

# Clerks Report 25<sup>th</sup> July 2018

## 1. Report on Training Undertaken with SALC

Please note: all documents identified as being uploaded onto the website **must** first be converted into a pdf file.

### Financial Workshop – 2<sup>nd</sup> July 2018

A workshop giving an overview of the financial responsibilities of being the Responsible Financial Officer.

The following changes will be made as a result:

- Tightening up on the audit trail regarding payments. Invoices paid will now include cheque number, date, date payment was approved and minute number.
- Bank statement to be presented at the parish council every month and signed by a councillor. A different councillor to sign each time.
- Bank reconciliation to be checked against the 'Financial Statement since the last meeting' to be completed every month and signed at the parish council meeting.
- Ensuring that large sums are not kept unnecessarily in the current account. Sums should be regularly transferred into the savings account.
- A new budget monitoring spreadsheet to be set up and copies to be circulated quarterly to each council member.
- Quarterly financial report to be presented to the parish council. This report will include budget vs actual spending.
- A new cash handling policy will be introduced to protect the safety of personnel
- The Council will no longer be paying suppliers in cash in order to comply with recent anti-tax evasion law.
- When budget for the new financial year is due a working group to be set up to discuss:
  - Formation of draft budget based on previous year's figures
  - Any upcoming project needing finance
  - Assessment of equipment that needs replacing
  - Discussion on whether consultation is needed with the parish for future projects and any financial planning as a result
  - Earmarking of election costs
  - To adhere to Transparency Code, the approved budget and all the calculations made must be uploaded onto the website.

The Clerk will ensure that these changes are made with as little disruption as possible.

### Clerks 2-day training – 5<sup>th</sup> and 12<sup>th</sup> July 2018

A two-day training course giving an in-depth explanation of the responsibilities of being a parish Clerk.

The Clerk has learned that the following measures need to be taken to bring the Parish Council up to the expected standard and to ensure legal compliance.

- **New Councillor Induction** - a 'new Councillor' Induction procedure needs to be put in place. The supply of a pack of essential documents and materials and enrolment onto appropriate training needs to be included in this procedure. Details of the induction procedure needs to be uploaded onto the website to ensure that anyone

thinking of becoming a Councillor can see that they will be effectively guided and cared for once elected.

- **Register of Interests** - Councillors Register of Interests must be updated every 12 months and uploaded onto the website to comply with the Transparency Code.
- **Code of Conduct** - Councillors must abide by the up to date version of the adopted Suffolk Code of Conduct.
- **Breach of Code of Conduct** - breaches in the code of conduct needs a written procedure in place. This should state that if a breach is reported by a member of the public, a fellow Councillor or the Clerk, it should be made or forwarded to the Monitoring Officer. An investigation will be carried out by the Monitoring Officer who will advise of any action to be taken by the Council as a result. This procedure should be uploaded onto the website to ensure that the public are reassured that the correct actions will be taken in case of a breach.
- **Legal Powers** - it is essential that a Council knows and understands what legal powers they have when taking decisions and should be able to demonstrate this knowledge. This is not as important when the General Power of Competence is in place – but Kesale-cum-Carlton will lose this power next May unless the Clerk has completed her CILCA qualification and two-thirds of the Council have been elected.
- **Casual Vacancies** - a written procedure needs to be produced to reflect how Casual Vacancies will be handled by the Council. This needs to include:
  - An agreed method of letting the Returning Officer know that there is a vacancy.
  - The Returning Officer will then advertise this vacancy.
  - The Clerk to post a Notice of the Vacancy both on the noticeboards and on the website.
  - If 10 or more people from the community demand an election, the Council is under obligation to hold one.
  - If less than 10 people have come forward, the District Council will inform the Council that someone can be co-opted.
  - Eligibility to hold the position of Councillor is that they are over 18, have lived or worked in the village for over 12 months and have no criminal offences.
  - If a Councillor is co-opted, the vacancy can be filled after the notice period of 14 days.
  - Potential co-opted Councillors will be interviewed by a previously agreed panel of Councillors.
  - If only one potential co-opted Councillor comes forward, the Council is not obliged to accept them if they feel the person is not suitable (although reasons must be provided)
  - This written procedure must be uploaded onto the website to inform the public of the process of filling Casual Vacancies.
- **Policies** - the following Policies need to be produced and approved by Council (A Complaints and Freedom of Information Policy already exist and are on the website):
  - **Health and Safety Policy** – to include wider ranging risk assessments and the introduction of an Accident Register to record any accidents or near misses.
  - **Risk Assessment Policy** – to define how risk assessments will be conducted in all areas (not just H&S) and which templates are to be used
  - **Communications Policy** – to include use of email and internet, social media and how to deal with the general media
  - **IT Data Security Policy** – to outline measures taken to ensure the security of data held.

- **Website Policy** – to ensure the correct measures are in place to comply with GDPR legislation
- **General Data Protection Policy** – to ensure that the new data protection law is complied with at all times.
- **Privacy Policy Notice** - to supply the public with a notice to inform them that their data will be protected at all times.
- **Emergency and Resilience Policy** – this could include a leaflet to be distributed to the public on what to do in the case of an emergency. Also, to better understand the community it was suggested that a questionnaire is formulated and delivered to all residents – asking ‘can anyone offer a service in the case of an emergency?’ and ‘would you have any specific needs that we need to know about in the case of an emergency i.e. medication or special medical needs, mobility issues etc’? A copy of this policy must be lodged with the local emergency services and annual updates passed on to them.
- **Safeguarding Policy** – to include both children and vulnerable adults
- **Community Engagement Strategy** – to define how and by what means the Council will engage with the community.
- **Employment Policies:**
  - **Equal Opportunities Policy** (this will be asked for in most cases if grants are applied for)
  - **Grievance Policy**
  - **Disciplinary Policy** – to include rules and procedures
  - **Performance Management/Competency Policy**
  - **Training and Development Policy**
  - **Sickness and Absence Policy**
  - **Lone Worker Policy**
  - **Bullying and Harassment**

**ALL** Policies and Procedures to be uploaded onto the website.

The Clerk will ensure that these policies are written and approved over the next few months.

### **Planning Workshop – 9<sup>th</sup> July 2018**

The following measures were recommended:

- Development of a pre-application protocol to allow the Council to engage with developers prior to them submitting their planning applications. This is designed to build effective relationships between Councils and developers going into the future. There is an existing protocol from another Council that can be adapted.
- Convey the following message to the community in a consistent manner regarding planning in the village – the role of the parish council is to:
  - Make recommendations
  - Provide the community with a voice
  - Engage with the community
  - Provide the local ‘eyes and ears’
  - Help shape local planning policies
  - Look at what is coming forward with local plans
  - Progress Neighbourhood Plans
  - As a Council identify what is sustainable and be able to argue if and why sustainability is or is not possible
  - Familiarise yourself as a Council with ‘Suffolk Street Scene’ and the Suffolk Design Code’ to broaden your knowledge

- Keep a Council Planning Register, keep it updated and regularly upload updates onto the website to keep the public informed of what action is being taken.
- Ensure that Council meetings are open and transparent and that planning applications are discussed in an unbiased way.
- Ensure that if it is decided that bigger housing developments are going to get the go ahead, claim Section 106 money to help offset the negative impacts of the development. This is a biddable fund, which means that money will have to be applied for unlike CIL.
- Ensure that the public understand that only material considerations can be made when making decisions on planning applications. (A document will be provided by the Clerk in due course to list all the material considerations together with a list of what cannot be considered to make things easier for those Councillors that do not have a planning speciality)

The Council already acknowledges that planning is becoming a very important part of it's work. Co-operation by all Council members in becoming more expert in the planning area is going to be important. The Clerk is aiming to provide information and solutions to ensure the smooth running of planning administration and the decision making process going forward.

### **GDPR Workshop 11<sup>th</sup> July 2018**

The following actions will ensure compliance with the new General Data Protection Regulations:

- Retention schedule is essential – only store what you need and only for the period it is needed. NALC have produced a model retention schedule that could be adopted
- Anyone part of a supply chain (i.e. dealings with third parties) are legally responsible both jointly and severally. This means that if a third party has responsibility for any of your data (in our case the web developer for example), if they infringe the GDPR legislation, the Council will also be held responsible. Therefore, measures must be put in place to ensure that as a Council steps have been taken to approach any third parties and that they have been asked to produce evidence on how they will protect the data they hold.
- The Council must:
  - Have Data Asset Register to identify all data held
  - Have a Data Breach Register to record any incidents of a breach and understand what a reportable breach is
  - Have Encryption and Anti-Virus software to protect personal data
  - Have the ability to demonstrate compliance with the principles. Clerk suggests a process map would be the best way to achieve this.
  - Have a Privacy Notice and Policy – both on the website
  - Have a 'right to access' procedure to be uploaded onto the website
  - Have a 'right to rectification' procedure to be uploaded onto the website
  - Have a 'right to be forgotten' procedure to be uploaded onto the website
  - Have a 'right to object to processing' procedure to be uploaded onto the website
  - Have a consent form to be given to members of the public to allow their names to be included in documents or articles on the website
  - Have a 'bring your own device' policy to ensure that Councillors do not breach GDPR by using (or losing) their mobile phones, tablets or laptops.

The Clerk will ensure that the Council is legally compliant but will be asking for co-operation in certain areas and will be grateful if that can be given when requested.

## **2. Approval of Final Version of Privacy Notice**

This has been circulated before the meeting. To be uploaded onto the website.

## **3. Approval of Email, Internet and Social Media Policy**

This has been circulated before the meeting. To be uploaded onto the website.

## **4. Approval of GDPR Risk Assessment**

This has been circulated before the meeting. To be uploaded onto the website

## **5. To consider an alternative solution regarding document storage**

Originally it was decided that the Clerk would set up a business Google Drive account with a view of storing all documentation in the cloud to provide the ability to share with Councillors and to set up an archive. However, the Clerk has had a re-think and would like to put forward the following proposal:

- Not to use Google Drive for the following reasons:
  - All documents that Councillors will need access to will be available on the website. Minutes, agendas, accounts, planning register, policies and procedures and more will all be available to view at any time. Therefore, setting up a separate shared means of access via Google Drive doesn't seem necessary. A business Google Drive account would be needed to provide us with enough accounts and that would result in the Council having to pay a monthly charge.
  - A council laptop has been purchased for use by the Clerk that will exclusively contain Council documentation. This laptop will be protected with anti-virus and encryption software to ensure the data is secure. Data will be backed up onto a RAID 1 external drive each week and a log of backups will be kept by the Clerk. Backups will be tested at regular intervals and logged by the Clerk. This means that our obligation under GDPR can be demonstrated as we will not be reliant on a third party having access to the data.
  - Archive data if needed could be requested from the Clerk. It is not envisaged that this would be a frequent occurrence.
- *What about the plan to use Google Docs to share documents for the purposes of recording responses for planning applications?*
  - The Clerk has a new solution that will make this process easier for Councillors. The process will consist:
    - The Clerk will design a form in Google Forms which will include the planning application details, tick boxes to check for any material considerations plus a text box for comments.
    - The form will be circulated to all Councillors for completion each time the Clerk receives notice of a planning application.
    - Councillors will be given a deadline to complete and return the form to the Clerk.
    - All the data from the returned forms will be automatically dumped into a linked Google Sheet designed and set up by the Clerk.
    - The data from the forms will be analysed by the Clerk and uploaded into a Planning Report which will be circulated to the Council before each meeting.

- If a situation arises whereby an extension to the response time for a planning application is requested and turned down, the form will be circulated and a deadline in line with the response date will be specified so that a response can be provided by the Clerk.
- The contents of the Planning Report will be discussed at the full Council meeting.

The Clerk hopes that this is acceptable to the Council.

**6. To consider the expenditure limit for the Clerk regarding urgent decisions between meetings**

The Clerk has checked the current Standing Orders and an upper limit of £300 is permissible in the case of an emergency.

**7. Update on Bonfire Event Working Group**

The Clerk has joined the Bonfire Event Working Group and will attend meetings and undertake administrative duties as required by the group leader. The Clerk will also ensure that the new cash handling procedure is implemented.

**8. To consider the report supplied by Therese Coffey MP sent to Kelsie-cum-Carlton**

The report from Therese Coffey was circulated prior to the meeting.