

# COTHERSTONE PARISH COUNCIL

## Governance Report

Author Clerk  
Meeting date 12 June 2019

### 1. Appointment of internal auditor for 2019/20

For the Council year 2018/19, Chris Butler of Butler & Gee Accountancy, acted as the internal auditor for the Parish Council and made no charge for this service.

Mr Butler has indicated that he would be willing to be appointed as internal auditor for 2019/20, and that his charge for this would be £85+VAT.

### 2. Schedule for review of policies

At the Annual Meeting on 8 May it was resolved, bearing in mind that the Standing Orders, Financial Regulations and Code of Conduct are perhaps the most important policies, to review one of these plus one or two of the other policies at each council meeting throughout the year, generally in line with the anniversary of the policy's adoption, until all have been reviewed.

Policy/register	Adopted/last reviewed	Next review date
Code of Conduct	June 2017	June 2019
Information and Data Protection Policy	May 2018	June 2019
Publication Scheme	September 2018	July 2019
Standing Orders	September 2018	July 2019
Allotment rules / tenancy agreement		July 2019
Financial Regulations	April 2018	September 2019
Training and Development Policy	September 2018	September 2019
Planning Applications Policy	March 2018	October 2019
Social Media and Electronic Communications Policy	May 2018	October 2019
Asset register	April 2019	November 2019
Complaints Policy	May 2018	November 2019
Document Retention and Disposal Policy	May 2018	December 2019
Grant Awarding Policy	September 2018	December 2019
Risk register / management policy	April 2019	January 2020
Disciplinary Policy	September 2018	January 2020
Grievance Policy	September 2018	January 2020
Scheme of Delegation	May 2018	February 2020
Equality Policy	September 2018	February 2020
Cemetery rules / charges scheme	February 2019	February 2020
Members' Allowances Scheme	April 2019	March 2020

### **3. Code of Conduct review**

The Parish Council last reviewed its Code of Conduct in June 2017. The Code of Conduct is at Appendix 1.

### **4. Information and Data Protection Policy review**

The Parish Council last reviewed its Information and Data Protection Policy in May 2018; the policy is at Appendix 1.

## **Recommendations**

1. To appoint an internal auditor for the year 2019/20.
2. To agree a schedule for the review of Parish Council policies throughout 2019/20.
3. To review and agree any revisions to the Parish Council's Code of Conduct.
4. To review and agree any revisions to the Parish Council's Information and Data Protection Policy.

## Appendix 1: Cotherstone Parish Council Code of Conduct

### County Durham Association of Local Councils

#### Model Code of Conduct for Local Councils.

#### Introduction

Pursuant to section 27 of the Localism Act 2011, Cotherstone 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.

#### Promotion and Maintenance of Standards

A member shall

- familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the council which relate to member's conduct.
- support the Council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declaration of members' interests.

Nothing in this Code shall prevent a member from disclosing any other interest if the individual wishes to do so.

#### 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 behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute.
4. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
5. He/she shall use the resources of the Council in accordance with its requirements.
6. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
7. He/she will be required to declare an interest at the meeting, even though that interest may already appear on their Register of Interests. This is to make fellow-members, the press and the public aware of a member's interest, if that member does not articulate it when the council are discussing a relevant matter which affects that interest.

### **Registration of interests**

8. 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.
9. 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.
10. A member shall register with the Monitoring Officer any change to interests or new interests (including sensitive interests) in Appendices A and B within 28 days of becoming aware of it.

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.

Failure without reasonable excuse to register a Disclosable Pecuniary Interest (Appendix A Interest) is a criminal offence under the Localism Act 2011 as well as a breach of the Code

### **Declaration of interests at meetings**

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall
  - Declare what his/her interests are;
  - not participate in a discussion or vote on the matter (Localism Act s31(4)).
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

If it is an interest which has not already been disclosed to the Monitoring Officer, the member shall disclose the nature of it and let the Monitoring Officer know of the existence of a new interest within 28 days.

12. Subject to the above, where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall
  - Declare an interest but not the nature of it
  - not participate in a discussion or vote on the matter (Localism Act s31(4))
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

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 and let the Monitoring Officer know of the existence of a new sensitive interest within 28 days.

13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall
  - Declare what his/her interests are
  - He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
  - not vote on the matter.
  - If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

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 of a person in Appendix A), the member shall
  - disclose the nature of the interest.
  - He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
  - not vote on the matter.
  - If the Council's Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

## Dispensations

15. On a written request made to the Council's proper officer, prior to the relevant item being discussed 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 Disclosable Pecuniary Interests

Interests defined by regulations made under section 30 (3) of the Localism Act 2011 and described in the table below. They include interests which are held by the member; his/her spouse or civil partner, a person with whom he/she is living as husband and wife; or a person with whom he/she is living as if they are civil partners, and the member is aware that the other person has the interest.

Interests described in the table below.

<i>Subject</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
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 <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992</a> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council 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 that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—</p> <p>(a) that body (to the member’s knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\*'director' includes a member of the committee of management of an industrial and provident society.

\*'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 but only when the item under discussion involves potential funding or transfer of assets from the Council to that body.
- (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.

# COTHERSTONE PARISH COUNCIL

## Information & Data Protection Policy

### Introduction

In order to conduct its business, services and duties, Cotherstone Parish Council processes a range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being developed.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Cotherstone Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the local community. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

### Protecting confidential or sensitive information

Cotherstone Parish Council recognises it must at times keep and process sensitive and personal information about both employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which becomes law on 25<sup>th</sup> May 2018, like the Data Protection Act 1998 before it, seeks to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Parish Council with legitimate reasons for using personal information.

### This policy is based on the premise that personal data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of the Parish Council or someone transacting with it in some way, or an employee, member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (eg. a Parish Council or employer) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data, regardless of the technology used.

Cotherstone Parish Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council
- undertake research, audit and quality improvement work to fulfil its objects and purposes
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

**The Parish Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual

- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Parish Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person.

**Who is responsible for protecting a person’s personal data?**

The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

- Email: cotherstoneparishcouncil@hotmail.com
- Phone: 01833 640893
- Correspondence: The Clerk, Cotherstone Parish Council, Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP

**Diversity Monitoring**

Cotherstone Parish Council may choose to monitor the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It may undertake similar data handling in respect of prospective employees. This data will always be treated as confidential. It will be accessed only by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

**Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with (Your Council Name), individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

**The Councils Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

**Information Security**

The Town Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

**Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

## **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Parish Clerk (cotherstoneparishcouncil@hotmail.com, or Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP).

**Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: Parish Clerk (cotherstoneparishcouncil@hotmail.com, or Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP).

**Information Deletion:** If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Parish Clerk (cotherstoneparishcouncil@hotmail.com, or Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP).

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Parish Clerk (cotherstoneparishcouncil@hotmail.com, or Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP).

The Parish Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk (cotherstoneparishcouncil@hotmail.com, or Moor Edge, Snaisgill, Middleton-in-Teesdale, Co. Durham DL12 0RP) or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

## **Making Information Available**

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to

ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

#### **Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

#### **Data Transparency**

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

**Timely:** data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. The following information is published on the Parish Council website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.