



DUSTON PARISH COUNCIL

Parish Office
Duston Community Centre
Pendle Road
NORTHAMPTON
NN5 6DT

Tel: 01604 583626
Email: office@duston-pc.gov.uk
Web: www.duston-pc.gov.uk
Twitter: @Duston_PC
Facebook: @DustonPC

FULL COUNCIL

11th January 2019

Dear Councillor,

You are hereby summoned to a meeting of Duston Parish Council in Duston Community Centre, Pendle Road, Duston, NN5 6DT on **Thursday 17th January 7pm** when the following business will be transacted.

AGENDA

- 65. To receive apologies for absence**
- 66. To receive and approve the minutes of the meeting held on Thursday 6th December 2018 - (APPENDIX A)**
- 67. To receive declarations of interest under the Council's Code of Conduct related to business on the agenda** (Members should disclose any interests in the business to be discussed and are reminded that the disclosure of a Disclosable Pecuniary Interest will require that the member withdraws from the meeting room during the transaction of that item of business).
- 68. Public participation session** (Persons wishing to address Council may register their intention to do so at the above address by telephone or email by 12 noon on the day of the meeting and may speak for a maximum of 3 minutes).
- 69. Police Report**
 - To receive a report from the Police during the last period (APPENDIX B).

Please note, this is a public meeting and you may be filmed, recorded and published. Copies of all council papers are available to download at www.duston-pc.gov.uk

70. Planning Committee Update

- To receive a report from the Planning Committee and note the decisions made (APPENDIX C).

71. Finance and General Purposes Committee Update

- To receive a report from the Finance and General Purposes Committee and note the decisions made (APPENDIX D).

72. Engagement and Environment Committee Update

- To receive a report from the Engagement and Environment Committee and note the decisions made (APPENDIX E).

73. Duston Community Centre Café

- To consider options for the running of the café at Duston Community Centre (APPENDIX F)

74. Budget/Precept 2019/20

- To approve the proposed budget and precept demand for 2019/20 (APPENDIX G).

75. Disciplinary/Grievance Procedure

- To approve the Disciplinary/Grievance Procedure (APPENDIX H).

76. Code of Conduct

- To approve the updated Code of Conduct (APPENDIX I).

77. Internal Control Councillor Report

- To receive the report of the Internal Controls Councillor (APPENDIX J)

78. Adoption of Green Spaces on Timken Estate

- To discuss green public spaces on Timken Estate.

Justin Gleich

Signed on original

Clerk to Duston Parish Council



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FULL COUNCIL

MINUTES 6th DECEMBER 2018

CHAIRMAN: Councillor J Caswell, in the Chair

PRESENT: Cllrs Golby, Patel, Bottwood, Maitland, Pape, Huffadine-Smith, Pepper, Clarke

IN ATTENDANCE:

Justin Gleich – Parish Clerk,
Gary Youens – Deputy Parish Clerk

49. To receive apologies for absence

Cllrs Anderson, Enright-King, Ingram

50. To receive and approve the minutes of the meeting held on 25th October 2018 -

It was RESOLVED:

- The minutes of the previous meeting were approved and the Chairman authorised to sign the same (APPENDIX A).

51. To receive declarations of interest under the Council's Code of Conduct related to business on the agenda

Cllr Bottwood declared an interest under Item 60 as a member of Northampton Borough Council Planning Committee.

52. Public Participation Session

There were no public speakers

53. Police Report

It was RESOLVED:

- To note the Police Report for the last period (APPENDIX B).

54. Planning Committee Update

It was RESOLVED:

- To note the report from the Planning Committee and the decisions made (APPENDIX C).

55. Finance and General Purposes Committee Update

It was RESOLVED:

- To note the report from the Finance and General Purposes Committee and the decisions made (APPENDIX D).

56. Engagement and Environment Committee Update

It was RESOLVED:

- To note the report from the Engagement and Environment Committee and the decisions made (APPENDIX E).

57. Financial Regulations

It was RESOLVED:

- To approve the Financial Regulations as recommended by the Finance and General Purposes Committee (APPENDIX F).

58. Financial Risk Register

It was RESOLVED:

- To approve the Financial Risk Register as recommended by Finance and General Purposes Committee (APPENDIX G).

59. Standing Orders

It was RESOLVED:

- To approve the revised Standing Orders (APPENDIX H).

60. Appointment to Standing Committees

It was RESOLVED that Committee Membership would be:

Finance & General Purposes Committee: Cllrs Bottwood, Pepper, Anderson, Ingram, Caswell, Huffadine-Smith, Maitland, Pape, Clarke.

Engagement & Environment Committee: Cllrs Golby, Huffadine-Smith, Anderson, Ingram, Pape, Enright-King, Caswell, Maitland.

Planning Committee: Ingram, Pepper, Maitland, Pape, Maitland, Clarke

61. Internal Controls Councillor

Cllr Maitland proposed Cllr Anderson but with no seconder the motion fell.

Cllr Caswell proposed and Cllr Bottwood seconded Cllr Pape to be the Internal Controls Councillor.

It was RESOLVED:

- Cllr Pape was appointed as Internal Controls Councillor.
- Approved the Internal Controls Procedure (APPENDIX I).

62. Draft Budget 2019/20

Cllr Huffadine-Smith proposed to increase Youth Program from £25,590 to £30,000 and the Environment budget by £10,000 to £50,000 so there is provision for the adoption of Parks and Open Spaces and increase the precept by a corresponding amount. There was no seconder and the motion fell.

It was RESOLVED:

- To approve the draft budget as recommended by the Finance and General Purposes Committee.

63. Parish Van Replacement

It was RESOLVED:

- Council approved options 'C' and 'D' and delegated responsibility to the Clerk to make the appropriate decision.

64. Lone Workers Policy

It was RESOLVED:

- To agree the Lone Workers Policy.
- Cllr Maitland proposed and Cllr Pape seconded to remove the words "*If they feel threatened or feel it would be inappropriate*" from the final paragraph. The motion was carried.

APPENDIX B

PC 717 Sarah WHITEHEAD
 PCSO 7140 Lee SHELTON
 PCSO 7088 Victoria WAKELING



Northamptonshire Police
 Northampton Neighbourhood Policing Team
 Mereway Fire & Police Station
 MEREWAY
 Northampton
 NN4 8BW

Telephone: 101

Follow us on Twitter:  @NptonPolice @PC717Sazzles

Wednesday 2nd January 2019

Duston Parish Council police report.

Ladies and Gents,

Crime Figures – December 2018.

	Burglary Dwelling	Burglary Non Dwelling	Criminal Damage	Vehicle Crime	Other Offences
New Duston	1	0	4	2	14
Old Duston	0	0	2	9	21
Ryehill	1	2	2	0	10

The 'other offence' figures cover reports such as domestic incidents and all violent crime offences, robbery, harassment, public order and all theft offences.

Burglary and vehicle crime offences remain of concern across the Upton & Duston beat as a whole. Residents are encouraged to look out for one another and to report anything of a suspicious nature via 101 or 999 appropriately. For further crime prevention advice, please visit www.northantspolice.co.uk or contact me directly via 101.

Northamptonshire Neighbourhood Alert is a free messaging service that allows Northamptonshire Police, Neighbourhood Watch and other partner organisations to keep you informed about issues on your area that are relevant to you. Once you've signed up, you'll receive information about crime and suspicious activity where you live or work – helping to prevent and detect crime and anti-social behaviour.

Northamptonshire Police – Protecting people from harm.

CRIMESTOPPERS 0800 555 111

'If you have any information about an offence you can contact the independent crime-fighting charity Crimestoppers anonymously on the above number or through their anonymous online form at www.crimestoppers-uk.org. No personal details are taken, information cannot be traced or recorded and you will not go to court.'

For more information and to sign up, visit:
www.northamptonshireneighbourhoodalert.co.uk

Our team's #BlueButterfly key messages are:

- We all have the right to feel safe, all of the time.
- We can talk with someone about anything, even if it feels awful or small.
- We all have a responsibility to respect the rights of others to feel safe.

We would ask that all adults work alongside us, respecting and reinforcing these simple messages to both young and older residents.

We would ask if residents wish to report anything at all, that they call 101 for non-emergencies or 999 for crimes in progress or life threatening situations.

Prefer to report on line? Please visit: <http://www.northants.police.uk/contact>

For those who do not wish to report incidents directly to the police, we would ask that you contact **CrimeStoppers** on **0800 555 111**.

We encourage all residents to report anti-social behaviour via 101 (whether or not you need an officer to attend) as it helps us to plan our patrols and to be in the right areas at the right time.

Anti-social behaviour isn't only caused by 'young people' – if you are affected, please do let us know.

Anti-social behaviour includes but is not limited to:

- Disruptive, noisy behaviour in otherwise quiet neighbourhoods.
- Night time noise from houses or gardens, especially between 11pm & 7am.
- Threatening, drunken or 'yobbish' behaviour.
- Vandalism, graffiti and fly-posting.
- Dealing or buying drugs on the street.
- Litter and fly-tipping rubbish.
- Aggressive begging.
- Drinking in the street.
- Setting off fireworks late at night.
- Abandoning cars on the street.

General parking issues were decriminalised some years ago. All but obstruction offences are now dealt with by the County Council – please visit their website for further guidance or advice:
<http://www.northamptonshire.gov.uk/en/councilservices/Transport/parking>

Follow us on Twitter -  **@NptonPolice @PC717Sazzles** - for regular updates specific to Duston & Upton and / or general crime prevention advice.

Kind regards, Sarah ☺ (PC 717 WHITEHEAD).

Northamptonshire Police – Protecting people from harm.

CRIMESTOPPERS 0800 555 111

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PLANNING COMMITTEE

MINUTES 20th December 2018

CHAIRMAN OF COMMITTEE: Cllr Ingram, in the Chair

PRESENT: Cllrs Pape, Maitland, Pepper

IN ATTENDANCE:

Gary Youens – Deputy Parish Clerk

28. To receive apologies for absence

Cllrs Huffadine-Smith, Clarke

29. To receive and approve the minutes of the meeting held on 29th November 2018 -

It was RESOLVED:

- The minutes of the previous meeting were approved and the Chairman authorised to sign the same (APPENDIX A).

30. To receive declarations of interest under the Council's Code of Conduct related to business on the agenda

None

31. Public Participation Session

There were no public speakers

32. Planning applications

32(a)

N/2018/1628, 15 Chiltern Avenue, Northampton, NN5 6AP

Demolition of existing attached garage and construction of two storey side extension, single storey rear extension and dormer to loft conversion

It was RESOLVED:

- Duston Parish Council has no objections

32(b)

N/2018/1686, 41 Newton Road, -, Northampton, Northamptonshire, NN5 6TR

Single storey side extension, new porch and first floor side extension

It was RESOLVED:

- Duston Parish Council has no objections but the front porch should be within the building line to ensure there is no loss of parking space

32(c)

N/2018/1690, 40 Main Road, Duston, Northampton, NN5 6JF

Update of existing shopfront

It was RESOLVED:

- Duston Parish Council has no objections N/2018/1690

32(d)

N/2018/1719, 18 Muscott Lane, Northampton, NN56HR

Single storey rear extension

It was RESOLVED:

- Duston Parish Council has no objections to the application N/2018/1719. Since this is in the Conservation Area please ensure the Conservation Officer has been consulted.

33.South Northamptonshire Council Consultation

It was RESOLVED:

Duston Parish Council wish to reiterate the points made in our previous letter dated March 2018. Our previous letter (see attached) describes the increased traffic pressure which is likely to result if this application is approved. We would also like to make further the following points -

- a) As this resides within the Northampton Related Development Area we would request that there is a least 35% Affordable Housing (as outlined in the West Northamptonshire Joint Core Strategy, Policy H2)
- b) We echo the concerns of the Highways Authority in respect of this application.
- c) Rightly the documents within the application note that many of the nearby facilities are Duston based. We stress again therefore that Duston should receive some CIL in due course to help improve infrastructure and amenities, such as Duston library.
- d) Also we are aware of the pressure on our medical facilities and we believe a long term solution to this should be sought pre application, in partnership with Duston Parish Council.
- e) There is a stretch of land east of the New Sandy Lane. This could perhaps be used as linear park and Duston Parish Council would like to be involved in any discussions about this with a possibility of taking on the responsibility for it.
- f) North West bypass should be completed before approval, please do not consider this application in isolation as a further 12,000 dwellings will also be built in the near future adjoining this development.
- g) There could also be a need to make the New Sandy Lane a dual carriage in due course. Bunding either side of the road could be put in to mitigate against higher levels of air pollution.

- h) Private Management Companies to manage the estate. Please can either the District Council and/or parish councils first seriously consider whether to adopt the green open spaces.

34. Timken Way South - Parking Restriction Proposal

It was RESOLVED:

- Following public consultation by the Highways Authority, Duston Parish Council supports a reduced proposal.
- Double yellow lines should just go from the entrance of the Timken estate on Main Road to the Health Centre/Doctors.

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FINANCE AND GENERAL PURPOSES COMMITTEE

MINUTES 29th November 2018

CHAIRMAN OF COMMITTEE: Councillor Bottwood, in the Chair

PRESENT: Cllrs Caswell, Maitland, Ingram, Pepper, Huffadine-Smith, Clarke

IN ATTENDANCE:

Justin Gleich – Parish Clerk,
Gary Youens – Deputy Parish Clerk
Cllr Pape

35.To receive apologies for absence

Cllr Anderson

36.To receive and approve the minutes of the meeting held on 1st November 2018

It was RESOLVED:

- The minutes of the previous meeting were approved and the Chairman authorised to sign the same (APPENDIX A).

37.To receive declarations of interest under the Council's Code of Conduct related to business on the agenda

CLlr Huffadine-Smith declared a non-pecuniary interest in regards to the grant for St. Luke's Church Bell Ringers, Duston.

38. Public Participation Session

There were no public speakers

39. Bank reconciliations

It was RESOLVED:

- To approve the Bank Reconciliations (APPENDIX B).

40. Invoices and Cheques for Signature

It was RESOLVED:

- The invoices were approved for signature (APPENDIX C).

41. Draft Financial Regulations

It was RESOLVED:

- To make the amendments recommended in Appendix D with the following changes:

4.1 to read:

Expenditure on revenue items may be authorised by the Clerk or duly delegated member of staff up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by the council for all items over £10,000.

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

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

Proposed by Cllr Bottwood and seconded by Cllr Maitland and approved by the Committee for recommendation to Council.

4.5 to read:

In cases of extreme risk to the delivery of council services, the Clerk may authorise revenue expenditure on behalf of the council, if the Chairman and Chairman of the Finance Committee cannot be contacted, which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

Proposed by Cllr Caswell and seconded by Cllr Pepper and approved by the Committee for recommendation to Council.

42. Draft Financial Risk Assessment

It was RESOLVED:

- To recommend the draft Financial Risk Assessment to Full Council as presented.

43. Draft Budget 2019/20

It was RESOLVED:

- To recommend the draft budget 2019/20 to Full Council as presented.

44. Grants

It was RESOLVED:

- To approve £250 for Duston and Upton Church.

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ENGAGEMENT AND ENVIRONMENT COMMITTEE**MINUTES 6th December 2018**

CHAIRMAN OF COMMITTEE: Councillor Golby, in the Chair

PRESENT: Cllrs Huffadine-Smith, Pape, Maitland

IN ATTENDANCE:

Justin Gleich – Parish Clerk,
Gary Youens – Deputy Parish Clerk

34.To receive apologies for absence

Cllrs Anderson, Enright-King, Ingram, Caswell

35.To receive and approve the minutes of the meeting held on 25th October 2018 -

It was RESOLVED:

- The minutes of the previous meeting were approved and the Chairman authorised to sign the same (APPENDIX A).

36.To receive declarations of interest under the Council's Code of Conduct related to business on the agenda

None

37. Public Participation Session

There were no public speakers

38. Events Program

It was RESOLVED:

- To note the report (APPENDIX B) from the Business and Community Development Manager.

39. Youth Engagement

It was RESOLVED:

- To note the report from the Youth Engagement Worker (APPENDIX C)

40. Gates in Errington Park Play Area

It was RESOLVED:

- Not to replace the playground gates at Errington Park.

41. Street lighting in Meeting Lane

It was RESOLVED:

- To investigate the possibility of street lighting in Meeting Lane and Main Road (near the War Memorial).

42. Defibrillator

It was RESOLVED:

- To investigate the possibility of installing a defibrillator at the St Luke's Centre.

43. Budget 2019/20

It was RESOLVED:

- To note the draft budget for 2019/20 (APPENDIX D).

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DUSTON PARISH COUNCIL

Committee: Full Council
Date: Thursday 17th January 2019
Agenda Item: 73. Duston Community Centre Cafe

1. Purpose

1.1 To agree a management model for the running of the cafe at Duston Community Centre.

2. Background

2.1 The community cafe was built as part of the refurbishment of Duston Community Centre.

2.2 In its 2013 business plan Council expressed a wish that the cafe be open for ten hours a day, seven days a week in line with centre opening times. Sustainable arrangements for the running of the cafe were not put in place at that time.

2.3 To date the cafe has been run on an ad hoc basis by existing facilities staff, which has not allowed for the cafe to be run and developed as originally anticipated.

2.4 Income from the cafe, bar and catering for 2017/18 was £4,793 after costs. Most of that income came from licensed bar receipts.

2.5 Officers of the council have researched how other parish councils run their cafes, and have visited various facilities and met with Clerks, staff and caterers to gather information.

2.6 It is likely that some additional spending will be required to allow the cafe to run and develop as anticipated, specifically in terms of decoration and furniture.

3. Issues

3.1 Officers have identified three models for providing and developing this service:

Option 1 – In House

3.2 This option would mean that Duston Parish Council runs and develops the cafe entirely in house with its own staff and equipment. Issues to consider include:

3.3 Duston Parish Council does not have the staffing capacity or staff with the necessary experience and knowledge to run and develop the cafe on a professional basis.

3.4 To run the cafe during the hours stated above, it would be necessary to appoint a minimum of three additional members of staff to allow for adequate cover, which would add an additional burden to the staffing budget of £54,500 per annum.

Option 2 – Volunteers

3.5 This option would see the cafe run by local volunteers with professional management and oversight from a dedicated member of parish council staff.

3.6 As with Option 1, the parish council currently has no staffing capacity or relevant expertise to recruit, manage and train volunteers and professionally develop the cafe. It would therefore be necessary to appoint an additional member of staff at an estimated cost of £20,000 per annum.

3.7 This option would require less initial investment than Option 1, but would result in the parish council taking on significant additional liabilities through the use of unpaid volunteers.

Option 3 – Contract

3.8 This option would mean that the cafe is run and developed by a catering company on a commercial basis.

3.9 Advice has been sought from two commercial surveyors as to the viability of the cafe as a business opportunity and the most appropriate level of rent if put out to tender. Other parish councils that have successfully contracted out their cafes have also been approached for advice.

3.10 Based on this advice, contractual arrangements under Option 3 would include:

- Rent exclusive of utilities (£6,000 per annum) to be paid monthly and reviewed annually.
- Service Charges (£6,000 per annum) to be paid monthly and reviewed annually.
- Initial contract for two years with six month review.
- Duston Parish Council to retain sole use of the licensed bar.
- Exclusive access to the kitchen and shared access to the serving area.
- The right to use the kitchen to cater for outside events (subject to agreement)
- Priority caterer for events at Duston Community Centre

- Opening hours to be negotiated but ideally 9am – 10pm Monday to Sunday (minimum 9am – 5pm Monday to Sunday)
- The option to use the cafe for pop up events
- The successful provider would need to have proven catering and business experience, be committed to developing the cafe as a professionally operated public facility and support the aims and values of Duston Parish Council.

3.11 Under Option 3 the parish council would take on no additional liabilities or staffing costs. Duston Parish Council would also receive a guaranteed monthly income from the cafe, and continue to receive all income from the licensed bar.

4. Legal.

4.1 Any tendering process would be conducted in accordance with council policies.

4.2 Under Option 2 Duston Parish Council would take on a duty of care, and responsibility to provide food hygiene and health and safety training for all volunteers.

5. Recommendations

It is **RECOMMENDED** that:

- That Council agrees to adopt Option 3 and issue an invitation to tender for the running of the cafe at Duston Community Centre.

Report by: J Gleich Parish Clerk / RFO



DUSTON PARISH COUNCIL

Committee: Full Council
Date: Thursday 17th January 2019
Agenda Item: 74. Draft Budget/Precept 2019/20

1. Purpose

To present the 2019/20 draft budget and precept demand to Full Council for approval.

2. Background Information – Financial Implications

2.1 In calculating the level of precept the Council must establish a budget sufficient to cover the four following classes of items:

- a) Next year's expenditure, including an allowance for contingencies;
- b) Outstanding expenditure incurred in previous years;
- c) Expenditure likely to be incurred before the precepted sum becomes available; and
- d) Payments to a capital fund or building maintenance reserve

3. Budget Assumptions

Expenditure

3.1 The salaries model is based on the existing staff structure and working patterns. Staff who are not at the top of their scale are assumed to move up one salary point subject to satisfactory performance. Employer's contributions into the pension scheme are currently included at 28.3% of pensionable pay for 2019/20 (27.3% in 2018/19).

3.2 This budget has allowed for a salary increase of 2.5% as the exact figure has not yet been confirmed by Government.

Key Points

3.3 The budgets for 2017/18 and 2018/19 started with a deficit of £52,099 and £45,223 respectively which were met from reserves. The proposed draft budget for

2019/20 is a balanced budget with no starting deficit that invests more in community events whilst making savings on internal running costs.

3.4 Budgeted net expenditure is £697,992 (assuming income growth of 8%) which means a precept requirement of £480,092 (an increase on 2018/19 of 2.76%).

3.5 Expected income has been increased by 8% to reflect an anticipated rise in room hire rates and commercial rents.

3.6 Full staffing gives a total increase of £22,858 on 2018/19, which is largely offset by a corresponding saving of £5,000 in agency fees and a reduction in Finance, legal and HR fees of £10,500 (including a saving in accountancy fees of £8,000).

3.7 Increased use of St Luke's and DCC requires an increase in expenditure for cleaning and waste removal.

3.8 Additional funding of £2,000 is proposed for the Events budget to cater for Bloom.

3.9 Provision for IT and telephones has been reduced by £3,000 through the negotiation of a new contract.

3.10 New insurance arrangements have resulted in a saving of £2,400 for 2019/20.

3.11 Money budgeted for elections (£2,000) has been removed as this is already covered by £40,000 of existing earmarked reserves.

3.12 Changes to the council's licensing and audit arrangements have allowed for a further saving of £2,000.

3.13 An allowance for capital projects has also been removed as it is catered for in earmarked reserves.

4. Precept

The draft budget proposes a precept of £480,092 which represents a 2.76% increase on 2018/19 and equates to a Band D charge of £86.95 (£84.21 in 2018/19 and £82.57 in 2017/18).

5. General Reserve / Treasury Management Policy

5.1 The general reserve held by the Council ensures that there is sufficient cash flow in the period from the end of the financial year until receipt of the first precept instalment for the following year (usually late April). The general reserve is also a contingency for unforeseen expenditure or loss of income.

5.2 For the purpose of the precept calculation a prudent target closing reserve figure at 31st March 2020 would be £554,980 which is approximately 9 months net expenditure. NALC's "Governance & Accountability for Local Councils – Practitioners' Guide" recommends that councils hold a minimum general reserve equivalent to at least 3 months gross expenditure.

6. Recommendations

It is **RECOMMENDED** that:

- a) Council approves the draft budget
- b) Council approves the proposed precept of £480,092 which represents a 2.76% increase on 2018/19 and equates to a Band D charge of £86.95.
- b) Council agrees a balance of £554,980 as a prudent minimum general reserve for the 31st March 2020 when considering the calculation of the Precept for 2019/20.

Report by: J Gleich Parish Clerk / RFO

DUSTON PARISH COUNCIL
BUDGET 2019/2020

	2018/19 As agreed	2019/20	2018/19 As agreed	2019/20
ADMINISTRATION				
Employees				
PC Salaries	220,067	240,000		
EERS NI	19,153	22,000		
EERS Pension	60,078	60,000		
Agency wages contingency	10,000	5,000		
Staff welfare/clothing	500	600		
Travel & Subsistence Clr	200	200		
Travel & Subsistence EES	500	500		
Training Ees	2,760	4,500		
Training Councillors	600	500		
TOTAL	313,858	333,300		
Councillors Services				
Chairmans Allowances	600	600		
Councillors Allowances	5,000	5,000		
TOTAL	5,600	5,600		
Office Expenses				
IT Licences etc	4,000	4,000		
Photocopier	1,800	1,800		
Postage	500	500		
Stationery	1,500	1,500		
Telephone/broadband	6,500	3,500		
Office/computer Equipment	2,000	4,000		
IT support	3,000	3,000		
TOTAL	19,300	18,300		
Parish Van				
Lease charges/van running costs	3,000	3,500		
Insurance	600	600		
TOTAL	3,600	4,100		
Audit & Legal				
Finance/legal/HR	30,000	19,500		
Insurance	14,000	11,600		
Audit	3,000	1,500		
Membership Fees	4,000	4,500		
Licensing fees	2,000	1,500		
Elections	2,000	-		
TOTAL	55,000	38,600		
			Allowed for in election earmarked reserves	
Income				
Income from room and office hire	200,624	217,900		
To be met from ear marked reserves	45,223	-		
Total Income	245,847	217,900		
Budget Requirement expenditure	713,048	697,992		
Income	245,847	217,900		
Precept Requirement	467,201	480,092		
Precept increase over last year				2.76%

Parish Office		
Electricity	6,000	6,000
Water	2,000	2,000
Rates	2,000	2,000
	TOTAL	10,000
Communications		
Newsletter	5,000	6,000
Publications	7,000	4,000
	TOTAL	12,000
Miscellaneous Costs		
Loan repayments St Lukes	31,500	31,202
Loan repayments Duston Sports Centre	24,000	24,000
Loan repayments Duston Community Centre	65,200	65,200
Community Events	10,000	12,000
Building repairs/ maintenance	15,000	15,000
Bank charges	100	100
St Lukes utilities	12,000	12,000
St Lukes repairs/maintenance	5,000	5,000
St Lukes rates	1,200	3,000
Catering costs and equipment	4,100	4,000
Cleaning, laundry, consumables	1,500	3,000
Waste removal	1,500	5,000
Security	1,500	1,500
Environment (Parks, Bins etc)	40,000	40,000
Capital Projects expenditure	20,000	-
	TOTAL	232,600
Community		
Grants	10,500	10,500
Youth Programme	27,590	25,590
Donations		
	TOTAL	38,090
Planning Committee		
Planning	1,000	1,000
Neighbourhood Plan		
	TOTAL	1,000
Contingency		
	22,000	20,000
TOTAL EXPENDITURE	713,048	697,992



DUSTON PARISH COUNCIL

Committee: Full Council
Date: Thursday 17th January 2019
Agenda Item: 75. Disciplinary and Grievance Policies

1. Purpose

To adopt the draft Disciplinary and Grievance Policies.

2. Background

2.1 Employers are required by law to set out disciplinary rules and disciplinary and grievance procedures, in writing. Rules must say what acceptable and unacceptable behaviour within the workplace is, and what action will be taken if the rules are broken.

2.2 Disciplinary situations include misconduct and/or poor performance. Grievances are concerns, problems or complaints that employees raise with their employers.

2.3 These policies are designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing Duston Parish Council. The aim is to ensure consistent and fair treatment for all employees.

2.4 A grievance procedure enables individual employees to raise concerns, problems or complaints with management about their employment. It should allow for both an informal and formal approach. It provides an open and fair way for employees to make known their concerns, problems or complaints. It enables such grievances to be resolved quickly before they fester and become major problems.

By law employers must set out a grievance procedure and share it in writing with all employees.

3. Issues

3.1 The law on unfair dismissal requires employers to act reasonably when dealing with disciplinary issues. What is classed as reasonable behaviour will depend on the circumstances of each case, and is ultimately a matter for employment tribunals to decide.

3.2 The ACAS Code of Practice is not legally binding. However, an employment tribunal can reduce or increase any money awarded in a case by up to 25% if the code has not been followed.

3.3 These Policies have been compiled in accordance with best practice by NALC and other Parish Councils.

3.4 These policies do not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

3.5 These policies follow the ACAS code. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases.

4. Recommendations

The Council is recommended to **AGREE:**

To adopt the draft Disciplinary and Grievance Policies (APPENDIX H).



Disciplinary Policy and Procedure

The disciplinary procedure: How Duston Parish Council deals with employee misconduct or poor performance

The grievance procedure: How employees can raise work related concerns.

Introduction

This procedure is designed to help and encourage all employees of Duston Parish Council to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for employees whilst promoting orderly employment relations.

Formal disciplinary action will not normally be considered as a first step (except in cases of potential Gross Misconduct). Informal discussions will be used to seek to resolve problems in the first instance. However, there will be recourse to the formal procedure for persistent breaches, if there is no improvement in performance within a reasonable period, or if the required improvement fails to be maintained.

This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. This list is not exhaustive.

Examples of misconduct:

- Inappropriate behaviour
- Unauthorised absence
- Bullying and harassment
- Insubordination
- Any other conduct that from time to time is defined by the council as amounting to misconduct.

Examples of unsatisfactory work performance:

- Inadequate application of office procedures
- Inadequate IT skills
- Unsatisfactory management of staff
- Unsatisfactory communication skills

1. Informal Verbal Procedure

Minor problems will be dealt with informally, and the employee will be clearly told by their line manager why and how their performance/conduct needs to change and the consequences of failing to improve. The purpose of this discussion is to ensure that the employee is:

- aware of the concerns
- knows what is required to meet expected standards
- made aware of the timescale over which an improvement is required
- made aware of the possible consequences of not achieving the required standard.

Appropriate additional action at this stage may include the provision of:

- support and training
- advice and guidance
- coaching / mentoring
- counselling
- monitoring and feedback on a pre-determined schedule

A brief note of the date on which the issue was discussed and what action was agreed will be made in the personnel records of the employee and a copy will be issued to the employee. Subject to satisfactory conduct and/or performance, the note will be disregarded for disciplinary purposes after 6 months and the employee notified accordingly. Where the matter is more serious or where informal discussions and counselling have not succeeded in achieving the required result, the formal disciplinary procedure will be used.

2. Principles of Disciplinary Procedure

The Clerk has overall responsibility for the management and discipline of all council staff. However, where the Clerk is the subject of formal disciplinary action the Full Council is responsible. Disciplinary procedure in relation to the Clerk will only be initiated by resolution of Full Council. Once a resolution has passed, the Council will appoint three members to serve as the "Grievance, Disciplinary and Appeals Committee" and a separate member investigator. In the case of the Clerk, the Council should seek professional external advice at the beginning of the process as to the aims and reasons for commencing the formal disciplinary process and consider any resulting recommendations.

The council acknowledges that there is a distinction between the conduct of an employee and their capability. In the case of a problem resulting from the employee's capability, contributory factors will be carefully considered, such as ill health, serious home-based problems or a lack of skill or knowledge. If the matter is due to a lack of skill or knowledge,

the council will ensure that by appropriate training, mentoring and guidance, the employee has the opportunity to improve. The improvement required will be clearly explained to the employee, along with what support will be given and how performance will be monitored and reviewed.

An employee will have the right to appeal against any disciplinary penalty imposed during the disciplinary procedure.

The disciplinary procedure is comprised of three stages. However, after proper consideration, the procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

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

If the employee has difficulty reading, or if English is not their first language, any written documentation, e.g. invitations to Disciplinary Hearings or written warnings, will also be explained to them orally by their line manager. Additional support that may be required at a Disciplinary Hearing will also be taken into consideration and provided as appropriate.

3. Disciplinary Investigations

No disciplinary action will be taken against an employee until the case has been fully investigated by an unbiased investigator. This will usually be the employee's line manager, or a Member appointed by Council in the case of the Clerk. However, if the manager or Member was in some way involved in the matter, wherever possible another manager or Member will conduct the investigation. Investigatory meetings may be held to establish the facts; in this instance it will be made clear to the employee that these meetings are not Disciplinary Hearings. The employee may be represented at investigatory meetings by a Trade Union representative, employee representative or work colleague. The person in charge of the investigation should be advised in advance by the employee if they are to be accompanied.

All relevant facts should be accurately recorded promptly before memory fades, including anything that the employee wishes to say. Where there are witnesses to the alleged misconduct, statements should be obtained from them at the earliest opportunity. The investigator's role (whether line manager or member) is to submit a report with recommendations to the hearing which decides whether further action should be taken. 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 with recommendations to the hearing whether or not disciplinary action should be taken.

In any investigations involving allegations of criminal acts, the Clerk will consult in confidence with the Chairman of the Council before a decision is made to put the case in the hands of the police. Where the Clerk is the subject of the investigation, the Chairman of the Council, in consultation with the Vice-Chairman and Chairman of the Finance and General Purposes Committee, shall decide.

Whilst an investigation is taking place, it may be necessary to suspend the employee on full pay pending the outcome of the investigation. Suspension may only be warranted in certain cases, e.g. where relationships have broken down or there are risks to council property and/or to other persons. However, a suspension will only be imposed after careful consideration and will be reviewed to ensure that it is kept as brief as possible. It will be made clear to the employee that the suspension is not considered a disciplinary action and does not involve any pre-judgement.

If it is decided, following investigation, that there is a case to answer, the below Disciplinary Hearing procedure will then be employed. All investigations will be carried out in accordance with the latest ACAS "Guidance, Conducting Workplace Investigations".

4. Definitions

(i) *Disciplinary Hearing*: A meeting which could result in a formal warning that an employee must improve their conduct or performance, some other sanction as provided for within this procedure, or which may result in dismissal.

(ii) *Notification*: For every stage in the disciplinary procedure, the employee will be given adequate notice (five working days) in writing of the Disciplinary Hearing to be held, including the nature and basis of the complaint against them and provided with copies of any supporting evidence, including any witness statements. The letter will contain enough information for the employee to be able to understand both what it is they are alleged to have done and the reason why this is not acceptable. The notice will give details of the time and venue for the hearing and remind the employee of the right to be accompanied. The letter will state who will be Chairing the meeting. It will also be made clear that the employee has the right to appeal any decision taken at the hearing.

Where the presenting manager or employee intends to call relevant witnesses, they should give advance notice that they intend to do this to the person conducting the hearing.

(iii) *Timing*: Where possible, the timing and location of the Disciplinary Hearing will be agreed with the employee. The hearing will be held without unreasonable delay, but the employee will be given reasonable time to prepare their case (a minimum of five working days). Hearings will be held in private, where there will be no interruptions. If the employee fails to attend without notification, the council may decide to proceed with the hearing in

their absence. If the meeting is genuinely inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

(iv) Representation: The employee has the right to be accompanied by a Trade Union representative who has been certified by their union as being competent to accompany a worker, an official employed by a trade union or a work colleague during any Disciplinary or Appeal Hearing. The line manager or Grievance, Disciplinary and Appeals Committee (in the case of the Clerk) shall be advised in advance by the employee if they are to be accompanied. The employee's representative, or colleague, will be given all the documentation that has been given to the employee. 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.

(v) Conducting the Hearing: Where practicable, the Disciplinary Hearings will usually be chaired by the Clerk or other nominated officer. In the case of the Clerk, the hearing will be conducted by Grievance, Disciplinary and Appeals Committee but it must not consist of any member who has been involved in the case to date. Those conducting Disciplinary Hearings will keep an open mind and not pre-judge the matter.

a) The precise allegations will be read out at the start of any Disciplinary Hearing.

The hearing will proceed as follows:

1. The Chair will introduce those present and explain why they are there.
2. The line manager manager will state their case, including presenting any evidence and calling witnesses.
3. The employee (or their representative) and the Clerk conducting the hearing have the opportunity to ask questions of the line manager and their witnesses.
4. The employee (or their representative) presents their case, including presenting any evidence and calling witnesses.
5. The line manager and the Clerk conducting the hearing have the opportunity to ask questions of the employee, their representative and their witnesses.
6. Both parties have the opportunity to sum up.

b) In case of the Clerk at a Grievance, Disciplinary and Appeals Committee

The hearing will proceed as follows:

1. The Chair will introduce those present and explain why they are there.

2. The Investigating Member will state their case, including presenting any evidence and calling witnesses.
3. The Clerk (or their representative) and the Grievance, Disciplinary and Appeals Committee will then have the opportunity to ask questions of the Investigating Member and their witnesses.
4. The Clerk (or their representative) presents their case, including presenting any evidence and calling witnesses.
5. The Investigating Member and the Grievance, Disciplinary and Appeals Committee conducting the hearing have the opportunity to ask questions of the Clerk, their representative and their witnesses.
6. Both parties have the opportunity to sum up.

5. Taking Disciplinary Action

(i) Deciding Upon Disciplinary Action: Following the investigation and the Disciplinary Hearing, the line manager or Committee (in case of the Clerk) conducting the hearing will decide if disciplinary action is necessary.

Before taking disciplinary action, the following factors must be considered: the employee's disciplinary and general record, length of service, any current warnings, actions taken in any previous similar case, the explanations given by the employee, including any mitigating circumstances, and whether the disciplinary action is reasonable under the circumstances.

(ii) Notification: If it is decided that disciplinary action is not justified, the employee will be notified of this decision in writing within five working days.

If disciplinary action is to be taken following a Disciplinary Hearing, the employee will be told in writing within five working days of the disciplinary action to be imposed, the time period of the warning, why and how their conduct or performance needs to change, the timescale for the required improvement, a review date (where appropriate), any support the council will offer to improve performance (where appropriate), the consequences of failing to improve conduct or performance within the required time period and their right to appeal against the decision if they are not satisfied with it. A copy of this letter will also be sent to the employee's representative. A copy will be held on the employee's personnel file for disciplinary purposes for the relevant period according to the level of warning. The employee will be notified within the letter for how long the warning will remain current. The records will be disregarded for disciplinary purposes once the time limit on the warning has expired.

Informal verbal warning and first and second level warnings will normally be issued by the employee's line manager. Meetings to discuss the disciplinary procedure will normally be by the employee's line manager.

6. Documentation

During the disciplinary process, written records will be kept. These will include: the complaint against the employee, the employee's defence, findings made and actions taken, the reasons for action taken and if an appeal was lodged and the outcome of the appeal.

Records will be treated as confidential. Records will be discarded for disciplinary purposes after set periods, depending upon the stage of the procedure that they relate to. Copies of meeting records will be provided to the employee, although in certain circumstances some information may be withheld by the council, e.g. to protect a witness.

7. The Formal Disciplinary Procedure

Stage One—First Level Warning

The employee will be invited in writing to a Disciplinary Hearing in accordance with the procedures set out earlier in this policy. If the employee doesn't give a satisfactory explanation, a formal First Level Warning may be given. They will be advised in writing of the reason for the warning and that it is the first stage of the formal disciplinary procedure. The warning letter will also give details of the improvement required, the timescale for improvement and a review date. The letter will also inform the employee of the right to appeal and that action under Stage Two will be considered if there is no satisfactory improvement within the specified time period.

A copy of this warning will be kept in the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance. The warning will be discarded for disciplinary purposes after 6 months, subject to satisfactory conduct or performance.

Stage Two—Final Warning or Disciplinary Suspension

If there is a failure to improve following Stage One, and conduct or performance of the same nature is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify dismissal (in effect both the first and final written warning), a Disciplinary Hearing will be held to which the employee will receive a written invitation. If the employee is unable to give a satisfactory explanation, a final written warning will normally be given to the employee. This will give details of the complaint, the improvement required and timescale involved and will warn that further disciplinary action, including potential dismissal, will result if there is no satisfactory

improvement and will advise of the right of appeal. A copy of this final written warning will be kept on the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance, but will normally be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct or performance. However, a longer final warning may be issued where there is a pattern of misconduct where the employee is repeatedly able to maintain good standards for the period of the warning, but commits misconduct again shortly after the expiry of the warning period.

Alternatively, consideration will be given to imposing the penalty of suspension without pay for up to a maximum of five days. A record of this suspension will be kept on the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance, but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct or performance.

Stage Three–Dismissal

Following Stage Two, if the particular conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, the employee will receive a written invitation to a Disciplinary Hearing. If the employee is unable to give a satisfactory explanation, dismissal will normally result. The decision to dismiss is taken by the Clerk. Where the Clerk is the subject of the disciplinary action, the decision to dismiss will be taken by the Grievance, Disciplinary and Appeals Committee. Other Councillors will not be involved in the decision to dismiss the Clerk to enable an unprejudiced Appeals Panel to operate in the event of an appeal. In the case of an appeal by the Clerk three new different members will form the Grievance, Disciplinary and Appeals Committee. The employee will be provided with written reasons for dismissal within five working days, the date on which employment will terminate, the appropriate period of notice or payment in lieu of notice and their right of appeal.

8. Appeals

If an employee wishes to appeal against disciplinary action which has been taken against them following procedure will apply:

(i) The employee will give Notice of Appeal to the Clerk or Chairman of the Council (where the Clerk is the appellant) within five working days of the date on which they received the decision notice of the disciplinary action to be taken against them, setting out their grounds for appeal. The Clerk or Chairman of the Council will arrange for the matter to be considered by a Grievance, Disciplinary and Appeals Committee meeting at an agreed time and place wherever possible.

(ii) The employee, in consultation if they wish with their trade union or staff representative, should provide the Clerk or Chairman of the Council with a full written statement of their case, no later than five working days prior to the appeal hearing. The presentation of the written statement above shall not preclude elaboration or additions by either party at the Appeal Hearing. However, management should not introduce new evidence at the appeal stage to justify an earlier disciplinary decision.

(iii) The Appeal will be heard as soon as possible and normally this will be within three weeks of receipt of Notice of Appeal. However, the Appeal Hearing need not take place before the disciplinary action takes effect. The employee will be issued with a letter, inviting them to attend the Appeal Hearing and notifying them of the time and venue for the hearing, their right to call witnesses and to be accompanied. The employee should notify the council of who their representative is to be and whether they will be calling any witnesses. The employee may present their case in person or be represented by their trade union representative or workplace colleague and may call witnesses and produce documents relevant to their case.

All appeal hearings will be heard by a Grievance, Disciplinary and Appeals Committee

The Appeal Hearing will be conducted as follows:

1. The Chair will introduce those present and explain why they are there.
2. The line manager will state their case, including presenting any evidence and calling witnesses.
3. The employee (or their representative) and the Committee conducting the hearing have the opportunity to ask questions of the presenting manager and their witnesses.
4. The employee (or their representative) present their case, including presenting any evidence and calling witnesses.
5. The line manager and the Committee conducting the hearing have the opportunity to ask questions of the employee, their representative and their witnesses.
6. Both parties have the opportunity to sum up.
7. At the conclusion of the hearing the Appeals Panel shall adjourn to consider their decision. The appeal panel may decide to uphold the original penalty, 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.

The Panel may announce their decision verbally, but, in any event, will confirm their findings in writing to the employee concerned within five working days of the Appeal Hearing. There will be no further right of appeal.

9. Overlapping Grievance and Disciplinary Cases

If an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

10. Gross Misconduct

Gross misconduct is regarded as misconduct serious enough to destroy the trust within the employment contract, thus making any further working relationship impossible.

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

- theft, fraud, deliberate falsification of records;
- physical violence, assault on another person;
- deliberate and serious damage to council property;
- serious misuse of the council's property or name;
- serious incapability through alcohol or being under the influence of illegal drugs;
- serious breach of health and safety regulations;
- serious negligence which causes unacceptable loss, damage or injury;
- serious act of insubordination;
- unlawful discrimination or repeated harassment;
- bringing the council into serious disrepute;
- criminal offence, whether committed on or off duty, which is of such a nature that it fundamentally breaches the trust which is the basis of the contractual relationship.

The standard Disciplinary Procedure does not apply in cases of Gross Misconduct.

If an employee is accused of an act of Gross Misconduct, he/she may be suspended from work on full pay while the alleged offence is investigated. Suspension may only be warranted in certain cases, e.g. where relationships have broken down or there are risks to council property and/or to other persons. However, a suspension will only be imposed after careful consideration and will be reviewed to ensure that it is kept as brief as possible. It will be made clear to the employee that the suspension is not considered a disciplinary action and does not involve any pre-judgement. The investigation will be conducted by the Clerk or nominated officer or Grievance, Disciplinary and Appeals Committee in case of the Clerk.

If, on completion of the investigation, it is decided that there is a case to answer, the employee will receive a letter informing them of the allegations and inviting them to attend a Disciplinary Hearing, where they will have the opportunity to put their case. The conditions of the Disciplinary Hearing in the case of Gross Misconduct are the same as for hearings held as part of the standard disciplinary procedure.

If, on completion of the investigation and the Disciplinary Hearing, the Clerk conducting the hearing is satisfied that Gross Misconduct occurred, the result will normally be summary dismissal without notice or payment in lieu of notice. The decision to dismiss is taken by the Clerk.

Where the Clerk is the subject of the disciplinary action, the decision to dismiss will be taken by members of the Grievance, Disciplinary and Appeals Committee. Within five working days, the employee will be provided with a letter specifying the misconduct which has led to the dismissal and their right of appeal, following the Appeals Procedure outlined earlier in this document.

Grievance Policy and Procedure

1. Introduction

This procedure applies to all employees of Duston Parish Council.

The objectives of the procedure are:

- To foster good relationships between the council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the council treats grievances seriously and resolves them as quickly as possible;
- To ensure that employees are treated fairly and resolves them as quickly as possible;

2. Definition of Grievance

For the purpose of this policy, grievances are defined as concerns, problems or complaints over work-related matters that a group of employees raises with the council. Examples of grievances include concerns over employment terms and conditions, contractual or statutory rights, health and safety, work relations, the working environment, new working practices, bullying and harassment, organisational change and discrimination.

For instances of bullying and harassment, employees are also advised to refer to the council's Bullying and Harassment Policy.

3. Informal Procedure

Many problems can be raised and settled during the course of everyday working relationships. In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with his or her line manager with a view to resolving the matter informally if appropriate. If the grievance involves the line manager or the employee feels unable to raise it directly with the line manager for another reason then they may approach the Clerk. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below. In case of the Clerk, they will discuss with the Chairman of the Council (or if absent Vice-Chairman) any informal Grievance.

4. Formal Procedure

The employee must set out his or her grievance in writing ("Statement of Grievance") and provide a copy to his or her line manager.

Upon receipt of a grievance it may be necessary (optional) to conduct an investigation. If appropriate, an investigatory meeting will be held to gather all relevant facts and evidence. The employee will be invited to this investigatory meeting as soon as possible, in writing. It will be made clear that the purpose of the meeting is to establish the facts and that the employee may be accompanied by a colleague or trade union representative. Due consideration will be given to whether any reasonable adjustments are necessary for a person who is disabled; this includes colleagues or trade union representatives accompanying the person with a grievance. The investigatory meeting will usually be conducted by the employee's Line Manager. However, if the Line Manager is the subject of the grievance, the meeting will be conducted by the Clerk or nominated officer.

The investigation will be conducted as soon as possible and will normally be completed within five working days of receiving the grievance. However, if the matter is particularly complex, this can be extended to 15 working days. If it is not possible to complete the investigation within this timeframe, the employee will receive a written explanation of the delay and when the investigation is expected to be completed.

As soon as reasonably practicable after the conclusion of the investigation (usually five working days), the employee will be notified in writing that the investigation has been completed.

Once there has been reasonable opportunity to consider the response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter. The letter will say who will Chair the meeting and state their right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative or Trade Union official.

- The employee must take all reasonable steps to attend the meeting.
- Grievance meetings will normally be convened within 14 days of the Line Manager or Clerk receiving the Statement of Grievance.
- The meeting will usually be the employee, their chosen representative, the line manager and the Clerk.
- If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.
- A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be further investigated, or to afford the line manager time to consider the decision. The meeting will be reconvened as early as possible.

At the grievance meeting:

1. The Chair will introduce those present and explain findings of any investigation.
2. The employee (or companion) will set out the grievance and present the evidence
3. The Chair will ask the employee what action does he/she want the Council to take.
4. Any member of the hearing may question any witness
5. The employee (or companion) will have the opportunity to sum up the case
6. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be further investigated, or to afford the line manager time to consider the decision. The meeting will be reconvened as early as possible.

The Chair of the meeting will provide the employee with the hearings decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take to resolve the grievance and of the employee's right of appeal. Where the grievance is not upheld, the reasons for this will be explained.

5. Appeal

If the employee feels that their grievance has not been satisfactorily resolved, they can appeal in writing to the employer, specifying the grounds for their appeal, within five working days of receiving notification of the decision.

An Appeal Hearing will be held, wherever possible, within five working days of receiving notification of the appeal from the employee. The employee will be notified in writing of the date and location of the hearing in advance. They will also be informed that they have the right to be accompanied at the hearing.

Once the employee notifies the council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before the Council's Grievance / Disciplinary and Appeals Committee. The employee must take all reasonable steps to attend that meeting. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.

At the appeal meeting, the Chairman of the meeting will:

1. introduce the panel members to the employee;
2. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision; and
3. explain the action that the appeal panel may take.

After the grievance appeal meeting the employee will be informed of the council's final decision within 5 working days. The meeting may be reconvened for this purpose. The council's decision will be confirmed to the employee in writing.

6. The Clerk

In case of the Clerk, they will submit their Statement of Grievance to the Chairman of the Council (or in his/her absence, the Vice-Chairman) and this matter shall be reported back and progressed by resolution of the full Council. The Council could establish a Grievance / Disciplinary and Appeals Committee to conduct a formal grievance procedure as stated above. In case of an appeal new different members will form a Grievance / Disciplinary and Appeals Committee.

Notes:

- i) A Grievance / Disciplinary and Appeals Committee must be made up of three members.

This is because:

- one councillor cannot make a decision on behalf of the council
- a two-member sub-committee would always allow the Chairman to secure his/her desired outcome by exercising the casting vote in the event of a tie
- more than three members will probably be unwieldy. It may also make it more difficult to find committee members with no direct involvement and it will reduce the pool of potential appeal panel members.

The Grievance / Disciplinary and Appeals Committee will appoint a Chairman from one of its members. The Investigator will not sit on the Committee. Councillors with direct involvement in a disciplinary or grievance matter should not be appointed to a hearing panel or grievance. All appeals will be heard by a Grievance / Disciplinary and Appeals Committee.

If Council considers that there is an insufficient number of councillors who are independent (for example, because many have direct involvement in the allegations), it will appoint from outside the Council.

- ii) Meetings should be arranged as soon as possible but the employee should be given reasonable time to prepare. Proceedings should be minuted. If possible the minute taker should be an employee.
- iii) Information about disciplinary or grievance matters should be restricted to those involved in the disciplinary process. Any disciplinary action or grievance outcome should remain confidential. The employee's disciplinary and grievance records should be held by a council in accordance with the Data Protection Act 1998.
- iv) Mediation may be appropriate at any stage of the disciplinary or grievance procedure (for example where there have been communication breakdowns or allegations of bullying and harassment). Mediation is a confidential dispute resolution process that requires a council's and the employee's consent. The mediator is an independent

person who helps individuals or groups try to find a solution. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and clarify the options for resolving their difference or dispute.

- v) Working days are Monday - Friday
-



DUSTON PARISH COUNCIL

Committee: Full Council
Date: Thursday 17th January 2019
Agenda Item: 76. Code of Conduct (APPENDIX I)

1. Purpose

To adopt the draft Duston Parish Council Code of Conduct

2. Background

2.1 The Coalition Government announced in its Programme for Government in May 2010 that the “Standards Board regime”, regulating the treatment of councillors’ conduct and pecuniary interests, was to be abolished. This was done via the Localism Act 2011. Standards for England (formerly the Standards Board) was abolished on 1 April 2012.

2.2 Parish and town councils are required to have a code of conduct and to register interests. They may choose to opt in to the code of conduct adopted by their principal authority (Northampton Borough Council).

2.3 Principal local authorities are responsible for administering the standards regimes of parish councils in their areas – parish councils are required to adopt their own code of conduct. Complaints about councillors’ conduct are dealt with by the principal authority (Northampton Borough Council).

2.4 Each local council must adopt and publicise a code of conduct that is in line with the Nolan principles. The code should deal with councillors’ obligations about their conduct including the registration and disclosure of their interests.

3. Issues

3.1 Northampton Borough Council oversees the standards regime of all Parish Councils within its boundary. So complaints about councillors' conduct are dealt with by Northampton Borough Council.

3.2 Other Parish Councils in Northampton have adopted the Code of Conduct as written in the Constitution of the Borough Council. This allows for consistency and efficiency between the Principal authority and the Parish Council.

3.3 A Council's Code of Conduct, along with the Standing Orders and Financial Regulations, should be published on Duston Parish Council website.

3.4 The present Duston Parish Council Code of Conduct was adopted in mid 2012 and has not been updated for six years.

4. Recommendations

The Council is recommended to **AGREE:**

To adopt the draft Code of Conduct (APPENDIX J)



Duston Parish Council

MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors and Co-opted Members of Duston Parish Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be borne in mind when interpreting the meaning of the Code. Councillors and Co-opted Members should behave with:

i. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.

ii. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

iii. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.

iv. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

v. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

vi. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

vii. **Leadership** – and should promote and support these principles by leadership and example.

PART 1 GENERAL PROVISIONS

1. Introduction and Interpretation

1.1. This Code applies to all elected Councillors and Co-opted Members of Duston Parish Council.

1.2. The term **“the Authority”** used in this Code refers to Duston Parish Council.

1.3. **“Councillor”** means any person being an elected or Co-opted Member of the Authority.

1.4. It is **your** responsibility to comply with the provisions of this Code.

1.5. In this Code:

“Meeting” means any meeting of:

- (a) the Authority
- (b) the executive of the Authority
- (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees
- (d) any of the Authority’s advisory groups and executive boards, working parties and panels

1.6. **“Relevant Authority”** includes a County Council, a District Council or Parish Council. (It has the meaning given to it by Section 27(6) of the Localism Act 2011.)

2. Scope

2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Councillor.

2.2. Where you act as a representative of the Authority:

- (a) on another Relevant Authority, you must, when acting for that other authority, comply with their Code of Conduct; or
- (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except where it conflicts with any other lawful obligations to which that other body may be subject.

3. General Obligations

3.1. You must treat others with respect.

3.2. You must not:

- (a) do anything which may cause the Authority to fall foul of UK equalities legislation
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or may be:
 - (i) a complainant
 - (ii) a witness; or
 - (iii) involved in the administration of this Code
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with this Code of Conduct, do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Authority
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute

4. You must not:

4.1. Pass on information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:

- (a) you have the consent of a person authorised to give it
- (b) you are required by law to do so

(c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person;

or

(d) the disclosure is:

(i) reasonable and in the public interest; and

(ii) made in good faith and in compliance with the reasonable requirements of the Authority; or

4.2. Prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:

5.1. Use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

6. You must:

6.1. When using, or authorising the use by others of, the resources of the Authority:

(a) act in accordance with the Authority's reasonable requirements

(b) ensure that such resources are not used improperly for political purposes

(including party political purposes); and

6.2. Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

7.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) the Authority's Clerk and RFO; or

(b) the Authority's Monitoring Officer

where that officer is acting in that role.

7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

PART 2

INTERESTS

8. Disclosable Pecuniary Interests

8.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

8.2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:

(a) it is an interest of yours, or

(b) it is an interest of:

(i) your spouse or civil partner

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

8.3 Disclosable Pecuniary Interests are:

<u>INTEREST</u>	<u>DESCRIPTION</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you (or a body in which you have a beneficial interest) and the Authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) (a) the landlord is the Authority; and (b) the tenant is a body in which you have a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) where the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

9. Registration of Disclosable Pecuniary Interests and Personal Interests

9.1. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of your election or appointment notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.

9.2. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to them, notify the Authority's Monitoring Officer in writing of that new Pecuniary Interest or change.

10. Disclosable Pecuniary Interests/Personal Interests in matters considered at meetings or by a single Member

10.1 If you attend a meeting and have a Disclosable Pecuniary Interest or Personal Interest in any matter to be considered, or being considered, at that meeting and the interest is not entered in the Authority's Register of Members' Interests, you must, subject to sub-

paragraph 11.1 below, disclose that interest to the meeting. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure, and

10.2 Whether the Disclosable Pecuniary Interest is registered or not, you must not, unless you have obtained a dispensation from the Authority's Monitoring Officer or the Standards Committee:

- (i) participate, or participate further, in any discussion of the matter at the meeting (except to make representations, give evidence or answer questions prior to any debate on the matter); or
- (ii) remain in the meeting room whilst the matter is being debated; or
- (iii) participate in any vote taken on the matter

10.3 If you have declared a Personal Interest (as defined in paragraph 12.1 below) to the meeting you may take part in any debate on the matter under consideration and vote upon it.

Single Member Action

10.4 If you are empowered to discharge functions of the Authority acting alone (for example, through being a Cabinet Member), and have and are aware that you have a Disclosable Pecuniary Interest in any matter dealt with by you in that role, you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means). If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure.

11. Sensitive Interests

11.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code.

The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

12. Personal Interests

12.1. You have a personal interest in any business of the Authority where either

(a) it relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority

(ii) any body:

(aa) exercising functions of a public nature (for example, a County Council or Borough Council)

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trades union),

of which you are a member or in a position of general control or management

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person (see 12.2 below) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward.

12.2 Personal Interests should be declared at a meeting or where a Councillor is making a decision alone (see paragraph 10.4 above). Failure to do so will be regarded as a breach of this Code of Conduct.

PART 3

RELATED DOCUMENTS

Arrangements for dealing with alleged breaches of Duston Council's Members' Code of Conduct.



NORTHAMPTON
BOROUGH COUNCIL

Northampton Borough Council

Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

1. Context

These "Arrangements" set out how you may make a complaint that an elected or co-opted Member of this Council has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with it. These Arrangements also apply to Parish Councils within the Borough of Northampton. You may make a complaint under these Arrangements that a Parish Councillor has failed to comply with the Code of Conduct adopted by the Parish Council. A complaint about a Parish Councillor will be dealt with by Northampton Borough Council in accordance with these Arrangements. References to "Member" in these Arrangements should therefore be read to include reference to a Parish Councillor.

These Arrangements include the appointment of at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for Members, which is attached as to these arrangements and is available for inspection on the authority's website www.duston-pc.gov.uk and on request from the Parish Clerk at Duston Community Centre, Pendle Road, Duston, NN5 6DT.

3. Making a complaint

If you wish to make a complaint, please write to:

The Monitoring Officer
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

or e-mail the Monitoring Officer at: monitoringofficer@northampton.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the One Stop Shop at the Guildhall.

You are required to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within ten working days of receiving it and will keep you informed of the progress of your complaint.

4. Initial Assessment of Complaints Received

The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person (see section 12 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter.

In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing Member of the authority.

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer (and Independent Person if involved at this point) will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision;
- ii) How serious is the alleged complaint;
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Did the action complained about occur recently or not;
- v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.

The initial assessment of the complaint will normally be taken within twenty eight days of receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer.

Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

Alternative Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer may consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person, if appropriate) will take account of this in deciding whether the complaint warrants a formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5. If the Complaint is referred for Investigation how is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer may consult with the Independent Person about the need for a formal investigation.

The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events. The Investigating Officer will identify what documents he

needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel made up of Councillors from the Council's Standards Committee and any appropriate co-optees or seek an alternative resolution.

7.1 Local Resolution

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring

Officer will report the matter to the Standards Committee for information, but will take no further action.

7.2 Local Hearing

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be in contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

If the Member wishes to make representations to the Panel and/or consult with the Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their

decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Person, the decision of the Panel will stand as announced.

8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

The Hearings Panel may:

- 8.1 Publish its findings in respect of the Member's conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend that Council remove the Member from any or all Committees or Sub-Committees of the Council for a specified period of time;
- 8.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular portfolio responsibilities for a specified period of time;
- 8.5 Instruct the Monitoring Officer to arrange training for the Member;
- 8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;
- 8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the authority where the complaint relates to that appointment and for a specified period of time;
- 8.8 Recommend to Full Council the withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or
- 8.9 Recommend to Full Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There are no powers that allow Council or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although, removing a Member from

Cabinet or a Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension.)

9. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter and subject to any adjournment as set out in 7.2 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Council.

10. Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

11. Who are the Hearings Panel?

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee. If the conduct of a Parish Councillor is to be considered, a Parish Council Member will form an additional Member of the Panel.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

12. Who is the Independent Person?

Council has appointed three Independent Persons.

* A person cannot be “independent” if they:

12.1 are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish council within the authority's area; or

12.2 are a relative or close friend, of a person within paragraph 12.1. For this purpose, “relative” means:

-
- (a) the other person's spouse or civil partner;
 - (b) living with the other person as husband and wife or as if they were civil partners;
 - (c) a grandparent of the other person;
 - (d) a lineal descendant of a grandparent of the other person;
 - (e) a parent, sibling or child of a person within paragraphs (a) or (b);
 - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e); or
 - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

* Note: This definition applies post the Transitional Arrangements period.

13. Revision of these arrangements

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.



Quarterly Internal Controls Procedure and Report

It is a requirement that the Parish Council ensures that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of their functions and which includes arrangements for the management of risk. As per Duston Parish Council Financial Regulations 2.2. The Internal Controls Councilor must not be an account signatory.

Responsibilities

It is the responsibility of the Parish Clerk / RFO to ensure that all documents are available for inspection on the arranged date each quarter

It is the responsibility of the Internal Controls Councilor to conduct the monitoring inspection and report the findings at the next meeting of Full Council.

The Report of the Internal Controls Councilor will be kept for 12 months.

The Internal Controls Councilor Report

The Councilor must work through the Checklist on Page 2.

Signed by Internal Controls Councilor:

A handwritten signature in black ink, appearing to be 'S. P. G.', written over a horizontal line.

Date: 11/1/19

Signed by Clerk/RFO:

A handwritten signature in black ink, appearing to be 'S. P. G.', written over a horizontal line.

Date: 11/1/19

	Checklist	Approved Yes/No	Comments
	April 2018 – December 2018		
1	Minutes for previous quarter present and signed.	Checked	Full Council and Committees' minutes checked.
2	Purchase Invoices have been approved by the Clerk/RFO	Checked	
3	Cheques counterfoil have been signed by at least two Councillors	Checked	2 counterfoils with one signature.
4	Bank Reconciliations match bank statements	Checked	
5	Bank Reconciliations have been approved by the Finance & General Purposes Committee	Checked	
6	Invoices have been approved by the Finance and General Purposes Committee	Checked	
7	Quarterly VAT return has been submitted to HMRC	Checked	
8	Monthly Payroll filed. Tax, NI and Pension Contributions made	Checked	
9	Insurance up to date	Checked	
10	Cash is stored securely and Petty Cash and Facilities Float correspond with Financial Regulations	Checked	