EZ	Single storey rear flat roof kitchen extension and rear side extension to garage (utility and WC)	No Objections	Approved

AGR – Agricultural application
 CAT – Conservation area tree
 FUL – Full application
 LBC – Listed building consent
 PDQ – Agricultural Buildings to Dwelling Houses
 REF - Appeal
 S73 – Minor material amendments
 LDC – Lawful Development Certificate
 TPO – Tree Preservation Order

Trudy Ryall-Harvey
 08-09-2022

From: WEIGH, Jennifer <Jennifer.Weigh@cheshirewestandchester.gov.uk>
Sent: 12 September 2022 10:17
To: duddonandburtonparishcouncil@gmail.com
Subject: 22/00155/EBCN - Felled Tree - New Road, Duddon and Cross Keys Close, Duddon

Good morning,

I am emailing in relation to the matter raised The oak tree which has been felled, located in a fenced off area to the left of 12 New Road, Duddon and the rear of 11 and 12 Cross Keys Close, Duddon.

It is not clear who has felled the tree or who owns the piece of land the tree is located on. The tree is not protected by a tree protection order, and it is not within a conservation area, consent would not be required to remove the tree unless there is a planning condition requiring its retention.

There were a few permissions in the area (6/23278, 6/21628) around the same time with only one (98/01095/FUL) that included the oak tree within the red line plan and therefore only those conditions are able to be enforced (if necessary).

Planning Permission was granted for residential properties in 1999 (permission 98/01095/FUL). Condition 8 referred to trees:

Those trees, shrubs and hedges indicated as being retained shall not be lopped, topped, felled, uprooted, destroyed, or wilfully damaged without the previous written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or dying or being severely damaged or becoming seriously diseased within the period which ends 12 months after the completion of the development for which permission has been given shall be replaced with trees, shrubs or hedges of such size and species as shall be agreed with the Local Planning Authority.

Reason: To ensure that certain more mature landscaping is retained and that some landscaping is retained during the construction period to enhance the appearance of the development.

It is accepted that the first part of the condition states that the retained trees shall not be removed without consent. If reading just the first part of the condition it does not allow for the potential breach to be remedied, just that they cannot remove the retained tree. However, when reading the condition as a whole it states that any trees removed within a period of 12 months after the development is complete shall be replaced.

The reason for the condition was to keep the mature trees on site during the construction period to enhance the appearance of the development, not to keep them on site permanently.

Having discussed the site and condition with a senior enforcement planning officer it is determined that the condition does not grant planning enforcement the powers to enforce against the removal of the tree or request a tree replacement. The condition only allows for a tree replacement of a removed tree if it was removed within 12 months of the completed development.

We would not be able to request or force anyone to replace the felled tree.

Jennifer Weigh

Planning Enforcement Officer
Cheshire West and Chester Council

Email: jennifer.weigh@cheshirewestandchester.gov.uk
Post: The Portal, Wellington Road, Ellesmere Port, Cheshire, CH65 0BA
Visit: cheshirewestandchester.gov.uk

*Upcoming Absences
6 October to 7 November 2022*

DUDDON AND BURTON PARISH COUNCIL CASHBOOK - FINANCIAL TRANSACTIONS 2020-21

STATEMENT DATE	Description	Cheque No	Power	PN	EXPENDITURE excluding VAT						VAT	Receipts	Totals	Comments	Resolved	No.
					People & Expenses	Professional Services	General Services	Admin	Grants	Projects						
01/04/2022	HMRC VTR											304.58	304.58	VAT Rebate	-	
01/04/2022	Bank Charges						-6.20						-6.20	Bank Charges for March	22/014	2
06/04/2022	Walkers Nursery	100789	10										-40.32	Periwinkles for Back Lane	22/014	3
08/04/2022	CWAC											8,005.00	8,005.00	Precept	-	4
19/04/2022	Community Fund											4,850.00	4,850.00	Lottery Grant for Jubilee Event	-	5
02/05/2022	Bank Charges						-6.60						-6.60	Bank Charges for April	22/014	6
10/05/2022	Mrs S Ifram	100793	1			-50.00							-50.00	Internal Auditor	22/014	7
12/05/2022	Ringwood Fencing	100799	7								-4.68		-28.08	Fence Slats for PlayArea Repairs	22/014	8
13/05/2022	Mrs T Ryall-Harvey	100796	1					-110.09			-0.93		-111.02	Clerk's Expenses	22/014	9
13/05/2022	The Cheshire Events C	100798	10							-205.00			-205.00	Jubilee Event - Bouncy Castle	22/014	10
16/05/2022	Mrs T Ryall-Harvey	200003	10	2						-69.92	-14.00		-83.92	Jubilee Event - Bunting	22/023	11
16/05/2022	Mrs T Ryall-Harvey	100802	1		-225.96								-225.96	Salary for Tax Month 1	22/014	12
17/05/2022	Banner World	100804	10	2						-71.20	-14.24		-85.44	Jubilee Event - Banner	22/023	13
17/05/2022	Exceed Events & Conce	100805	10	2						-415.83	-83.17		-499.00	Jubilee Event - Magic Mirrors	22/023	14
17/05/2022	The Big Chocolate Fou	200001	10	2						-350.00			-350.00	Jubilee Event - Chocolate Fountain	22/023	15
18/05/2022	Baker Ross	200004	10	2						-76.08	-15.22		-91.30	Jubilee Event - Arts and Crafts	22/023	16
18/05/2022	Jane Nicholas	200002	10	2						-66.67	-13.35		-80.02	Jubilee Event - Decorations for V Hall	22/023	17
19/05/2022	Jane Nicholas	200008	10	2						-49.06	-9.82		-58.88	Jubilee Event - Plates, Cups & Survettes	22/023	18
20/05/2022	The Splitting Pig Compa	100803	10	2						-1,695.00			-1,695.00	Jubilee Event - Hog Roast	22/014	19
24/05/2022	Vista Print	200009	10	2						-47.22	-9.45		-56.67	Jubilee Event - Flyer Printing	22/023	20
24/05/2022	Circus Sensible	200005	10	2						-380.00	-76.00		-456.00	Jubilee Event - Circus Act	22/023	21
24/05/2022	Mrs T Ryall-Harvey	200011	10	2						-370.07	-7.99		-378.06	Jubilee Event - Reptile on Roading, Amazon	22/023	22
25/05/2022	Gallaghers Insurance	200006	3	2		-1,009.12							-1,009.12	Parish Council Insurance	22/023	23
27/05/2022	ICO	100801	8					-40.00					-40.00	Data Protection Fee	22/014	24
01/06/2022	The Splitting Pig Compa	200012	10	2						-180.00			-180.00	Jubilee Event - Hog Roast	22/023	25
01/06/2022	Bank Charges			2			-5.80						-5.80	Bank Charges for May	22/023	26
06/06/2022	Rustic Charmes	200010	10	2						-212.50			-212.50	Jubilee Event - Keyrings	22/023	27
07/06/2022	Mrs T Ryall-Harvey	100795	1		-225.96								-225.96	Clerk's Salary Tax Point 2	22/014	28
07/06/2022	CHALC	100792	8					-154.44					-154.44	CHALC Membership	22/014	29
14/06/2022	Stephen Harrison	200016	10	2						-168.11	-5.83		-173.94	Jubilee Event - Queen Cut-out, Refreshments	22/023	30
17/06/2022	Clopton Hall Dairy	200013	10	2						-35.32			-35.32	Jubilee Event - Clotted Cream	22/023	31
21/06/2022	HAGS SMP Ltd	200015	7	2						-187.30	-37.46		-224.76	G/Wing Seats & Fixings for Playground	22/023	32
22/06/2022	HMRC	100794	1		-169.40								-169.40	Q1 PAYE	22/014	33
27/06/2022	Morral Play Services	100791	7							-45.00	-9.00		-54.00	Playground Inspection	22/014	34
01/07/2022	Mrs T Ryall-Harvey	200018	10	2				-81.27			-13.80		-95.07	Jubilee Event Extra's	22/023	35
01/07/2022	Mrs T Ryall-Harvey	200019	10	2	-225.76								-225.76	Clerk's Salary Tax Point 3	22/023	36
02/07/2022	Bank Charges							-13.80					-13.80	Bank Charges for June		37
19/07/2022	Duddon, Clotton & Dis	200017	10	2							-212.72		-212.72	Jubilee Event - Insurance	22/023	
20/07/2022	Mrs T Ryall-Harvey	200022	1	2							-1.22		-1.22	Clerk's Expenses	22/023	
21/07/2022	Stire Accountants	200020	1	2		-24.00					-4.80		-28.80	Payroll Services Q1	22/023	
25/07/2022	HMRC	200021	1	2	-56.40								-56.40	PAYE - July	22/023	
01/08/2022	Bank Charges							-7.80					-7.80	Bank Charges for July		
04/08/2022	Mrs T Ryall-Harvey	200023	1	2	-225.96								-225.96	Clerk's Salary Tax Point 4	22/023	
08/08/2022	Mid Cheshire Footpath	200024	8	2			-8.00						-8.00	Parish Council Subscription	22/023	

Duddon and Burton Parish Council

OUT-TURN 2022-23

Budget Element		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	2022-23 Actual	2022-23 Budget	Variance	Commentary
EXPENDITURE																	Costs include VAT
People & Expenses																	
Clerk's Salary			226	226	226	452	226	226	226	226	226	226	226	2,712	2,708	-3	
HMRC					169	56	56	56	56	56	56	56	56	674	680	6	
Expenses			111			128			100		100		100	639	600	-39	Clerk expenses
Training									100					150	350	200	
Professional service																	
Insurance			1,009											1,009	835	-174	
Internal Audit			50											50	50	0	
External Audit								240						240	240	0	
Payroll						29		29	10	10	10	10	10	109	144	35	
General Services																	
Website										225				225	378	152	
Bank Charges			6	7	6	14	8							40	0		
Village Hall Room Hire											150			150	150	0	
Admin.																	
Membership/Subscriptions					154		8							202	205	3	CHALC & SLCC & Mid Cheshire Footpath Society
Data Protection fee			40											40	40	0	
Grants																	
Village Hall														0	0	0	
Church Yard Grant (from CWAC)						1,648								1,648	0	-1,648	Money received in from CWAC in March 2022
Projects																	
Lengthsman																	
Village Enhancements														500	500	0	
Playground Annual Inspection & Maintenance			28	279										379	700	321	£500 towards Playground maintenance, £200 towards inspections
Jubilee Event			4,039	602	308	209						72		5,158	6,350	1,192	
Ad Hoc Beneficial Items (\$137)		40												40	0	-40	Periwinkles
Inflation %	0.00%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Contingency % of above	1.00%	0	0	0	0	0	7	6	4	3	6	4	9	39	81	42	
TOTAL CASH OUT		47	5,510	1,436	760	2,381	715	557	396	295	639	368	901	14,004	8,161	-5,843	
RECEIPTS																	
Precept	7926	8,005												8,005	8,005	0	
Bank Interest	1.00%													150	150	0	
VAT recovery		305												705	0	-705	Churchyard Grant
CWAC contribution														1,800	0	-1,800	
Other		4,850												4,850	0	-4,850	Jubilee Lottery Grant
TOTAL CASH IN		13,160	0	0	0	0	0	0	0	0	0	0	2,350	15,510	8,155	-7,355	
Transaction Cash flow		13,113	-5,510	-1,436	-760	-2,381	-715	-557	-396	-295	-639	-368	1,449	1,506	-6		
Cash in Bank	0	13,113	7,603	6,167	5,407	3,025	2,311	1,754	1,358	1,063	425	57	1,506				1,506
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar				

Section 3 – External Auditor Report and Certificate 2021/22

In respect of

Duddon and Burton Parish Council – CH0072

1 Respective responsibilities of the body and the auditor

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website – <https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/>.

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with Proper Practices which:

- summarises the accounting records for the year ended 31 March 2022; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

2 External auditor report 2021/22

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

The smaller authority was issued a public interest report (PIR) for non-submission of the AGAR for the 2020/21 year on 22/09/2021. Where a PIR is issued, the Local Audit and Accountability Act 2014 (the Act) requires the authority to consider the PIR at a public meeting within one month of the date it was issued. From the minutes on the smaller authority's website we see the meeting was held on 02/12/2021. Hence the response to Section 1, Assertion 3 should have been "No".

The AGAR has not been approved in accordance with the Accounts and Audit Regulations 2015. The minute references indicate Section 2 was approved before Section 1 and there are no minutes from the meeting where the AGAR was approved to enable us to verify the order of approval.

Other matters not affecting our opinion which we draw to the attention of the authority:

In the prior year, the smaller authority was exempt from our review, thus we have not reviewed any evidence to support the prior year comparatives on the AGAR.

In the completion of the Annual Internal Audit Report, the internal auditor has drawn attention to a weaknesses in relation to periodic bank account reconciliations throughout the year. The smaller authority has confirmed that action has been taken to address these areas of weakness.

3 External auditor certificate 2021/22

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2022.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

14/08/2022

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Duddon and Burton Parish Council (Cheshire)

Notice of conclusion of audit

Annual Governance & Accountability Return for the year ended 31 March 2022

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015 (SI 2015/234)

		Notes
1.	The audit of accounts for Duddon and Burton Parish Council (Cheshire) for the year ended 31 March 2022 has been completed and the accounts have been published.	This notice and Sections 1, 2 & 3 of the AGAR must be published by 30 September. This must include publication on the smaller authority's website. The smaller authority must decide how long to publish the Notice for; the AGAR and external auditor report must be publicly available for 5 years.
2.	The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of Duddon and Burton Parish Council (Cheshire) on application to:	
(a)	<u>Mrs T Ryall-Harvey (Clerk & RFO)</u> <u>76 Oaklea Avenue, Hoole, Chester CH2 3RE</u> <u></u> <u></u>	(a) Insert the name, position and address of the person to whom local government electors should apply to inspect the AGAR
(b)	<u>9am and 5pm (by appointment only)</u> <u></u> <u></u>	(b) Insert the hours during which inspection rights may be exercised
3.	Copies will be provided to any person on payment of £5.00 for each copy of the Annual Governance & Accountability Return.	(c) Insert a reasonable sum for copying costs
Announcement made by: Mrs T Ryall-Harvey, Clerk & RFO		(d) Insert the name and position of person placing the notice
Date of announcement: 19 th September 2022		(e) Insert the date of placing of the notice

Duddon and Burton Parish Council recently undertook a residents survey, the survey was distributed to households via door to door drop off and also via Duddon Facebook Account electronically.

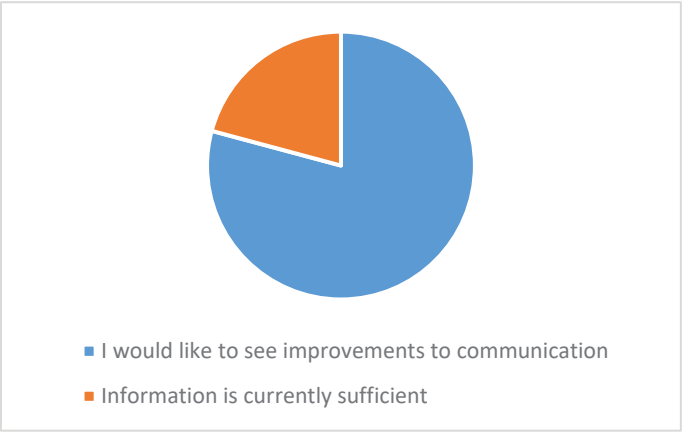
From the survey we received 24 responses from residents they are as follows:-

COMMUNICATION

The Parish Council currently ensures that the website holds all information to meet the Transparency Code requirements, would you like to see the Parish Council consider ways to improve communications to the wider community and improve engagement and sharing of information

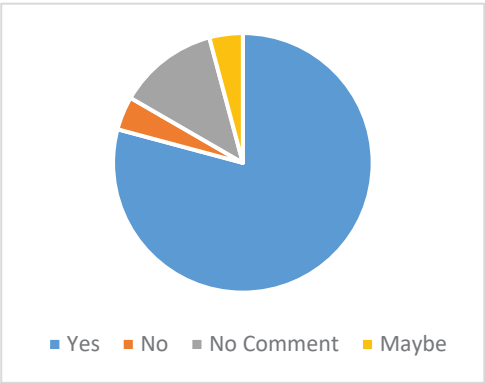
Preferred Methods of Communication

Newsletters	16
Facebook	4
Whatsapp Group	6
Twitter	1
Instagram	1



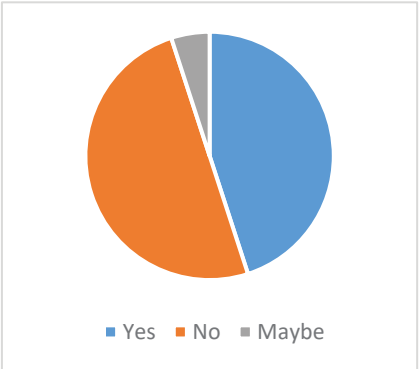
EVENTS

The Parish Council recently assisted in the organisation of the Queen's Jubilee Event - would you like to see more events like these put on within the community



Would you be willing to volunteer to help organise such events?

Yes	9
No	10
Maybe	1



Would you be happy for the Precept to be increased to allow more community events?

Yes	10
No	10

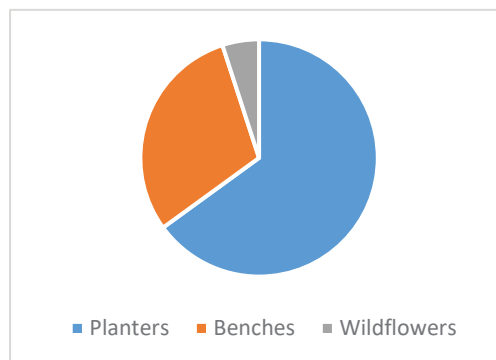


ASSETS

The Parish Council currently has a number of assets, would you like to see more throughout the villages? For example, planters/benches?

Yes	16
No	5

Planters	13
Benches	6
Wildflowers	1



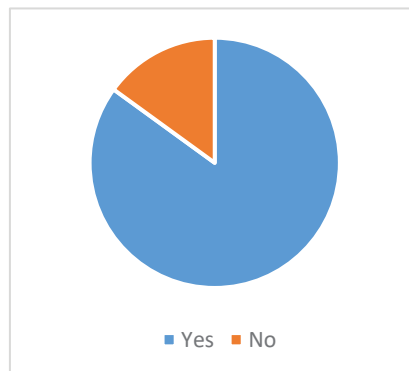
Comments received:-

Use money to keep footpaths clear and but back hedges with overgrow the pavements
Someone has to look after plants and benches
Suggested locations for Planters - Corner of Cross Keys, end of Green Acres, New Road
Suggested locations for Planters - corner of Back Lane & Greenacres & Corner of Greenacres & New Road

ENVIRONMENT

The Parish Council has recently worked with Cheshire West and Chester under their Wildflower Five Year Strategy to plant wildflowers on a patch of land on the junction of Back Lane and Willington Road, would you like to see more wildflowers planted throughout the villages?

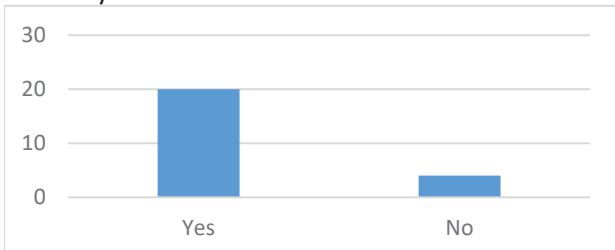
Yes	17
No	3



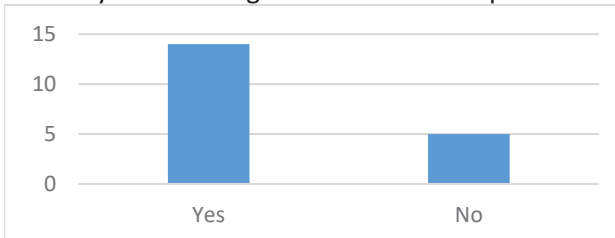
Locations for planting wildflowers:-

- The park
- By the village hall
- Laurel Park - for environmental and aesthetic reasons but also to stop people parking their cars on there!
- Verge along Willington Road, corners at Greenacres
- The grass area on new road that already has a bench and the area on the playing field
- Corner of Back Lane & Greenacres
- Laurel Park

Would you like to see more daffodils and other bulbs planted on green spaces throughout the villages?

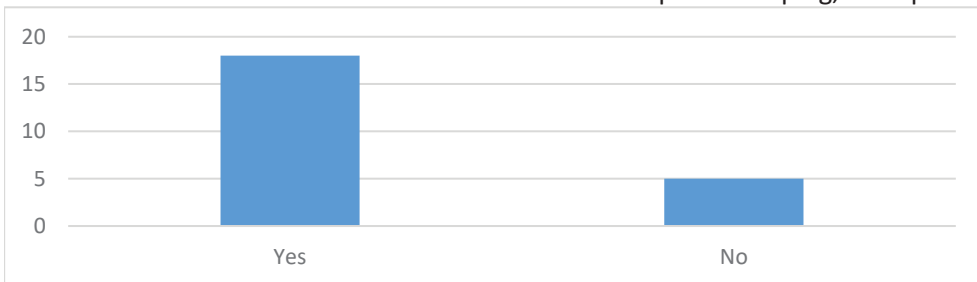


Would you be willing to volunteer to help if the Parish Council organised an annual community clean-up event?



The Parish Council has regular communication with Cheshire West and Chester Council to highlight areas requiring attention/improvement and to hold them accountable to ensure that works they have committed to undertake is completed.

Would you prefer for the Parish Council to increase the precept to allow the Parish Council the funding to pay contractors over and above the work that CWaC commit to undertake to improve the environment within Duddon and Burton - this could include additional footpath sweeping, litter picking and weed removal?



If you could improve one thing within the area, please specify what that would be:

- Speed camera on the Tarporley road. It is very dangerous- what are we waiting for? There is a school on that road. Lots of people walk on the road and it's very dangerous. Please do something. You can see a massive difference in speed when the speed van is here. Surely the answer is to get a speed camera to stop this and make the village safe.
- The park
- Speed enforcement by school. A permanent speed camera or a zebra crossing would drastically improve the safety of the village.
- Cars do not stick to the 30mph speed limit through the village- is there a way to put a zebra crossing in by the school to slow the cars down? Or even a permanent speed camera right by the school?
- The grass bank that runs alongside the footpath from the main road to Laurel Park. This area is so untidy, full of nettles. The grass bank needs to be kept short though the summer months. This is the first impression of our village. Daffodils would be nice in these areas for the Spring and then kept short for the summer months. This area seems for some unknown reason to have been left really untidy the whole of the summer while the rest of the grass verges have now improved greatly and are starting to look tidy.
- Tidying of verges along Willington Road between Back Lane and A51
- Weeding/Weed Killer along kerbs in village
- Enforcement of no parking restrictions on green in Laurel Park
- Play area needs renovation
- Volunteer Groups to attend to pavements, but would like Parish Council to contact owners of hedges
- removal of litter thrown around the village surrounding roads.
- Resurface Willington Road and New Road

- Keeping gutters clear and weed free.
- Specific Pathways -
 1. Backlane adj to Council Houses covered in tree debris,
 2. Main road - Bakery to road & Backlane towards Okells overgrown, dirty all areas unswept for a long time.
- Condition of roads - potholes everywhere.

If you have any further comments with regards to improvements within the villages you would like the Parish Council to consider, please outline below:-

- What about a pop up coop in the village?
- The park
- Some wild flowers in the centre of Laurel Park.
- Please could we consider a speed limit of 20 through our village to protect the residents who live here. We have tractors, milk lorries and cars speeding down this road, this is an accident waiting to happen. We have children, parents having to try and cross the roads most days to get to the school, dog walkers and walkers and it would be nice to feel safe.
- Better communication would be great as the current Facebook page is not monitored and compared to neighbouring Clotton council we do not get any information unless you live near the notice board . Very hard to find out what is going on or when the meetings are .
- Book Exchange and seed Swap Area - what happens after wildflowers have finish flowering, does it get tidied up for winter?
- 20mph limit in back lane is ignored everyday by locals & deliveries alike. Road surface needs completing and on-road signage needed.
- I think you do a great job. Duddon is a wonderful village to live in. Thanks you.
- some form of xmas lighting
- Inform residents especially the elderly who can't get out what is going on in the village by newsletter as not everyone is on internet.
- the introduction of speed cameras on main road

Issues logged with Cheshire West and Chester Council

Date logged	Call no	Fault type	Description	Update	Open/Closed
18/07/2022	HW437826646	Sign - Sign Obstructed	Directional sign on A51, Duddon is hidden by large branch from tree overhanging and covering the sign - this was also reported on 22nd March (HW402620660) but still not been resolved.	On going	
18/07/2022	SS437824081	Weed Control	Laurel Park - Weeds on road edge requires weed control sweeping.	Your enquiry has been investigated and work has been scheduled to be completed as part of our weed treatment programme which takes place between March & October.	
18/07/2022	SS437822436	Damaged Street Furniture	Damaged Grit bin on junction of Back Lane and Greenacres, also bin is hanging over the road	Grit bin relocated so as not hanging over road - No further action taken	
11/07/2022	SS436003326	Weed Control	Willington Road, Back Lane & New Road	Weed Spraying carried out - 8th July & w/c 12th September	
14/04/2022	HW415458206	Highways - Missing Sign	Missing Burton Road sign from junction of Burton Road and Tarporley Road	20-04-2022 - Thank you for your enquiry regarding a damaged sign on Willington Road, Duddon. I have visited site today and can see the issue you refer to, so I have arranged for a repair to be carried out asap. - Job no: 4986461	
14/04/2022	HW415456284	Highways - Missing Sign	Missing junction sign to Common Lane	20-04-2022 - Thank you for your enquiry regarding a damaged street name plate on Burton Road, Burton. I visited site this morning and can see the damage you refer to, somi have arranged for a replacement to be installed ASAP. Job No: 4986469	
22/03/2022	SS409977286	Streetcare & Grounds - Hedge and shrub	Large conifer hedge on back lane overhanging the footpath reducing the depth of the footpath	In progress - We aim to update you within 10 working days. Enquiries requiring urgent attention w	

DUDDON AND BURTON PARISH COUNCIL'S GRIEVANCE POLICY

Introduction

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

action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

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

Informal grievance procedure

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

Formal grievance procedure

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

Investigation

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

Notification

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

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

The grievance meeting

10. At the grievance meeting:

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

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

The appeal

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

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

- a failure by the Council to follow its grievance policy

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

DUDDON AND BURTON PARISH COUNCIL'S DISCIPLINARY POLICY

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

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

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the

meeting against the employee's wishes or prevent the employee from explaining his/her case

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

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not

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

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

Examples of unsatisfactory work performance

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

The Procedure

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

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

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

Disciplinary investigation

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

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

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

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

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

The disciplinary meeting

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

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

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

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
 - the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

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

First written warning

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

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

Final written warning

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

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

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

Dismissal

The Council may dismiss:

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

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

The appeal

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
- 29 The grounds for appeal include;
- a failure by the Council to follow its disciplinary policy
 - the sub-committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.
- 30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

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

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DUDDON AND BURTON PARISH COUNCIL'S EQUALITY AND DIVERSITY POLICY

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EQUALITY AND DIVERSITY POLICY

Our commitment

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

EQUALITY AND DIVERSITY POLICY

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Dignity at work

The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will [provide training in/raise awareness of] equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will [provide training to/raise awareness of] all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. [The council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.]

EQUALITY AND DIVERSITY POLICY

Your responsibilities

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Monitoring and review

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. [In particular, the council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.]

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

DUDDON AND BURTON PARISH COUNCIL

INFORMATION & DATA PROTECTION POLICY.

Introduction

In order to conduct its business, services and duties, Duddon and Burton Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Duddon and Burton Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

This Policy is linked to our Quality Policy and ICT Policy which will ensure information considerations are central to the ethos of the organisation.

The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Parish's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

Duddon and Burton Parish Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 and will like the the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Parish Council with legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 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.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. Parish Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

Duddon and Burton Parish Council processes personal data in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Parish Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

- Email: clerk.duddonandburtonparishcouncil@gmail.com
- Phone: 07784 486 767

Diversity Monitoring

Duddon and Burton Parish Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with (Your Council Name), individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Parish Council is able to keep their personal data accurate and up to date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Councils Right to Process Information

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

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

Information Security

The Parish Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

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

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting our Parish Clerk.

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: Parish Clerk.

Information Deletion: If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Parish Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Parish Clerk.

The Parish Council does not use automated decision making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk, or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details

of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council will as necessary, undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross

expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. (Your Council Name) exceeds this turnover but will nevertheless ensure the following information is published on its Website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

DUDDON AND BURTON PARISH COUNCIL

SCHEME OF DELEGATION POLICY

The Councils Scheme of Delegation authorises the Clerk to the Council / Responsible Financial Officer to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Finance Officer

- To take action on any issue of such urgency, that it cannot wait until the next normal Council Meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman and/or Vice Chairman and take their view into account.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500.00
- To take any action regarding minor repairs (up to a cost of £500.00 (and to report minor matters to the relevant authority).

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

- Receive declarations of acceptance of office
- Receive and record members' interests
- Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- Receive and retain plans and documents
- When necessary to convey the Parish Council's Planning Decisions to Cheshire West and Chester Council.
- Sign notices or other documents on behalf of the Parish Council.
- Receive copies of bye-laws made by a primary local authority.
- Certified copies of bye-laws made by the Parish Council.
- Sign summons to attend meeting of the Parish Council.
- To institute and appear in any legal proceedings authorised by the Council.

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

- Day to day administration of services together with routine inspection and control.
- Day to day supervision and control of all staff employed by the Parish Council.
- Implement national pay awards and conditions of service inline with the National Joint Council Scheme of Conditions of Services as amended by Local Agreement
- Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary having consulted with the Chairman of the Council, and/or Chairman of the appropriate Committee.
- Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Parish Council but not correspondence requiring an opinion to be taken by the Council or its Committees.
- Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulation 5.6
- Emergency expenditure up to £500 outside of the agreed budget according to financial regulation 4.5

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time, and shall be reported to the next available Council Meeting.

The Openness of Local Government Bodies Regulations 2014 (2014 SI No.2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:

- made under a 'specific express authorisation', or
- made under a general authorisation where the effect of the decision is to;

- i) grant a permission or license,
- ii) affect the rights of an individual, or
- iii) award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations.

The relevant guidance for parish councils is as follows:

'Officers take many administrative and operational decisions on how they go about their day-to-day work within the council's rules. These decisions will not need to be recorded. You will not be able to inspect some recorded decisions if the whole or part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest.'

- *Examples of decisions that should be recorded could include: decisions about awarding contracts above specific individual/total values.*
- *Decision to renew a lease to an allotment association.*

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- *Routine administrative and organisational decisions such as the purchase of office supplies or repairs;*
- *Decisions to book rooms or sports grounds; and decisions to approve work undertaken by a contractor.*

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.'

Delegated Powers re Planning Delegation

Planning applications shall be received by the Clerk who will circulate the details to Councillors and the planning protocols will be followed.

The PC clerk is granted the delegated authority to submit Planning Committee responses to CWaC in between PC meetings. These responses to be notified and ratified at the next available meeting.

Delegation – Limitations

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial Regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council Meeting.

The Council may delegate the power to make individual decisions on individual items to the Proper Officer / Responsible Finance Officer as and when appropriate.

From: Police Crime Commissioner <Police.Crime.Commissioner@cheshire.police.uk>
Sent: 05 September 2022 13:28
To: Police Crime Commissioner
Subject: Refreshing the Police and Crime Plan

Dear Clerk,

I hope you are well and that you have enjoyed time with family and friends over summer.

I'm getting in touch today because I have launched a public consultation on my proposed refresh of the Police and Crime Plan, which you can read [here](#).

When I first published the Plan last year I promised to refresh it based on people's feedback in other surveys I have carried out, as well as key themes from conversations and correspondence I've had with people, businesses and community groups across the county.

There is a survey where people can have their say, which can be accessed at www.surveymonkey.co.uk/r/cpacp2022. I want to ensure the feedback I receive is truly reflective of Cheshire's communities and so any help in sharing this survey with your Councillors, residents and relevant partners is greatly appreciated.

The consultation survey will close at midday on Wednesday 28 September and I will take all responses received into account before publishing the final Plan later this year.

As a valued stakeholder I would also welcome your feedback, whether via letter or email, and I am more than happy to make time available for a conversation if you feel it would be helpful.

Getting as many people's views as possible over the next few weeks is paramount to ensuring this refreshed Plan remains effective and a true reflection of the public's priorities. I look forward to hearing what people have to say and developing the Plan further, in partnership with communities and stakeholders across Cheshire.

Kind Regards

John

Office of the Police & Crime Commissioner
01606 364000



Email: pcc@cheshire.police.uk

Address: Clemonds Hey | Oakmere Road | Winsford | Cheshire | CW7 2UA

Website: www.cheshire-pcc.gov.uk

Register for updates: [Commissioner's Newsletter](#)

Police activity in your area: [Cheshire Police Alert](#)

From: TONGE, Harry (Councillor) <Harry.Tonge@cheshirewestandchester.gov.uk>
Sent: 18 August 2022 09:08
To: clerk@kelsall-pc.org.uk; clerk@tarvinparishcouncil.org.uk; clerk willington;
'clerk@delamereandoakmere.co.uk'; Parish Clerk; duddonandburtonparishcouncil@gmail.com
Cc: LEATHER, John (Councillor)
Subject: Neighbourhood Pride Scheme
Attachments: Neighbourhood Pride Scheme - Guidance Notes.docx; neighbourhood pride scheme-proposal-form-2022-23_.doc

Dear All,

Cheshire West & Chester Council have recently made us (John and myself) aware of an additional funding stream for this financial year which they have called "The Neighbourhood Pride Scheme".

The Neighbourhood Pride Scheme is an opportunity for us as Members to propose small to medium environmental improvement projects within our wards across the whole borough. The projects identified should aim to generate, create and support civic pride, community engagement and the wellbeing of local communities. The scheme supports the Council Plan i.e. how everyone can play their part in building greener, fairer, and stronger communities. Funding will be equitably distributed across all seventy individual Members. The budget for 2022/23 is £6400 per Member. A separate £50,000 will be utilised by StreetCare to target the removal of graffiti throughout the borough.

The funding is available for each individual Member to propose projects to support the delivery of ward plans focusing on local priorities and physical improvements. Where, as in our case, a ward is represented by more than one Member, individual Members can decide together to combine funding available to propose a scheme.

Further information and criteria that the schemes need to adhere to are laid out in the attachments.

The timelines shown below are quite tight, particularly over a holiday period, but John and I would be grateful if we could identify via yourselves a list of candidate projects by first week in September, which would then give us some time to flesh these out and decide which we as Members would take forward.

Look forward to hearing from you.

Harry

Timeline:

- | | |
|-------------------------------------|---|
| 8 August 2022 – 30 September 2022 - | Neighbourhood Pride Scheme commences, proposals for projects to be submitted, ensuring projects link to local priorities contained within ward plans and are deliverable by 12 March 2023 |
| 8 August 2022 – 30 October 2022 - | Proposed projects will be reviewed/ agreed (projects will be reviewed throughout this period) |
| August 2022 – 12 March 2023 - | Approved projects will be delivered |
| 23 December 2022 - | All funding must be committed/allocated to an agreed project |
| 12 March 2023 - | All projects to be delivered and completed |

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From: SPACE999 <SPACE999@BTINTERNET.COM>
Sent: 14 August 2022 07:47
To: DUDDONANDBURTONPARISHCOUNCIL@GMAIL.COM; SPACE999
Cc: john.leather@cheshirewestandchester.gov.uk; harry.tonge@cheshirewestandchester.gov.uk
Subject: VARIOUS

It was so good to hear from the Parish Council last week as to what they can and cant do.

In relation to the section on COMMUNICATION, I would like to have a WhatsApp Group

In relation to Events I would like more events within the parish

In relation to Assets I would like more planters as benches would only be a place for youth gatherings leading to ASB

In relation to Environment I would like to see more daffodil and other bulbs planted

In relation to the precept being increased to fund contractors over and above work that cwac should be doing but are not, then I would be prepared to pay extra, but it must be guaranteed for specific uses and not swallowed up

WHILST WRITING, I WOULD LIKE THE PARISH COUNCIL TO ACT ON THE FOLLOWING

1. The gutters and pavements in the villages are a disgrace and to my knowledge have not been swept or de weeded for a very long time
2. The amount of overhanging hedges onto the narrow pavements need addressing as it causes school children to go onto the road to pass, not good for health and safety
3. There are street lights on the A51 that were reported out in February and are still not fixed, various excuses, such as waiting for parts, but that was at the start of April. The online checking says the job is complete but it is not, still out
4. Finally, what pressure is being brought to control the speeding on the A51 esp. at night of HGVs speeding in excess of 70 in a 30 zone. The camera van is useless as everyone flashes each other to slow down and is always parked in the most obvious place for visibility, it can be seen from 500 yds, I would be surprised if it catches anyone, thereby giving false readings as to speeding, also, it cant work at night. This is an old problem that NEVER gets addressed.

It needs a stroll through the villages to see the neglect that has been left to happen.

I am sorry to have a rant but we all live in beautiful villages paying mega bucks in council tax and feeling very neglected.

I can be contacted by email as above, or mobile 07824 636158, pref by email

Kind regards Brian Regan

Sent from [Mail](#) for Windows