

**HILDENBOROUGH PARISH COUNCIL**

**POLICIES AND PROCEDURES**

**2017/18**

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## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR EQUALITY AND DIVERSITY**

(including Bullying and Harassment Policy, Grievance and Disciplinary Procedures)

#### **Introduction**

The Council recognises that it serves a diverse community and values the differences that exist between the people who live and work in the Parish. The Council aims to honour its commitment to inclusiveness in the delivery of services to the community, as a direct employer of staff, and through the various activities that it supports and funds.

#### **Policy Statement**

The Council is committed to the principles of diversity in all its affairs. Every effort will be made to ensure that staff and members of the public are treated equitably and fairly, regardless of race, colour, ethnic or national origin, gender, marital status, sexual orientation, religion, disability or age.

The Council is committed to complying with the terms of emerging legislation on other potential areas of discrimination.

Any incident considered to be discriminatory will be investigated via the Complaints Procedure

#### **Service Delivery**

All the Council's residents and customers are entitled to receive the same quality and level of service. The Council will promote diversity by:

- ~ Encouraging everyone to make use of the services to which they are entitled;
- ~ Providing accessible information about the services available;
- ~ Ensuring staff are trained, if necessary, in diversity issues and to provide an appropriate and informed response to all service users;
- ~ Ensuring that Council buildings are accessible, provided this is cost effective;
- ~ Ensuring any complaints of discrimination are dealt with speedily and fairly;

#### **Employment**

The Council recognises that it is unlawful to discriminate against people on the grounds of sex, sexual orientation, gender reassignment, race, religion or belief, disability or age. As an employer, the Council recognises that staff is its major asset and will strive to ensure that every job applicant or employee is treated fairly in all employment matters.

The Council will select, appoint and promote individuals solely on the basis of merit. It will treat all its employees with dignity and respect and it will provide a working environment free from unlawful discrimination, harassment or victimisation.

The Council aims, where possible, to give applicants the opportunities to demonstrate their suitability for the job and to make the workplace suitable for them if they are selected. Where necessary job content and the working

environment will be adjusted to enable people with disabilities to work with the maximum convenience and efficiency. The Council will ensure that where an existing employee becomes disabled the appropriate reasonable adjustments are made such that they may be retained within the workforce wherever practical.

The Council has reviewed all of its policies, practices and procedures to ensure compliance with the Employment Equality (Age) Regulations 2006.

Any complaints of discrimination will be investigated and dealt with under the Anti Harassment Policy or Grievance Procedure.

This policy applies to all employment matters .

### **Disability**

The Council has adopted the "Social Model" of disability which defines disability in terms of the reactions of society and the barriers that prevent disabled people from participating rather than in terms of individual personal impairment. The Council is committed, as far as is reasonable and practical, to actively work towards the removal of barriers that may prevent disabled people from accessing Council services or achieving their potential and contributing to the role and functions of the Council

### **Racial Discrimination**

The Race Relations (Amendment) Act 2000 places the Council under a general duty to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

### **Complaints**

If a member of the public feels that they have been treated unfairly, either by an employee of the Council or by a Council Member, due to any factor which could be deemed discriminatory, they should report this using the Council's Complaints Procedure.

## **BULLYING AND HARASSMENT**

### **PURPOSE AND SCOPE**

**Statement:** In support of our value to respect others Hildenborough Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary handling. The council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors and members of the public.

## **Definitions**

**Bullying** - Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.

**Harassment** – Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age. These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

**Examples of unacceptable behaviour** are as follows: (this list is not exhaustive) spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

**Penalties:** Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council for employees or through referral to Tonbridge & Malling Borough Council's Monitoring Officer, as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

**The Legal position:** Councils have duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. In

addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

**False or malicious allegations** of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to Tonbridge & Malling Borough Council's Monitoring Officer.

## **RESPONSIBILITIES**

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in anyway demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy. A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval. The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

Note: This policy should be used in conjunction with the Council's Disciplinary and Grievance procedures.

## **GRIEVANCE AND DISCIPLINARY PROCEDURE**

The aim of our grievance procedure is to resolve any grievance as swiftly and fairly as possible. We will deal with any matter relating to employment with the exception of the outcome of disciplinary proceedings.

Before resorting to formal procedures from the employee or from the Council it is the policy of the Council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Where necessary the Council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute.

### **Redress of Grievance**

1. Written application to the chairman for redress of any grievance relating to employment
2. The chairman reports application to the Grievance Panel held in the absence of the public and press. The employee is given the opportunity to set out the grievance. The panel then considers the grievance and reaches a decision.
3. There is a right of appeal to the Appeals Panel of the Council.

### **Disciplinary actions**

The Disciplinary procedure will be implemented following an incident(s) of misconduct when the following sanctions will be used:

First problem and a minor problem	verbal warning given by Chairman
Second time and minor problem	further verbal warning from Chairman
More serious matter	first written warning from Council
Second time and serious	Final written warning from the Council
Gross misconduct	Suspension on full pay and hearing

#### **THE PROCEEDINGS FOR GRIEVANCE OF DISCIPLINARY PANEL**

- The time and place must be notified and agreed with adequate time to prepare and attend
- It should not be at some venue that is particularly inaccessible
- Provision should be made for any person with a disability or whose first language is not English
- The proceeding should not be interrupted for any reason (Health & Safety excepted)
- The person accompanying the employee should be notified.

Under the provision of the 1999 Employment Relations Act s10 an employee has the right to a representative of their choice at any Grievance or Disciplinary hearing who may speak on their behalf, ask questions, but not answer questions put to the employee. Employees and their companion/representative will be provided with any materials, papers, etc. necessary for them to make the case. We will make every effort to accommodate any person who has special needs if we are advised of the situation.

**June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR HEALTH AND SAFETY**

The Council recognizes and accepts its responsibilities as an employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and others who may be affected by its acts or omissions.

### **IMPLEMENTATION OF THE POLICY**

In order to implement this policy the Council will, so far as is reasonably practicable, pursue the following objectives:

#### **(a) A Safe Place of Work**

Provide and maintain in a safe condition all places of work under its control, with particular regard to safe means of access and egress.

#### **(b) Working Environment**

Provide and maintain a working environment that is safe and without risks to health from the effects of fumes, dusts, extremes of temperature, noise, inadequate lighting and ventilation etc.

#### **(c) Plant and Equipment**

Provide and maintain safe plant, equipment and systems of work.

#### **(d) Handling, Storage and Transportation**

Make arrangements for the provision of safe practices and absence of risks to health in connection with handling (including manual handling), storage and transport of articles and substances.

#### **(f) Information, Instruction, Training and Supervision**

Endeavour to ensure all employees, contractors and other persons working for or on behalf of the Council, are provided with such information, instruction, training and supervision so as to enable work to be carried out safely. Where necessary this will include details of statutory provisions, official or recognised guidance.

#### **(g) Protective Equipment**

Ensure arrangements are made for the issue and proper use of safety equipment, for example: protective footwear, hard hats, ear defenders, eye and respiratory protection and also other items necessary for safe working.

#### **(h) Safe Systems of Work**

Ensure safe systems of work are devised and implemented, and that any incidences of unsafe activities or behaviour are identified and resolved.

#### **(i) First Aid**

Ensure a first aid box is located in the Pavilion and regularly check.

#### **(j) Accidents**

Ensure that accidents, occupational illnesses or any other harmful effects on the health and safety of employees and other persons are adequately investigated, paying particular attention to cases where causes may not be readily apparent. All accidents should be reported to the clerk who will keep a record in the Accident Book.

**(h) Fire Safety**

Ensure extinguishers are fitted in the Pavilion and inspected on an annual basis.

**(i) Play equipment**

Ensure play equipment in the Recreation Ground and West Wood is inspected weekly by the caretaker. Any defects are addressed or reported to the Clerk.

Ensure an annual inspection is undertaken by a RoSPA approved company.

**(j) Contractors**

Endeavour to ensure every effort is made when contractors are working on Parish Council property they are suitably qualified, equipped and take precautions to protect the public from danger.

**June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR RECRUITMENT**

Recruitment will follow not only the Law but the Policies concerned with Equality and Diversity.

Any vacancy shall be advertised in the Local Press, and/or Parish Notice Boards and/or Parish Council website with a realistic time for response.

Selection interviews will be conducted by an ad-hoc panel of Councillors with the Clerk in attendance.

In the case of the Clerk the benefit of a local residency should be taken into account but primarily selection will be based on merit and availability and ability to perform the role according to the Council's needs as detailed in the job specification.

**June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR HANDLING REQUESTS FOR INFORMATION**

First decide how to access the information using the Publication Scheme which indicates where the information wanted is available e.g. within the Council's web-site [www.hildenboroughpc.kentparishes.gov.uk](http://www.hildenboroughpc.kentparishes.gov.uk) . Both the website and a printed copy of the Publication Scheme can be accessed from the County Library in Riding Lane. All information can be obtained on paper from the Clerk whose address is on the web-site and all notice boards. The charge for recovering and reproducing each side is 20 pence.

**June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR COMPLAINTS**

A complaint may concern either the Council or an individual Member (who will be subject to the Local Authorities Code of Conduct- a copy of which is held by the Clerk.) The Complaint procedure differs in either case.

If you have a complaint about the conduct of an individual Member of the Council this should be raised with the clerk who will, in the first instance, try to resolve the complaint. If you are not satisfied the chairman should be contacted. The contact details of the clerk and chairman can be found on the Parish Council notice boards and on the website. If, however, the complaint is not resolve you should contact the Monitoring Officer at Tonbridge and Malling Borough Council who can arrange for it to be considered by an independent panel. It is best to confirm first that your concern is covered by the Code.

If you have a complaint against something that the Parish Council has done the procedure differs. However, initially the complaint should be raised with the clerk in the first instance and if not resolved the chairman. If, however the complaint is not resolved there are two ways to proceed.

1. If the complaint concerns financial matters it should be referred to the External Auditor.
2. If the complaint concerns any other matter it will need to be referred to a Court of Law.

Our complaints procedure, therefore, has three stages:

#### **Stage 1**

If your complaint is straightforward the Clerk is usually best placed to respond quickly and satisfactorily. Contact details are on all Notice Boards and on the web site. If we cannot sort out the problem immediately we will say what we are going to do and when we will do it by. If your complaint is not entirely straightforward please write to us using the Form below.

#### **Stage 2 .**

If you are not satisfied with our response at Stage 1, or your complaint is a very complex matter, please write to the Chairman of the Council. Their name and contact details are on all Notice Boards and on the web site. Please mark your correspondence "Complaint Stage 2" and, if you have already complained about the same problem, say: - when you made your complaint - who you spoke to - what happened as a result - why you remain dissatisfied - what you would like to happen.

#### **Stage 3**

If you still remain dissatisfied you may wish to take the matter to the relevant outside authority.

The Monitoring Officer of Tonbridge & Malling Borough Council is located at Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ, telephone 01732 844522.

The External Auditor for 2015/16 is: PKF Littlejohn LLP, 2<sup>nd</sup> Floor, 1 Westferry Circus, Canary Wharf, London EC14 4HD: telephone 020 7516 2200

**June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

**HILDENBOROUGH PARISH COUNCIL  
COMPLAINT FORM**

1) Your details:

Name: -----

Address: -----

-----

Postcode: -----

Daytime phone number: -----

Evening phone number:-----

Mobile phone number: -----

E-mail address:-----

2) What do you think the Council did wrong or failed to do?

-----

-----

-----

3) Location of problem if different from your home address:

-----

4) What do you think the Council should do to resolve the problem?

-----

-----

5) Have you contacted the Council already about this matter?

Yes / No (delete option not applicable)

If "Yes":

How? -----

When? -----

Who did you contact? -----

What action, if any, was taken? -----

Signed: ----- Date: -----

Please complete, detach and return this form to the Clerk or send it to  
[clerk@hildenboroughpc.kentparishes.gov.uk](mailto:clerk@hildenboroughpc.kentparishes.gov.uk)

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR INFORMATION SECURITY AND DATA PROTECTION**

Apart from the relevant operating system the Council's software is limited to mail handling programs, and a Security package. The Council's records, which are not shared with any third party, contain, apart from data necessary for accounting purposes, no personal details which are not otherwise publicly available. All data is normally locked away and password protected.

Periodically copies are taken of the data which is then stored off-site.

Copies of the data held on the web are taken and retained by the server Company.

**June 2015**

**Revised June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### **POLICY FOR RECORDS MANAGEMENT**

Paper copies of correspondence, minutes and Accounting documents for the current and previous year are held by the Clerk, then after two years records are held off site, older records are from time to time transferred to the County Archive.

Older documents are held off site, as follows

- Minutes of Parish Council and Committees forever

- Salary data 12 years

- Inland Revenue & VAT data for 6 years

- Audit papers for 5 years

Deeds are held by the Solicitor Warners.

**June 2015**

**Revised June 2016**

**Reviewed June 2017**

## HILDENBOROUGH PARISH COUNCIL

### MANAGEMENT OF OPEN SPACES AND RISK ASSESSMENT POLICY

#### **Management of Open Spaces**

The Parish Council manage and maintain three open spaces, the Village Green, West Wood and the Recreation Ground which are mostly registered as new Village Greens. West Wood which comprises of an area of woodland, play area, pump cycle track, goal and field and the Recreation Ground, Riding Lane which comprises 11 acres of field containing, ball court, tennis courts, cricket square, stoolball pitch, three areas for football pitches, two play areas and a Pavilion. The Village Green is being developed as a meadow. The Parish Council also maintain the border around the War Memorial which is the property of KCC.

#### **Management of Risk Assessment**

The following areas are covered by regular risk assessments undertaken by Hildenborough Parish Council members or staff:

1. Security and financial management
2. Open Spaces: play areas and pump cycle track
  - Pavilion
  - Car park
  - Woodland management
  - Open recreation areas,
  - Fencing, pond and ditch management

#### **1. Security and Financial management**

This is covered by a monthly check of bank balances against source documents and cheques paid against bank counterfoils and invoices as well as half yearly audits by the chairman of the Finance Committee and internal auditor. An annual audit is undertaken by an external auditor, currently PJ Littlejohn plc. (See attached criteria and to record actions taken). Financial accounts are recorded on Excel spreadsheets which are backed up monthly together with all Parish Council documents and stored off site.

#### **2.1 Play Areas and pump cycle track**

There are two areas, one in the Recreation Ground, Riding Lane consisting of a fenced area containing play equipment, separate goal, a ball court, and three tennis courts on lease to Hildenborough Tennis Club. The second is West Wood, Tonbridge Road which contains a fenced play area, slide, balancing logs and a goal also a separate pump cycle track. These areas and equipment are inspected weekly by the Parish Council's caretaker throughout the year and recorded on the Risk Assessment sheets which are passed monthly to the Chairman of the Open Spaces Committee. Any piece of equipment requiring attention is noted and repaired either by the caretaker or notified to the clerk for action. An annual safety inspection is carried out by Craighdene during July. The report is considered by Open Spaces Committee and any recommended actions are considered and actioned accordingly.

#### **2.2 Pavilion**

This consists of two changing rooms, toilet facilities, kitchen, reception area and extensive roof loft. This is inspected according to the Risk Assessment criteria and any faults recorded weekly. These are repaired by the caretaker or referred to the Clerk for action. Annual inspections of electrical appliances and fire appliances are undertaken by qualified personnel.

### **2.3 Car Park**

This area is inspected at least weekly against the Risk Assessment record sheets by the caretaker. Any identified faults are recorded, repaired or referred to the Clerk for action by the caretaker. See also woodland management.

### **2.4 Open Recreation areas, fencing, pond and ditch management**

This consists of large open field areas in the Recreation Ground, West Wood, Village Green, ponds and ditches within the woodland area at West Wood, and two ponds and ditches surrounding the Recreation Ground. The areas are inspected at various intervals according to the Risk Assessment Sheets. As with other areas faults when recorded are repaired where possible by the caretaker or reported to the Clerk. All sheets are passed monthly to the chairman of the Open Spaces Committee for comment. Where noted some aspects are included in the annual safety inspection carried out by Craigdene. See also Woodland management.

From time to time organisations request the use of the fields in West Wood and the Recreation Ground, some with the use of the Pavilion. These organisations are required to sign a rental agreement and supply evidence of public liability insurance, some are asked for a deposit or hiring fees.

### **2.5 Woodland Management**

The guidance given by the National Tree Safety Group's 'Common sense risk management of Trees' forms the basis for our management of our extensive woodland area and mature trees. It takes into account that the overall risk of injury or death from falling boughs or trees is 1 in 10million.

The main area of woodland is in West Wood. This is coppiced on an annual rotation basis by Hildenborough Conservation Group who involve local volunteers in their work, make charcoal, selling some to help fund their activities. They maintain their own insurance cover.

The area is used by walkers along its extensive footpath system and it is the mature trees adjoining the footpath areas which are subject to regular inspection and cutting back/strimming. These paths are not considered to be high use areas such as the car park in the Recreation Ground. Unofficial paths which occur from time to time are not inspected.

Annual inspections are carried out in West Wood woodland area along the footpaths marked on the attached map and regularly cut back/strimmed by the caretaker who is familiar with the area. Care is taken to assess each mature tree, looking for fungi growth, dead boughs, splitting or ground heave (see attached photograph from Common sense risk management of Trees) or any other damage. Any concerns are

recorded on the Risk Assessment sheets and passed to the Clerk. Also included in the regular inspection are the trees bounding the Recreations Ground field, the Village Green, the Service Road in West Wood, those bounding the B245.

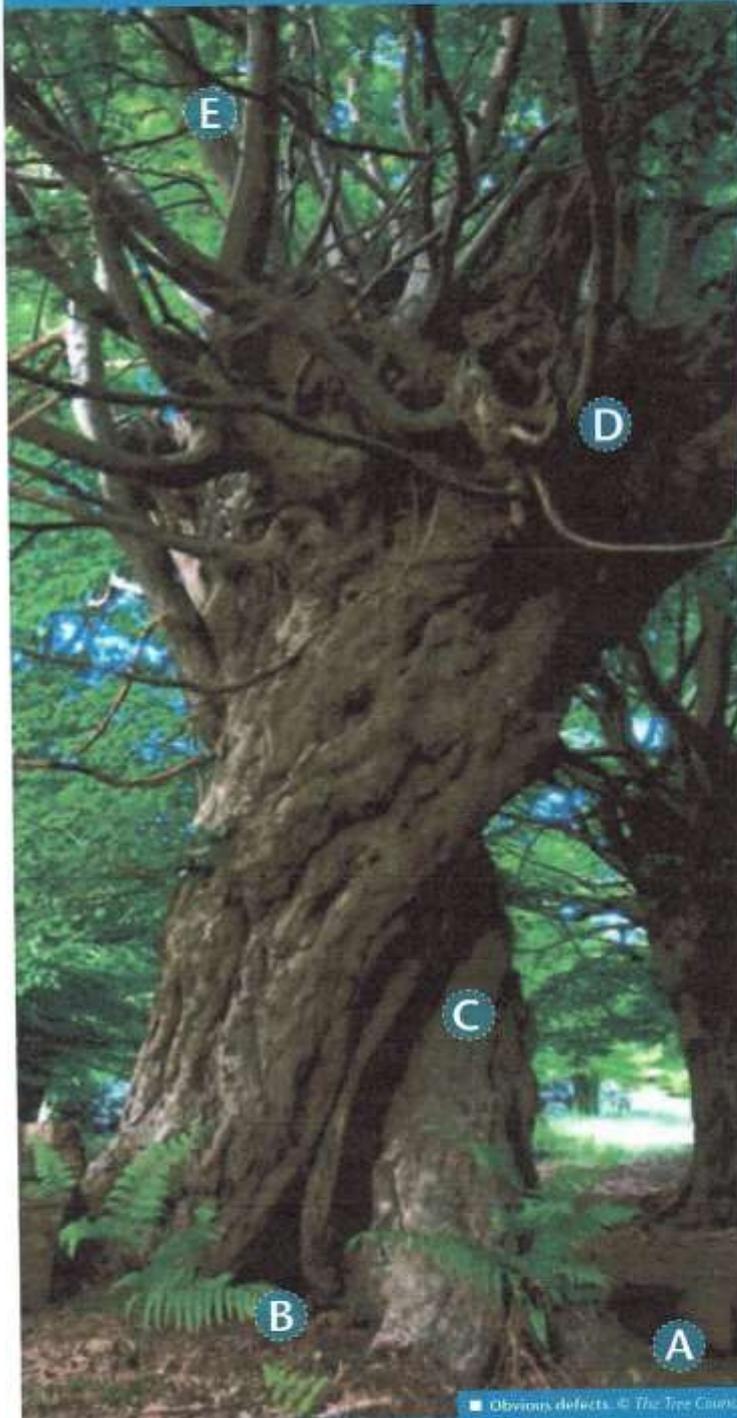
Included in a weekly check and recorded on the Risk Assessment sheets are those within and bounding the car park, against the play area and within the field in West Wood. Any problems are either dealt with by the caretaker, for instance cutting back overhanging vegetation or will be reported to the Clerk.

Trees, being living organisms, will naturally die back and it is agreed that it is not necessary to cut out all dead wood from mature trees or fell them. Before any work is undertaken advice will be sought from a tree surgeon or in some instances, when applicable, an arboriculturalist.

This policy will be reviewed as necessary.

**Reviewed September 2016**

**Revised June 2017**



■ Obvious defects. © The Tree Council

- A cracking within earth around base of root plate
- B large cavity at base potentially colonised with wood decay fungi
- C splitting or fractures in trunk or branches
- D decay in old pruning wounds
- E branches attached at structurally weak unions

**OBVIOUS FEATURES INDICATING IMMEDIATE SERIOUS STRUCTURAL FAILURE**

Such features are surprisingly few, and include:

- actively lifting root plate
- heavy limb actively splitting or breaking away from the tree
- stem fractured, moving and opening enough to “pinch”.

**OBVIOUS FEATURES THAT MAY INDICATE STRUCTURAL FAILURE**

It is inappropriate to react to tree defects as though they are all immediately hazardous. Growth deformities and other defects do not necessarily indicate structural weakness. When noting features that might indicate a likelihood of weakness or collapse, it is important that concern for risk of failure is restricted to events likely in the near future. Trees exhibit a wide range of such features, and the scope for interpreting their significance is complex, particularly when considering the likelihood of non-immediate failure. For example, anomalies in tree growth may indicate internal decay and hollowing; but anomalies in form may be attributable to the tree having compensated for the decay, by mechanically adapting to natural processes.

1

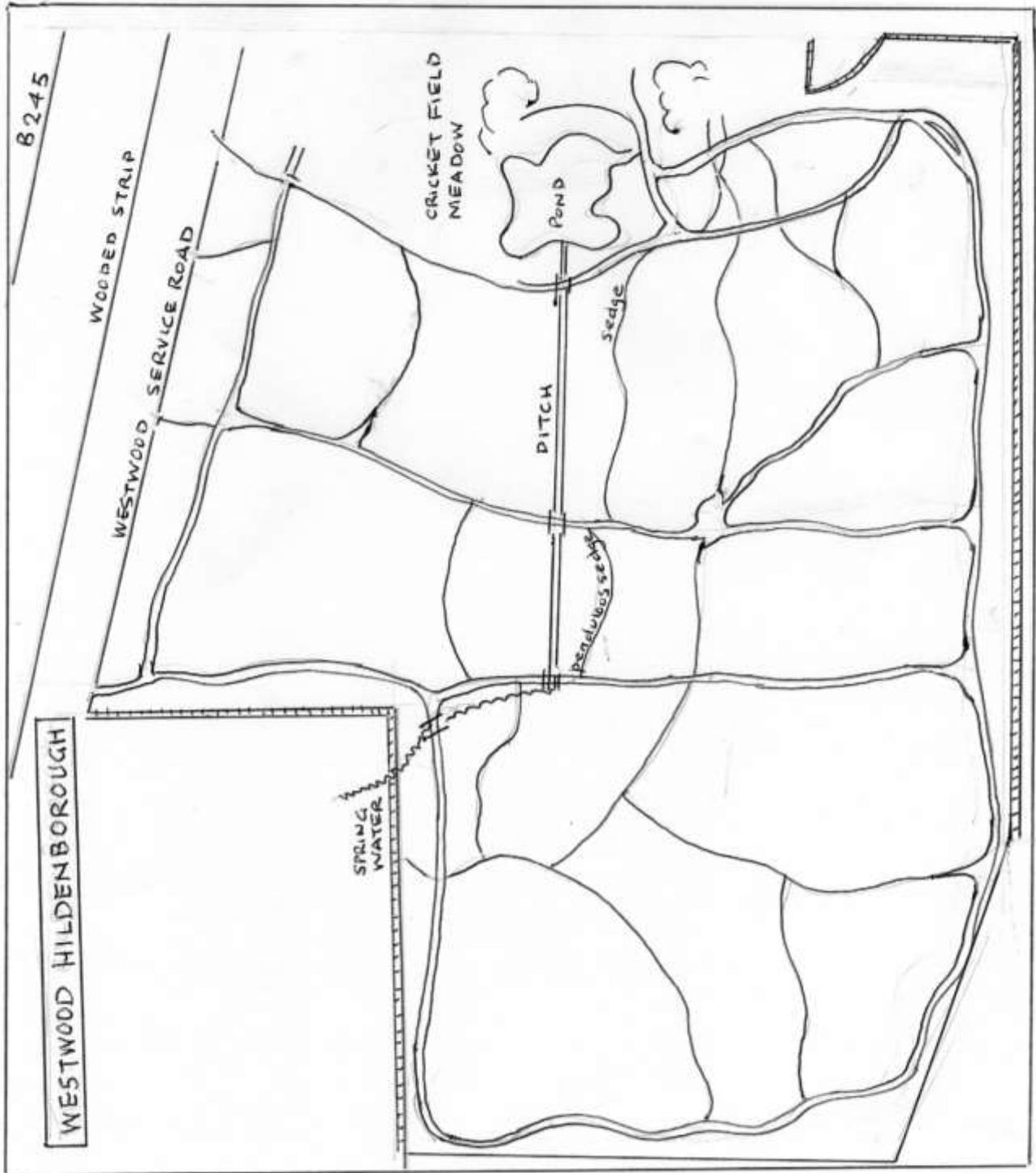
2

3

4

5

REASONABLE, BALANCED TREE RISK MANAGEMENT



**WEEKLY RISK ASSESSMENT FOR HILDENBOROUGH PARISH  
COUNCIL'S PLAY AREAS**

**To be inspected weekly**

**Date of Inspection** .....

**Person inspecting** .....

..... **Chairman of Open Spaces Committee**

Date .....

Enter Y for yes and N for no. Give brief description of any damage. If addressing the problem initial Actioned by

Site / equipment	Present Y/N	Damaged Y/N	Report of damage	Actioned by
<b>West Wood</b>				
<b>Service Road</b>				
<b>Litter and dog waste bins</b>				
<b>Gates at Medical Centre</b>				
<b>Signage into Woodland area</b>				
<b>Signage into cycle track</b>				
<b>Trees within cycle trace</b>				
<b>Cycle track surface free of obstructions</b>				
<b>Cycle track banks, safe and vegetation trimmed</b>				
<b>Hedge/fence cycle track</b>				
<b>Trees surrounding and in field</b>				
<b>Open field clear of debris, obstructions and cavities</b>				
<b>Fencing around play area</b>				
<b>Gates into play area</b>				
<b>Signage on play area</b>				

<b>Equipment</b>	<b>Supports/ seats present and secure Y/N</b>	<b>Paint/ surfaces undamaged and clear of objects Y/N</b>	<b>Chains / ropes Undamage d Y/N</b>	<b>Moving parts free running / noiseless Y/N</b>	<b>Action to be taken</b>	<b>Action by</b>
<b>West Wood</b>						
<b>Cababa (small climbing structure)</b>						
<b>Overhead spinner</b>						
<b>Swings</b>						
<b>Springer cow</b>						
<b>Basket swing</b>						
<b>Seating</b>						
<b>Goal post and frontage</b>						
<b>Old slide</b>						
<b>Wooden logs</b>						
<b>2 picnic tables</b>						
<b>Highland Structure</b>						

<b>Site / equipment</b>	<b>Present Y/N</b>	<b>Damaged Y/N</b>	<b>Report of damage</b>	<b>Actioned by</b>
<b>Recreation Ground</b>				
<b>Trees surrounding and in car park</b>				
<b>Fencing around play area</b>				
<b>Gates into play area</b>				
<b>Wet pour surfaces</b>				
<b>Litter and dog waste bins</b>				
<b>Signage on play area</b>				
<b>Matting in Millennium area</b>				
<b>Pathways</b>				
<b>Ball court surface</b>				
<b>Ball court fencing</b>				
<b>Open field clear of debris, obstructions and cavities</b>				
<b>Car park surface</b>				

Equipment	Supports/ seats present and secure Y/N	Paint/ surfaces undamaged and clear of objects Y/N	Chains / ropes /ladders Undamaged Y/N	Moving parts free running / noisless Y/N	Action to be taken	Action by
Recreation Ground						
Ball court goals						
Swings cradle						
Swings older						
Springer bike						
Slide						
Seating (7 + picnic table) within and around ground						
Goal post and frontage						
Roundabout						
Cone climber						
Mantis zip wire						
Basket swing						
Unimini Atona						
Ski stepper						
Rower						
Trinity cycle						
Lat Pull & Chest Press						
Sit up						
Push hands						
Wet pour around all equipment						
Tarmac surround fitness area						

For all play and fitness equipment see HAGS/SMP inspection and maintenance schedules.

Site / equipment	Present Y/N	Damaged Y/N	Report of damage	Actioned by
<b>Pavilion and other buildings</b>				
<b>Windows</b>				
<b>Veranda</b>				
<b>Chairs/tables</b>				
<b>Boiler</b>				
<b>Changing area</b>				
<b>Changing area seat cupboards secure</b>				
<b>Storage cupboard secure</b>				
<b>Chemicals locked in storage cupboard</b>				
<b>Carpet area safe</b>				
<b>Kitchen area tidy</b>				
<b>Cctv secure</b>				
<b>Black garage secure</b>				
<b>Green garage secure</b>				
<b>Signage on Pavilion, pond and cctv</b>				
<b>Bus shelter</b>				

Site / equipment	Present Y/N	Damaged Y/N	Report of damage	Actioned by
<b>Village Green</b>				
<b>Boundary posts</b>				
<b>Signage</b>				
<b>Trees</b>				
<b>Fountain</b>				
<b>Pathways</b>				

**To be inspected monthly**

<b>Site / equipment</b>	<b>Present Y/N</b>	<b>Damaged Y/N</b>	<b>Report of damage</b>	<b>Actioned by</b>
<b>Recreation Ground</b>				
<b>Perimeter fencing</b>				
<b>Boundary trees</b>				
<b>Ditches on all sides</b>				
<b>Pond</b>				
<b>Pathways</b>				

## RISK ASSESSMENT 2017/18

<i>AREA</i>	<i>POTENTIAL RISK</i>	<i>RISK STATUS</i>	<i>CONTROLS IN PLACE</i>	<i>YEAR ACTION TAKEN</i>
Assets	Failure to keep safe Parish Property: Public Buildings and other major assets	Medium	Insurance value reviewed annually, (value index linked (RPI)) and comparative quotations obtained at least every 5 years (next comparative review 2017) Annual accounts and report received from Village Hall Management Committee Property regularly inspected by caretakers/Open Spaces Committee/Management Committee Maintenance issues discussed and agreed action taken Annual inspections for fire protection and electrical appliances undertaken Equipment securely stored within Council property, caretaker's or clerk's property	
	Loss or damage to documents	Medium	Records are archived according to guidelines issued by KAPC Records kept in secure locked cupboard Current records stored securely Back up of records on computer made monthly and stored off site.	
	Damage to Recreation Ground, West Wood, Village Green and other public areas	High	Bye-laws comply with legislation Regular inspection by caretaker of all open spaces Street lighting columns insured Take advice to reduce vandalism	
	Failure to maintain Asset list	Low	Asset list updated as required Reviewed annually by Parish Council	
Finance	Failure to determine precept and arrange collection	Low	Finance Committee meet in November to determine budget/precept Precept ratified by Parish Council in December Requisite documents completed and returned within specified timescale by RFO.	
	Failure to set and monitor budget	Low	Budget set annually by Parish Council in December Summary Statement of expenditure presented to Parish Council quarterly at PC meetings July, October, January and April.	
	Failure to produce end of year accounts / official returns	Low	Accounts prepared by RFO and signed by Chairman after presentation to Parish Council RFO prepares and returns requisite documents required by HM Revenue Internal and external auditor scrutinise accounts	

<i>AREA</i>	<i>POTENTIAL RISK</i>	<i>RISK STATUS</i>	<i>CONTROLS IN PLACE</i>	<i>YEAR ACTION TAKEN</i>
	Failure to record income received including precept by the Council	Medium	Current and Business Money Manager Bank Accounts reconciled monthly and checked by Finance Committee Chairman Investment Account updated by year end annually Accounts reviewed bi-annually (next review '14)  Clubs invoiced and agreement signed prior to commencement of season VAT claimed quarterly if applicable.  Half yearly audit by Finance Committee Chairman Internal audit	
	Failure to follow proper procedure in arranging for goods, services and works to be acquired by the Council	Medium	Instructions given by Parish Council minuted agreement/request Half yearly audit by Finance Committee Chairman Annual internal audit	
	Failure to follow proper procedures to pay for goods, services and works on behalf of the Council	Medium	Quotation attached to invoice Two signatures on every cheque Cheque number recorded against invoice Blank cheques are not issued	
	Failure to pay correct salary to Council employees and associated taxes	Medium	Salary rates recorded in Parish Council minutes RFO completes HM Revenue documentations and completes monthly payments of tax and N.I. Monthly payslips issued Expenses checked against receipts by signatories	
	Borrow money illegally without proper consultation		If required, Finance Committee to recommend to Parish Council Borrowing recorded in Parish Council minutes	
	Failure to make correct Audit arrangements	Low	Half yearly by Finance committee Chairman Annually by internal auditor and external auditor	
Employee	Appointment of staff	Medium	Post advertised in local press Interview by sub committee References taken up Work overseen by Parish Council	
Liability	Risk to third party, property or individual	High	Public Liability insurance in place for £5 mill. Reports of tree and other damage investigated and maintained as required by Clerk	
	Legal liability as consequence of asset ownership (especially playgrounds)	High	Regular risk assessment carried out on all play equipment and recorded, checked by Chair of O.S Reports of any other damage/maintenance requirements investigated by Clerk.	

<i>AREA</i>	<i>POTENTIAL RISK</i>	<i>RISK STATUSES</i>	<i>CONTROLS IN PLACE</i>	<i>YEAR ACTION TAKEN YEAR ACTION TAKEN</i>
	Failure to maintain proper document control	Low	Original Legal documents of ownership stored by Parish Council solicitors, some copies kept in Parish Council records.	
Councillors/ Employees	Failure to provide opportunities of appropriate training for councillors and staff	Low	Relevant training will be brought to the attention of councillors and employees. Training will be minuted and financed from training budget.	
	Failure to maintain register of interests and Code of Conduct	Medium	Register updated as councillors are elected or co-opted.	
	Effect of Vandalism on property	High	Regular surveillance of risk areas and reports to relevant authorities Liaison with Community Police Team Cctv provided currently supplied by police Encourage reporting of incidents by general public Cctv Parish Council system January 2012	
	Failure to maintain proper and timely reporting of minutes and agenda in accordance with the law	Medium	Minutes recorded of all Council meetings and sub committee meetings, approved at the following meeting. Copies of approved minutes kept in local Public Library Copies of Parish Council Minutes on website	

**Reviewed June 2017**

# HILDENBOROUGH PARISH COUNCIL

## **POLICY FOR MANAGING CCTV**

### **Location**

Pavilion, Recreation Ground, Riding Lane, Hildenborough, TN11 9HY

### **Coverage**

Parish Council Car Park, front of Pavilion and area up to and including the two play areas. Cameras are sited to provide clear images for police use to investigate criminal damage etc. and are restricted to areas which have already suffered from acts criminal damage.

### **Purpose**

The Purpose is for crime prevention, crime detection and public safety

### **Signs**

Appropriate signs have been sited at the entrance to the car park, on the Pavilion and on the play areas.

### **Managing and Access**

The system will be accessed by The Clerk to the Parish Council and in their absence, The Chairman of the Parish Council. Keys to the locked display and control unit cabinets will be in the care of the Clerk to the Parish Council.

Information will only be released at the request of the police involved in the prevention and detection of crime. No information will be released to third parties. They will be referred to the police to request the information.

Information required by the police will be recorded on non re-recordable disks. Support for recording may be requested from the police or Chroma Vision who provided the system. The recorder will store one month of images, at the end of which images will be over recorded.

The system will be checked on regular basis to ensure it is operating correctly and will be maintained as necessary by Chroma Vision.

**Reviewed and updated June 2015**

**Reviewed June 2016**

**Reviewed June 2017**

## **SOCIAL MEDIAL AND PRESS POLICY**

### **Aims**

- To promote Council responsibilities and engage with the community through the use of social media and press.
- To ensure a consistent and corporate approach is adopted and maintained.
- To ensure Council information remains secure and is not compromised through the use of social media
- To ensure users always abide by the policies, guidelines and relevant legislation in operation
- To promote the Council's reputation and ensure it is not damaged or adversely affected.

### **Purpose**

1. To offer information and advice during emergencies eg. flooding, major road, rail or 'plane accidents
2. To publicise voluntary organisations and groups' activities.
3. To promote Council's work/activities which are minuted at Parish Council meetings.

### **Responsibilities of using Social Media**

Social media activity is to be restricted to Facebook and Twitter.

- Personal views should not be given only views or decisions taken at the full Parish Council Meeting or Planning Committee
- Care should be taken not to infringe copyright by using published text or photographs
- The views of business, religious or other groups or political parties should not be expressed.
- Insulting and inflammatory remarks should not be made and should any be made against the Council the Clerk should immediately be informed.
- Members can make comment personally, if approached, but must make it clear it is not a corporate view.

### **Representatives for the Parish Council**

It has been agreed that Miss C Sheldon will manage entries on Facebook and Rev'd A Wooding Jones will manage entries for Twitter. The Clerk will be responsible for providing information in emergencies notified to the Council. All entries will be emailed, if possible, to members before insertion, giving half a day's notice where non emergency items are concerned. Emergency items will be communicated as soon as they are known by email if possible or by telephone and onto social media.

### **Responsibilities when making comment to the press**

- Responses to the press relating to matters discussed by the Parish Council or requests for comment on other news items shall be dealt with, in the first instance, by the Parish Clerk who will either give a factual response or refer them to the Parish

Council Chairman, or in their absence the Vice Chairman, who are authorised to give the views of the Council

- to the press on any non-confidential subject discussed by the Council.
- Whenever possible any information given to the press shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting.
- At no time shall the personal views of either members or officers of the Council be given to the press in a way which could be interpreted as a view of the Council as a whole.

This policy will be reviewed when necessary but at least annually.

**September 2015**

**Reviewed June 2016**

**Reviewed June 2017**

# HILDENBOROUGH PARISH COUNCIL

## FINANCIAL REGULATIONS

These Financial Regulations were adopted by the Council at its Meeting held on 21 May 2014 reviewed on 18 November 2015, reviewed and revised on 16 November 2016/18 January 2017.

### 1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders adopted 16 April 2014 and revised on 21 October 2015 and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. A breach of these Regulations by an employee is gross misconduct.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly
- 1.9. The RFO;
  - acts under the policy direction of the council;

- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the council up to date in accordance with proper practices;
  - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the council; and
  - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debts;
  - declaring eligibility for the General Power of Competence; and
  - addressing recommendations in any report from the internal or external auditors,
- shall be a matter for the full council only.
- 1.14. In addition the council must:
- determine and keep under annual review the bank mandate for all council bank accounts;
  - approve any grant or a single commitment in excess of £5,000; and
  - in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.
- 1.15. In these financial regulations, references to the Accounts and Audit Regulations or ‘the regulations’ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils – a Practitioners’ Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC)

## **2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)**

- 2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.
- 2.2. Every month when the Council meets a member other than the Chairman and once a quarter a member other than a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the

reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. The RFO shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
  - be competent and independent of the financial operations of the council;
  - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:
  - perform any operational duties for the council;
  - initiate or approve accounting transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL BUDGET AND FORWARD PLANNING**

- 3.1. The Open Spaces Committee shall review its forecast of funding requirements for maintenance and projects for the coming year and if applicable the following two years. Having regard to the forecast, it shall thereafter formulate and submit proposals at their September meeting for the following financial year to the Finance Committee including any proposals for revising the forecast.
- 3.2. The RFO must each year, but no later than the Finance Committee's November meeting prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance committee for recommendations to be made to council at their November meeting.
- 3.3. The council shall consider annual budget proposals in relation to the council's recommended budget forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

4.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget. The authority is to be determined by:

- The council for all items over £5,000
- Delegated to the Chairman, Vice Chairman and Chairman of Finance and Open Spaces Committees for items over £500
- The clerk in conjunction with any of the following: chairman, vice chairman, chairman of Finance or Open Spaces for any items below £500

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.

4.2 No expenditure may be incurred which will exceed the amount provided in the revenue budget unless by resolution of the the Council.

4.3 The RFO shall quarterly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.

4.4 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year.

4.5 The salary budgets are to be reviewed at least annually at the Finance Committee meeting held annually in October/November and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of the Council or Vice Chairman or Finance Committee Chairman. The RFO will inform the Finance Committee / Parish Council of any changes impacting on their budget requirement for the coming year in good time.

4.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.

4.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4.8 In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council 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 £5,000 The Clerk shall discuss the expenditure with the chairman or chairman of the Finance Committee where possible prior to authorising the work and report such action as soon as possible to the council as soon as practicable thereafter.

4.9 Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall annually be reviewed for safety and efficiency.

5.2. The RFO shall prepare a bank reconciliation with supporting documentation at the end of every calendar month. The reconciliation shall be presented at the first Parish Council Meeting following that calendar month, checked by the chairman of the Finance Committee or other nominated member of the Finance Committee and approved by the Council. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each

invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

- 5.3. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted as soon as two signatories are available to authorise payment which must be listed in the schedule of payments made since the previous meeting on the Agenda for Parish Council Meetings. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.4. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the clerk and REFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee.
  - An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee;
  - Fund transfers within the Council's banking arrangements.
- 5.6. A record of regular payments made under 5.5 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.7. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

- 5.9. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.10. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1 The council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made
- 6.3 All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council
- 6.4 Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6 Cheques or orders for payment shall, when convenient, be presented for signature at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.
- 6.8 If thought appropriate by the council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council at least every two years.
- 6.9 If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

- 6.10 If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11 Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12 No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14 The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15 Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16 Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the RFO and one signatory. A programme of regular checks of standing data with suppliers will be followed.
- 6.18 All cash received must be banked intact. Any payments made in cash by the Clerk [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **7. PAYMENT OF SALARIES**

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
  - a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the RFO/Clerk and caretaker.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff the council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.

- 8.2. Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the Council at the same time as one is issued to the Clerk/RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below)

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (I) below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## **11. CONTRACTS**

- 11.1. Procedures as to contracts are laid down as follows:
  - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
- b. Where it is intended to enter into a contract exceeding £15,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
  - c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
  - d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
  - e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
  - f. If less than three tenders are received for contracts above £15,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
  - g. Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
  - h. When it is to enter into a contract of less than £15,000-in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a).

Unless the Council consider it uneconomic or impractical, quotations must be sought in accordance with the following requirements:

- Above £15,000 three written quotations must be obtained.
  - Between £5,000 and £15,000 three quotations are to be sought, the details of which must be recorded in writing.
  - If the cost is less than £5,000 and above £500 the clerk shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.-
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
  - j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
  - k. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.]

## **13. ASSETS, PROPERTIES AND ESTATES**

- 13.1. All title deeds and Land Registry Certificates of properties held by the council are stored in the Council's solicitor's safe store (Warners, Sevenoaks). The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500.

- 13.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5. Subject only to the limit set in Reg. 13.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council with a full business case.
- 13.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually.

#### **14. INSURANCE**

- 14.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 14.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 14.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 14.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

#### **15. CHARITIES**

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

#### **16. RISK MANAGEMENT**

- 16.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 16.2. When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

**17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 17.1. It shall be the duty of the council to review the Financial Regulations of the council annually. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 17.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

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**Revised January 2017**