



Wheathampstead Parish Council Policies and Procedures Handbook

Approved by Council, January 2015
(To be reviewed January 2016)

Revisions:

- 23rd February 2015 - Grazing Policy Included
- 4th March 2015 – Tree Strategy Included
- 4th March 2015 – Bench Maintenance added to Open Spaces
- 11th March 2015 – General update





1 TABLE OF CONTENTS

1	Table of Contents.....	3
2	Anti-Bribery Statement.....	5
3	Banner Advertising Application Form	7
4	Child Protection.....	9
5	Code of Conduct.....	10
6	Complaints Procedure.....	14
7	Conflicts of Interest	15
8	Contractors – Approved List.....	16
9	Dignity at Work, Bullying and Harassment	18
10	Disciplinary	23
11	Freedom of Information Model Publication Scheme	26
12	Grazing	29
13	Gritting and Clearing Memorial Hall Access and Car Park	30
14	Internet and Electronic Mail.....	32
15	Media Protocol.....	35
16	Open Spaces	37
17	Pensions and Discretionary Payments to Employees	40
18	Risks and Issues Log.....	50
19	Tree Strategy	56
20	Use of Parish Council Amenity Areas for Organised Events	59
21	Whistle Blowing.....	62





2 ANTI-BRIBERY STATEMENT

1. The Council is committed to applying the highest standards of ethical conduct and integrity to its business activities in the UK and overseas. When acting on behalf of the Council you are responsible for maintaining the Council's reputation and for conducting business honestly and professionally.
2. The integrity and reputation of the Council depends on the honesty, fairness and integrity brought to the job by everyone associated with the Council.
3. The Council will not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf.
4. The Members and officers are committed to implementing and enforcing effective systems throughout the Council to prevent, monitor and eliminate bribery, in accordance with its obligations under the Bribery Act 2010.
5. The Council's Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors both in the UK and overseas.
6. All employees and any other individuals acting on behalf of the Council are required to familiarise themselves with and comply with the Council's Anti-Bribery Procedures.
7. A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (ie not in good faith, not impartially, or not in accordance with a position of trust).
8. All employees and any other person acting on behalf of the Council are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or company in order to gain any commercial, contractual or regulatory advantage for the Council in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.
9. The Council will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Council's anti-bribery procedures.
10. In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, employees should under no circumstances accept money, gifts or other forms of reward with a value exceeding £50 without prior consent from the Clerk (Chairman in case of the Clerk). All such reported gifts shall be recorded.
11. Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Clerk before proceeding.
12. Any breach of the Council's Anti-Bribery procedures will normally be treated as Gross Misconduct.



13. Employees should also note that bribery is a criminal offence.
14. The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.
15. The Council depends on all employees, and those acting for the organisation, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Council are expected to report any suspected bribery to the Council following the Council's Anti-Bribery procedures.
16. All employees will receive the support of the Council if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.



3 BANNER ADVERTISING APPLICATION FORM

Please read the following criteria before completing and submitting this application form.

- The event to be advertised will normally be located in the Parish of Wheathampstead.
- The applicant shall be required to arrange for the production and payment of the banner.
- The banner may advertise the name, date, time, location and contact details of the event. It may also indicate whether there is any form of entry or admission.
- The event or activity shall not have any commercial or profit-making purpose for private gain.
- Wheathampstead Parish Council events will take priority over any other application.
- The maximum period that an event will normally be allowed to display an advertisement will be 2 weeks (14 days).
- The banner must be securely fixed at an appropriate agreed location and will be the responsibility of the event organiser to maintain and tend to. The banner must be removed by the applicant in accordance with Section 3 of the Application Form.
- The design and wording of the banner shall be at the discretion of the Parish Council which, through the Clerk, will determine whether it is appropriate for it to be displayed.
- The organisers of the event will need to demonstrate that they have adequate public liability insurance (minimum £5 million) to cover any event or circumstance that might cause reason for a claim as a consequence of the banner.
- No more than two different organisations/events may usually be simultaneously advertised.
- The Parish Council will hold a 'bookings diary' for banner requests
- The priority and choice of location for display of banners is at the Parish Council's discretion
- A charge may be made for events outside the parish.
- The Parish Council reserves the right to remove inappropriate banners, banners used for commercial advertising or banners breaking these terms.

Please complete the following sections in full



1) Applicant Contact Information

Organisation requesting permission:
.....

Name and address of applicant:
.....

Tel (Home)(Work/Mobile):.....

E-mail:

2) Event Information

Event:

Location:

Date(s):..... Event times:.....

Entry criteria (fees, age etc):
.....

Is this event raising funds for charity? Please circle: Y / N

Which charity is the event supporting?

3) Banner

Please attach a copy of the wording that you wish to display on your banner.

Erection Date:.....Dismantle Date.....

Banner Size:.....

4) Return Address and Insurance

Please ensure that you include evidence of public liability insurance when you return this application form.to **Wheathampstead Parish Council** at:

The Memorial Hall, Marford Road, Wheathampstead AL4 8AY
Tel: 01582 832541 Email: info@wheathampstead-pc.gov.uk

If you do not get an email response please phone to confirm receipt.

5) Confirmation of Insurance

Seen
By:.....Date:.....



4 CHILD PROTECTION

Wheathampstead Parish Council is committed to ensuring that children are protected and kept safe from harm whilst they are engaged in any activity associated with the Council and to establishing the following principles:

- Anyone under the age of 18 years is considered to be a child
- The welfare of the child is paramount;
- All children and young people without exception, have the right to protection from abuse and for their rights, feelings and views to be respected.
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately.
- In line with these principles the Parish Council will aim to:
 - Create a healthy and safe environment for all activities, where children feel safe and secure
 - Promote the general welfare, health and full development of children people during activities
 - Promote and implement appropriate procedures to safeguard the well-being of children and protect them from abuse.
 - Respect the rights, wishes and feelings of children and ensure that they are listened to.
 - Ensure that any allegations made by a child are not allowed to go unchallenged, and that any allegations and suspicions are appropriately investigated, recorded and acted upon promptly.
 - Ensure that councillors, staff and volunteers are well informed, supported and enabled to provide the best possible practice
 - Ensure that all new employees and volunteers who will work with, or come into contact with, children in the course of their work activities will complete a disclosure form from the Criminal Records Bureau as required
 - Ensure that all new employees and volunteers will be provided with the Child Protection Policy and asked to sign to confirm that they understand it and will abide by it.
- ***The Parish Council will appoint a Child Protection Officer who will ensure that procedures are put in place to enable the aims of the Parish Council to be met and to initiate appropriate action should any allegation of improper conduct be made.***

The Council's Child Protection Officer is The Clerk to the Council



5 CODE OF CONDUCT

Introduction

Pursuant to section 27 of the Localism Act 2011, Wheathampstead Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

- (1) He/she shall behave in such a way that a reasonable person would regard as respectful.
- (2) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- (3) He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- (4) He/she shall use the resources of the Council in accordance with its requirements.
- (5) He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

- (6) Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- (7) Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- (8) A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.



- (9) A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

- (10) Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
- (11) Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
- (12) Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- (13) A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- (14) Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

- (15) On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.



Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



*Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;

- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.



6 COMPLAINTS PROCEDURE

If a complaint is about a Council decision, it is handed back to Council for determination.

If a complaint about procedures or administration is notified orally to a councillor or the clerk and it is not possible to satisfy the complainant fully and immediately, the complainant will be asked to put their complaint in writing to the clerk and be assured that it will be dealt with promptly.

(a) If a complainant indicates that they would prefer not to put the complaint to the clerk they will be advised to put it to the chairman.

(b) On receipt of a written complaint the clerk or chairman will (except where the complaint is about their own actions) try to settle the complaint directly with the complainant. However, they will not do so in respect of a complaint about the behaviour of the clerk or a councillor without first notifying the person complained of and giving them the opportunity to comment on the manner in which the complaint is settled. Where the clerk or chairman receives a written complaint about their own actions they will refer the complaint to the council.

(c) The clerk or chairman will report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

(d) The clerk or chairman will bring any written complaint which cannot be settled to the next meeting of the Council and the clerk will notify the complainant of the date on which the complaint will be considered.

(e) The council will consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint will be announced at the Council meeting in public.

(f) The complainant will be notified in writing of the decision and any action to be taken as soon as possible after the decision has been made.



7 CONFLICTS OF INTEREST

This council has adopted the cross-government Conflicts of Interest report issued by the National Audit Office, HC907 issued 27th January 2015.



8 CONTRACTORS – APPROVED LIST

List of preferred contractors:

Contractor	Service
Absolute Plumbing	Plumbing
Aegis Alarms	Alarm service
Alban Locksmiths	Locksmiths
Alpha Signs	Signage
Artskool	childrens' art lessons
B. J. Builders Group	building works
C. P. Cleaning Services	window / bus shelter cleaning
Channel Safety Systems	Alarm system
Deeks Electrical	electrical engineers
Earth Anchors	Litter / dog bins
Fitzpatrick Woolmer	Mapping / signage
Frank Cooper & Sons	Pitch marking
Garden City Trees	tree works
Gradav Hire & Sales	stage light bulbs
GreenbiRo	audit
HAPTC	training and advice
Harpenden Windows	window suppliers
HCC	Office & cleaning supplies
HertsCom IT	IT support
Holywell	
Haulage	skips
Image-ry	Printers
Intouch crm	website
Lamps and Tubes Illuminations	Christmas Lighting
M. J. Taylor-King	building works tree surveys and care of open spaces
Mark Carter	
Mill Green Forge	Ironmongery
Morris Gordon	Precision engineers
Parish Online	Mapping service
Peckfords	Christmas Lighting
PGM Signs Ltd	Signage
Piggotts	Christmas lights
Prompt Fire Protection	Fire alarm service
R. Fox	heating engineer
R. J. Dawes	brass / hedge contractors
R. Moffat	Plumbing
Roland Allen	Gas / heating engineers



Russell & Chapple	Stage curtains
Scott & Sons	Deep cleaning service
Selima	payroll services
SLCC	training and advice
TBS Hygeine	Dog waste removal
Top Hat	stage school
Veolia Environmental	bin emptying
Vicky Puttock	office finance support
Village Maintenance (Peter Ryan)	General Maintenance
Village Off Licence	refreshments
Zone Marketing	delivery service



9 DIGNITY AT WORK, BULLYING AND HARASSMENT

Based on SLCC model 2012

1 Purpose and Scope

1.1 Statement:

In support of our value to respect others Wheathampstead Parish Council will not tolerate bullying or harassment by, or of, any of its 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 and the Elected Members Code of Conduct.

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.

1.2 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 is

“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This usually 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.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

1.3 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, making threats of physical violence against a person or their family, deliberately



undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 Penalties:

Bullying and harassment by any employed persons can be 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. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. 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.

1.5 The Legal position:

Councils have a 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. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents. The legal definition of "Third Party Harassment" has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or Member of the council.

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. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.



2. Process for dealing with complaints of Bullying and Harassment

2.1 Informal approach

Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

2.2 Formal approach

2.2.1 Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Personnel committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

2.2.2 Others

Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to a member has been unsuccessful at eliminating the problem.. The complaint should then be investigated and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the council's official Complaints Procedure. It is important that the Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

2.3 Grievance – Employees only

A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer of WPC or HAPTC as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counseling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved. The council



will commit not to victimize the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

2.4 Disciplinary Action

Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice on Dispute Resolution and would normally be treated as Gross Misconduct.

For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment are limited but do include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies, a referral under the Code of Conduct to the relevant reviewing body.. There may also be a referral to the Police under the Protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) 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 the Standards process.

3. Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, Facebook comments, or in the pub or local playground.

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.

4. Useful contacts

ACAS www.acas.org.uk tel: 0845 7 47 47 47

Local Government Ombudsman for Wales www.ombudsman-wales.org.uk tel:0845 601 0987

Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614

Equalities and Human Rights Commission www.equalityhumanrights.com

SLCC www.slcc.co.uk

DirectGov website

www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/DG_10026670



10 DISCIPLINARY

Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Council rules this procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- 1.2 Informal action will be considered, where appropriate, to resolve problems.
- 1.3 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.4 The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- 1.5 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may be, in appropriate circumstances, anonymised.
- 1.6 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- 1.7 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 1.8 An employee will have the right to appeal against any disciplinary action.
- 1.9 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

- 1.10 This will normally be either:

- *an improvement note for unsatisfactory performance* if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and

the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

or

- *a first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Final written warning



- 1.11 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after six months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

- 1.12 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or in appropriate cases, some other action short of dismissal such as demotion, disciplinary suspension with no pay or transfer. Dismissal decisions can only be taken by the appropriate manager, and the employee will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.13 If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Gross misconduct

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

- Theft, dishonesty, falsification of documents, bribery or fraud
- physical violence/intimidation/aggressive behaviour or bullying
- deliberate/wilful negligent damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
- serious insubordination
- unauthorised absence
- failing to follow a reasonable management instruction
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a breach of trust & confidence.

- 1.15 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals



- 1.16 An employee who wishes to appeal against a disciplinary decision must do so within five working days. A nominated senior manager will hear the appeal and his/her decision is final.



11 FREEDOM OF INFORMATION MODEL PUBLICATION SCHEME

This model publication scheme has been prepared and approved by the **Information Commissioner**. It was adopted without modification by Wheathampstead Parish Council in 2008 and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers



Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where impracticable to make information available on a website or when an individual does not wish to access the information by website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- Photocopying



- Postage and packaging
- The costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

December 2008



12 GRAZING

Approved and adopted 23 February 2015

1. Licensee cannot transfer licences to a third party.
2. Licences are granted and paid for annually in advance.
3. Licences are renewed annually from April 1st.
4. Prices will be calculated per acre only.
5. When plots become vacant, interested parties are informed and sealed tenders invited. The deadline for tenders is 6 weeks after notice has been given.
6. A minimum price per acre for tenders will be calculated from the current maximum price per acre plus an RPI increase.
7. Annual individual renewals will be based on the current rate plus an increase calculated using the current RPI.
8. Should the Council believe (either through the tendering process or other information) that market rates are significantly higher than currently being charged then the minimum price per acre for tenders and the annual rate of increase may be determined by a Council resolution.
9. In the case of the death of a licensee, their immediate family may continue to use the plot for a period of 6 months or to the end of March, whichever is the longer period and upon receipt of the appropriate rent. However the plot is immediately offered for sealed tender as per rules 4 and 5 but with the licence period beginning after 6 months or at the end of March as appropriate. Relatives of the deceased may also submit a tender.
10. Licensees must clear the site of all items including buildings unless the Parish Council explicitly approves the retaining of certain structures.
11. The Licence can be terminated by Wheathampstead Parish Council if the Licensee does not confirm with the terms of the licence.



13 GRITTING AND CLEARING MEMORIAL HALL ACCESS AND CAR PARK

To ensure the safety of staff and visitors and to satisfy the legal requirements for the provision of a safe working environment, this document offers guidance on a common sense approach to the clearance of snow and ice during periods of bad weather.

The Council has a legal duty to take 'reasonable' steps to keep their workplaces/premises safe, and employees have a duty to co-operate with the employer in terms of health and safety.

Roles and Responsibilities

The Clerk is responsible for ensuring (before 1st October each year) that the Memorial Hall is fully equipped with appropriate snow clearing and protective equipment. The Clerk will obtain adequate stocks of rock salt from the appropriate supplier along with a COSHH Safety Data Sheet for the product which will be adhered to. Consideration may be given to procuring alternative de-icing materials during periods of extreme weather when rock salt will be unavailable for non-highway use.

The Maintenance Committee will carry out a formal snow clearance/gritting risk assessment that they will review periodically. The risk assessment must include reference to manual handling issues, personal protective equipment and the appropriate access routes to use during bad weather.

The caretaker is responsible for the immediate clearance of snow and ice in designated areas, in line with the gritting plan (below). When the caretaker is unavailable, a suitable contractor or volunteer will be contacted.

The caretaker is also responsible for temporarily closing parts or the entire site in line with the gritting plan.

Gritting Plan

Priority areas for gritting are:

- A path from the Reserved car parking spaces to the West door
- The entrance to the South door
- A path from the disabled car parking bays close to the South door to the South door
- The entrance to the West door
- Unless resources allow otherwise, the entrance to the North door should be taped off for no access at the bottom of the steps and slope. Users should access the Hall from the South door
- Access to doctors' surgery

Secondary areas for gritting are:

- The steps leading up to the North door and the entrance to the North door
- Paths from the street to the main access doors on the South and West side
- Pathways across car parks may be cleared if resources permit, but generally it is suggested that attempts are not made to clear car parking areas/spaces themselves, unless snow is so heavy that essential vehicles (e.g. emergency vehicles, delivery lorries etc) are unable to gain access to the site.



A salt bin and shovels will be provided close to the bin store for visitors' use and in emergency situations.

When to consider gritting

- When snow is forecast or is freshly fallen
- When freezing temperatures are forecast after rain
- Once an area has been gritted/salted, it should continue to be treated on a regular basis until the risk of ice has passed.
- To gain the most economical and environmental solution the minimum amount of salt should be used , as a guide a good handful is sufficient to treat 1 m² .
- There is no advantage in gritting/salting deep snow; this should be cleared from the path first.

When to close

- If there is insufficient grit or resources available the North door should be taped off to prevent access
- If the car park becomes covered in sheet ice, the Clerk /chairman may decide to close it completely

Method of Clearance

A pathway of at least one meter wide should be cleared (close to a hand rail if available), this will allow suitable access for pedestrians and pushchairs/ wheelchairs.

Snow and ice should be completely removed using a suitable snow scraper or shovel, snow and ice should **NOT** be brushed, or dissolved using hot water, as this will make surfaces more hazardous.

Once the path has been cleared rock salt should be used to assist in providing extra grip. During exceptional periods, a mix of rock salt and sharp sand may be used.

Paths should be regularly checked throughout the day to ensure -freezing or further snow coverage has not occurred.



14 INTERNET AND ELECTRONIC MAIL

Introduction

- 1 The Council's computer system contains an e-mail facility, which is intended to promote effective communication on matters relating to the Council's business. The e-mail system should therefore be used for that purpose. You have no right to privacy when using the Council's computer system. This means the e-mail system should not be used for spreading gossip or for personal gain or in breach of any of the Council's standard employment policies on issues such as sexual or racial harassment. This applies to both staff and to councillors unless truly acting in a private capacity and using their private email address.
- 2 Messages sent on the e-mail system are to be written in accordance with the standards of any other form of written communication and the content and language used in the message must be consistent with best Council practice. Messages should be concise and directed to those individuals with a need to know. General messages to a wide group should only be used where necessary and ALWAYS use the blind carbon copy facility (BCC) to protect customer/client confidentiality unless between councillors and staff, or where specific agreement has been given.
- 3 Confidential information should not be sent externally and in some cases internally, by e-mail without express authority and unless the messages can be lawfully encrypted.

Legal Action Against the Council

- 4 Messages sent over the e-mail system can give rise to legal action against the Council. Claims for defamation, breach of confidentiality or contract could arise from a misuse of the system. It is therefore vital for e-mail messages to be treated like any other form of correspondence and where necessary hard copies should be retained. You are also reminded that messages are disclosable in any legal action commenced against the Council relevant to the issues set out in the e-mail.

The Council's Rights

- 5 The Council reserves the right to retrieve the contents of all incoming and outgoing messages for the purpose of monitoring whether the use of the e-mail system is legitimate, when employees are off sick or on holiday, to find lost messages or to retrieve messages lost by computer failure, to assist in the investigations of wrongful acts or to comply with any legal obligation.



- 6 The Council reserves the right to monitor email messages sent and/or received and to monitor your usage of the Internet.

Security

- 7 If you are given access to the e-mail system you are responsible for the security of your terminal and you must not allow the terminal to be used by an unauthorised person.
- 8 You should therefore keep your personal password confidential and change it regularly. When leaving your terminal unattended or on leaving the office you should ensure you log off the system to prevent unauthorised users using your terminal in your absence.

General Rules

- 9 Should you receive an e-mail message which has been wrongly delivered to your e-mail address you should notify the sender of the message by redirecting the message to that person but NOT in the case of SPAM which should be deleted immediately. Further in the event the e-mail message contains confidential information you must not disclose or use that confidential information. Should you receive an e-mail which contravenes this policy the e-mail should be brought to the attention of the Parish Clerk.
- 10 Misuse of the e-mail system in breach of these rules will be treated as misconduct.
- 11 Misuse of the e-mail system by transmission of any material in any of the following categories will constitute gross misconduct:
- 11.1 defamatory;
 - 11.2 offensive or obscene;
 - 11.3 untrue or malicious;
 - 11.4 discriminatory on grounds of race, sex, marital status, disability, sexual orientation, religion or religious belief & philosophical beliefs or age;
 - 11.5 the Council's Confidential Information (as defined in your contract of employment); and
 - 11.6 protected copyright material.

Internet

- 12 If you are given access to the Internet you must use it for legitimate Council business only. Searching for or viewing or downloading web pages the content of which is offensive, obscene, discrimination will constitute gross misconduct.





15 MEDIA PROTOCOL

1. Purpose

The purpose of this protocol is to provide a framework in which the communications work of the Council can be undertaken in a consistent, professional, transparent and non-party political manner.

2 Context

Wheathampstead Parish Council recognizes the important role the media plays in informing the public and helping the authority communicate with the public and other stakeholders.

Everyone who works for, or on behalf of the Council – staff, elected members, volunteers, contractors – has a role in protecting its reputation.

Media communications are one tool to present decisions, services and policies effectively and to protect the Council's reputation.

3 Principles

Underpinning this protocol is the general principle, enshrined in government legislation, that the Council will not involve itself in any publicity which appears to be designed to affect public support for a political party. In addition Wheathampstead Parish Council's communications will comply with relevant legal requirements (and conform to the Code of Recommended Practice on Local Government Publicity, issued by the Secretary of State in March 2011 which highlights factors to be borne in mind when taking decisions on publicity (see <http://www.communities.gov.uk/documents/localgovernment/pdf/1878324.pdf>)

Paragraphs 16 and 34 are particularly relevant:

- 16 Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published without intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.

- 34 During the period between notice of an election and the election itself, local authorities should not publish any publicity on controversial issues of report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to



individuals involved directly in the election should not be published by local authorities during this period unless expressly authorized by or under statute. It is permissible for local authorities to publish factual information which identifies the named, wards and parties of candidates at elections.

4 Media Liaison

Officers should be aware of journalists' tight publication deadlines and endeavor to meet these. With instant online news fast responses are necessary.

All news /press releases are subject to sign off by the Parish Clerk as Proper Officer for Wheathampstead Parish Council.

5 Quotations

Quotations from councillors or officers should meet the requirements of the Code of Conduct of Recommended Practice on Local Authority Publicity. They should be factual, non-political and objective. Quotations should be concise and appropriate to the context of the news release.

6 Comment on Confidential Reports

Reports made on pink paper contain confidential information meeting the criteria of Local Government Act 1972 schedule 12A. Any discussions undertaken within the meeting regarding the report are strictly confidential and MUST NOT be disclosed.

7 Individual Councillors

The principal of even-handedness enshrined in the Code of Recommended Practice on Local Authority Publicity (March 2011) has the effect that publicity about the Council does not seek to affect support for a single councillor or group. The Code does however recognize that at times it is acceptable to associate publicity with a single member of the Council, where, for example one Councillor has been the face a particular campaign.



16 OPEN SPACES

Introduction

This policy and associated management plan for the Open spaces maintained by Wheathampstead Parish Council has been put together involving consultation with a number of interested parties including:

Our current volunteer rangers Patrick McNeill and John Murray

Alex Laurie of the Countryside Management Service (CMS),

Tim Hill of Herts & Middlesex Wildlife Trust (HMWT),

Dougal McNeill (Natural England)

Council's contractors Richard Dawes and Peter Ryan

Relevant areas

The open spaces in the parish include play areas including those used for football and children's play grounds at

- Butterfield Road
- Marford Road
- Folly Fields
- Marshalls Heath
- Maltings Drive
- Rectory Field

And

- Devil's Dyke ** *
- Melissa Field
- Bower Heath*
- Gustard Wood*
- Marshalls Heath* ***
- The Meads (Meads Dell*)
- The Rectory Meadow (including the Rectory Copse)
- Butterfield Nature Reserve *** (Wheathampstead Nature Reserve)
- Nomansland ****
- Rectory Copse
- Old Station Yard
- Railway Platform

Old Rectory Garden (Crinkle Crankle Garden) and adjacent area currently hard surfaced.

* County Wildlife Site

** Scheduled Ancient Monument

*** Local Nature Reserve



**** owned in part by Wheathampstead Parish Council and The Althorp Estate and managed by a joint management committee comprising representatives from Wheathampstead and Sandridge Parish Councils and St Albans District Council

Policy

Essentially the policy will take account of the following variables:

1. The needs of wildlife and promoting biodiversity
2. Public access
3. Visual appeal

The management of each site, or part of each site, gives different weightings to each of these variables and has been designed in consultation and following detailed site visits by councillors and various outside representatives as detailed above. For example in The Meads, the grassy area on the south bank of the river should continue to be close-mown to promote public access but at some cost to biodiversity. The area to the north of the river should be managed to promote biodiversity but might have more grassy paths cut through the area to promote some degree of access. The area known as The Dell should be managed primarily to promote biodiversity, with access limited to the existing tracks. The Dell was designated a County Wildlife site by HMWT in 2013 (as was Devil's Dyke)

The policy will take account of the following, whose relevance will vary from site to site:

1. Historic/heritage significance (if any)
2. Relevant designations (e.g. County Wildlife Site, Local Nature Reserve)
3. The involvement of other bodies (e.g. Countryside Management Service; Herts & Middlesex Wildlife Trust; the Environment Agency; English Heritage; Herts County Council; National Trust; English Heritage)
4. National and Hertfordshire County Council Biodiversity Action Plans
5. Health and safety.

Other factors that are included

1. Appointing volunteer rangers
2. Developing a simple management plan for each area
3. Minimal use of herbicides
4. Minimal use of pesticides
5. Controlling invasive species (eg Japanese knotweed, Himalayan balsam)
6. Recycling of material from the sites wherever possible (eg composting)
7. The use of recycled materials wherever possible (eg using recycled wood for signs and benches).



Volunteer rangers

The Parish Council seeks to appoint volunteer rangers for each site. John Murray for a number of years has voluntarily monitored Marshalls Heath An informal 'job description' for volunteers has been approved .

- Bower Heath- Bonnie Pinney
- Butterfield Local Nature Reserve (Wheathampstead Nature Reserve)- Christine Field/Mark Carter
- Devil's Dyke – Mark Carter
- East Lane Car Park – Eddie Cornell
- The Forge – John Burgess
- Gustard Wood –Kate Aylett
- Marshalls Heath LNR – John Murray
- The Meads – Patrick McNeill
- Melissa Field – Mary Cheale
- Nomansland
- Old Station Yard – Eddie Cornell
- Railway Platform- David Johnston/ Eddie Cornell
- The Rectory Meadow (including the Rectory Copse) – Peter Woodhams

Management plans

In some cases (e.g. the Local Nature Reserves, managed by CMS until 2013), a detailed management plan is in place and just need reviewing. In other cases, the management plans needed reviewing and updating. They may be no more than a statement of what is already happening. Over a period of perhaps a year of observing and recording how the site is used by people and by wildlife , the ranger should work with advisers (eg CMS, HMWT) to develop a plan that gives appropriate weighting to the variables and factors listed above. This does not have to be complex.

The results of the site visits have been written up and with CMS assistance included on mapping software. A working group meeting to discuss feasibility and including the Council's contractor met in 2012 to review and update management post 2011 and HMWT survey reports received. An annual review with ranger input is now in place and took place in November 2014.

Benches

The parish is responsible for maintaining benches bought by the council or donated by residents. Our maintenance policy is as follows:

- New benches to be treated according to the manufacturer's recommendations
- Sadolin or varnish is not to be used on new benches unless recommended by the manufacturer
- Sadolin or varnish is not to be used on any bench (new or old) unless it is necessary because of prior treatment with the product and to prevent deterioration
- All benches to be brushed and cleaned at least annually.



17 PENSIONS AND DISCRETIONARY PAYMENTS TO EMPLOYEES

Wheathampstead Parish Council (“the Parish Council”) as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (“the LGPS”).

The Parish Council is also under a duty to formulate, publish and keep under review the policy that the Parish Council applies in exercising discretionary powers under Regulations relating to the payment of compensation to employees whose employment is terminated as a result of redundancy or certain other reasons.

This document is intended to comply with these duties and, in the following table, sets out the discretionary powers concerned, identifies the relevant Regulation that gives the Parish Council the discretion and describes how the discretion will be exercised.

The policy set out in this document will not be departed from except as provided for in the policy or following a variation to the policy approved by the Full Council of the Parish Council.

This statement is not a definitive statement of the law and is subject to the provisions of the relevant Regulations.

The Regulations that apply to the LGPS are:

- The Local Government Pension Scheme Regulations 2013 (these are referred to as the “Pensions Regulations”);
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (referred to as the “Transitional Regulations”);
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applied to the LGPS before 1 April 2014, are preserved in part on a transitional basis by the Transitional Regulations and are referred to as the “Benefits Regulations”

The Regulations which apply to the payment of compensation to employees whose employment is terminated as a result of redundancy or other specified reasons are:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (referred to as the “Compensation Regulations”).

In the table below:

- (1) “The Scheme” or “the Pension Scheme” means the LGPS and “the Fund” or “the Pension Fund” means the fund maintained under the LGPS;
- (2) “Member” means a member of the LGPS;
- (3) “Active member” means a member in employment and paying, or treated as paying, contributions to the LGPS, or absent from employment for a reason mentioned in Regulation 11 of the Pensions Regulations.
- (4) References to a member with transitional protection are those who can count membership accrued before 1 October 2006 and who have statutory transitional protection under the Transitional Regulations, wholly or partly, from changes that would otherwise be made to their pension entitlements and/or from actuarial reductions that would otherwise be applied to their pension benefits as a result of the coming into force of the Pensions Regulations on 1 April 2014.



- (5) References to a member meeting “the 85 year rule” are those a members whose age in whole years when added to the member’s total membership in whole years is 85 years or more.

The power to exercise and to take any decision in relation to the each of the discretions is delegated to the Establishment Sub Committee.

This statement was approved by Full Council and is intended to comply with the Council’s duties under Regulation 60 of the Pensions Regulations and Regulation 7 of the Compensation Regulations.



No.	Area	Regulation	Discretion	Policy Summary	Explanation
1	Funding of Additional Pension Contributions	Regulations 16(2)(e) and 16(4)(d) Pensions Regulations,	<p>To fund, in whole or in part, additional pension contributions on behalf of an employee where these are to be paid by regular contributions (Regulation 16(2)(e)) or by lump sum (Regulation 16(4)(d))</p> <p>Note: The amount of additional pension that may be credited to an active member's pension accounts may not exceed the additional pension limit of £6,500 (uplifted annually)</p>	The Council will not normally fund additional contributions either wholly or in part, but may do so in wholly exceptional circumstances.	This means the Council can pay additional pension contributions of behalf of current employees. The Council will however only do this in wholly exceptional circumstances
2	Flexible Retirement	Regulation 30(6), Pensions Regulations	To agree to an employee aged 55 or over reducing their hours of work or grade so that they may receive all or some of their retirement pension while still employed	The Council will only agree to requests for flexible retirement in exceptional circumstances. Any additional cost to the Council (payments to the Pension Fund) will be offset by the potential savings from the reduction in hours and/or grade.	This means the Council can agree to an employee aged 55 or over drawing their pension whilst they continue to work for the Council on reduced pay / hours or grade. The Council will however only do this in exceptional circumstances.
3	Waiving of Actuarial Reduction to Pensions	Regulation 30(8), Pensions Regulations	To agree to waive, in whole or in part, any reduction that would otherwise be made on the early payment of a pension to a former employee aged 55 or to the pension paid to an employee allowed to	The Council will only agree to waive actuarial reductions in the following circumstances:	This means the Council can agree to waive any reductions to an individual's pension where they have left employment and / or



			take flexible retirement under Regulation 30(6) of the Pensions Regulations	<p>(1) There would be no cost to the Council;</p> <p>(2) In cases of exceptional hardship or on exceptional compassionate grounds</p>	where they have requested and been approved for flexible retirement from age 55. The Council will however only do this where there is no cost to the Council or in a case where the employee is suffering exceptional hardship or on exceptional compassionate grounds.
4	Award of Additional Pension	Regulation 31, Pensions Regulations	<p>To award additional pension to:</p> <p>(1) an active member; or</p> <p>(2) a former active member who was dismissed by reason of redundancy or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency</p> <p>Note: Any additional pension awarded (including any additional pension purchased by the employer under Regulation 16 of the Pensions Regulations (see above) may not exceed the additional pension limit of £6,500 (uplifted annually).</p> <p>Additionally, in the case of a former active member falling within (2) above, the</p>	It is not the policy of the Council to award additional pension.	This means the Council has power to award additional pension to either a current employee in the LGPS or an employee who has left by way of redundancy or business efficiency. The policy of the Council is not to do this.



			resolution to award additional pension must be made within 6 months from the date on which the employment ended.		
5	Aggregation of Benefits: Concurrent Employments	Regulation 22 (7)(b), Pensions Regulations	To allow an active member with concurrent employments, who ceases an employment with an entitlement to a deferred pension, a longer period than 12 months in which to elect not to have the benefits in their deferred member's pension account aggregated with the benefits in their active member's pension account.	The Council will consider each case on its merits, the length of any longer period allowed to be determined having regard to the facts of the particular case.	This means the Council can allow individuals with more than 1 pension under different employment contracts longer than the usual 12 month deadline to choose not to combine the pensions. The Council will consider each case on its own merits.
6	Aggregation of Benefits: Deferred Member becoming Active Member	Regulation 22 (8)(b), Pensions Regulations	To allow a deferred member who again becomes an active member a longer period than 12 months in which to elect not to have the benefits in their deferred member's pension account aggregated with the benefits in their active member's pension account.	The Council will consider each case on its merits, the length of any longer period allowed to be determined having regard to the facts of the particular case.	This means the Council can agree to an employee who has ceased to be an active member of the LGPS who again becomes an active member, longer than the usual 12 month deadline to choose not to combine the pensions. The Council will consider each case on its own merits.
7	Early Payment of Pension in cases of Members with Transitional Protection	Schedule 2, Transitional Regulations	To agree to that the transitional protections set out in Paragraph 1(3) of Schedule 2 to the Transitional Regulations should apply. This affects	It is not the Council's policy to agree to the application of Paragraph 1 (3) of Schedule 2 to	This means the Council will not agree to the payment of unreduced pension benefits to a



			members with transitional protection who choose to retire between the ages of 55 and 60. The transitional protections offer complete or partial protection from actuarial reductions depending on the circumstances.	the Transitional Regulations, which means that the Council will not agree to the payment of unreduced retirement benefits to a member with transitional protection who meets the 85 year rule until they are aged 60.	pension scheme member who is covered by the transitional protections who meets the '85 year rule' until they are aged 60.
8	Waiver of Actuarial Reductions to Pension in cases of Members with Transitional Protection	Schedule 2, Transitional Regulations	To waive on compassionate grounds, any reduction that would otherwise be made to a member's pension payable on early retirement.	The Council will only agree, on compassionate grounds, to waive any reduction that would otherwise be made to the pension payable to a member with transitional protection if there are exceptional circumstances	This means the Council will only agree on compassionate grounds, to waive any reduction to pension benefits that would otherwise be made to the pension payable to a member covered by the transitional protections if there are exceptional circumstances
9	Inward Transfer of Pension Rights	Regulation 100, Pensions Regulations	To allow a person more than 12 months beginning with the date when they first became an active member in an employment to request the acceptance of a transfer value for certain accrued pension rights. Note: Regulation 100 of the Pensions Regulations requires that a request must	The Council will consider each case on its merits, the length of any longer period to be determined having regard to the facts of the particular case.	This means the Council can agree to allow an individual who has been employed for more than 12 months to request to transfer previous pension funds into the LGPS fund. The Council will consider each case on its merits.



			<p>be made within 12 months beginning with the date on which the member became an active member in an employment or such longer period as the employer and the Administering Authority may allow. The discretion is, therefore, exercisable concurrently by the Administering Authority.</p>		
10	Forfeiture Certificates	Regulation 91, Pensions Regulations	<p>To apply to the Secretary of State for the issue of a forfeiture certificate.</p> <p>Note: A forfeiture certificate may be applied for where a member has been convicted of an offence committed in connection with the member's employment and because of which the member has left that employment. A forfeiture certificate is a certificate, issued by the Secretary of State that the offence was gravely injurious to the State or is liable to lead to serious loss of confidence in the public service.</p> <p>To direct, where a forfeiture certificate has been issued, that any rights under the Pensions Regulations be forfeited.</p> <p>Note: If the former employer has suffered loss as a direct consequence of the offence, a direction may only be given if the loss cannot be recovered except after an</p>	<p>The Council will consider each case on its merits, both in relation to applying for a forfeiture certificate and in relation to the giving of a direction, where a forfeiture certificate has been issued, that pension benefits be forfeited.</p>	<p>This means the Council can apply for a certificate from the secretary of state which permits withholding pension from an individual who has been convicted of certain offences.</p>



			<p>unreasonable time or at disproportionate cost.</p> <p>A direction may only be given if the application for a forfeiture certificate was made within a period of three months beginning with the date of the conviction</p>		
11	Recovery of Money Owed as a result of Misconduct	Regulation 93, Pensions Regulations	<p>To recover money owing to the former employer where a person has left employment as a result of grave misconduct or of a criminal, negligent or fraudulent act or omission in relation to that employment and owes money to the employer arising out of such that misconduct, act or omission.</p> <p>Note: If there is a dispute about the amount owed the Council may only recover the money from the employee's pension benefits under a court order or the award of an arbitrator.</p>	The Council will normally seek to recover any money owing as a result of a former employee's grave misconduct, or criminal, negligent or fraudulent acts or omissions from the employee's pension benefits.	This means the Council can look to recover money from an ex-employee where they have left employment as a result of grave misconduct or of a criminal, negligent or fraudulent act or omission in relation to that employment.
12	Redundancy Payments	Regulation 5, Compensation Regulations	To base redundancy pay on actual pay where actual pay exceeds the statutory maximum under the Employment Rights Act 1996.	The Council will usually base redundancy payments on the statutory maximum weekly redundancy pay unless there are sound financial reasons why the council should consider an employee's	This means the Council can base the calculation of an individual's redundancy pay on their actual weeks pay where it exceeds the statutory maximum weekly redundancy pay.



				actual pay or other calculation.	
13	Compensation for loss of Employment	Regulation 6, Compensation Regulations	<p>To pay compensation to a person whose employment ceases</p> <ul style="list-style-type: none"> - by reason of redundancy; - in the interests of the efficient exercise of the Council's functions; or <p>in the case of a joint appointment, because the other holder of the appointment leaves</p> <p>Note: Compensation may not be paid under this Regulation if:</p> <ul style="list-style-type: none"> - a person's period of membership of the Pension Scheme has been increased under Regulation 12 of the Benefits Regulations (see above); or - a person has been awarded an additional pension under Regulation 13 of the Benefits Regulations (see above). <p>In all cases the amount of compensation paid under this Regulation may not exceed 104 weeks' pay.</p> <p>In all cases the decision to pay compensation under this Regulation must be made no later than 6 months after the</p>	<p>The Council will not normally pay compensation under this Regulation except to ensure that an employee whose employment is terminated by reason of redundancy receives, under Regulation 5 of the Compensation Regulations and this Regulation a total of up to 30 weeks pay calculated in accordance with the Statutory Redundancy Pay Table.</p> <p>Note: The effect of the Council's policy on the exercise of its discretions under Regulations 5 and 6 of the Compensation Regulations is that a person whose employment is terminated by reason of redundancy will be paid up to 30 weeks' pay calculated in accordance with the Statutory Redundancy Pay Table.</p>	<p>This means the Council will only pay an employee who is made redundant using the statutory redundancy calculation up to 30 weeks pay.</p>



			date of termination of the person's employment.	A person whose employment is terminated in the interests of the efficient exercise of the Council's functions, or where the other holder of a joint appointment leaves, will not normally be paid compensation under these Regulations.	
--	--	--	---	---	--



18 RISKS AND ISSUES LOG

Revision History

Version	Revision Date:	Summary of Changes	Updated By	Changes Marked
1.0	13 March 2009	1st version, based upon initial Financial Risk assessment	Clerk & Cllr Begg	No
2.0	08 February 2010	version 2 annual review & update	Cllrs Begg, Brewster, Clements & Clerk	No
3.0	08 March 2011	version 3 annual review & update	Clerk & Deputy Clerk for submission to Council	no
3.1	31 March 2011	version 3 approved Min 1798-11	Council	no
4.0.	14 February 2012	version 4 annual review and update	Clerk & Deputy Clerk for submission to Council	no
4.1	26 February 2012	Version 4 approved Min 2445-12	Council	no
5	25 February 2013	version 5 annual review and update	Clerk & Deputy Clerk for submission to Council	no
5	28 February 2013	Version 5 approved Min 2935-13	Council	no
6	30-Jan-14	version 6 annual review and update	Clerk & Deputy Clerk for submission to Council	for council's approval only, unmarked when accepted
6	30 January 2014	Version 6 approved Min 3408-14	council	no
7	22 January 2015	version 7 annual review and update	Clerk & Deputy Clerk for submission to Council	

Approvals

This document requires the following approvals:

Name	Signature	Date of Issue	Version
Keith Stammers		Mar-09	V1.0
Iain Begg		Feb-10	V2.0



Iain Begg		Mar-11	V3.0
Iain Begg		Mar-11	V3.1
Iain Begg		Feb-12	v4.0
Iain Begg		Feb-12	v4.1
David Johnston		Feb-13	v5.0
David Johnston		Jan-14	v6.0
David Johnston	Minute3939-15	Jan-15	v7.0

1 Introduction

1.1 Background

This spreadsheet is used to track all risks, issues and actions. It will be maintained by the Parish Clerk and updated periodically i.e. it is a working document for ongoing use of Wheathampstead Parish Council.

To clarify the difference between Issues and Risks; A **Risk** is an **Issue** that hasn't occurred yet. When articulating the risk, it is recommended to explain that there is a risk that an event might occur at some point in the future i.e. to explain "what is the event?".

Purpose of this Spreadsheet

It is a legal requirement that the Council undertake a Risk Assessment annually and to maintain a risk log on an ongoing basis. In addition to this, it is beneficial to the smooth running of the office to maintain a list of Issues and Actions.

When risks, issues and actions are closed, they will be retained on this log as a point of historical record. For simplicity when viewing the log, it is easy to filter the list to show only the open items as necessary.

1.3 Structure of this Spreadsheet

This spreadsheet contains the following sections:

Risks - Lists all identified risks, both open and closed. A risk can only be closed if there is no longer a possibility of this even occurring.

Issues - Lists all identified issues both open and closed.

Actions - Lists all actions raised in ad-hoc meetings or via e-mail to ensure they do not get forgotten (N.B. regular meetings where actions are tracked need not be recorded here).

1.4 References

None.

1.5 Scope

The scope of this Risk & Issue Log is to record and track anything which is pertinent to the council and which may impact the successful execution of its duties.



RISKS								
Risk			Likelihood	Impact	Risk		Status	Date
No	Topic	Description of Risk	H/M/L	H/M/L	Owner	Mitigation	Op/Cl	Closed
R1	Precept	Risk that the Precept is not submitted or is submitted late	L	H	Clerk (with a dependency on full council)	Full PC Minute - RFO to follow up	Open	
R2	Precept	Risk that Precept will not be paid by SADC	L	H	Clerk	Clerk to monitor and report to full council. Ensure sufficient reserves.	Open	
R3	Precept	Risk that the Precept is inadequate	L	H	WPC	Continually monitor spending throughout the year. Raise orders systematically. Ensure sufficient reserves. Reserves increased in 2009 and 2010. Reserves checked annually	Open	
R4	Rental	Risk that fees are not paid by local clubs, contractors and hirers - contractual and non contractual	M	M	Clerk	Issue of invoices on annual basis. RFO to monitor and reconcile.	Open	
R5	Rental	Risk that fees generated are insufficient leading to an unplanned drain on reserves	H	L	Clerk and Committee	Rentals to be set in structured and considered manner rather than ad hoc. Full council to review rentals on annual basis	Open	
R6	Allotment Fees	Risk that fees generated are insufficient to cover costs leading to a drain on reserves.	M	L	Allotments	Rentals to be set in structured and considered manner rather than ad hoc. Full council to review rentals on annual basis. Note there is a legal requirement to give 1yr notice. Rolled into R4/5	Open	Closed
R7	Allotment Fees	Allotment holders not paying	M	M	Clerk	Issue of invoices on annual basis. RFO to monitor and	Open	
R8	Grants	Risk that WPC miss opportunities for grant funding.	H	H	All	All to be aware of funding opportunities	Open	
R9	Grants	Risk that grant money is not received when promised	L	L	Clerk	Check and report to Full Council	Open	
R10	Grant - others external	Risk that WPC miss opportunities for grant funding.	H	H	All	Clerk to be aware of funding opportunities	Open	Closed
R11	Bank	Risk that we are not achieving best returns on deposits	H	L	RFO	Review options and present to full council	Open	
R12	Bank	Risk of Bank defaulting	L	H	RFO & Full council	Consider splitting deposits across different financial institutions	Open	
R13	Legal Power to Spend	Risk that council acts illegally in its financial transactions.	L	H	All	Clerk to identify the power to spend and to make councillors aware of proper procedures	Open	
R14	Salaries	Risk that wrong salaries, rates of pay, NI or Tax are paid	L	M	Clerk	Salaries services contracted out to payroll provider, Clerk to check the calculations.	Open	
R15	Direct Costs & Overhead Expenses	Risk that goods ordered are not supplied to PC	L	L	Clerk	Create a Purchase order Book to enable monitoring (Done). Clerk to ensure Purchase Order book is used.	Open	
R16	Direct Costs & Overhead Expenses	Risk that invoices received are incorrect	L	L	Clerk	Invoices to be checked against purchase order	Open	



RISKS								
Risk			Likeli-hood	Impact	Risk		Status	Date
No	Topic	Description of Risk	H/M/L	H/M/L	Owner	Mitigation	Op/Ci	Closed
R17	Direct Costs & Overhead Expenses	Risk that Cheque issued is incorrect	L	L	RFO	Cheques to be checked against invoice by two members and to be signed	Open	
R18	Direct Costs & Overhead Expenses	Risk that cheque is issued to wrong party	L	L	RFO	Cheques to be checked against invoice by two members and to be signed	Open	
R19	Outgoing Grants & Support	Risk that WPC does not have the legal power to pay.	L	H	Clerk	Clerk to identify the power to spend and to make councillors aware of proper procedures	Open	
R20	Outgoing Grants & Support	Risk that grant is incorrectly authorised	L	M	Clerk	Clerk to ensure agreement via council & minuted.	Open	
R21	Outgoing Grants & Support	Risk that grant conditions are complied with by the recipient	L	L	Clerk	Clerk to request report signed by recipient.	Open	
R22	Election Costs	Risk that council incurs unexpected and unplanned election costs	L	H	Clerk	Clerk to make council aware if risk occurs.	Open	
R23	VAT	Risk that VAT cannot be reclaimed	L	M	RFO	check VAT on all invoices against Sage records and prior to	Open	
R24	VAT	Risk that VAT charge on purchases has been incorrectly calculated (e.g. 20%)	M	L	RFO	Clerk to check validity of invoices	Open	
R25	VAT	Risk that VAT is not reclaimed within time limits	L	M	RFO	Clerk to ensure VAT returns properly completed	Open	
R26	Reserves	Risk that reserves are inadequate	H	H	WPC	Reserves have become depleted so propose to build up reserves over the next few years	Open	Closed
R27	Reserves	Risk that earmarked reserves are wrongly categorised and are inadequate	L	H	RFO	RFO to ensure funds allocated to the right bucket	Open	
R28	Reserves	Risk that Provisions are wrongly categorised and are inadequate	L	H	RFO	RFO to ensure funds allocated to the right bucket	Open	
R29	Assets	Risk of loss or damage to parish council physical assets	M	H	WPC	Regular inspection, update insurance & register. WPC to review and reconsider the levels of insurance and situations where it is appropriate to self-insure.(reference to fire inspection, play inspections)	Open	
R30	Assets	Risk of claims against public liability insurance	L	H	WPC	Clerk to ensure Public Liability insurance is kept up to date. ROSPA inspections. Appoint qualified contractor to undertake regular additional inspections of equipment.	Open	
R31	Staff	Risk of death/illness/resignation of Clerk/RFO	L	H	WPC	proactive management	Open	
R32	Staff	Risk of death/illness/resignation of Deputy Clerk	L	H	WPC	proactive management	Open	



RISKS								
Risk			Likeli-hood	Impact	Risk		Status	Date
No	Topic	Description of Risk	H/M/L	H/M/L	Owner	Mitigation	Op/Ci	Closed
R33	Staff	Risk of death/illness/resignation/retirement of Caretaker/Clerk	H	H	WPC	Prepare a plan/process for advertising/interviewing/hiring new cleaner to interface with maintenance contractor. This to include consideration of contract cleaning company rather than staff.	Open	
R33A	Staff	Risk of absence /long term illness of staff	L	H	WPC	Amended bank mandate to include Clerk/Deputy (see R 34). Alter key collection arrangements to provide cover if office is	Open	
R33B	Staff	Risk of planned absence through eg annual leave	H	M	WPC	Arrange cover for caretaker functions	Open	
R34	Staff	Risk of Fraud by office staff or members	L	H	WPC	Ensure control processes over all financial matters. Cheques are signed by 2 members and Clerk (Mandate changed in 2009 from saying Clerk + 1).(see also R33A 2011)	Open	
R35	Staff	Risk that Fidelity Guarantee level is inadequate	L	M	WPC	Review Fidelity Guarantee annually	Open	
R36	Staff	Risk that open office layout presents a threat to the staff from the general public	L	H	WPC	Proposals to limit access and to install security hatch. Hatch installed 2009. Rural police office in building (Dec 2009). Consider camera in corridor. Implement harassment policy, maintain restricted physical access into office	Open	
R37	Staff	Risk that lone worker is compromised, threatened, trapped etc.	L	H	WPC	Consider options for emergency call system (such as 3ARC). Considered for 2010-11 budget, rejected by Finance Committee	Open	
R38	Cash	Risk of cash losses through theft or dishonesty	L	M	RFO	No cash float, Mostly income by cheques. Cash to be kept in locked cupboard. Payments to be supported by receipts, cash book.	Open	
R39	Maintenance	Risk of loss or failure of amenities. See 29	M	M	WPC	Implement regular inspections of all amenities	Open	Closed
R40	Maintenance	Risk of unauthorised access to Memorial Hall	H	L	Clerk	Implement better key log out/in and identity verification processes for hirers.Review locking system. Publicise better how to get hold of keyholders	Open	
R41	Maintenance	Risk of breach of licensing regulations	M	H	WPC	Only one councillor has received training. Ensure proper procedures in place to govern the control of alcohol sales. Consider training for other councillors.	Open	
R42	Standing Orders	Risk of failure to comply with Standing Orders	L	L	WPC	Clerk to put item on Agenda at Council Meeting annually. Councillors to be reminded of their corporate responsibility, need to comply with legal statutes and code of conduct.	Open	
R43	Financial Regulations	Risk of failure to comply with financial regulations	L	L	WPC	Clerk to put item on Agenda at Council Meeting annually	Open	
R44	Minutes	Risk that minutes are illegal	L	M	Clerk	Clerk to ensure minutes ore properly recorded, approved and signed.	Open	
R45	Members Interests	Risk that conflict of interest is not reported or recorded properly	L	M	WPC	Clerk to modify declarations of interest on all agendas.	Open	



RISKS								
Risk			Likeli- hood	Impact	Risk		Status	Date
No	Topic	Description of Risk	H/M/L	H/M/L	Owner	Mitigation	Op/Ci	Closed
R46	RFO	Risk that RFO has not been appointed by the council.	L	L	WPC	Part of duties of Parish Clerk. Put on agenda to formally appoint clerk as RFO (done).	Closed	
R47	Financial Records	Risk of loss or destruction of financial records	L	H	Clerk	Clerk to manage storage and archiving of all financial records, fire proof filing	Open	
R48	Financial Records	Risk of loss or destruction of computerised records	L	H	Clerk	Implement backup procedures for all electronic data.Offsite backup	Open	
R49	Financial Records	Risk that lack of IT training leads to failures	M	M	Clerk	Ensure necessary training and on-the-job experience of all office staff. Ensure support is available.	Open	
R50	Financial Records	Risk of errors in electronic Sage cash book	L	M	RFO	Ensure reconciliation controls in place for all updates of electronic records	Open	
R51	Financial Records	Risk of errors in maintenance of records & documentation	H	M	Clerk	Reduce constant interruptions. Ensure procedures in place for maintenance and update of all records & documentation	Open	
R52	Trees	Risk that unsafe trees could cause injury or damage to property.	M	M	Clerk	Clerk to take prompt action when notified of problems. Tree survey process implemented 2014 for trees closest to public access. Encourage tree warden scheme (2015)	Open	
R53	Under 18s	Non CRB checked people working with young people	L	H	Clerk	Request evidence from facility users /organisations of CRB	Open	
R54	Hirer / Event	Risk of uninsured event	L	H	Clerk	Request sight of insurance in advance of event, eg circus, fireworks	Open	
R55	Hirer / Event	Risk of damage or theft of / from vehicles	M	H	Clerk	Signage at Council facilities - parked at your own risk	Open	



19 TREE STRATEGY

Parish owned land contains a considerable number of trees: in parks, open spaces, woodlands, allotments, orchards, around playgrounds, buildings, roads and car parks. These trees are a key element in our green infrastructure and they contribute to the high quality of the environment in the Parish.

Why do we need a tree strategy?

- to maximise the benefits that trees bring to residents and businesses;
- to establish principles of care and management based on a consistent policy;

The strategy recognises that trees:

- Release oxygen and absorb carbon dioxide
- Mitigate some of the effects of climate change
- Reduce pollution
- Contribute to people's quality of life
- Provide habitats for wildlife
- Provide a renewable source of timber and fuel
- Are a significant part of our landscape



Sustainable tree and woodland management



Sustainable management recognises the value of trees and the benefits they provide for public health, climate change, landscape, biodiversity and as fuel.

The first stage of management is to quantify and assess the Parish's trees and a survey of trees on Parish land was undertaken between November 2014 and February 2015.

The management of Parish trees should adopt a pro-active approach which recognises and manages trees that represent a risk to the public or to property, before the trees become a problem. Any management should recognise the value of trees and be proportionate.

New plantings in appropriate locations will ensure that the tree resource is not depleted over time. Tree species should be native with local provenance, and aftercare should be provided.

Ivy is an important plant, providing both food and shelter for wildlife, and it should be retained unless other factors outweigh its importance. Each situation will be decided on its merits. Similarly, deadwood, both standing and fallen, is a significant habitat and it should be retained where this is safe and feasible.

Tree Safety



The Parish council has responsibility to 'ensure members of the public and staff are not put at risk because of the failure to take all reasonable precautions to ensure safety'*. Trees can fail through a variety of reasons: storms, disease, damage or just old age. Trees cannot be guaranteed to be safe, but, providing trees in areas that are frequently used by the public are inspected regularly in order to identify any obvious defects, any potential risk can be reduced to an acceptable level. A disproportionate response to safety concerns would cause unnecessary harm to the landscape and environment as a whole.



Disease and decay

Some trees, particularly Elms and now Ash, are susceptible to disease and all trees will eventually die. If an important and valued tree becomes structurally weak due to decay or disease, it can sometimes be retained by crown reduction management. Trees which are known to be decaying, or are known to be susceptible, should be monitored regularly.

Ash dieback

Ash trees have a high biodiversity value and some ash trees may be resistant to the fungus. It is advisable that our response to this disease is proportionate and allows other trees to replace ash in the landscape. The Parish should follow the guidelines laid out in David Curry's Parish Council's Action Kit by:

- reporting any suspected cases to the SADC Trees officer
- preventing the movement and planting of ash trees and seed
- retaining ash trees where possible and limiting works to those that are absolutely necessary
- surveying all ash trees for the symptoms of die-back in the summer

Trees in the Community

Planning applications for new developments should take account of, and protect, the existing stock of trees and opportunities for new plantings within developments should be taken.

Engaging the community in the Parish's trees and woodlands is beneficial, and monitoring, reporting, maintenance and some small scale works by parishioners should be encouraged. Tree management should be considered in the open spaces' site management plans. The development of the system of volunteer site wardens; monthly volunteer tasks; the creation of the Community Orchard; and the tree warden training are positive examples of this kind of community involvement.

Working consistently within the locality

Wheathampstead Parish falls within St Albans District and the Parish Council's strategy is based upon that of the City and District with which it has many close links.

All requests are individually assessed. As a general policy, the Council will not undertake the topping, thinning or felling of trees simply to allow more light to a property, where the trees in question would not otherwise require any surgery.

Common queries include concerns about council trees which overhang or shade properties, or fallen leaves.

Householders have no legal right to light from across a neighbour's land, in the case of this policy, council owned land. Likewise there is no right to a view, and a view obstructed by the growth of trees cannot legally be regarded as a nuisance. There is no requirement in law to prevent trees spreading over a boundary. However, whilst there is no obligation to prune trees, if branches or roots encroach beyond council land they are legally regarded as a nuisance. There is no legal obligation for council to cut back branches unless the nuisance is actionable, i.e. causing obstruction to access or physical contact with a structure. In respect of fallen leaves, householders have no right to ask that these be removed by the council.



If the branches of a council's tree start to grow over an individual's property then the property owner may cut them back to the boundary point between the properties. However, the individual must first check the trees are not covered by a [Tree Preservation Order](#), or located within a [Conservation Area](#). The council's permission is required if the work requires access to its land.

<http://www.stalbans.gov.uk/environmentandwaste/trees-and-woodlands/treemanagementandprotectionfaqs.aspx>

<http://www.stalbans.gov.uk/environmentandwaste/trees-and-woodlands/yourrightsregardingyourneighbourstrees.aspx>

Tree Legislation

Tree Preservation Orders: Many trees are protected by TPOs. If work on a protected tree, or on a tree in a Conservation Area, is necessary, an application for permission must be made to the District Council. The status of trees can be ascertained using the Local Information Service maps on the SADC website.

Natural Environment and Rural Communities Act (2006): The act states 'every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The Conservation of Habitats and Species Regulations (2010): These identify protected species and outline offences for their disturbance or killing. All species of bat are protected and their presence can have an effect on tree management by adjusting the timing of works and increasing levels of inspection and surveillance before and during work.

*(Health and Safety at Work 1974, Occupiers Liability Act 1999)

20 USE OF PARISH COUNCIL AMENITY AREAS FOR ORGANISED EVENTS

Policy Context

This policy relates to land and facilities owned, leased or administered by Wheathampstead Parish Council. It concerns the identification of agreed organised events and locations through the calendar year, and the basis on which the Parish Council will consider any additional requests to hold organised events.

Background

A number of organised events take place through the year on Wheathampstead Parish Council property. These events enhance village community life, provide local entertainment and act as fund-raising opportunities for village groups and charities. It is important however to maintain a balance between the principal use of parish council assets, which are for



relaxation and amenity, and any organised events. Organised events create a degree of disruption for local neighbours and for the village generally, in terms of parking, noise, litter and temporary loss of quiet amenity space. This policy seeks to strike a beneficial balance between the current programme of organised events and any future requests.

Locations

The amenity areas owned, leased or administered by Wheathampstead Parish Council are:

- Marford Playing Fields
- The Meads
- Folly Playing Fields
- Melissa Field
- Bower Heath
- Marshalls Heath
- Rectory Meadow
- The Station Platform
- The Railway Sidings
- The Diamond Jubilee Garden
- Devil's Dyke
- Butterfield

Current agreed annual events

The following organised events have been agreed by Wheathampstead Parish Council for this and future calendar years, subject to the council's satisfaction that the event is organised and managed safely and professionally.

- Wheathampstead Village Weekend (Wheathampstead Playing Fields and the Meads)
- Wheathampstead Village Fair (Wheathampstead Playing Fields)
- Wheathampstead £10K run
- Wheathampstead Wanderers Football Club and Wheathampstead 89 seasonal football matches and practice sessions
- Archery
- Cricket

Requests to hold organised events

Any organised event held on land owned, leased or administered by Wheathampstead Parish Council will need the permission of Wheathampstead Parish Council.

Applications must be made in writing (preferably email) to the Clerk to the Parish Council at the following address stating the nature of the event, size and proposed dates:

info@wheathampstead-pc.gov.uk

The Memorial Hall, Marford Road, Wheathampstead AL4 8AY

The Council will reserve the right to charge for the use of amenity space according to the annually agreed charging structure. Under certain circumstances and for special events the Parish Council may consider reducing or waiving the fee.

The Parish Council will base any decision on whether to allow any new requests for annual events or requests for ad hoc events on the following factors:

- The type of event. For example social gathering, wedding, fun run, organised sports, children's activities, etc.
- Whether the event is organised by a village community group, business group, charity or school, i.e. which is run and managed by village residents and which principally benefits those groups identified either financially as a fund-raising activity or socially.



- Whether the event is likely to cause nuisance to neighbours in the amenity areas, local landowners and/or village residents generally in terms of noise, litter, parking, frequency or general loss of amenity.
- Whether the event is organised at time of year when use of quiet amenity spaces is at a higher level (i.e. in the summer months).
- Whether the organiser has submitted evidence to indicate a professional approach to managing the event, which will include an event management plan, traffic management, health and safety assessments and any other information that the Parish Council feel is necessary in order to come to a decision. A Temporary Event Notice (TEN) may also be required from St Albans District Council if certain activities are undertaken and the Safety Advisory Group (SAG) may get involved for larger events where public safety may be an issue.
- Hirers will need to provide public liability insurance to the value of £10M
- Requests from individuals to hold profit-raising organised events designed to generate money for one individual or commercial business will not normally be viewed favourably, even if they are village residents

Parish Council Decisions

Wheathampstead Parish Council will consider and agree any requests to hold organised events on an individual basis taking into account the factors identified and the information submitted by the applicant. The Parish Council will notify the applicant within one month of their application. Any applications that are refused may not be appealed.



21 WHISTLE BLOWING

What Is Whistleblowing?

- 1 A whistleblower is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on, for example the Internal Auditor or Monitoring Officer. The law recognises that Whistleblowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. To be protected by the law a whistleblower must fall within the stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

Our Policy

- 2 Our business is run in accordance with the law. It is our policy as an employer to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities. This policy applies to the way that we employ and manage our staff. We operate as a team and we expect our employees to all play their part as members of the team for the good of the business as a whole. We do not believe that any of our employees will ever feel the need to become a whistleblower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if we are alerted to it we will conceal or destroy evidence. However we are fully aware of our responsibility under the law and we will respect the legal protection afforded to a whistleblower.

Public Interest Disclosure Act 1998

- 3 The Act protects “whistleblowers” from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.
- 4 Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

Who is protected?

- 5 A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure.
- 6 ‘Worker’ is widely defined and includes employees and other workers as normally understood by the expression but also contractors under an employer’s control, persons on training schemes and also doctors, dentists and other professionals providing National Health Service schemes.

What is protected?

- 7 A ‘qualifying disclosure’ is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:



- (1) A criminal offence was committed or is being or is likely to be committed
 - (2) A person has or is or is likely to fail to comply with a legal obligation
 - (3) A miscarriage of justice has occurred or is or is likely to occur
 - (4) The health and safety of any individual has been or is being or is likely to be endangered
 - (5) The environment has been, is being or is likely to be damaged
 - (6) That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.
- 8 However if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.
- 9 To be a 'Protected Disclosure' the 'Qualifying Disclosure' must only be made to one of the following categories of person:
- a) The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person
 - b) A legal adviser in the course of getting legal advice
 - c) A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed)
 - d) To one of the prescribed persons set out in the Public Interest Disclosure (prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud : Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue)
 - e) A person other than those set out above where the worker acts in good faith, reasonably believes the information to be substantially true, does not make the disclosure for personal gain, and it is in all the circumstances reasonable to make the disclosure. AND
 - i. the worker reasonably believes he will be subjected to a detriment if the disclosure is made to his employer or the prescribed person;
 - ii. there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
 - iii. the worker has previously disclosed the same information to the employer or the prescribed person;
 - f) Any other person where the disclosure is one of an "exceptionally serious failure" made in good faith, not for personal gain, where it was reasonable to make the disclosure.

What Protection does the worker have?

- 10 S/He is protected from detriment or dismissal as a result of making a protected disclosure. Dismissal is automatically unfair, and there is no limit on compensation for such a dismissal. Complaint of detriment or dismissal is made to an Employment Tribunal.

