

# Whixall Parish Council



To all Members of the Council. You are hereby summoned to attend the Annual Meeting of the Parish Council of Whixall to be held on Wednesday 14th May 2025 at Whixall Social Centre which will commence at 7.30pm in order to conduct the business enclosed on the agenda below.

Members of the public are welcome to attend.

Signed:

*A. H. B.*

Date: 7th May 2025

**1. To elect the Chair of the Council and receive their signed declaration of office.**

**2. Apologies for absence**

**3. Public Session**

Should a member of the public so require they will be permitted to speak. Public speaking time will be limited to 15 minutes, 3 minutes per speaker.

**4. To Co-opt Members of the Council and receive their signed declarations of office.**

**5. To elect the Vice Chair of the Council and receive their signed declaration of office**

**6. Declaration of Disclosable Pecuniary or any other interests or requests for dispensations**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Members are reminded that they must declare non-pecuniary interests relating to agenda items.

**7. To agree Councillor appointments**

- a. Personnel committee (3 members)
- b. Flood liaison representative
- c. Marlot Liaison Group (2 members)
- d. Representatives on the NS Area Committee of SALC
- e. Banking Signatories (3 members including Chair).
- f. Internal Control and Bank Reconciliation Approver (non-signatory)

**8. Council Policies (circulated)**

To reapprove the following policies:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| a. Standing Orders (updated)       | d. Health & Safety Policy Statement |
| b. Financial Regulations (updated) | e. Complaints Policy                |
| c. All GDPR Policies               | f. Scheme of Delegation             |

**9. Assets**

- a. To review the Asset Register (circulated)
- b. To agree asset inspections regime

**10. To Confirm Administrative Arrangements for 2025-26**

- a. Insurance
- b. Subscriptions to other organisations
- c. Regular Direct Debit payments

**11. Accounts 2024-25 (circulated)**

- a. To approve the accounts for 2024-25.
- b. To resolve to certify as exempt from Limited Assurance Review.
- c. To consider the internal audit report.
- d. To review and approve the effectiveness of internal control (Financial Regulations Review) and sign the Annual Governance Statement (Section 1 of Annual Governance and Accountability Return 2023/24).
- e. To review, consider and approve Accounting Statements (Section 2 of Annual Governance and Accountability Return 2023/24).

**12. To approve the minutes of the Parish Council Meeting held on 9<sup>th</sup> April 2025**

**13. Reports**

To note the content of reports from Shropshire Councillors; Parish Councillors and Clerk.

**14. Parish Matters**

- a. Marlot – to note the contents of the activity report (circulated)
- b. Annual Parish Meeting – to receive a verbal update

**15. Correspondence Received – to agree responses.**

- a. St Mary's PCC: Graveyard (circulated)
- b. Whixall Social Centre Committee: Boundary Update (report circulated)

**16. Planning**

- a. To receive planning applications from Shropshire Council

[25/01284/FUL](#) Erection of a rear garden room.  
6 Hollinwood, SY13 2NW

- b. To note planning decisions made by Shropshire Council – none received

**17. Finance**

- a) To receive Monthly Balance Record and reconciliation (circulated)
- b) To resolve to approve outstanding invoices and payments.

Recipient	Reason for Payment	Amount	Reference
Whixall Social Centre	Hire for Litterpick	28.00	9.25
SALC	Affiliation Fee	473.13	10.25
HMRC	PAYE	84.80	11.25
A Roberts	Salary	339.03	12.25
Clear Insurance Mgt.	Insurance (Y2 of 3)	705.44	13.25
MiJan Ltd	Accounting Software	84.00	14.25
Nest	Pension	84.28	15.25DD
Martin Tree Care	OBG Tree Removal	1440.00	16.25
A Roberts	Expenses	94.64	17.25
Unity Bank	Monthly Charge	6.00	18.25DD
Hugo Fox	Website	11.99	19.25DD

**18. Future Meetings**

- a. To note the date of the next meeting and put forward agenda items
- b. To confirm the dates of 2025-26 Full Council Meetings (circulated)

# Whixall Parish Council

## STANDING ORDERS

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Document	C1 Standing Orders
Approved	September 2019
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Next Review due	May 2026

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**Introduction**

The purpose of these Standing Orders is to lay down procedures for the governance of Whixall Parish Council.

These Standing Orders are based on the Model Standing Orders produced by the National Association of Local Councils (NALC), as updated in 2025.

Standing Orders that are in bold type contain legal and statutory requirements and have been adopted without changing their meaning.

Model standing orders not in bold are designed to help the Council operate effectively but as they do not contain statutory requirements they have been amended to suit the needs of the Council.

**1. Rules of Debate at Meetings**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the chair of the meeting.

## 2. Disorderly Conduct at Meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 3. Meetings Generally

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their**

- **casting vote whether or not he gave an original vote.**  
*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- u **A councillor or a non-councillor with voting rights who has a**
- **disclosable pecuniary interest or another interest as set out in the**
- **Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- w **If a meeting is or becomes inquorate no business shall be transacted**
  - and the meeting shall be closed. The business on the agenda for the meeting
  - shall be adjourned to another meeting.
- x A meeting shall not exceed a period of two hours.

#### 4. Committees and Sub-Committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer seven days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. Ordinary Council Meetings**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and shall**

**give a casting vote in the case of an equality of votes.**

- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection

legislation (*see also standing orders 11, 20 and 21*);

- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **6. Extraordinary Meetings of The Council, Committees and Sub-Committees**

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chair of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the, any two members of the committee may convene an extraordinary meeting of the committee.

## **7. Previous Resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. Voting on Appointments**

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

**9. Motions for a Meeting that Require Written Notice to be Given to The Proper Officer**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least ten clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least six clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

**10. Motions at a Meeting that Do Not Require Written Notice**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

**11. Management of Information**

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council’s retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12. Draft Minutes

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
 

“The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 13. Code of Conduct and Dispensations

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. it is otherwise appropriate to grant a dispensation.**

#### **14. Code of Conduct Complaints**

- a Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

#### **15. Proper Officer**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.**
- b The Proper Officer shall:**
- i. at least three clear days before a meeting of the council or a committee,**
    - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least four days before the meeting confirming their withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. refer a planning application received by the Council to the Chair or in their absence the Vice-Chair (if there is one) of the Council] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

**16. Responsible Financial Officer**

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

**17. Accounts and Accounting Statements**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the

Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. Financial Controls and Procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - v. tenders are to be reported to and considered by the appropriate meeting

of the Council or a committee or sub-committee with delegated responsibility.

- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## 19. Handling Staff Matters

- a. A matter personal to a member of staff that is being considered by a meeting of the Staffing Committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Staffing Committee or, if they is not available, the vice-chair (if there is one) of the Staffing Committee] of absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
- c. The chair of the Staffing Committee, or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Parish Clerk / RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of the Staffing Committee or in their absence, the vice-chair of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the chair or vice-chair of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), persons with line management

responsibilities shall have access to staff records referred to in standing order 19(f).

## **20. Responsibilities to Provide Information**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## **21. Responsibilities Under Data Protection Legislation**

(Below is not an exclusive list).

*See also standing order 11.*

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **22. Relations With The Press/Media**

- a Requests from the press or other media for an oral or written comment or

statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

### **23. Execution and Sealing of Legal Deeds**

*See also standing orders 15(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

*The above is applicable to a Council without a common seal.*

### **24. Communicating With Unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors of the Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillors representing the area of the Council.

### **25. Restrictions on Councillor Activities**

- a. Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

### **26. Standing Orders Generally**

- a All or part of a standing order, except one that incorporates mandatory

statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

# Whixall Parish Council

## FINANCIAL REGULATIONS



Document	C2 Financial Regulations
Adopted	February 2020
Review Frequency	Annually
Reviewed and Revised	<i>May 2025</i>
Next Review Date	<i>May 2026</i>

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These Financial Regulations were adopted by the council at its meeting held on 12 February 2020

## 1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - "Approve" refers to an online action, allowing an electronic transaction to take place.
  - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 'Proper practices' means those set out in *The Practitioners' Guide*
  - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
  - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
  - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly The RFO;
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and control systems;
  - ensures the accounting control systems are observed;
  - ensures the accounting records are kept up to date;
  - seeks economy, efficiency and effectiveness in the use of council resources; and
  - produces financial management information as required by the council.

1.6. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £5,000;

## **2. Risk management and internal control**

2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The Clerk shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.

2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

2.5. **The accounting control systems determined by the RFO must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

2.6. At least once in each quarter, and at each financial year end, a member other than the Chair or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.

- 2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

### 3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
  - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
- is competent and independent of the financial operations of the council;
  - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;

- can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the management or control of the council

3.9. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

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

#### **4. Budget and precept**

4.1. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council.

4.3. No later than November each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments for the following financial year along with a forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward by placing them in an earmarked reserve with the formal approval of the full council.

- 4.5. Each committee if any shall review its draft budget and submit any proposed amendments to the council not later than the end October each year.
- 4.6. The draft budget {with any committee proposals and [three-year]} forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the {finance committee and a recommendation made to the} council.
- 4.7. Having considered the proposed budget and three-year forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.
- 4.8. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.9. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed £60,000 including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**

5.8. For contracts greater than [£3,000] excluding VAT the Clerk shall seek at least three fixed-price quotes;

5.9. Where the value is between £500 and £3,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

5.10. For smaller purchases, the clerk shall seek to achieve value for money.

5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**

5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council {or relevant committee}. Avoidance of competition is not a valid reason.

5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
- the Clerk, in consultation with the Chair of the Council for any items below £2,000 excluding VAT.
- a duly delegated committee of the council for all items of expenditure within their delegated budgets for items under £5,000 excluding VAT.
- in respect of grants, a duly authorised committee within any limits set by council and in accordance with any policy statement agreed by the council.
- the council for all items over £5,000;

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

5.16. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.

- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference except in an emergency.
- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order or letter shall be issued for all work, goods and services above £250 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the RFO.

## **6. Banking and payments**

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Unity Trust Bank. The arrangements shall be reviewed bi-annually for security and efficiency.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by online banking/cheque, in accordance with a resolution of the council, unless the council resolves to use a different payment method.

- 6.6. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items, which the council may authorise in advance for the year.
- 6.7. A list of such payments shall be reported to the next appropriate meeting of the council for information only.
- 6.8. The Clerk shall have delegated authority to authorise payments in the following circumstances:
  - i. any payments of up to £500 excluding VAT, within an agreed budget.
  - ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
  - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998, or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
  - iv. Fund transfers within the councils banking arrangements up to the sum of £15,000, provided that a list of such transactions shall be submitted to the next appropriate meeting of council.
- 6.9. The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify three councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
- 7.2. All authorised signatories shall have access to view the council's bank accounts online.
- 7.3. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.4. The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to all authorised signatories.

- 7.5. In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.
- 7.6. Two authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained showing which members approved the payment online.
- 7.8. A full list of all payments made in a month shall be provided to the next council meeting.
- 7.9. With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
- 7.10. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.11. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by two members, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
- 7.12. Account details for suppliers may only be changed upon written notification by the supplier, verified the Clerk. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 7.13. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.14. Remembered password facilities other than secure password stores requiring separate identity verification should not be used on any computer used for council banking.

## **8. Cheque payments**

- 8.1. Cheques or orders for payment in accordance in accordance with a resolution or delegated decision shall be signed by two members.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.

- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4. Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

## **9. Payment cards**

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 9.2. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.
- 9.3. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and any balance shall be paid in full each month.
- 9.4. Personal credit or debit cards of members or staff shall not be used except for expenses of up to £250 including VAT, incurred in accordance with council policy.

## **10. Petty Cash**

- 10.1. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly

## **11. Payment of salaries and allowances**

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Councillors' allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the council. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.

- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the Council to ensure that the correct payments have been made.
- 11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 11.8. Before employing interim staff, the council must consider a full business case.

## **12. Loans and investments**

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the [Secretary of State/Welsh Assembly Government] (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 12.4. All investment of money under the control of the council shall be in the name of the council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 12.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

## **13. Income**

- 13.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the Council.

- 13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 13.6. The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any repayment claim under section 33 of the VAT Act 1994 shall be made quarterly where the claim exceeds £100 and at least annually at the end of the financial year.

#### **14. Payments under contracts for building or other construction works**

- 14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

#### **15. Stores and equipment**

- 15.1. The clerk shall be responsible for the care and custody of stores and equipment.
- 15.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 15.3. The RFO shall be responsible for annual checks of stocks and stores annually.

#### **16. Assets, properties and estates**

- 16.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- 16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 16.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

## **17. Insurance**

17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.

17.2. The Clerk shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers.

17.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council.

## **18. Charities – not applicable**

## **19. Suspension and revision of Financial Regulations**

19.1. The council shall review these Financial Regulations annually and following any change of clerk. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.

19.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.

19.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

## **Appendix 1 - Tender process**

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.



# Whixall Parish Council

## INFORMATION & DATA PROTECTION POLICY

This policy was reviewed and approved by the Council at its meeting on 13 November 2024.

### Introduction

In order to conduct its business, services and duties, Whixall Parish Council processes a wide 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 worked up.
- 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.

Whixall 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 and members of the public. In some cases, it will have contractual obligations towards confidential data, but will also have specific legal responsibilities for personal and sensitive information under data protection legislation.

### Data Sharing

The 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. 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 Parish's communities. 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

The 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 became law on 25 May 2018 and will like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Council with legitimate reasons for using personal information.

### The 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 Whixall 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) (e.g. Town Council, employer, council) 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.

### Personal Data

The 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 these activities
- Fulfil its duties in operating the business premises including security
- 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 may carry out the above processing jointly with other appropriate bodies from time to time.

### Conditions under which personal information is considered to be 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.

### Sensitive Information

Particular attention is paid to the processing of any **sensitive personal information** and the 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

### Responsibility for protecting personal data

The 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: [clerk.whixallpc@hotmail.co.uk](mailto:clerk.whixallpc@hotmail.co.uk)

Phone: 01939 234830

Correspondence: The Clerk, Westmead, Tilley Road, Wem, Shropshire, SY4 5HA

### Diversity Monitoring

The Council monitors 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 undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed 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 the Council, 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 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 Council's Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) state that processing may be undertaken if it is with the consent of the data subject, or if processing is necessary for compliance with a legal obligation or necessary for the legitimate interests of the Council.

### Information Security

The Council takes care 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 policies.

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

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

1. **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.
2. **Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that our data is accurate. Please contact: Parish Clerk.
3. **Information Deletion:** If the individual wishes the Council to delete the information about them, they can do so by contacting the Parish Clerk.
4. **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.

The 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, or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

### **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 each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available on the website for the public to see.

The Council welcomes public participation and has a public participation session on each Council meeting. Details can be seen in the Council's Standing Orders, which are available on its Website.

Occasionally, Council 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 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.

### **Disclosure Information**

The Council will, as necessary, undertake checks on both staff and Members with 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 are exempt from the requirement to have an external audit but must publish the following on its website:

- 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.

Adopted	Month Year
Review Frequency	Annual
Reviewed	
Revised and reviewed	

# Whixall Parish Council

## GDPR INFORMATION AUDIT



Reviewed November 2024

### This Document is designed to:

1. Identify the data held and/or received by Whixall Parish Council.
2. Identify potential risks regarding Data breaches.
3. Provide the basis for self-assessment of compliance with GDPR legislation.
4. Identify actions required to be compliant or mitigate risk.

### Lawful Basis for Holding Data

<b>Consent</b>	The data subject has given clear consent or their personal data to be processed for a specific purpose.
<b>Contract</b>	Data processing is necessary for a contract held with the individual or because they have asked you to take specific steps before entering into a contract.
<b>Legal Obligation</b>	Data processing is necessary for you to comply with the law.
<b>Vital Interest</b>	Data processing is necessary to protect someone's life.
<b>Public Interest / task</b>	the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
<b>Legitimate Interest</b>	the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

SUBJECT	Nature / purpose of processing	Type of Data / where is it from	Format held and how long data held	Who is the Data Subject	Lawful Basis for holding data	Risks and security controls in place
<b>Staff</b>						
Staff personal details	Payroll / HR Functions	Employment contracts Leave/ sickness records Grievance/ discipline Records Accident/ injury record Pension PAYE Bank Details Job applications (successful Unsuccessful	Hard Copy. Electronic files	Staff anyone who has previously applied for employment	Contract / Public Task/ Legal Obligation	<b>Risk</b> Emails being forwarded to wrong email address <b>Security Controls</b> No hard copies. Password protection. Computer records encrypted protected Information retained as per document retention policy Staff Trained in Data Protection Data only shared with HMRC, pension provider submitted using password protected software. Staff consent form distributed May 2018.
Ex staff	In case of claim	Contact details	Hard copy electronic files as per retention policy		Contract / Legal Obligation	<b>Risk</b> - Staff passing on details to councillors outside bodies for non-staffing related matters. <b>Security Controls</b> No hard copies held. Laptop password protected. Information retained as per document retention policy Staff Trained in Data Protection
<b>Councillors</b>						
Personal Contact Details	Democracy/ HR	Emails, addresses bank details supplied by councillors	Hard Copy. Electronic files	Councillor	Public Task	Contact info a statutory requirement to publicise. <b>Risk</b> - Staff passing on details to people and organisations outside of the council <b>Security Controls</b>

SUBJECT	Nature / purpose of processing	Type of Data / where is it from	Format held and how long data held	Who is the Data Subject	Lawful Basis for holding data	Risks and security controls in place
						No hard copies held. Laptop password protected. Information retained as per document retention policy Staff Trained in Data Protection Consent form and privacy policy provided to all councillors May 2018
Declarations of interest	Democracy	Signed form	Hard copy	Councillor	Public Task	No hard copies held. Laptop password protected.
Registers of interest	Democracy	Signed form	Hard copy	Councillor and partner	Legislative requirement	No hard copies held. Laptop password protected.
<b>Contractors / Suppliers</b>						
Contractors / Suppliers	Dealing with contractors requesting quotes	Contact details Invoices Orders Quotes Bank Details Insurance References	Electronic / Paper Removed as per retention policy r	Contractors / suppliers	Public task	<b>Risk</b> Passing on contact details to those outside the organisation or using it for another purpose <b>Security</b> Addresses not be passed on containing personal data without first seeking the consent.
<b>Residents</b>						
Electoral Roll	In order to identify electors for voting in annual parish meetings	Names of electors and their addresses, marital status From principal authority	Electronic	Parish residents	Legal obligation	<b>Risk</b> - Staff passing on details to public, councillors, outside bodies The list should not be photocopied or reproduced in any form. However, anyone can view the list (and indeed write the whole thing down if they so choose) <b>Security</b> No hard copies held. Laptop password protected.
Previous Subject Access Request information	Democracy	Name and contact information of requestor	Hard copy / electronic Removed as per retention policy	Complainant	Legal Obligation/ Public task	<b>Risk</b> - Staff passing on details to public, councillors, outside bodies choose) <b>Security</b> No hard copies held. Laptop password protected. Council email provides details of privacy notice

SUBJECT	Nature / purpose of processing	Type of Data / where is it from	Format held and how long data held	Who is the Data Subject	Lawful Basis for holding data	Risks and security controls in place
Complaints	Democracy	Name and contact information of complainant	Hard copy / electronic Removed as per retention policy	Complainant	Legal Obligation/ Public task	<b>Risk</b> - Staff passing on details to public, councillors, outside bodies <b>Security</b> No hard copies held. Laptop password protected. Council email provides details of privacy notice
Emails	Dealing with business related matters/ Public enquiries/		electronic			<b>Risk</b> Passing on contact details provided for the sole purpose of addressing a particular issue to those outside the organisation or using it for another purpose. <b>Security</b> Staff trained in data handling in that Emails should not be passed on containing personal data without first seeking the consent of the sender. No hard copies held. Laptop password protected. Council email provides details of privacy notice
Previous FOI requests	Democracy	Name and contact information of requestor	Hard copy / electronic Removed as per retention policy	FOI requestor	Legal Obligation/ Public task	<b>Risk</b> - Staff passing on details to public, councillors, outside bodies <b>Security</b> No hard copies held. Laptop password protected.
<b>Community Groups</b>						
Grant applicants	Grant applications	Application forms	Paper copies, destroyed as per data retention policy	Applicants for grants	Public task	<b>Risk</b> - Staff and councillors passing on details to public, outside bodies <b>Security</b> No hard copies held. Laptop password protected.
<b>Planning Applications</b>						
	Consultations on planning applications	Name and contact information of applicants	On website (direct feed from Shropshire	Applicant	Legal Obligation as consultee on planning applications Public task	No hard copies retained. All information is stored on Shropshire Council Planning Portal.

SUBJECT	Nature / purpose of processing	Type of Data / where is it from	Format held and how long data held	Who is the Data Subject	Lawful Basis for holding data	Risks and security controls in place
		received from planning register	Council's planning portal)			
<b>Property</b>						
	Leases/ Licences Service Level Agreements	Name and contact information of licensee/ leaseholder	Hard Copy held indefinitely or as per data retention	Leaseholder / licensee	contract	<b>Risk</b> Passing on contact details to those outside the organisation or using it for another purpose <b>Security</b> Addresses not be passed on containing personal data without first seeking the consent. Hard copies held in locked cabinet
<b>Local Connection</b>						
Applicants	Verification as per local connection policy	Supplied by Housing Association – details required for verification	Until applicant verified. Destroyed as per data retention policy	Applicant for a property which requires a local connection	Public task	<b>Risk</b> Passing on contact details to those outside the organisation or using it for another purpose <b>Security</b> No hard copies kept. Computer is password protected.

#### Additional Notes:

1. Electronic data is regularly backed up a memory stick to mitigate the risk of a catastrophic failure and the loss of operationally information.
2. The Council does not knowingly collect any overly sensitive data such as children's or vulnerable adults' records, undertake covert surveillance or data that if a breach was to occur is likely to result in serious injury; nor does it seek to use personal data it receives for commercial gain (e.g. to sell another service).



# Whixall Parish Council

## PRIVACY POLICY

Reviewed November 2024

### Introduction

This Policy was adopted by the Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), in force on 25 May 2018.

### Your personal data – what is it?

“Personal data” is any information about a living individual, which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other local legislation relating to personal data and rights such as the Human Rights Act.

### Council information

This Privacy Policy is provided to you by Whixall Parish Council which is the data controller for your data. The Council’s address is:

c/o Parish Clerk, Whixall Parish Council (see <http://www.whixallparish.org.uk/page21.html> for valid contact details)

### The Council will process some or all of the following personal data where necessary to perform its tasks

- Names, titles, aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;

### The Parish Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Be accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### **We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers' including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications (by email, post or appropriate social media) which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and duties (e.g. raise precept, represent views of parishioners, manage assets). Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### **Sharing your personal data**

The council will implement appropriate security measures to protect your personal data. The Council will not share any data with third parties without your express consent.

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for

example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

***The right to access personal data we hold on you***

***The right to correct and update the personal data we hold on you***

***The right to have your personal data erased***

***The right to object to processing of your personal data or to restrict it to certain purposes only***

***The right to data portability***

***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***

***The right to lodge a complaint with the Information Commissioner's Office.***

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

### **Changes to this policy**

We keep this Privacy Policy under regular review. Any updates to this policy will be placed on the Parish Council web pages ( [www.whixallparish.org.uk](http://www.whixallparish.org.uk) ).

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints. c/o Parish Clerk, Whixall Parish Council (see <http://www.whixallparish.org.uk/page21.html> for valid contact details).

# Whixall Parish Council



## PRIVACY NOTICE - BASIC

Reviewed November 2024

### Introduction

This Policy was adopted by the Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), in force on 25 May 2018.

### Your personal data – what is it?

“Personal data” is any information about a living individual, which allows them to be identified from that data (for example a name, photographs, videos, email address, or address).

Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other local legislation relating to personal data and rights such as the Human Rights Act.

### Council information

This Privacy Policy is provided to you by Whixall Parish Council which is the data controller for your data. The Council’s address is:

c/o Parish Clerk, Whixall Parish Council (see <http://www.whixallparish.org.uk/page21.html> for valid contact details)

### The Council will process some or all of the following personal data where necessary to perform its tasks

- Names, titles, aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;

### The Parish Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Be accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### **We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers' including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications (by email, post or appropriate social media) which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and duties (e.g. raise precept, represent views of parishioners, manage assets). Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### **Sharing your personal data**

The council will implement appropriate security measures to protect your personal data. The Council will not share any data with third parties without your express consent.

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for

example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

***The right to access personal data we hold on you***

***The right to correct and update the personal data we hold on you***

***The right to have your personal data erased***

***The right to object to processing of your personal data or to restrict it to certain purposes only***

***The right to data portability***

***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***

***The right to lodge a complaint with the Information Commissioner's Office.***

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

### **Changes to this policy**

We keep this Privacy Policy under regular review. Any updates to this policy will be placed on the Parish Council web pages ( [www.whixallparish.org.uk](http://www.whixallparish.org.uk) ).

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints. c/o Parish Clerk, Whixall Parish Council (see <http://www.whixallparish.org.uk/page21.html> for valid contact details).

Adopted by the Council on 11<sup>th</sup> July 2018

Review Date: November 2024

### **C: GENERAL PRIVACY NOTICE**

Whixall Parish Council is collecting/managing your personal data under the Data Protection Act 1998 and the General Data Protection Regulations 2018. Your information will only be processed by the Council and will not be shared with any third parties. To find out more about our privacy arrangements please access the Council's website – [www.whixallparish.org.uk](http://www.whixallparish.org.uk) where our detailed Privacy Notice and Privacy Policy can be viewed.



# Whixall Parish Council

## PRIVACY NOTICE POLICY

Reviewed November 2024

### Your personal data – what is it?

“Personal data” is any information about a living individual, which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by directly using the data itself or by combining it with other information, which helps to identify a living individual.

The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

### Who are we?

This Privacy Notice is provided to you by Whixall Parish Council which is the data controller for your data.

Other data controllers the council works with:

- Shropshire Council
- Community groups
- Charities
- Other not for profit entities
- Contractors

We may need to share with them your personal data (which we hold) so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which means we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller(s).

A description of what personal data the council processes and for what purposes is set out in this Privacy Policy.

### The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The Parish Council will **not** hold any sensitive or special category data (eg criminal convictions, health, political beliefs etc.) medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

### **The council will comply with data protection law.**

This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### **We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### **Sharing your personal data**

- The Parish Council will not share any data with third parties without your express consent.

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims.

In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

#### **The right to access personal data we hold on you**

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

#### **The right to correct and update the personal data we hold on you**

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

#### **The right to have your personal data erased**

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

#### **The right to object to processing of your personal data or to restrict it to certain purposes only**

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

#### **The right to data portability**

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

**The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

***The right to lodge a complaint with the Information Commissioner's Office.***

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

**Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

**Changes to this notice**

We keep this Privacy Notice under regular review and we will place any updates on our website. This Notice was last updated in July 2018.

**Contact Details**

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

[www.whixallparish.org.uk](http://www.whixallparish.org.uk) or email [clerk.whixallpc@hotmail.co.uk](mailto:clerk.whixallpc@hotmail.co.uk)



# Whixall Parish Council

## SUBJECT ACCESS POLICY

Reviewed November 2024

### Background

This policy was adopted by the Whixall Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), in force on 25 May 2018

Data subjects (individuals) have the right to access personal data held on them by the Parish Council. Details are set out in the Privacy Notice on the Council's website

(<http://www.whixallparish.org.uk>)

This policy is in place to ensure that internal procedures on handling of SARs (Subject Access Requests) are accurate and complied with and includes:

- Responsibilities (who, what)
- Timing
- Changes to data
- Handling requests for rectification, erasure or restriction of processing.
- 

The Council will ensure that personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.

The Council has implemented standards on responding to SARs.

### Upon receipt of a Subject Access Request

- (a) The data subject (individual) will be informed who at the Council to contact, the Data Controller, particularly the Parish Clerk
- (b) The identity of the data subject will be verified and if needed, any further evidence on the identity of the data subject may be requested.
- (c) The access request will be verified; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not additional information will be requested.
- (d) Requests will be verified as to them being unfounded or excessive (in particular because of their repetitive character); if so, the Council may refuse to act on the request or charge a reasonable fee.
- (e) Receipt of the SAR will be promptly acknowledged and the data subject will be informed of any costs involved in the processing of the SAR.
- (f) Whether the Council processes the data requested will be verified. If the Council does not process any data, the data subject will be informed accordingly. At all times the internal SAR policy will be followed and progress may be monitored.
- (g) Data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned may be permitted.
- (h) The data requested will be verified to establish if it involves data on other data subjects. This data will be filtered before the requested data is supplied to the data subject; if data cannot be filtered, other data subjects will be contacted to give consent to the supply of their data as part of the SAR.

## Responding to a SAR

- (i) The Council will respond to a SAR within one month after receipt of the request:
  - If more time is needed to respond to complex requests, an extension of another two months is permissible, and this will be communicated to the data subject in a timely manner within the first month;
  - if the council cannot provide the information requested, it will inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- (j) If a SAR is submitted in electronic form, any personal data will be provided by electronic means as well.
- (k) If data on the data subject is processed, the Council will ensure as a minimum the following information in the SAR response:
  - (i) the purposes of the processing;
  - (ii) the categories of personal data concerned;
  - (iii) the recipients or categories of recipients to whom personal data has been or will be disclosed
  - (iv) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
  - (v) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
  - (vi) the right to lodge a complaint with the Information Commissioners Office (“ICO”);
  - (vii) if the data has not been collected from the data subject: the source of such data;
  - (viii) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- (l) Provide a copy of the personal data undergoing processing.

## Implementing the Subject Access Requests Policy – Council Checklist on what **MUST** be done

On receipt of a subject access request it must be **forwarded** immediately to the Clerk who will **identify** whether a request has been made under the Data Protection legislation

1. The clerk, and as appropriate, councillor, who receives a request to locate and supply personal data relating to a SAR **must** make a full exhaustive **search** of the records to which they have access.
2. All the personal data that has been requested **must** be **provided** unless an exemption applies. (This will involve a search of emails/recoverable emails, word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems.)

3. A **response must** be provided within one calendar month after accepting the request as valid.
4. Subject Access Requests **must** be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
5. Councillors and Clerks/managers **must** ensure that the staff they manage are **aware** of and follow this guidance.
6. The Council **must** provide where necessary an explanation with the personal data in an “intelligible form”, which will include giving an explanation of any codes, acronyms and complex terms. The personal data will be supplied in a permanent form except where the requestor agrees or where it is impossible or would involve undue effort. Agreement may be sought with the requestor that they will view the personal data on screen or inspect files on Council premises. Any exempt personal data will be redacted from the released documents with explanation why that personal data is being withheld.
7. The Council **must** ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. What personal data is needed will be clarified with the requestor, who must supply their address and valid evidence to prove their identity. The council accepts the following forms of identification:
  - Current UK/EEA Passport
  - UK Photocard Driving Licence (Full or Provisional)
  - Firearms Licence / Shotgun Certificate
  - EEA National Identity Card
  - Full UK Paper Driving Licence
  - State Benefits Entitlement Document\*
  - State Pension Entitlement Document\*
  - HMRC Tax Credit Document\*
  - Local Authority Benefit Document\*
  - State/Local Authority Educational Grant Document\*
  - HMRC Tax Notification Document
  - Disabled Driver’s Pass
  - Financial Statement issued by bank, building society or credit card company+
  - Judiciary Document such as a Notice of Hearing, Summons or Court Order
  - Utility bill for supply of gas, electric, water or telephone landline+
  - Most recent Mortgage Statement
  - Most recent council Tax Bill/Demand or Statement
  - Tenancy Agreement
  - Building Society Passbook which shows a transaction in the last 3 months and your address
  - Voter Registration Certificate\*

(\* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months)
8. Where a requestor is not satisfied with a response to a SAR, the council **must** manage this as a **complaint** under the Council’s Complaints Policy.

Adopted	July 2018
Review Frequency	5-yearly
Reviewed	
Revised and reviewed	



# Whixall Parish Council

## WEBSITE PRIVACY AND USE POLICY

Reviewed November 2024

### The Policy

This policy is for the Parish Council website ([www.whixallpc.org.uk](http://www.whixallpc.org.uk)) and governs the privacy of those who choose to use it. It explains how we comply with the General Data Protection Regulations (GDPR), the Data Protection Act (DPA) and the Privacy and Electronic Communications Regulations (PECR)

This policy explains

- areas of the website that may affect your privacy and personal details;
- how we process, collect, manage and store those details and;
- how your rights under the GDPR, DPA & PECR are adhered to.

Additionally, it will explain the use of cookies or software, advertising or commercial sponsorship from third parties and the download of any documents, files or software made available to you (if any) on the website. Further explanations may be provided for specific pages or features of the website to help you understand how the website and its third parties (if any) interact with you and your computer / device.

### Use of Cookies

Cookies are small files saved to a website users computer / device that track, save and store information about the user's interactions and usage of the website. The allows the website to provide the users with a more tailored experience. Users are advised that if they wish to deny the use and saving of cookies from the website on to their computers hard drive they should take necessary steps within their web browsers security settings to block all cookies from the website and its external serving vendors or use the cookie control system if available upon their first visit.

The website uses cookies to improve the users experience while visiting the website. As required by legislation, where applicable the website uses a cookie control system, allowing the user to give explicit permission or to deny the use of /saving of cookies on their device.

### Website Visitor Tracking

The website may use tracking software to better understand how it is being used. The software will save a cookie to your computer's hard drive to track and monitor your engagement and usage of the website, but will not store, save or collect personal information.

### Adverts and Sponsored Links

The website may contain sponsored links and adverts. These will typically be served through third party organisations, who may have detailed privacy policies relating directly to the adverts they serve. Clicking on any such sponsored links or adverts will send you to the advertiser's website through a referral program which may use cookies and will track the number of referrals sent from the website. This may include the use of cookies which may in turn be saved on your computer's hard drive. Users should therefore note they click on sponsored external links at their own risk and we cannot be held liable for any damages or implications caused by visiting any external links mentioned.

**Downloads**

Any downloadable documents, files or media made available on the website are provided to users at their own risk. While all precautions have been undertaken to ensure only genuine downloads are available, users are advised to verify their authenticity using third party anti-virus software or similar applications. We accept no responsibility for third party downloads and downloads provided by external third party websites and advise users to verify their authenticity using third party anti-virus software or similar applications.

**Contact and Communication with Us**

Users contacting us through the website do so at their own discretion and provide any such personal details requested at their own risk. Your personal information is kept private and stored securely until a time it is no longer required or has no use. Where we have clearly stated and made you aware of the fact, and where you have given your express permission, we may use your details to send you additional information through a mailing list system. This is done in accordance with the regulations named in 'The Policy' above.



# Whixall Parish Council

## SECURITY BREACH POLICY

Reviewed November 2024

### Background

Whixall Parish Council undertakes to comply with all aspects of GDPR. However, should a data breach occur (either through omission or deliberate action) the following actions will be taken:

### Actions to be taken

1. Immediately after identifying the breach the Data Protection Officer (the Clerk) must be contacted.
2. Further investigation is required to identify:
  - a. What has been breached
  - b. Who may be affected
  - c. How the breach occurred
3. The breach must be recorded
4. The DPO will report the breach to the Information Commissioner (ICO) within 72 hours, if the breach has sufficient risks.
5. The data subjects affected must be informed without undue delay. The notification must include:
  - a. The name and contact details of the DPO
  - b. The likely consequences of the data breach
  - c. All measures taken by the council to remedy the breach.



# Whixall Parish Council

## INFORMATION AVAILABLE UNDER THE PUBLICATION SCHEME

<b>Class 1 Who are we and what do we do</b> Organisational information, structures, locations and contacts		
<b>Information to be published</b>	<b>How it can be obtained</b>	<b>Cost</b>
Who's who on the Council and its committees	Website /Hard Copy	10p/sheet
Contact details for Parish Clerk and Council Members named contacts where possible with telephone number and email address	Website /Hard Copy	10p/sheet

<b>CLASS 2 - What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement contracts and financial audit)		
<b>Information to be published</b>	<b>How it can be obtained</b>	<b>Cost</b>
Annual return form and report by auditor	Website /Hard Copy	10p/sheet
Finalised budget	Website /Hard Copy	10p/sheet
Precept	Website /Hard Copy	10p/sheet
Borrowing Approval Letter	n/a	
Financial Standing Orders and Regulations	Hard Copy	10p/sheet
Grants given and received	Hard Copy	10p/sheet
List of current contracts awarded and value of contract	Hard Copy	10p/sheet
Members' allowances and expenses	Hard Copy	10p/sheet

<b>CLASS 3 What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
<b>Information to be published</b>	<b>How it can be obtained</b>	<b>Cost</b>
Parish Plan (current and previous year as a minimum)	Website /Hard Copy	Individual copies free. Multiple requests 10p/sheet
Contact details for Parish Clerk and Council Members named contacts where possible with telephone number and email address	Website /Hard Copy	individual copies free. Multiple requests 10p/sheet
Quality Status	n/a	
Local Charters drawn up in accordance with DCLG guidelines	n/a	



# Whixall Parish Council

## INFORMATION AVAILABLE UNDER THE PUBLICATION SCHEME

<b>CLASS 4 How we make decisions</b> (Decision making processes and records of decisions)		
<b>Information to be published</b>	<b>How it can be obtained</b>	<b>Cost</b>
Timetable of meetings (Council, any committee / sub committee meetings and parish meeting)	Website /Hard Copy	10p/sheet
Agendas of meetings (as above)	Website /Hard Copy	10p/sheet*
Minutes of meetings (as above) - Note this will exclude information that is properly provided as private to the meeting	Website /Hard Copy	10p/sheet
Reports presented to Council meetings - Note this will exclude information that is properly provided as private to the meeting	Website /Hard Copy	10p/sheet
Responses to consultation papers	Hard Copy	10p/sheet
Responses to planning applications	Website /Hard Copy	10p/sheet
Bylaws	n/a	

<b>Class 5 - Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)		
<b>Information to be published</b>	<b>How it can be obtained</b>	<b>Cost</b>
Policies and procedures for the conduct of Council business	Hard Copy	10p/sheet
Procedural standing orders	Hard Copy	10p/sheet
Committee and sub-committee terms of reference	Hard Copy	10p/sheet
Delegated authority in respect of officers	Hard Copy	10p/sheet
Codes of Conduct	Hard Copy	10p/sheet
Policy Statements	Hard Copy	10p/sheet
Policies and Procedures for the provision of services and about employment of staff	Hard Copy	10p/sheet
Internal policies relating to the delivery of services	Hard Copy	10p/sheet
Equality and Diversity Policy	Hard Copy	10p/sheet
Health and Safety Policy	Hard Copy	10p/sheet
Recruitment Polices including current vacancies	Hard Copy	10p/sheet
Policies/procedures for handling information requests	Hard Copy	10p/sheet
Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard Copy	10p/sheet
Information security policy	Hard Copy	10p/sheet
Records management policy (records retention, destruction and archive)	Hard Copy	10p/sheet
Data Protection policies	Hard Copy	10p/sheet



# Whixall Parish Council

## INFORMATION AVAILABLE UNDER THE PUBLICATION SCHEME

Schedule of charges (for the publication of information)	Hard Copy	10p/sheet
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### CLASS 6 Lists and Registers

Currently maintained lists and registers only

Information to be published	How it can be obtained	Cost
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing provisions will suffice)	Hard Copy	10p/sheet
Assets register	Website /Hard Copy	10p/sheet
Disclosure Log (indicating the information that has been provided in response to requests recommended as good practice but may not be held by parish councils)	Hard Copy	10p/sheet
Register of members' interests	Hard Copy	10p/sheet
Register of gifts and hospitality	Hard Copy	10p/sheet

### Class 7 - The services we offer

Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses (current information only)

Information to be published	How it can be obtained	Cost
Allotments	n/a	n/a
Burial grounds and closed churchyards	n/a	n/a
Community centres and village halls	n/a	n/a
Parks, playing fields and recreational facilities	n/a	n/a
Seating, litter bins, clocks, memorials and lighting	n/a	n/a
Bus shelters	n/a	n/a
Markets	n/a	n/a
Public conveniences	n/a	n/a
Agency agreements	n/a	n/a
A summary of services for which the Council is entitled to recover a fee, together with those fees (e.g. burial fees)	n/a	n/a

Contact Details. To obtain hard copies please contact the Parish Clerk at: Westmead, Tilley Road, Wem, SY4 5HA [clerk@whixallpc@hotmail.co.uk](mailto:clerk@whixallpc@hotmail.co.uk)

Information available on the Council's website can be viewed at: [www.whixallparish.org.uk](http://www.whixallparish.org.uk)

Information can also be inspected by appointment. Such inspection is free of charge unless any fees or undue expenditure are incurred by the Council, which will be charged at cost.

Adopted	9 November 2022
Review Frequency	Annually
Next Review due	May 2025

# Whixall Parish Council



INFORMATION AVAILABLE UNDER THE PUBLICATION SCHEME



# Whixall Parish Council

## RECORDS MANAGEMENT POLICY

Reviewed November 2024

Whixall Parish Council recognises that the efficient management of its documents and records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council. The purpose of this policy is to ensure that there is a standard procedure for maintaining and retaining appropriate documents.

### Scope of the Policy

This policy applies to all records created, received or maintained by the Parish Council in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically. The National Association of Local Councils' (NALC) Legal Topic Note (LTN)40 provides further detail about the length of time documents are kept.

The following documentation is required to be published under the 2014 Transparency Code for Smaller Authorities and as such will also be stored electronically and in hard copy:

- a. All items of expenditure above £100
- b. End of year accounts
- c. Annual governance statement
- d. Internal audit report
- e. List of councillor or member responsibilities
- f. The details of public land and building assets
- g. Minutes, agendas and meeting papers of formal meetings

In addition to the above list, the following will also be stored electronically or in hard copy:

- a. Investment details
- b. Title deeds, leases, agreements and contracts
- c. Register and plans for allotments
- d. Documents relating to burial grounds
- e. Policies
- f. Newsletters

Some of the Parish Council's records will be selected for permanent preservation as part of the Council's archives and for historical research. The LTN 40 states that meeting minutes, receipt and payment accounts should be archived. The Clerk will liaise with Shropshire Archives to agree receipt of these and possibly other documents of interest.

### Responsibilities

The Parish Council recognises it has a responsibility to maintain its records and record management systems in accordance with the regulatory environment.

The person with overall responsibility for this Policy is the Clerk to the Parish Council.

### **Retention of Documents**

The Parish Clerk will refer directly to the latest version of National Association for Local Councils (NALC) Legal Topic Note (LTN)40- Local Council's Documents and Records, for information relating to the length of time certain documents should be retained.

The Parish Council will review this policy bi-annually (or where Legal Topic Note 40 is updated) to ensure compliance with national guidance.

The Parish Council will deposit documents required to be retained permanently with Shropshire Archives as necessary.

All documents not required to be retained as per the Retention Schedule will be destroyed once it is clear that they are no longer of use or relevant. For example, the following can be destroyed after 6 years:

- Scales of fees and charges
- Receipt books of all kinds
- Quotations and tenders
- Paid invoices
- Paid cheques
- VAT records
- Petty cash, postage and telephone books
- Members allowances register

### **The destruction of documents**

Paper documents will be shredded.

Electronic records: All information on the laptop hard drive will be professionally erased prior to disposal.

**Appendix A****Retention of Documents Required for Audit of Parish Councils**

Taken from NALC Legal Topic Note 40 (2022)

<b>Documents</b>	<b>Minimum Retention Period</b>	<b>Reason</b>
Minute books	Indefinite	Archive
Scales of fees and charges	6 years	Management
Receipt and payment accounts	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash, postage, and telephone books	6 years	Tax, VAT, and Limitation Act 1980 (as amended)
Timesheets	Last completed audit year 3 years	Audit (requirement) and personal injury (best practice)
Wages books	12 years	Superannuation
Insurance policies	As long as it is possible for a claim to be made under it.	Management and legal proceedings.
Certificates for Insurance against liability for employees	Indefinitely	Future claims
Investments	Indefinite	Audit and management
Title deeds, leases, agreements, contracts	Indefinite	Audit and management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)



# Whixall Parish Council

## Health & Safety Policy Statement

Whixall Parish Council recognises and accepts its responsibility for providing a safe and healthy environment for its members, staff, volunteers, visitors, and for anyone affected by its activities.

The Council maintains this policy for the management of health and safety as its top priority and will do all that is reasonably practicable to ensure effective organisation and planning are established and maintained. The Council will also ensure that appropriate and effective audit and review mechanisms are used to inform the work of the Council, which undertakes to commit appropriate resources to manage health and safety.

Our statement of general policy, below, is based upon that required by virtue of the Health and Safety at Work etc. Act 1974. Although the Council has a single employee, the principles of the Act and its underpinning Regulations as later published are taken by the Council as a minimum requirement for the safe and effective management of the Council and its activities.

### Statement of General Policy

- To provide adequate control of the health and safety risks arising from our activities;
- To consult with our staff on matters affecting their health and safety;
- To provide and maintain safe equipment;
- To provide sufficient information, instruction, and supervision of staff, volunteers and visitors as far as is reasonably practicable;
- To ensure all staff and volunteers are competent in their Council-related activities, and to provide adequate training as far as is reasonably practicable;
- To prevent accidents and activity-related ill health as far as is reasonably practicable;
- To maintain safe and healthy conditions for conducting the Council's business and the public facilities it provides; and
- To review and revise this Policy as necessary at regular intervals, but at least annually.

Adopted	9 November 2022
Review Frequency	Annually
Next Review due	May 2025



# Whixall Parish Council

## Complaints Procedure

Whixall Parish Council defines a complaint as 'an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council'.

Complaints can provide valuable learning points which help to improve service delivery. The Parish Council's Complaints Procedure Aims:

- To ensure that customers are treated fairly and assist them in making a complaint by being easy and straightforward to use;
- To ensure complaints will be investigated as quickly and thoroughly as possible, and in a positive, problem-solving manner;
- To ensure that the outcome and resolution of complaints will be used to monitor the Council's performance and improve service delivery;

On the receipt of a complaint in the first instance the Parish Clerk or Chairman will make every attempt to contact the complainant to attempt to resolve the complaint informally. If this is not possible then the formal complaints procedure is outlined below.

### Complaints against Councillors

All councillors sign to undertake to observe the Code of Conduct adopted by the Parish Council. A full copy of the Code of Conduct is available on the Parish Council's website at [www.whixallparish.org.uk](http://www.whixallparish.org.uk) If after studying the Code of Conduct a complainant feels a Councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to

The Monitoring Officer  
Shropshire Council  
The Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

### Complaints against the Clerk:

Complaints should be in writing to the Chairman : -

The Chairman  
Whixall Parish Council  
Westmead  
Tilley Road  
Wem  
SY4 5HA

**Any other complaints** should be in writing to the Parish Clerk at the above address.



# Whixall Parish Council

## Complaints Procedure

### Receipt of Complaints

All complaints must be submitted in writing.

The Council will not consider anonymous complaints therefore a name and contact address must be included with all correspondence. Complaints should include as much information as possible.

Receipt of the complaint will be acknowledged by either the Clerk or Chairman within seven working days and the complainant will be informed who will be investigating the complaint. The Council aims to be able to resolve most non-complex complaints immediately, but for more complex issues an investigation may need to be undertaken.

On receipt of a complaint, the Clerk or the Chairman (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about, giving them an opportunity to comment.

### Complaint Investigation

If it has not been possible to resolve the complaint informally, the Council will form a Complaints Committee which will formally meet to investigate the complaint in more detail.

If deemed necessary at this stage the complainant may be invited to a meeting with the Complaints Committee to discuss the issues raised. If the complainant is submitting documentation or evidence for the meeting they should provide copies to the Complaints Committee at least 7 clear working days before the meeting. Similarly the Clerk will supply the complainant with copies of any Parish Council documents that are requested, provided these are documents available under the Freedom of Information Act 2000 and Data Protection Act.

The complaints committee will present the findings of investigations into complaints to the next Parish Council meeting along with any recommendations for any future service improvements identified as a result of the complaint.

Under Public Bodies (Admission to meetings) Act 1960 the Council or Committee may consider whether the circumstances warrant the matter being discussed in the absence of the press and public. In the interests of openness and accountability there must be clear relevant reasons or a request from the Complainant for the matter to be held without the presence of the press or public. The decision of the Council or Committee, however, will be made public at the end of the meeting.

Investigations will be dealt with as quickly as possible and under normal circumstances the complainant should receive a written response within 20 working days however in the case of complex complaints if it is not possible to meet this timescale the complainant will be informed.

It should be noted that currently the Local Government Ombudsman has no jurisdiction over Parish and Parish Councils.



# Whixall Parish Council

## Complaints Procedure

### DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINANTS

From time to time the Parish Council receives complaints from members of the public.

In the event that a complainant begins to make frequent contact with the Parish Clerk and hinders the normal day to day running of the Parish Council, the Council will implement a policy for dealing with frequent or vexatious complainants, since such complaints can be time consuming and could lead to unnecessary additional cost to the Council tax payer.

The Parish Council's policy for dealing with unreasonable and persistent complainants will become operative if the complainant is deemed to be unreasonably persistent.

### PROCEDURE

A vexatious complainant will be notified that the Council's Policy for dealing with unreasonable and persistent complaints is to be enforced, together with the reason why.

The complainant will then be asked to adopt one or all of the following procedures

- To contact the Parish Council in a particular form (for example, letters only);
- That contact with Council Staff may only take place with a Councillor present;
- That telephone calls from the complainant are restricted to specified days and times;.
- That the complainant will be asked to enter into an agreement about future contact with the Parish Council.

The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.

The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required. However, if deemed to be a fair challenge the Council will conduct a review of the complaint and will reconsider whether the complaint should still be treated as unreasonable and/or vexatious.

Adopted	9 November 2022
Review Frequency	Annually
Next Review due	May 2025

# Whixall Parish Council



## SCHEME OF DELEGATION

### Powers Delegated to the Parish Clerk

Date Approved	General Delegated powers	Review Frequency
<b>Financial Regulations Adopted 2020</b>	<ul style="list-style-type: none"> <li>• To undertake all duties of the Proper Officer of the Council and Responsible Financial Officer.</li> <li>• To undertake day to day management of the Council's resources, including staff where applicable.</li> <li>• To place orders for goods or services if they are budgeted for and conform to the Council's Financial Regulations and powers.</li> <li>• To take decisions required under legislation, e.g. Freedom of Information Act, Data Protection Act, Health &amp; Safety Acts etc., which must be made within a time scale that does not allow for the calling of a meeting.</li> <li>• To order cheque books, bank statements and other such material on behalf of the council.</li> <li>• To set up the transfer of funds between the Council's accounts, the payment of salaries and payment of goods and services prior to authorisation by Councillors.</li> <li>• Following discussion with the Chair and Vice Chair, to bid for external funding to support the work of the Council.</li> <li>• In discussion with the Chair or Vice Chair, to incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report the action to full council as soon as practicable thereafter.</li> </ul>	<b>Annually</b>

Date approved	Specific Delegated Powers	Reviewed
<b>13 January 2021</b>	<p><b>Planning</b> To delegate authority to the Parish Clerk following consultation with the Chair and Vice Chair to respond to planning applications whose deadline for consultation falls prior to a Parish Council meeting, provided that no Councillor requests a special meeting is required to discuss the application.</p>	<b>Annually</b>

<b>13 January 2021</b>	<b>Consultations</b> To delegate authority to the Parish Clerk following discussion with the Chair and Vice Chair to respond to external consultations where the deadline falls prior to a Parish Council meeting, providing that no Councillor requests a special meeting to discuss the consultation.	<b>Annually</b>
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<b>Date approved</b>	<b>Emergency Delegated Powers</b>	
<b>November 2022</b>	<p>Upon the declaration of a pandemic or emergency situation which will affect the work of the Council, with the agreement of the Chair and Vice Chair:</p> <ul style="list-style-type: none"> <li>• To delegate authority to the Parish Clerk in consultation with the Chair and Vice Chair to approve expenditure against items in the Parish Council's budget any such payments to be reported to the Council at the next ordinary meeting.</li> <li>• To extend the financial emergency delegation powers approved laid out in the financial regulations to a limit of £1,000</li> <li>• Planning – to delegate authority to the Parish Clerk following consultation with the Chair and Vice Chair-to respond to all planning applications following consultation with the Chair and Vice Chair, provided that no Councillor has requested a special meeting to discuss the application</li> <li>• To delegate authority to the Clerk to act upon Government advice in relation to the following: <ul style="list-style-type: none"> <li>• Holding of the Annual Meeting of the Parish Council</li> <li>• Holding of the Annual Parish Meeting</li> <li>• Arrangements for the Annual Governance and Accountability Return</li> <li>• Implementation of any changes to the decision-making process for Parish Council</li> </ul> </li> <li>• That any emergency scheme of delegation should remain in place until emergency restrictions are lifted, at which time it will be reviewed.</li> </ul>	<b>Annually</b>

Adopted	9 November 2022
Review Frequency	Annually
Next Review due	May 2025

## 14.5.25

## Agenda Item 9a

## Whixall Parish Council Asset Register as at 31 March 2025

Ref No.	Description	Community Asset?	Identification	Date acquired	Value (Net)	Valuation Basis	Custodian
001	War memorial/ cenotaph	yes	Location: Browns Brook, Whixall, SY13 2SB	u/k	£1.00		WPC
002	Playing Field	yes	Location: Land at Moss Cottages SY13 2PE	u/k	£1.00	Believed historically gifted to "the Children of Moss Cottages" by a land owner - date unknown circa 1981	WPC
004	Land upon which now sits Whixall Bowling Club, SY13 2QU and land upon which now sits part of Whixall Social Centre SY13 2NA *	no	Copy of conveyance made 18 <sup>th</sup> April 1980 Land registered to the Council in 2019. Title SL255253	Sept 1979	£350.00	*"FIRST ALL THAT small piece or parcel of land situate at Whixall Salop TOGETHER with the dwellinghouse erected and standing thereon being the former teacher's house to Whixall Church of England school and SECONDLY ALL THAT piece of garden land belonging to the property first hereinbefore described and situate to the west thereof but divided therefrom by the Old burial Ground..." (Wording of the 1980 Conveyance).	WPC
008	Goal posts and nets	no	In situ on land listed above. Location: Land at Moss Cottages SY13 2PE	2007	£729.17	Purchase cost	WPC
009	Old style red telephone kiosk, Welsh End, Whixall		Adopted via Adopt a kiosk scheme	February 2011	£1.00		WPC
010	Fencing	no	In situ on land listed above. Location: Land at Moss Cottages SY13 2PE	September 2008	£2,359.48		WCP
012	2 x Post mounted premium Notice boards (Special Style "A")	no	Located at 1. Moss Cottages Playing Field 2. Whixall Social Centre.	October 2011	£1,111.00		Clerk
013	The Marl Allotment (Marlot)	yes	Land Registry Title: SL230471 Land lying to the north-east of Mountain View, Roundthorn, Whixall, SY13 2PH	29 July 2015		This land was not purchased, it is common land. The Parish Council became registered proprietor after a first registration application to Land Registry. Registration Documents are held by the Clerk.	WPC
016	Open noticeboards	no	Located at: 1. Dobsons Bridge 2. Hollinwood Green	u/k			

017	Q Garden Lawnmower Model QPM215PHW	no	serial no 79151000031	March 2019	£165.00	Purchase value	M Spenser (Volunteer)
018	Stihl Brushcutter(1)	no		April 2019	£358.33	Purchase value	G Turnbull
019	Stihl Chainsaw	no		April 2019	£391.67	Purchase value	G Turnbull
020	Stihl Pole Cutter	no	BC93CB2A-E3F2-44DD-BEB1- CC493628A6CF	April 2019	£529.17	Purchase value	G Turnbull
021	Pole Cutter Harness	no		June 2019	£69.17	Purchase value	G Turnbull
022	Laptop Dell Vostro 15-3515	no	Device ID BC93CB2A-E3F2-44DD-BEB1- CC493628A6CF	April 2022	£362.50	Purchase value	Clerk
023	Picnic Table	no	Marlot	October 2022	£370.83	Purchase value	WPC
024	Bench	no	Marlot	October 2022	£266.67	Purchase value	WPC
025	Stihl Brushcutter(2)	no	Marlot	November 2022	£343.33	Purchase value	G Turnbull
026	Laminator	no	Leitz iLAM 74401089	April 2023	£56.65	Purchase value	Clerk
027	Printer	no	Brother MFC-J5740DW	June 2023	£183.20	purchase value	Clerk
028	Picnic Table	yes	Hollinwood, Whixall	u/k	£1.00	Historical 'gifted' asset	Clerk
					<b>£7,650.16</b>		

Value at March 2024	£7,650.16
Disposals total	£0.00
Additions total	£0.00
Value at March 2025	£7,650.16

14.5.25 Agenda Item 11a

**Whixall Parish Council**

Detailed accounts for 2024-2025

**Receipts**

	<b>This year TOTAL</b>
Precept	
Precept Payment	<u>12,880.00</u>
TOTAL Precept	<u>12,880.00</u>
Other receipts	
VAT Repayments	129.33
CIL / Neighbourhood Fund	
Bank Interest	614.12
Miscellaneous Receipts	<u>1.00</u>
TOTAL Other receipts	<u>744.45</u>
TOTAL Receipts	<u><b>13,624.45</b></u>

**Payments**

	<b>This year TOTAL</b>
Other Payments	
Miscellaneous Payments	<u>1,440.00</u>
TOTAL Other Payments	<u>1,440.00</u>
Administration	
General Admin	157.39
Bank charges	71.40
Website and Newsletter	411.88
Elections	-
Audit	-
Room Hire	216.00
Training	-
Insurance	657.42
Affiliations	<u>528.82</u>
TOTAL Administration	<u>2,042.91</u>
Asset Management	
Grass cutting	980.00
Hollinwood Green	58.42
Marlot routine works	68.38
Marlot emergency repairs	<u>-</u>
TOTAL Asset Management	<u>1,106.80</u>
Community	
Chairman Fund	440.00
Events	<u>440.00</u>
TOTAL Community	<u>880.00</u>

Staffing	
Staff - non-salary costs	450.90
Salaries	<u>5,947.93</u>
TOTAL Staffing	<u>6,398.83</u>

TOTAL Payments	<u><u>11,868.54</u></u>
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**Movement in balances**

Excess of receipts over payments	1,755.91
Opening balance	<u>16,399.66</u>
Closing balance	<u>18,155.57</u>

**Bank accounts**

Working Account	112.35
Savings	<u>18,043.22</u>
TOTAL bank balances	<u>18,155.57</u>

# Whixall Parish Council



Chairman: Ian Mercer

## Minutes of the Parish Council's Monthly Meeting held on 9 April 2025 at Whixall Social Centre starting at 7:30pm

### Present:

**Councillors:** I Mercer (Chair), B Harris, Claire Weedall, Med Evans,  
J Spenser, P Rodenhurst

**Unitary Councillors:** P Broomall, E Towers

**Clerk:** A Roberts

**Other Organisations:** 0

**Members of the Public:** 0

### **27/25 Public Session**

No members of the public were in attendance.

### **28/25 Apologies for Absence**

Councillors A Rawlinson and M Howard.

### **29/25 Declarations of Pecuniary and Non-Pecuniary Interest**

Cllr Spenser declared an interest in agenda item 8c (Local Needs Application).

### **30/25 Reports**

- a. A report from Shropshire Councillors was circulated in advance. Its contents were noted.
- b. Cllr Harris reminded members that the Old Burial Ground rear boundary has not been resolved and should remain on the actions list for the new council.
- c. The clerk reported that insufficient quotes had been received for the Moss Cottages Field fencing. Further quotes will be sought for the May meeting.

### **31/25 Minutes of Previous Meeting**

**Resolved: The minutes of the Council meeting held on 12<sup>th</sup> March are an accurate record and should be signed.**

The Chair signed the minutes.

### **32/25 Parish Matters**

- a. The Marlot activity report was circulated in advance. Its content was noted
- b. Old Burial Ground Tree  
Following a discussion, it was

**RESOLVED: That, following a request from the preferred contractor for the work to be awarded elsewhere the Clerk will obtain another competitive quote and in discussion with the Chair, will award the work to the contractor who can remove the tree soonest for a price of £14k or below.**

- c. Parish Noticeboards  
Councillor Rawlinson will be asked to repair the noticeboards at Hollinwood Green and Dobsons Bridge.
- d. Annual Parish Meeting  
The Clerk confirmed that Jason Hawkes will speak at the meeting. No response has been received from Shropshire Council.

**33/25 Flooding**

Following discussion, it was

**RESOLVED:** that the clerk will write to Shropshire Council to express concerns about the impact of flooding, caused by unmaintained drainage, on attendance at Whixall Primary School.

**34/25 Planning**

- a. To consider applications: None received
- b. To note planning decisions made by Shropshire Council: None received
- c. To respond to a request regarding a Local Needs Dwelling application.  
The request is out of the jurisdiction of the Parish Council and will be taken up by Cllrs Broomhall and Edwards at Shropshire Council. The Clerk will write to the applicant to confirm this.

**35/25 Financial Matters**

- a. To receive monthly bank balance record and bank reconciliation.

DATE	ACCOUNT NAME	AMOUNT
	Current Account	£112.35
	Savings Account	£18,043.22
<b>TOTAL</b>		<b>£18,155.57</b>

The Clerk reported that the £18,155.57 is made up of £6,945.92 in earmarked reserves and a general reserve of £11,209.65. General Reserves will be used to cover the tree works at the Old Burial Ground and fencing at Moss Cottages.

The bank reconciliation, statements and reserve levels were noted.

- b. To resolve to approve outstanding accounts

**Resolved:** All payments are authorised., Outstanding accounts should be paid and the payment transactions authorised by two nominated councillors.

Recipient	Reason for Payment	Amount	Reference
<b>Payments Taken Before the Meeting</b>			
Hugo Fox	Website March	23.99	80.24
Unity Bank	Bank Charges March	6.00	76.24
<b>Payments to be Approved</b>			
HMRC	PAYE (April)	83.20	1.25
Employee	Salary (April)	333.71	2.25
Employee	Reimbursement	55.00	3.25
NEST	Pension Contribution (April)	82.91	4.25DD
Parish Online	New Website	258.00	5.25
Unity Bank	April Bank Charges	6.00	6.25DD
Hugo Fox	Website April	23.99	7.25DD
G Turnbull	Fuel (Marlot)	9.82	8.25

Scheduled date of next meeting  
**14<sup>th</sup> May 2025 (7.30pm)**

The meeting closed at 9.01 pm.

**Marlot Conservation Group (MCG)****Work report to Whixall Parish Council meeting May 2025****Reporting Period 8 Apr- 6 May 2025**

A good amount of work has been conducted during this reporting period despite a reduction in availability of one volunteer. The first part of this session concentrated on brush-cutting the front meadow in preparation for the spring and summer wildflower growth. Three quarters of the main front meadow was cut, raked and the arisings burned in one day and with the reduced amount of willow in the meadow this will hopefully allow for more wildflowers to start to come through.

The other work days during this reporting period have concentrated on a re-build of the terrace hedge area and re-building the steps up to the woodland area. New stakes were placed around the terrace and a new willow fence woven using many of the cut willow from the front meadow. Willow and brash shreddings from the front meadow were used to line the pathways along the pond area giving a more stable base for walking. We also took the opportunity to cut back much of the young willow growth around the ponds to try and provide more light and warmth to the ponds for the pond life.

At our request, Dr Nicky Hunter and her husband Tim, conducted a set of newt surveys over a couple of days at the end of April. They set out 20 individual traps, 10 in the main pond and 10 at the terrace pond. Due to overgrowth and limited water levels on the other ponds no additional traps were laid. As a result of flooding/waste inundation over past winters as well as weather changes, overgrowth and shading of the ponds and the absence of small leaved marginal vegetation for newt egg laying, the results of this survey were very limited. The result being that only 2 Great Crested Newts and 1 smooth newt were found (in the same trap) at the boardwalk end of the main pond. It was still encouraging to see that the Great Crested Newts are still there and hopefully we will be able to bring the ponds back to where they were a few years ago with prospective work on the ponds this coming winter. Dr Hunter will not conduct any further surveys this year.

Graham Turnbull

Marlot Conservation Group

6 May 25

**From:** team@hugofox.com  
**Sent:** 19 April 2025 10:16  
**To:** clerk.whixallpc@hotmail.co.uk  
**Subject:** Contact via HugoFox

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Categories:** May meeting

HugoFox

## Contact from HugoFox.com

Dear Amanda,

You have received the following message from winstergallop@hotmail.co.uk.

Dear Amanda, This a formal notification to the Parish Council. I am writing on behalf of the PCC St Mary's Whixall. There are now fewer than 15 spaces left in the churchyard. The average burial rate at the church in recent years is c5 a year. Further burials will soon be impossible. yours sincerely, Bill Cliftlands, Secretary, St Mary's Church PCC

This message was sent from the following page:

[View Page](#)

Any questions? Please don't hesitate to contact us:  
[team@hugofox.com](mailto:team@hugofox.com).

Thank you  
*HugoFox Team*

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# Report to Whixall Parish Council

## Social Centre Boundary with the Old Burial Ground

### Background

Whixall Social Centre Committee has asked the Parish Council to review the land ownership of the area adjacent to the Social Centre and underneath the Bar area, following the receipt of additional information.

### Current Situation

The Parish Council's asset register reflects a conveyance document dated 18<sup>th</sup> April 1980. This document transferred ownership of two pieces of land adjacent to the old Burial Ground to the Parish Council for a fee of £350

1.	Land on which the Bowling Club stands	This is leased to the Bowling Club for £1 per annum. The original lease was let by the Council in 1983. The lease has recently been revised and runs until 2085.
2.	Land under the bar and the grassed area between the bar and the road	The grassed area is mowed as part of the Council's grass cutting contract.

### Plan from April 1980 Conveyance showing both pieces of land



### New Information

The Social Centre Committee have provided the Council with a copy of a conveyance from 4<sup>th</sup> July 1980. This transferred some of the land from the Parish Council's ownership to that of the Social Centre Trustees. However, the wording of the conveyance does not align with the plan it contains:

#### Wording on the Conveyance

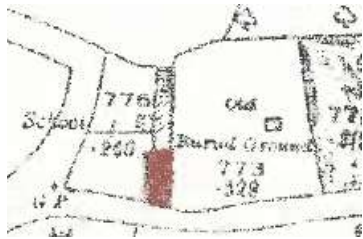
The wording describes the land as being 'ALL that piece or parcel of land situate at Whixall Aforesaid TOGETHER WITH the dwelling house erected thereon and

standing thereon being the former teacher's house to Whixall Church of England School and shown for the purposes of identification only coloured red on the plan annexed here...'

This description is of the land on which the Bowling Club sits.

### July 1980 Conveyance Plan

The plan in the conveyance (shown below) is of the strip of land under and next to the Social Centre.



### **Land Registration**

The Parish Council registered the Bowling Club land in 2018, but was not able to provide sufficient information to be able to register the land adjacent to the Social Centre and the application was cancelled.

### **Conclusion**

It seems clear that the Parish Council did not intend to transfer the Bowling Club land, as three years after the date of the conveyance, the Council entered into a long-term agreement with the Bowling Club. This would not have been done if the Parish Council had no ownership claim on the land. Therefore, the July 1980 conveyance plan, rather than the wording, should be taken as correct.

Additionally, the Council has no use for the land adjacent to the Social Centre and the Social Centre Trustees have confirmed they do not wish to own the Bowling Club site.

### **Recommendation**

The Council should resolve to acknowledge that the land under the Social Centre bar and between the bar and the road were transferred to the Social Centre Trustees in 1980 and are not Parish Council land.

Following this, further work will be required:

- Councillors to work with the Social Centre to review the boundary maintenance agreement
- Clerk to update the asset register to reflect revised ownership
- Social Centre committee to be asked to gain confirmation that no further work is required in relation to the mistake in the conveyance.

A Roberts

7<sup>th</sup> May 2025

# Whixall Parish Council



## Suggested Meeting Dates 2025-2026

<b>2025</b>	
June	No meeting
July	9 <sup>th</sup>
August	No meeting
September	10 <sup>th</sup>
October	8 <sup>th</sup>
November	12 <sup>th</sup>
December	No meeting
<b>2026</b>	
January	14 <sup>th</sup>
February	11 <sup>th</sup>
March	11 <sup>th</sup>
April*	15 <sup>th</sup>
May (Annual PC Meeting)	13 <sup>th</sup>

\*Easter falls on 5<sup>th</sup> April 2026 – the suggested date avoids Easter Holidays.