

COTHERSTONE PARISH COUNCIL

Governance Report

Author Responsible Financial Officer

Meeting date 9 May 2018

1. Scheme of Delegation

A draft Scheme of Delegation is at Appendix 1.

2. Personnel Committee

The Parish Council has certain duties as an employer, for example recruiting, grievance handling etc. It is also good practice for an annual appraisal of the Clerk's performance to be carried out. It is not appropriate for the full council to undertake these tasks. A possibility is therefore to appoint a Personnel Committee, comprising three councillors and with a quorum of three for its meetings. The Committee would be advisory (ie. not have delegated powers, but report back its recommendations to full council). The Committee would be a standing committee (ie. permanent, not just convened for a short-term piece of work), meeting only as necessary and as a minimum of once per year to review all employment policies and procedures. All councillors not appointed to the Personnel Committee would be substitute members to attend if a Committee member was unable to do so, and to act when a Committee member declared an interest in a Personnel matter or to deal with an appeal against a Personnel Committee recommendation.

3. Contracts and other arrangements

Grass Cutting – Cemetery	One-year contract for 2018 season, with possible extension for further 12 months awarded to AR Toward
Grass Cutting – Cotherstone Greens and Klondike Allotments	One-year contract for 2018 season, with possible extension for further 12 months awarded to AR Toward
Hearse House	Let for storage to Cotherstone Village Hall and R Goldsbrough
Allotments	11 allotments at Klondike – fully let 8 allotments at The Close – fully let One person is on the waiting list
Cotherstone Village Hall	The Parish Council has been making an annual contribution towards village hall running costs
Play@Cotherstone	The Parish Council has been making an annual contribution towards running costs associated with operating the play area

Northern Powergrid	The Parish Council receives a small income each year in respect of two wayleaves
Cotherstone Cemetery	The Parish Council owns and manages the Cemetery, has Cemetery Rules and charges schedule and works with local funeral directors and stonemasons as necessary

4. Representation on or work with external bodies

Neighbourhood Plan	The Cotherstone Neighbourhood Plan group is an informal working group to which Cllrs Hunter and Birkett were appointed as Parish Council representatives
Cotherstone Village Hall	Cllr Thorn has been the Parish Council representative on the Village Hall committee
Cotherstone School	Peter Webb is the representative for the Parish Council
County Durham Association of Local Councils	No representatives currently appointed

5. Review of asset register

An asset register is at Appendix 2.

6. Subscriptions to other bodies

The Parish Council subscription to County Durham Association of Local Councils for 2017/18 was £100.48.

A 28% share of subscription to the Society for Local Council Clerks is suggested.

7. Complaints policy and procedure

A draft Complaints Policy and Procedures is at Appendix 3.

8. General Data Protection Regulation

A suite of policies, documents and procedures, together with an inventory of personal data captured, stored and processed by Cotherstone Parish Council is found in one document: GDPR documentation.

9. Section 137 expenditure

Parish Council expenditure must be strictly in line with the powers the Parish Council has (eg. to provide allotments, to provide entertainment, to acquire or maintain land for public recreation), however, under Section 137 of the Local Government Act 1972 a Parish Council may spend every year up to a specified amount on anything which, in the opinion of the parish council is in the interests of the parish, or any part of it or is in the interests of all or some of its inhabitants (not individuals).

Expenditure during 2017/18 under this heading was £17.00 paid to The Poppy Appeal in respect of a poppy wreath for Armistice Day.

10. Schedule of ordinary meetings

Should the Parish Council wish to continue meeting on the second Wednesday of the month, with no meeting held in August or December, the schedule of meetings would be as follows:

Wednesday 13 June 2018

Wednesday 11 July 2018

Wednesday 12 September 2018

Wednesday 10 October 2018

Wednesday 14 November 2018

Wednesday 9 January 2019

Wednesday 13 February 2019

Wednesday 13 March 2019

Wednesday 10 April 2019

Wednesday 8 May 2019 (Annual Meeting of the Parish Council)

All meetings to start at 7pm and to be held in Cotherstone Village Hall.

Recommendations

1. To consider adopting a Scheme of Delegation
2. To consider the appointment of a Personnel Committee and to approve Terms of Reference for it
3. To review contracts and other arrangements with other local authorities, non-for-profit bodies and businesses
4. To review representation on or work with external bodies and arrangements for reporting back
5. To review the asset register
6. To review the council's/staff subscriptions to other bodies
7. To consider adopting a Complaints Policy and Procedure
8. To consider adopting a suite of policies, documents and procedures in compliance with General Data Protection Regulation.
9. To review of expenditure incurred under s.137 of the Local Government Act 1972
10. To determine the time and place of ordinary meetings of the council up to and including the next annual meeting

COTHERSTONE PARISH COUNCIL

Delegation Scheme

Introduction

- a) Cotherstone Parish Council has 7 members and meets on a monthly basis ('the monthly meeting') (apart from in August and December when no meeting is held).
- b) The monthly meeting deals with all planning applications (subject to submission deadline constraints – see Planning Policy) and finance and accounts.

Delegated powers

- a) All decisions as discussed at the monthly meeting will be recorded as **"RESOLVED"**.
- b) All decisions as discussed at Committee meetings will be recorded as **'RECOMMENDATIONS'** and reported to the next full Council meeting.
- c) All planning applications will be discussed by the full Council at their monthly meeting or in accordance with the agreed Planning Policy.
- d) Members will be notified by the Clerk of each planning application as received by Durham County Council, but it will be each member's individual responsibility to consider the details of each application by accessing it online.
- e) The Parish Council will have due regard to the Planning Framework and all material considerations when making appropriate comments and recommendations to the Local Planning Authority.
- f) The Parish Council shall make such observations and comments as it sees fit to the Local Planning Authority in respect of planning development control enforcement matters.

Personnel Committee

- a) Membership shall comprise three members, comprising the Chair and Vice-Chair and one other member.
- b) The Chair of the Personnel Committee shall be elected by its members and at whatever frequency the member decide.
- c) The purpose of the Personnel Committee is:
 - i. To agree contracts of employment, job descriptions and person specifications for staff.
 - ii. To review staff salaries and terms and conditions of all staff and make recommendations to the Council.
 - iii. To review personnel policy and make recommendations to Council.
 - iv. To review the Health and safety at work for all Council employees.
 - v. To arrange for the annual appraisal of all employees

Responsibilities delegated to the Parish Clerk

Proper Officer

The Parish Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

General Matters

The Parish Clerk is authorised:-

- a) to sign on behalf of the Council any document necessary to give effect to any decision of the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- b) to institute and appear in any legal proceedings authorised by the Council
- c) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Cothelstone.
- d) To act in the management of open spaces and amenity areas
- e) To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

Financial Matters

The Parish Clerk is authorised as follows:

- a) To incur expenditure up to a maximum of £100 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Standing Orders and Financial Regulations.
- b) To accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - the cost not exceeding the amount of the approved estimate;
 - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation;
 - All the requirements of the Council's Financial Regulations being complied with.
- c) To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

Cemetery matters

The Parish Clerk is given delegated powers to carry out all duties appertaining to burial and including:

- a) Authorising grants of grave spaces (in accordance with the cemetery regulations)
- b) Authorising the erection of memorials/headstones in accordance with memorial regulations

Urgency

- a) The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- b) Any such action is to be reported to the next meeting of the Council
- c) The Chairman and Vice-Chairman are to be consulted before such action is taken.

Appendix 2: Asset register

Ref	Asset category	Description	Location	Owner/ custodian	Acquisition Date	Disposal date	Useful life estimate	Acquisition Price / Proxy value	Present use	Image	Condition / Note	Recommendation May 2018
1	Land	East Green (DU322215)	East Green, Cotherstone	Owner				£30,000.00	open space			
2	Land	West Green (DU322215)	West Green, Cotherstone	Owner					open space			
3	Cemetery	Cemetery, Cotherstone DU322215)	Cemetery, Cotherstone	Owner					Cemetery			
4	Land	The Hagg (DU322215)	The Hagg, Cotherstone	Owner					open space			
5	Building	Hearse House (used for storage)	Opposite Village Hall, Cotherstone	Owner					Storage (rented out)			
6	Administration	Laptop HP 14-bs058sa 14" laptop - smoke grey	Clerk, DL12 0RP	Owner	29/01/2018			£337.99	Administration		Excellent	
7	Administration	Printer - Canon PIXMA MG5750	Clerk, DL12 0RP	Owner	29/01/2018			£61.23	Administration		Excellent	
TOTAL ASSET VALUE								£30,399.22				

COTHERSTONE PARISH COUNCIL

Complaints Policy and Procedures

Introduction

Cotherstone Parish Council tries to get its service delivery right every time, but there are occasions when parishioners may be dissatisfied with our performance. This policy sets out how to raise a complaint with the Parish Council.

Complaints policy

- a) **Complaints about administration or procedures:** These will be dealt with using either the informal procedure or formal procedure detailed below.
- b) **Complaints about policy decisions:** These will be referred to full Council, or relevant Committee, as appropriate, for consideration.
- c) **Complaints against Councillors:** This policy does not cover Code of Conduct complaints against an individual Councillor. These have to be made directly to the Durham County Council Monitoring Officer. The Monitoring Officer can only deal with Code of Conduct complaints about the behaviour of a Councillor and failure to follow the Code. He will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. The complaint should be addressed to The Monitoring Officer, Durham County Council, County Hall, Durham DH1 5UQ.
- d) **Freedom of Information Complaints:** A complaint that the Parish Council has not released information under the Freedom of Information Act, in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner but should first be dealt with as a request for Internal Review in accordance with the agreed Internal Review Terms of Reference and Procedure.
- e) **Recording Complaints:** All complaints will be noted by the Cotherstone Parish Council Clerk in a complaints file. This will detail the complainant, date, nature and detail of the complaint, the route followed as well as the date and details of its resolution.
- f) **Anonymous Complaints:** The Parish Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

Making a complaint

- a) Complaints should be made by letter or email to the Parish Clerk and not through individual councillors. Individual councillors (including the Chairman) are not in a position to resolve complaints if they are in any way involved in the issue or issues raised by the complainant. The Clerk will acknowledge the complaint and inform the Chairman of the complaint (unless the Chair is involved, when the matter will be referred to the Vice-Chairman through the resolution process set out below).

- b) A formal complaint should be addressed to the Clerk, marked 'Confidential — formal complaint'. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
- c) It is hoped that most complaints can be resolved quickly and amicably through the informal route. However where the complaint is deemed to be serious enough a formal approach will be initiated from the outset. The Chairman will determine whether the informal approach is appropriate or not.
- d) The Clerk will acknowledge receipt of a complaint within three working days, together with a copy of this procedure, and inform the complainant as to whether the complaint will be handled through the informal or formal complaints procedure.

Information complaints procedures

The information complaints procedure will progress through the following stages with the Clerk kept informed of the handling of the complaint and its resolution throughout.

- a) Stage 1: The complaint will be handled by the most appropriate Council member, depending on the nature of the complaint. The Chairman will determine who this is and appoint that person to lead the process. Any person complained about will be notified of the complaint.
- b) Stage 2: The appointed councillor will contact the complainant within three days of being appointed, to inform them that they have been appointed to deal with the complaint and where appropriate seek clarification on the complaint.
- c) Stage 3: The appointed councillor will contact any person complained about and give them an opportunity to comment.
- d) Stage 4: The appointed councillor will try to reach an agreed resolution with the complainant.
- e) Stage 5: The appointed councillor will report back to the Chairman that he has either achieved an agreed resolution or cannot.
- f) Stage 6: Where it is not possible to achieve a satisfactory conclusion to the complaint the Chairman will initiate the formal procedure.

Formal complaints procedures

This stage will either be entered into due to the informal complaints procedure having failed to achieve a satisfactory conclusion, or due to the seriousness of the complaint requiring the matter to be determined following the formal complaints procedure (as determined in section 3c above).

- a) An internal review committee (IRC) is responsible for managing the formal complaints process. If a formal complaint is being raised against a member of the IRC, then the Chairman will appoint a substitute for that member.
- b) The Clerk (or the Chairman, or the Chairman of the Internal Review Committee if the Clerk or Council Chairman is implicated in the complaint) will acknowledge receipt of the complaint within three working days and inform the complainant of who will be leading the formal complaints procedure.
- c) The Council Chairman will pass all detail provided by the complainant to the lead member of the IRC and the IRC will initiate an investigation into the complaint.
- d) The IRC will keep the complainant updated on progress with an indication of when they will complete or a suggested resolution. The first update will be provided within ten working days of the matter being referred to the IRC and then every 5 days until the investigation is complete. If the complainant is satisfied with the resolution the complaint is closed and the IRC

will provide a report to the full council at the next meeting. This report will provide summary details of the complaint and of its resolution. This summary report will not identify the complainant or other personal information.

- e) If the IRC is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a full meeting of the Council. The Clerk or Chairman will report any complaint that has not been resolved to the next meeting of the Council.

Referral to full council

This stage will only be entered if the complaint has not been resolved through the formal complaints procedure

- a) As far as possible Cotherstone Parish Council carries out its business in public, but matters that involve individual identified members may require the exclusion of the press and public. The IRC shall consider whether the circumstances of the full council meeting warrant the exclusion of the public and the press. If the Clerk or any council members are implicated in the complaint, they shall be excluded.
- b) The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made.
 - i. The meeting shall be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
 - ii. The complainant (or representative) shall be invited to outline the grounds for complaint and council members given the opportunity to ask any question of the complainant.
 - iii. The Chairman of the Internal Review Committee shall explain the Committee's position and council members shall ask any questions of him or her.
 - iv. The complainant is to be offered the opportunity of summing up their position.
 - v. The Chairman of the Internal Review Committee shall be offered the opportunity of summing up their position.
 - vi. The Internal Review Committee and complainant shall be asked to leave the room while the remaining council members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, the complainant and Chairman of the Internal Review Committee shall be invited back.
 - vii. Once a decision has been arrived at, all shall return to hear the decision.
 - viii. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary.
 - ix. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received in the same manner as outlined above.
 - x. As soon as possible after the decision has been made, and in any event not later than 10 days after the meeting, the complainant shall be notified in writing of the decision and any action to be taken. The announcement of any decision will be made in public, at the next council meeting
- c) The council will try to adhere to the timings outlined in this document, but in the case of a complex complaint, or the absence of a member who is involved in the complaint, or the Clerk, timings may have to vary. Should this occur then the complainant will be kept advised of the revised timescales.

- d) A formal complaint is a serious matter. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against an employee. This is expressly to protect the employment rights to which employees of the Parish Council are entitled.
- e) Matters relating to grievance or disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Parish Council's grievance and disciplinary procedures as set out in employee's contracts of employment.
- f) The council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Parish Council's maladministration. Any payment may only be authorised by the Parish Council's auditor after their approval as to the propriety of such a payment.