

Killamarsh Parish Council

Killamarsh Sports Centre
Killamarsh Community Campus
Stanley Street
Killamarsh, S21 1EL

Tel: 0114 247 2260

Email: parish.office@Killamarsh-pc.gov.uk

Website: www.killamarsh-pc.gov.uk



Locum Parish Clerk: Ms Safia Kauser

Email: parish.clerk@killamarsh-pc.gov.uk

Date Issued: 17 June 2021

NOTICE OF AN EXTRAORDINARY MEETING

To All Members of the Health, Safety and Wellbeing Committee

Notice is hereby given that an Extraordinary meeting of the Health, Safety and Wellbeing Committee will be held at the Parish Suite of the Killamarsh Sports Centre on Tuesday 22nd June 2021 at 7.00pm

Mo Potts

Councillor Mo Potts

Chairman of the Health, Safety and Wellbeing Committee

CORONAVIRUS MEASURES

- Killamarsh Parish Council operates a Covid-19 secure building.
- Attendees will be required to register their attendance on arrival and must sanitize their hands on entering the building. Masks must be worn at all times (unless an exemption applies) and social distancing must be maintained at all times.
- Any members of the public wishing to attend are required to register their attendance and book a seat by contacting the parish council via email on parish.clerk@killamarsh-pc.gov.uk. This will be on a first come first serve basis.
- Members of the public who are unable to attend can email their questions to the Locum Clerk in advance of the meeting which will be read out under the public participation session.

Health, Safety and Wellbeing Committee Membership

Cllr Mo Potts (Chair)

Cllr Chris Curzon

Cllr David Drabble

Cllr Adrian Platts

Cllr Billy Rice

Cllr Lillian Robinson

Recording of Council Meetings

Under the Openness of Local Govt. Bodies Regulations 2014, members of the public may now film, photograph and make audio recordings of the proceedings of the formal Council meeting, though not, under current legislation, of the Public Participation session, as this is not part of the formal agenda of the meeting. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted.

Public Participation

- Notice is given that at a time agreed by the meeting, 15 minutes may be set aside for members of the public to make representation on the business of the agenda for the meeting
- Any member of the public shall not speak for more than three minutes.
- A question asked by a Member of the Public during Public Participation shall not require a response or debate during the meeting though the Chairman may direct that a written response will be provided subsequent to the meeting.

PUBLIC BODIES (ADMISSION TO MEETINGS ACT) 1960

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 in accordance with the Public Bodies (Admission to Meetings Act) 1960.

AGENDA

1.	<p>Committee Chair and Vice-Chair</p> <p>1.1 To note that Councillor Mo Potts was elected as the Committee Chair of the Health, Safety and Wellbeing committee at the annual council meeting held on the 24 May 2021.</p> <p>1.2 To appoint a committee Vice-Chair for the ensuing year.</p>																																				
2.	<p>Apologies for Absence</p> <p>To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.</p>																																				
3.	<p>Declarations of Disclosable Pecuniary and Other Interests</p> <p>3.1 To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.</p> <p>Note: Members must generally declare a disclosable pecuniary interest which he or she has in any item on the Agenda. A Member with a disclosable pecuniary interest may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting. In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.</p> <p>3.2 To receive, consider and record councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.</p>																																				
4.	<p>Adjournment for Public Participation</p> <p>To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.</p>																																				
5.	<p>Committee Meetings 2021/22</p> <p>To agree the timetable of ordinary committee meetings for the ensuing year. The provisional meeting schedule that was considered at the annual council meeting is set out below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6" style="text-align: left;">HS & Wellbeing – To be Held on Mondays - after the Finance meeting</th> </tr> <tr> <th style="width: 20%;">Type</th> <th style="width: 15%;">Date</th> <th style="width: 25%;">Day</th> <th style="width: 10%;">Officer</th> <th style="width: 15%;">Venue</th> <th style="width: 15%;">Time</th> </tr> </thead> <tbody> <tr> <td>HS & Wellbeing</td> <td>20/09/2021</td> <td>Monday 20 September 2021</td> <td>PC</td> <td>Parish Suite</td> <td>7.30pm</td> </tr> <tr> <td>HS & Wellbeing</td> <td>22/11/2021</td> <td>Monday 22 November 2021</td> <td>PC</td> <td>Parish Suite</td> <td>7.30pm</td> </tr> <tr> <td>HS & Wellbeing</td> <td>17/01/2022</td> <td>Monday 17 January 2022</td> <td>PC</td> <td>Parish Suite</td> <td>7.30pm</td> </tr> <tr> <td>HS & Wellbeing</td> <td>21/03/2022</td> <td>Monday 21 March 2022</td> <td>PC</td> <td>Parish Suite</td> <td>7.30pm</td> </tr> </tbody> </table>	HS & Wellbeing – To be Held on Mondays - after the Finance meeting						Type	Date	Day	Officer	Venue	Time	HS & Wellbeing	20/09/2021	Monday 20 September 2021	PC	Parish Suite	7.30pm	HS & Wellbeing	22/11/2021	Monday 22 November 2021	PC	Parish Suite	7.30pm	HS & Wellbeing	17/01/2022	Monday 17 January 2022	PC	Parish Suite	7.30pm	HS & Wellbeing	21/03/2022	Monday 21 March 2022	PC	Parish Suite	7.30pm
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6.	<p>Exclusion of Press and Public - Public Bodies (Admission to Meetings Act) 1960</p> <p>To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.</p>																																				
7.	<p>Minutes</p> <p>To note the draft minutes of the Extraordinary Personnel committee meeting held on the 27 April 2021 (minutes previously circulated, copy attached).</p>																																				

8.	<p>Deputy Clerk Position To consider the applications for the Deputy Clerk post that was re-advertised from the 30th March to the 3rd May and to resolve the next steps including the appointment of an interview panel and interview date.</p>
9.	<p>Parish Clerk and RFO Recruitment To consider the applications for the Parish Clerk and RFO post that were re-advertised from 10th May to 07th June and to resolve the next steps including the appointment of an interview panel and interview date.</p> <p>Note: RFO Vacancy was re-advertised from 10 March, closing date 16th April 2021; no applications were received. Parish Clerk Vacancy re-advertised from 30 March to 3rd May 2021; one applicant had applied for this and the application has been accepted for consideration with the above applications.</p>
10.	<p>Locum Clerk Contract To review the contract for the Locum Clerk and to resolve any further actions.</p>
11.	<p>Update on TUPE / Sports Centre Personnel To receive a progress update on the unresolved matters following TUPE of Sports Centre personnel.</p>
12.	<p>Review of Polices and Update on External HR Support</p> <p>12.1 To note that in accordance with the Personnel committee resolution from the meeting held on the 16 February 2021, the Locum Clerk will obtain quotes for external HR support on a fixed fee basis and the quotes will be presented to full council at the June meeting for consideration.</p> <p>12.2 To receive a copy of the Governance Health Check Audit report that was issued on the 30 March 2021 and to consider a review of the policies that fall within the remit of this committee, with the exception of the HR policies that are to be considered at agenda item 12.3 (report enclosed).</p> <p>12.3 To consider a review of the HR Policies and Employee Handbook referenced within the Governance Health Check audit report (pages 35-40) that was issued on the 30 March 2021.</p> <p>Note: The Governance Health Check Audit report can be accessed online, via the link: https://www.killamarsh-pc.gov.uk/uploads/governance-health-check-audit-final.pdf</p>
13.	<p>Any items for discussion for a future agenda To notify the Clerk of any matters for inclusion on the agenda of the next meeting.</p>
14.	<p>Date of the Next Committee Meeting To agree a date for the next ordinary meeting of the Health, Safety and Wellbeing committee to be convened.</p>

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Draft Minutes Are Subject To Approval At The Next Committee Meeting.

Minutes of An Extraordinary Meeting of The Personnel Committee Held Remotely on Tuesday 27th April 2021 Via Zoom Video Conference

Commenced: 5.00pm - Concluded: 6.25pm

Councillors Present: Carol Lacey [Chair], Challenger, Eva Thompson

Absent Councillors: None

Non-Councillors (without voting rights): None permitted

Observing Councillors (not a member of the committee): Steve Clough [to 5.20pm]

Officer: Safia Kauser [Locum Parish Clerk, minute taker]

Members of the Public: One member of the public [to 5.10pm]

- | | |
|-----|--|
| (1) | <p><u>Item 1: Chairman's Opening Remarks</u>
To receive the Chairman's opening remarks. The Chairman will notify those present about the holding of virtual meetings.</p> <p>The Chairman informed those present who had joined the meeting via video to use the 'raise your hand' facility to speak and those members who had joined by telephone were advised to state their name and be permitted to speak when asked to do so by the Chair.</p> |
| (2) | <p><u>Item 2: Apologies for Absence</u>
To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.</p> <p>All committee members were present.</p> |
| (3) | <p><u>Item 3: Declarations of Disclosable Pecuniary and Other Interests</u>
<u>Item 3.1</u> - To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.</p> <p>No declarations of interests were received.</p> <p><u>Item 3.2</u> - To receive, consider and record councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.</p> <p>None declared.</p> |
| (4) | <p><u>Item 4: Adjournment for Public Participation</u>
To adjourn the meeting for 15 minutes to allow members of the public to make representation on the</p> |

	<p>business of the agenda for the meeting. No resolutions can made be under public participation.</p> <p>No members of the public requested to take part in public participation.</p>
(5)	<p><u>Item 5: Exclusion of Press and Public - Public Bodies (Admission to Meetings Act) 1960</u></p> <p>To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1) In accordance with the Public Bodies (Admissions to Meetings) Act 1960; that in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded from agenda items 9 and 10 due to the confidential information relating to personal data and employment matters.
(6)	<p><u>Item 6: Minutes</u></p> <p>To approve the draft minutes of the Extraordinary Personnel committee meeting held on the 02 March 2021 (minutes previously circulated).</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1) That the draft minutes of the Extraordinary Personnel committee meeting held on the 02 March 2021 are approved as a true and accurate record of proceedings.
(7)	<p><u>Item 7: Parish Clerk and RFO Recruitment</u></p> <p>To receive an update on the Parish Clerk and RFO recruitment and to resolve any further actions.</p> <ul style="list-style-type: none"> • RFO Vacancy was re-advertised from 10 March, closing date 16th April 2021. • Parish Clerk interviews took place on 24th March. Job re-advertised 30th March, closing date 3rd May. <p>No applications were received for the Parish Clerk vacancy but there had been some interest. Members discussed re-advertising the vacancy with the Society of Local Council Clerks and consideration was given to the package options and duration of the advert. The Locum Clerk was unsure if a discount could be applied as her membership to SLCC was with another employer. It was agreed that the advert could generate interest within the first two weeks of the vacancies being advertised.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1) That the Clerk and RFO vacancies are re-advertised for a four week period. 2) That the vacancies for the Clerk and RFO are advertised with the SLCC on the silver package for a duration of two weeks and at a cost of up to a maximum of £500.00. <p>Action: Locum Clerk to advertise vacancies from 04 May 2021. Action: Locum Clerk to contact NEDDC and ask pricing on placing an advert with them.</p>
(8)	<p><u>Item 8: Deputy Parish Clerk Position</u></p> <p>To receive an update on the Deputy Parish Clerk recruitment and to resolve any further actions.</p> <ul style="list-style-type: none"> • Deputy Clerk interviews took place on 18th March. Job re-advertised on 30th March, closing date 3rd May. <p>Some applications had been received for this position. The Locum Clerk would forward the application to the members of the Personnel committee.</p>

<p>(9)</p>	<p><u>Item 9: Handy person</u> To receive a copy of the appraisal document and to consider a revised job description in consultation with the post-holder. The appraisal took place on Tuesday 23rd March 2021.</p> <p>The appraisal document was discussed in detail. The Locum Clerk informed members that a dedicated mobile phone had been ordered and this was linked in with the new telephone system to allow the officer to answer calls from the office which would then be diverted to the mobile phone. It was queried if the council had a safety ladder and the Locum Clerk agreed to look into this. There were some training aspects that needed refreshing and the job role would need to be revised due to the transfer of the Sports Centre. The Locum Clerk informed members that there were a couple of options for the new job profile but discussions would need to be held with the post-holder. A weekly task schedule would need to be considered and an annual maintenance programme.</p> <p>RESOLVED:</p> <p>1) That the Locum Clerk brings forward options for a revised job description for consideration by the committee following discussions to be held with the post-holder.</p>
<p>(10)</p>	<p><u>Item 10: Sports Centre Transfer (TUPE)</u> To receive an update on TUPE relating to the Sports Centre staff and cleaners and to resolve any further actions. Cllr Clough to report on this item.</p> <p>Cllr Clough provided an update from the solicitor on TUPE matters and went through the list of employees that had cited a reason not to transfer. It was agreed that Cllr Clough seeks advice from the KPC solicitor. Consideration was given to the cleaning post and that cleaning would need to continue in the parish suite to prepare for face to face meetings and in the new council offices.</p> <p>RESOLVED:</p> <p>1) That the employees who have cited a reason and don't wish to transfer under TUPE remain on furlough.</p> <p>2) That advice is obtained from the KPC Solicitor on TUPE implications for employees who don't wish to transfer.</p> <p>3) That the cleaning post is agreed at 10 hours per week (2 hours per day) in consultation with the post-holder.</p>
<p>(11)</p>	<p><u>Item 11: Any items for discussion for a future agenda</u> To notify the Clerk of any matters for inclusion on the agenda of the next meeting.</p> <p>No items were brought forward.</p>
<p>(12)</p>	<p><u>Item 12: Date of the Next Committee Meeting</u> To agree a date for the next ordinary meeting of the Personnel committee to be convened.</p> <p>It was noted that this may be the final meeting of the Personnel Committee prior to the annual meeting and that a new committee of the Health, Safety and Wellbeing incorporating personnel matters would be appointed in the new municipal year.</p> <p>There being no further business, the Chair closed the meeting at 6.25pm.</p>

These draft minutes were approved as a true record at the Personnel meeting Held on:

..... ***with the agreed additions/deletions: None / Yes (list amendments below)**

Signed (Chair)..... **Print:** **Dated**

*Loose leaf pages to be initialled

* The copy signed by the Chair to contain the alterations, recorded in longhand, with the changes (agreed by the meeting) signed and dated. Signed Copy of the minutes to be filed in the minute book.

***Agreed Amendments (Additions/Deletions) to the Draft Minutes:**

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1. Background

1.1 Killamarsh Parish Council

The village of Killamarsh is situated in North East Derbyshire. Killamarsh Parish Council is an elected body representing the first tier of Local Government. The parish council is made up of 15 elected members (elected every four years) representing the Killamarsh parish council boundary which is a part of the North East Derbyshire District. The recent election was held in May 2019 and 9 members were elected to represent the Killamarsh West ward and 6 members were elected to represent the Killamarsh East ward. Although, town and parish councils are apolitical; there are several political groups being represented on the parish council. The second tier of local government is represented by North East Derbyshire District Council and the third and final tier of local government is represented by Derbyshire County Council.

1.2 Parish Council Services and Activities

The parish council has two offices that are based in the Killamarsh Sports Centre which is owned and managed by Killamarsh Parish Council. The parish council provides a range of services to the public, including leisure and recreational services/activities delivered via the sports centre, the provision of allotments, cemeteries, event and catering services, function room and bar hire. The Youth Centre and the Library buildings are owned and managed by Derbyshire County Council but are sited on the land owned by Killamarsh Parish Council. The land also accommodates a multi-use play area that is available for hire in addition to a sports playing field that can be utilized for village events. The parish council comments as a statutory consultee on local planning applications, in addition to representing the local community interests, alerting relevant local authorities to problems that arise or work to be undertaken and having direct involvement and management of local council projects and joint working partnership ventures.

1.3 Council Committees and Working Parties

There were seven operational committees during the 2020/21 financial year in addition to several working parties.

Committees 2020/21	
1.	Bar and Catering
2.	Environment
3.	Emergency Committee (committee set up in early 2020 to work through the early days of Covid-19. Committee stopped functioning once full council meeting commenced).
4.	Finance
5.	Health and Safety
6.	Personnel
7.	Sports Centre

Working Parties	
1.	Birchlands Working Party
2.	Christmas 2020 Working Party (Residents Group)
3.	Communications Working Group
4.	Internal Audit Issues
5.	Neighborhood Plan Working Party
6.	Subsidy Reduction Plan Working Group

1.4 The Precept

Killamarsh Parish Council has the statutory power given by government to raise money through taxation (the precept) and a range of powers to spend public money. The precept for Killamarsh Parish Council for the 2020/21 financial year was £496,305. The precept was made up of an income budget £408,315 and an expenditure budget of £904,620. Additional reserves of £64,137 were earmarked for:

Server	£ 3,500.00	Astro turf	£ 2,200.00
Elections	£ 2,000.00	Van lease	£ 3,000.00
Contingency	£ 28,437.00	Legal Fees	£20,000.00
Water boiler	£ 5,000.00		
-----Total Earmarked Reserves £64,137 -----			

1.5 Covid-19 National Pandemic Emergency

The national coronavirus pandemic emergency was a part of an international worldwide pandemic of the Covid-19 disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The government announced a national lockdown on the 23rd March 2020 and several sectors were affected by the rules which resulted in the closure of businesses and public activities and gatherings. The parish council offices and sports centre had been closed down and were briefly allowed to re-open under new government guidelines on 24th August (after lockdown 1) and again on 2nd December (after lockdown 2).

1.6 The government introduced a new bill 'The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 that came into force on the 04 April 2020. This enabled local authorities to hold meetings remotely including by video and telephone conferencing for a specified time until 07 May 2021. The requirement to hold an annual meeting of the council was removed and any appointments were to continue until the next annual meeting of the council in May 2021. The parish council continues to conduct remote council meetings remotely via Zoom video conference.

1.7 Financial Impact of Covid-19 (Future of the Sports Centre)

Covid-19 has significantly impacted on the revenue generated by the sports centre. Due to Covid-19 and under the government furlough scheme, all but 2 members of the sports staff have been furloughed at various times with just the 2 weekend members permanently furloughed/part furloughed as we have remained closed at weekends. The significant impact of the financial climate has resulted in a review for the future and viability of the sports centre under the current management of the parish council. The 'Subsidy Reduction Plan' is currently being undertaken by North East Derbyshire District Council (NEDDC).

2. Scope of Responsibility

2.1 Statutory Legal Powers

Authorities in England operate within a legal framework which provides them with the necessary statutory powers and authority to deliver local public services. Authorities and their clerks/chief executives/RFOs should always be aware of, and have regard to, the legal power they are exercising when deciding on any action including to spend public money.

2.2 Annual Governance and Accountability Return [AGAR]

The proper practices for smaller authorities (Town and Parish Council's) are included in the Governance and Accountability for Smaller Authorities, A Practitioners Guide. Smaller authorities in England must complete an Annual Governance and Accountability Return [AGAR] which includes an Annual Governance Statement to the public. The 'income and expenditure' account and statement of balances are also set out in the 'Annual Governance and Accountability Return'. Income and expenditure accounting is similar to profit and loss in a commercial organisation, and is completed on an accruals basis for a specific time period. The accounting statements prepared by the Responsible Finance Officer [RFO] are a summary of income and expenditure, the precept, staff costs, assets and liabilities, and reserves taken from the council accounts.

2.3 The Annual Internal Audit Report that forms part of the Annual Governance and Accountability Return, must be submitted to the External Auditor within the statutory deadline of 30 June after it has been signed and dated by the person presiding at the meeting. The RFO must publish the unaudited Annual Return on a freely accessible website no later than 2nd July. Councils must, no later than 30th September, publish the accounting statements, including the external auditor's report on a freely accessible website.

2.4 Annual Governance Statement

The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement in accordance with proper practices in relation to accounts. The purpose of the annual governance statement is for an authority to report publicly on its arrangements for ensuring that its business is conducted in accordance with the law, regulations and proper practices and that public money is safeguarded and properly accounted for.

2.5 Smaller authorities prepare their annual governance statement by completing Section 1 of the Annual Governance and Accountability Return. This is in the form of a number of statements, known as assertions, to which the authority needs to answer 'Yes' or 'No'. This guide follows the order of Section 1 of the Annual Governance and Accountability Return and sets out the actions that authorities need to have taken either during the financial year or after the financial year-end to answer 'Yes' to each assertion.

2.6 The authority needs to have appropriate evidence to support a 'Yes' answer to an assertion, for example a reference in a set of formal minutes. If an authority is not able to respond 'Yes' to any assertion, it needs to provide an explanation to the external auditor on a separate sheet describing how the authority will address the weaknesses identified. These explanations must be published along with the completed AGAR.

2.7 Annual Governance Statement Assertions

The Annual Governance Statement Assertions are set out in the table. The guidance criteria to warrant a positive assertion is contained within the Governance and Accountability Practitioners Guide 2020 that is updated on an annual basis.

Assertion 1	Financial management and preparation of accounting statements We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements. To warrant a positive response to this assertion, the following processes need to be in place and effective (refer to guide)
Assertion 2	Internal control We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.
Assertion 3	Compliance with laws, regulations and proper practices We took all reasonable steps to assure ourselves that there are no matters of actual or potential noncompliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this smaller authority to conduct its business or on its finances.
Assertion 4	Exercise of public rights We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.
Assertion 5	Risk management We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.
Assertion 6	Internal Audit We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.
Assertion 7	Reports from Auditors We took appropriate action on all matters raised in reports from internal and external audit.

Assertion 8	Significant events We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this smaller authority and, where appropriate have included them in the accounting statements.
Assertion 9	Trust Funds (local councils only) Trust funds (including charitable). In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.

2.8 Local Government Data Transparency Code

The Government has published the 'Local Government Transparency Code' as a code of recommended practice under section 2 of the Local Government, Planning & Land Act 1980. This Code, which can be found at <https://www.gov.uk/government/publications/local-governmenttransparency-code-2015> applies to parish and town councils where gross income or gross expenditure exceeds £200,000. The Code provides for publication of a comprehensive set of information, including Unique Property Reference Numbers of land and building assets (principal authorities may be able to help with these). There is no prescribed Code for councils where gross turnover is between £25,000 and £200,000 but all councils must have a Publication Scheme complying with the Information Commissioner's requirements.

3. Scope of Assignment and Governance Principles

3.1 Locum Parish Clerk [Profile]

Killamarsh Parish Council appointed a Locum Parish Clerk, Ms Safia Kauser on the 02 December 2020 following a series of three Locum Clerks/RFO's appointed in the last 18 months. The original permanent Clerk was employed from 2014 to September 2019, followed by a Locum Clerk for 3 months who worked only 3 days a week; the second Locum Clerk worked for 2 months but only worked 1 day a week and the third Locum Clerk was employed from early March 2020 to October 2020 working 25 hours a week over 4 days. For the majority of this time Killamarsh Parish Council had the support of 3 Admin Officers until July/September 2020 (1 full time, one on 30 hours and one on 17 hours).

3.2 Ms Safia Kauser, the incumbent Locum Parish Clerk is Local Council Practitioner and Internal Auditor with a local government background having being involved in the Town/Parish Council Sector for over 12 years. A CILCA qualified Clerk and Responsible Financial Officer, Safia has qualifications of Business Administration, the Leadership and Management Award, AAT (Association of Accounting Technicians) and professional membership to the Society of Local Council Clerks and AAT. Ms Kauser has an extensive and diverse range of clerking and financial management and project experience in her previous roles as Clerk and RFO to several large authorities. Safia has been involved in addressing recommendations arising from a public interest report, introducing new internal control measures, setting up new council procedures, developing policies and embedding them into everyday working practices to increase transparency, accountability and to create a solid framework for good governance and effective financial management. Ms Kauser recently set-up her auditing and consultancy support business (Internal Audit Yorkshire) for the parish council sector, offering her services on an assignment basis in addition to locum work. Safia is a current internal auditor to several councils across the Yorkshire and Lancashire region. Killamarsh Parish Council acknowledges the support received from Internal Audit Yorkshire that assisted Ms Kauser to carry out this review in her capacity as the Locum Parish Clerk to Killamarsh Parish Council.

3.3 Purpose of the Governance Health Check Audit

The purpose of the governance health check audit is to ensure that the council is fulfilling its overall purpose, achieving its intended outcomes for citizens and service users, and is operating in an effective, efficient and ethical manner and in accordance with the governance standards that apply for Smaller Authorities. The governance review will support the council towards compliance in all aspects of local government and will identify areas for improvement to bring the governance standards up to date and with the latest changes in statutory regulations and legislation.

3.4 Each local government body operates through a governance framework which brings together an underlying set of legislative requirements, governance principles and management processes. The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance

statement in accordance with proper practices in relation to accounts.

3.5 Principles of Good Governance

The Joint Panel on Accountability and Governance [JPAG] recommends that a full audit authority (category 1) may also wish to refer to Delivering good governance in local government: A guidance note for English authorities, published by CIPFA/SOLACE in 2012, which is intended to assist authorities in reviewing their governance arrangements and can be used in conjunction with the Framework and the addendum. Although Killamarsh Parish Council is categorised as a Smaller Authority, the principals of governance apply to local government bodies and it provides a structure to help individual authorities with their own approach to governance and local authorities are urged to test their structures against the principles contained within the framework. The six core principals of governance are listed in the table.

1	Focusing On The Purpose Of The Authority And On Outcomes For The Community And Creating And Implementing A Vision For The Local Area
<ul style="list-style-type: none"> • Exercising strategic leadership by developing and • Clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users ensuring that users receive a high quality of service • Whether directly, or in partnership, or by commissioning ensuring that the authority makes best use of resources – and that tax payers and service users receive excellent value for money. 	
2	Members And Officers Working Together To Achieve A Common Purpose With Clearly Defined Functions And Roles
<ul style="list-style-type: none"> • Ensuring effective leadership throughout the authority – and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function • Ensuring that a constructive working relationship exists – between authority members and officers and that the responsibilities of authority members and officers are carried out to a high standard • Ensuring relationships between the authority and the – public are clear so that each knows what to expect of the other 	
3	Promoting Values For The Authority And Demonstrating The Values Of Good Governance Through Upholding High Standards Of Conduct And Behaviour
<ul style="list-style-type: none"> • Ensuring authority members and officers exercise – leadership by behaving in ways that exemplify high standards of conduct and effective governance • Ensuring that organisational values are put into practice – and are effective 	
4	Taking Informed And Transparent Decisions Which Are Subject To Effective Scrutiny And Managing Risk
<ul style="list-style-type: none"> • Being rigorous and transparent about how decisions – are taken and listening and acting on the outcome of constructive scrutiny • Having good-quality information, advice and support to – ensure that services are delivered effectively and are what the community wants/needs • Ensuring that an effective risk management system is – in place • Using their legal powers to the full benefit of the – citizens and communities in their area. 	

5 Developing The Capacity And Capability Of Members And Officers To Be Effective

- Making sure that members and officers have the skills, – knowledge, experience and resources they need to perform well in their roles
- Developing the capability of people with governance – responsibilities and evaluating their performance, as individuals and as a group
- Encouraging new talent for membership of the authority – so that best use can be made of individuals' skills and resources in balancing continuity and renewal.

6 Engaging With Local People And Other Stakeholders To Ensure Robust Public Accountability

- Exercising leadership through a robust scrutiny function – which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships
- Taking an active and planned approach to dialogue with – and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning
- Making best use of human resources by taking an – active and planned approach to meet responsibility to staff.

3.7 Approach and Methodology

At the full council meeting of Killamarsh Parish Council held on the 14 December 2020; the council resolved to authorize the Locum Clerk to carry out a Governance Health Check audit. A working group comprising of Councillors Clough, Lacey, Thompson and Whitehead was appointed to support the Locum Clerk with the review.

3.8 Using an in-house developed checklist by Internal Audit Yorkshire; councillors were invited to take part in completing a questionnaire that focused on 10 governance and management areas that were underpinned by the principals of good governance.



3.9 All members of the council were invited to complete another questionnaire which gave them an opportunity to provide an input towards this report. The former Operations Manager was also invited to provide comment prior to his departure from the council.

3.10 To support the findings of the governance health check audit, the in-house developed checklist is underpinned by the best practice and governance principles set out in:

- 1) The Good Governance Standard for Public Services published by The Independent Commission on Good Governance in Public Service.
- 2) Delivering good governance in local government: A guidance note for English authorities, published by CIPFA/SOLACE in 2012
- 3) The Governance Toolkit for Town and Parish Councils - updated and produced as a partnership between the National Association of Local Councils, the Society of Local Council Clerks, the Standards Board for England and the Association of Council Secretaries and Solicitors and is endorsed by the Local Government Association.
- 4) Practitioners' Guide to Governance and Accountability in Local Authorities.
- 5) Legislative and Statutory Requirements and best practice.

3.11 Information received through the course of interviews, consultations and council documentation have contributed towards the findings in this report. Members of the working group comprising of councilors Clough, Lacey, Thompson and Whitehead received a copy of the draft report on the 17 March 2021 for review and comment prior to final draft publication to full council at the meeting held on Monday 29 March 2021. Feedback arising from the draft report was received from two members of the working party. No management response was provided for inclusion within the report. Final amendments were made to the draft report prior to it being issued to all members of the council on 24 March 2021. This document was formally adopted by the parish council at their meeting held on the 29 March 2021.

3.12 Management Response

No management response was provided.

4. Statement of Responsibility

- 4.1 The council as a corporate body is responsible for ensuring that council business is conducted in accordance with the law, regulations and proper practices and that public money is safeguarded and properly accounted for. Managing the authority's internal controls is a day-to-day function of the authority's staff and management. This report has been solely prepared for Killamarsh Parish Council. Unless there is a legal regulatory requirement to do so, this report is not to be made available to third parties.
- 4.2 This report and findings are based on the information that was made available during the course of the review. The matters raised in this report should not be read as a comprehensive statement of all the weaknesses identified or all improvements to be made. This report should not be relied upon to identify all circumstances of fraud and irregularity, should there be any.
- 4.3 The council undertakes to indemnify its officers including the Locum Parish Clerk [author of this report] against any actions of commission or omission that are made in good faith on behalf of the council.

5. Findings: Assessment of Governance Areas Reviewed

Review Area 1:

The Ethical Framework [Standards of Conduct]

5.1 Standards of Conduct

The Localism Act 2011 ('the 2011 Act') replaced the statutory framework regulating the conduct of members of local authorities in England established by the Local Government Act 2000. The 2011 Act introduced new arrangements to regulate the conduct of members of local authorities including parish councils, the registration and disclosure of certain interests and how complaints about their conduct are handled. The 2011 Act has also created new criminal offences in respect of a member's failure to register and disclose certain interests and his/her participation in discussions and voting at meetings on matters where he/she holds such interests. These new arrangements came into force on 1 July 2012.

5.2 Member Induction Packs

The Clerk has a key role in advising the council, and Councillors, on governance, ethical and procedural matters. They must also liaise with the Monitoring Officer at the district/unitary council on ethical issues and the Councillors' Register of Interests. Councillors should abide by the Nolan principle and to any approved codes or guides to ethical conduct adopted by the council. Councillors should also demonstrate through their behavior that they are focusing on their responsibilities to the organisation and its stakeholders. The Clerk is responsible for ensuring that councillors are offered new councillor induction training, induction packs and training documents when they take up office of Parish Councillor. Killamarsh Parish Council received an induction letter with several documents and advisory notes which are itemized below. New councillors received training on site via DALC.

- DCLG - Openness and Transparency on Personal Interests
- Flowchart Reference on Disclosure on Interests
- Committee Terms of Reference including elements of each committee
- Health and Safety Responsibilities
- Protocol on advice from council members relating to staff
- Members Code of Conduct
- Complaints Procedure for Members
- Officers Code of Conduct
- Complaints Procedure (Employees)
- Complaints Procedure (Council services)
- Hand Scan Policy
- Section 137 Policy and application form
- Financial Budgets

5.3 Chairman's and Members Allowances, Travel and Subsistence

Although Section 15(5) of the Local Government Act 1972 allow a parish council to pay its chairman a reasonable allowance for the purpose of enabling him to meet the expenses of his office as the chairman, Killamarsh Parish Council has elected not to pay the chairman an allowance.

5.4 A parish council is able to pay a parish basic allowance for each year to each of its elected members (regulation 25). The amount payable to the chairman may differ from that of other members (i.e. a higher sum could be paid because of the extra duties that may be required of the chairman) but otherwise the sum shall be the same for each member. The allowance is not a salary. It is a figure, which is calculated to cover the expenses, which are normally associated with the basic duties of being a local councillor. Killamarsh Parish Council has not adopted a member's allowance scheme. In the event Killamarsh Parish Council does elect to pay its members a basic parish allowance, it must submit the request to North East Derbyshire District Council who will appoint an independent remuneration panel to determine the level of the basic parish allowance in accordance with the regulations.

5.5 The Local Authorities (Members' Allowances) (England) Regulations 2003 sets out the framework for Councils to allow for reimbursement of expenses incurred by Councillors, in performance of their duties, within the following categories:

- a) The attendance at a meeting of the council or of any committee or sub-committee, of the council, or of any body to which the council makes appointments or nominations or of any committee or sub committee of such a body.
- b) The attendance at a meeting of any association of authorities of which the council is a member.
- c) The performance of duties in connection with a tender process which requires travel
- d) The performance of any duty which requires the inspection of any premises.
- e) The carrying out of any other duty approved by the council, or any duty of a class so approved, or in connection with, the discharge of the functions of the authority or of any of its committees or sub committees.

5.6 Declaration of Interests for Officers and Members

The agendas and minutes currently record register of interests at items considered at a meeting however there is no application form to request a dispensation in accordance with the requirements set out in the Standing Orders. A copy of the register of interests is available on the district council website however there is no link on the parish council website to download the register of interest forms. There is no formal code of conduct for employees with a declarations of interest form or a procedure for the declaration of interests.

5.7 Documents Adopted and Recommendations

Document	Is this adopted?	Comments / Changes?
1. Code of Conduct	Yes	To be revised and readopted in May 2021 (Annual Meeting). Revised changes to be based on NALC model and to include a policy form for dispensations
*2. Co-option Policy and Procedure	No	To be drafted and adopted at the Annual Meeting in May 2021.
3. Complaints Procedure	Yes	Several procedures in place. Complaints policy to be revised in one document and based on best practice NALC model documents.
4. Member Officer Protocol	No	New protocol to be introduced and adopted.
*5. Employee Code of Conduct	No	New Code to be introduced and adopted. Code to include an application for officers declarations of interests in accordance with LGA 1972 s117.
6. Allowance, Travel & Subsistence Policy	No	New policy to be drafted and adopted to cover members allowances, chairman's allowance, travel and subsistence for members including procedure and form.

**Co-option policy was approved and adopted by full council in January 2020. Records to be reviewed prior to recommendation being addressed.*

Review Area 1: Recommendations

R1:	That the Code of Conduct is revised and readopted in May 2021 (Annual Meeting). Revised changes to be based on NALC model and to include a policy form for dispensations
R2:	That a Co-option Policy and Procedure is drafted and adopted by the Council at the Annual Meeting in May 2021.
R3:	That the complaints procedures are revised and one policy is drafted to cover all elements of council. NALC model complaints policy to be considered.
R4:	Member / Officer Protocol to be introduced and drafted.
R5:	That a new Employee Code of Conduct is introduced and adopted. The Code to include an application for officers to declare interests in accordance with the LGA 1972 s117.
R6:	Allowances Policy to be drafted and adopted to cover members allowances, chairman's allowance, travel and subsistence for members including procedure and claim form.

Review Area 2:

Constitutional Framework

5.8 Constitution / Governance Framework

Local Councils, unlike principal authorities are not required by law, to adopt a constitution, however they do need to adopt Standing Orders and Financial Regulations and to have other governing documents which set out how the Council operates. In order to give effect to good governance a parish council should commit time to producing and annually reviewing (at the Annual Council meeting) their governance documents. These documents set the environment in which a parish council is expected to discharge its duties and powers. They constitute the internal rules, practical arrangements and processes which are essential to those who form and work for the council.

5.9 A parish council's governance documents should be readily available for inspection, whether on a website or local notice board, and parish councillors and employees should be able to demonstrate compliance with its governing documents in relation to all its activities, decisions and decision making processes. Core governing documents for parish councils comprise:

- Standing Orders for the conduct and transaction of business at meetings of the council (and any of its committees and sub committees). Standing Orders should include arrangements for the proper administration of its financial affairs and contracts.
- Scheme of Delegation which incorporating clear written terms of reference for committees and sub committees which evidence the nature and extent of the duties or powers which have been delegated to committees and officers.

5.10 Standing Orders

The Standing Orders are the "rule book" for the routine conduct of Parish Council business and are based on the statutory procedures laid out in the Local Government Act 1972, Schedule 12, paragraph. Killamarsh Parish Council has adopted a set of Standing Orders based on the National Association of Local Councils (NALC) template and tailored where appropriate, to the business needs of the Council.

5.11 Financial Regulations

The financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities. Killamarsh Parish Council has adopted a set of Financial Regulations which are due to be reviewed.

5.12 Scheme of Delegation / Committee Terms of Reference

The purpose of a scheme of delegation is to capture all delegation responsibilities to council officers and committee in one document in accordance with the Local Government Act 1972, section 101. This scheme would incorporate council reserved powers and officer financial delegation and should be read in conjunction with the councils Standing Orders and Financial Regulations. The council does not operate with a Scheme of Delegation. The Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and should be reviewed at least annually or earlier, for example when there are staffing changes. The committee terms of reference require clarity as they are ambiguous. This in turn has led to decisions made by committees that are questionable.

5.13 Strategic Plan: 3-5 Year Forward Plan

A strategic plan should outline the council's priorities, covering service delivery and financial commitments for each area of work. Without an understanding of what the council's vision and priorities are for the future, it's difficult to set meaningful objectives for any of the services run by the council. This can in turn create obstacles on making any informed decisions on matters such as staffing resources and what is needed to deliver the objectives along with any associated budgetary implications. A member has undertaken research to identify how an aims and objectives statement could be considered and an example was provided as part of the review. Although this example could be a good starting point, it does not define time objective aims and objectives or committee responsibilities to deliver within a pre-determined time scale (extract below):

Objective	Actions
To communicate the activities of the Council to residents	<ul style="list-style-type: none"> • Prepare a regular newsletter • Maintain the notice boards to a high standard and keep good order of notices displayed, and planting of the flower stations • Keep the Parish Council website up to date • Explore and if appropriate deliver an IT Social outreach project
To ensure that the concerns of residents are addressed	<ul style="list-style-type: none"> • Support the "Speedwatch" team • Consider additional initiatives which would reduce speeding traffic in the Parish and eliminate heavy lorry traffic in unsociable hours of the day • Respond personally to all matters brought forward on a timely basis • Consider any proposals from Residents that could enhance or improve the Parish
To help residents foster a community spirit across the Parish	<ul style="list-style-type: none"> • Promote and support the Over 60's Xmas lunch, the Quiz evening, the Scarecrow competition, the Harvest Barn Dance and the Xmas Concert • Promote and support other social gatherings in the Village Hall and beyond, mindful of the needs of families with children. • Understand the needs of local social groups • Ensure Christmas trees are safely sited and lit
To ascertain that any development in the area is sustainable and is done in a style in keeping with the rural nature of our Parish, and does not have any unduly adverse impact on the quality of the environment	<ul style="list-style-type: none"> • Review all planning applications and comment on each one to SMBC, giving full consideration to planning law • Consider obtaining professional advice on planning applications on a case by case basis.
To preserve a clean, safe and sustainable place to live	<ul style="list-style-type: none"> • Work with SMBC to arrange litter picks. • Continue to consider welcoming signs to the entrance to Tidbury Green, including speed reminders.

To ensure that local facilities are maintained	<ul style="list-style-type: none"> • Have a supporting influence on the management of the Village Hall • Maintain an encouraging interest in the activities of the "Allotment Association"
To report to SMBC where the infrastructure of the area is not properly maintained	<ul style="list-style-type: none"> • Carry out periodic inspections of roads, footpaths and verges • Advise residents how to join in this process
To monitor that precept money is properly authorised, controlled and spent	<ul style="list-style-type: none"> • Ensure the precept is backed up with a viable budget • Measure spending against budget monthly • Scrutinise every aspect of spending thoroughly • Review all grants available • Maintain an adequate but not excessive amount of reserves • Consider carefully donations to relevant causes

5.14 List of Council Powers and Duties

Local Councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, ie the Council may do something, rather than it must do something. The exercise of these powers may be subject to various consents, from, for example, the owner of land or another public body such as the highways authority.

5.15 The principal powers and duties of parish councils are set out in the previously circulated 'The Good Councillor Guide' published by the National Association of Local Councils. A list of powers is particularly useful as the parish council can use their legal power to the full benefit of the parishioners and to benefit the community in the area. A council should actively recognize the limits of lawful activity placed on them and to avoid acting ultra vires (acting or done beyond one's legal power or authority). The members of Killamarsh Parish Council did not receive a copy of the powers that were available to them. A list of powers extracted from the above guide is set out below, but this is not an exhaustive list. Local Council can also exercise powers under the General Power of Competence which is covered in section 5.16.

List of Powers [This is not an exhaustive list]		
Function	Powers and Duties	Statutory Provisions
Allotments	Duty to provide allotments	Small Holding & Allotments Act 1908, s.23
	Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, s.26 Small Holding & Allotments Act 1908, s.42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss.221, 222, 223, 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain	Open Spaces Act 1906, ss. 9, 10
	Power to provide	Local Government Act 1972, s.214
	Power to agree to maintain monuments and memorials	Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1
	Power to contribute towards expenses of cemeteries	Local Government Act 1972, s.214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4

List of Powers (continued)

Function	Powers and Duties	Statutory Provisions
Bye-laws	Power to make bye-laws in regard to pleasure grounds	Public Health Act 1875, s.164
	Cycle parks	Road Traffic Regulation Act 1984, s.57(7)
	Baths and washhouses	Public Health Act 1936, s.223
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
	Mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92
	Duty on Parish Councils to consider crime reduction in every policy and action	Crime and Disorder Act 1998, s.17
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that fly-post or graffiti	Cleaner Neighbourhoods and Environment Act 2005
General Power of Competence	Power of first resort for qualifying councils	Localism Act 2011 s.1
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to maintain footpaths and bridle-ways	Highways Act 1980, ss.43, 50
	Power to light roads and public places	Parish Councils Act 1957, s.3
		Highways Act 1980, s.301

List of Powers (continued)

Function	Powers and Duties	Statutory Provisions
Highways (continued)	Provision of litter bins	Litter Act 1983, ss.5, 6
	Powers to provide parking places for bicycles and motor-cycles, and other vehicles	Road Traffic Regulation Act 1984, ss.57, 63
	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss.30, 72
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
	Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act 1980, ss.47, 116
	Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes	Highways Act 1980, s.130
	Power to provide traffic signs and other objects or devices warning of danger	Road Traffic Regulation Act 1984, s.72
	Power to plant trees and lay out grass verges etc. and to maintain them.	Highways Act 1980, s.96
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of	Local Government Act 1972, ss.124, 126, 127
	Power to accept gifts of land	Local Government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5, 6
	Power to take enforcement action against those that litter	Cleaner Neighbourhoods and Environment Act 2005
Mortuaries and postmortem rooms	Powers to provide mortuaries and postmortem rooms	Public Health Act 1936, s.198
Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164
		Open Spaces Act 1906, ss.9, 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87

List of Powers (continued)

Function	Powers and Duties	Statutory Provisions
Sustainable communities	Right of representation on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport	Local Government and Rating Act 1997, s.26, 28, 29
	Powers to make grants for bus services	Transport Act 1985, s.106A
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1
** Information extracted from the SLCC Website**		

5.16 General Power of Competence

The General Power of Competence is the power of a local authority to do anything that individuals generally may do (Localism Act 2011, s. 1). An individual means an adult with full capacity. The power includes the power to do an act anywhere in the United Kingdom or elsewhere; and the power to do it for a commercial purpose or otherwise for a charge, or without charge; and the power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area. It is not limited by the existence of any other power of the authority which (to any extent) overlaps the General Power, nor is any such power limited by the existence of the General Power. But there are boundaries to the General Power and limits on charging and on doing things for a

commercial purpose. Where an activity is done for a commercial purpose, it must be done through a company.

5.17 The freedom of the GPC is available to local councils that meet two criteria for eligibility (LA 2011 s8) set out in a statutory instrument known as the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 that came into force in April 2012. A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. The council is then required to revisit that decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed. The two criteria are:

- two thirds or more of the councillors have been elected, rather than coopted or appointed; and
- the clerk to the parish council holds:
 - the Certificate in Local Council Administration;
 - the Certificate of Higher Education in Local Policy;
 - the Certificate of Higher Education in Local Council Administration; or
 - the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
- the clerk to the parish council has completed the relevant training (i.e. training in the exercise of the general power provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time), unless such training was required for the purpose of obtaining one of the qualifications listed above.

5.18 The parish council has had several Locum Clerks all whom have held the CILCA qualification and the General Power of Competence training. However as the post holders were employed on a temporary basis the council may not have met the eligibility criteria and for business continuity purposes it may not been practical for the council to declare the eligibility of the power due to the uncertainty of the temporary clerking position. Going forward, the council should appoint a CILCA qualified Clerk who has had the relevant training in the General Power of Competence.

5.19 Organisation Chart and Member/Officer Training

Members of the parish council were provided with an organization chart which identified the employees and the management structure. The current structure is under a review by the Peronnel Committee.

Although a Training, learning and development policy was approved by full council at the meeting held on 23.11.2020 subject of agreed amendments, a copy was not submitted for full council adoption.

5.20 Documents Adopted, Comments and Recommendations

Document	Is this adopted?	Comments / Changes?
Strategic Plan with Aims and Objectives	No	To be developed with associated budgets to assist with forward planning
Organization Chart	Yes	To be updated with the new structure and circulated to all members
Training Policy for Officers and Members	No	To be developed and adopted at the Annual Council Meeting in May.
Standing Orders	Yes	To be reviewed and updated with changes that correspond to the Financial Regulations and the Scheme of Delegation.
Financial Regulations	Yes	To be reviewed and updated with changes that correspond with the Standing Orders and Scheme of Delegation.
Scheme of Delegation	No	To be developed in accordance with the councils new committee structure and to ensure it corresponds with the Councils Standing Orders and Financial Regulations.
CILCA Qualified Clerk that holds the relevant General Power of Competence training	No	To ensure a CILCA qualified Clerk is appointed with GPC training and to declare eligibility subject to criteria.

Review Area 2: Recommendations

R7:	To consider the development of a strategic business plan to deliver the councils aims and objectives including any associated budgets and a timeframe for delivery.
R8:	To review the Standing Orders and update with any changes that correspond to the Councils Financial Regulations and the Scheme of Delegation.
R9:	To review the Financial Regulations and update them with any changes that correspond to the Standing Orders and the Scheme of Delegation.
R10:	To develop a Scheme of Delegation incorporating a committees terms of reference.
R11:	To develop a training development policy for officers and members.
R12:	To develop and adopt an organization chart of the new council committee and management structure.
R13:	To appoint a CILCA qualified Parish Clerk that holds the relevant GPC training and to declare the eligibility of the GPC subject to meeting the criteria.

Review Area 3:

Operational Framework and Review of Policies and Procedures

5.21 The Councils Purpose and the Operational Framework

The council should ensure that all its members have collective responsibility for its decisions and have equal status in discussions. Councillors should be challenged if they do not respect constructive challenge by others or if they do not support the collective responsibility for fulfilling the council's purpose, aims and objectives and for working towards intended outcomes for residents and service users.

5.22 The operational framework is a key structure of the councils systems and processes, which control the delivery of the council's aims and objectives. The framework should allow the council to monitor how the services are being delivered and if they represent value for money.

5.23 Overview of Council Services

The parish council provides a range of services to the public, which include:

- 1) Sports and Leisure Centre (currently under review)
- 2) Parish Suite (Bar, Catering and Function Room Hire)
- 3) Allotments and Cemetery
- 4) Maintenance of Clock St Giles Tower; Dog and Litter Bins; Grants

5.24 Committee Structure

The parish council reviewed its committee structure at the full council meeting held on the 22nd February 2021. The council is currently operating with seven committees and a new structure has been agreed to be implemented from the Annual Meeting in May 2021:

- 1) Bar and Catering
- 2) Environment
- 3) Emergency Committee
- 4) Finance
- 5) Health and Safety
- 6) Personnel
- 7) Sports Centre

5.25 Council Meetings and Meeting Schedule

Parish Councils must hold an annual meeting every year in May. In an election year, the annual council meeting must take place on, or within fourteen days after, the day on which the councillors elected at that election take place. In addition to the annual meeting of the council, a council must hold three other ordinary meetings in accordance with the Local Government Act 1972, schedule 12, paragraph 8.

5.26 The parish council may meet on any day of the week, including Saturday and Sunday. It may meet at any time of the day, except that where the council does not fix a time for the annual council meeting, that meeting must be held at 6.00pm.

5.27 It is particularly useful to agree a schedule of meetings at the annual meeting. The frequency of meetings will depend on the size and activities of the council, the volume of business to be transacted and the level of delegation of functions to committees, sub committees or Officers. Planning the meeting in advance can help both officers and members to prepare for meetings in good time and to ensure decisions are made in a timely manner.

5.28 During the 2020/21 financial year, the parish council did not have a meeting schedule in place due to the Covid-19 pandemic however historically a meeting schedule (for full council meetings only) has been adopted. It has been commented that committee members have preferred to plan two to three months in advance due to personal/work commitments. The weakness in this arrangement is that the meetings may not always convene which then impacts on the council's ability to deliver their objectives.

5.29 Officer Weekly Meetings with the Chairs and Vice-Chairs of Committees

Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality. Although the parish council doesn't have any vice-chair to committees, it is something they should consider in the future.

5.30 It is good practice for the Clerk to liaise with the Chairman of the relevant committee on the business items of the agenda for the relevant council or committee meeting. A councils standing orders usually require the Clerk to consult with the Chairman of the meeting. Meetings with the Clerk or other officers:

- Wherever possible an appointment should be made;
- Meetings should be relevant to the work of that particular officer;
- Councillors should be clear that the matter is legitimate council business and not matters driven by personal or political agendas.

5.33 It is good practice to have weekly meetings with the Chairman of the Council on council business as often the Chair can be the main point of contact for members and the public and should be kept informed on council business. This can be particularly useful for the Clerk as it can provide support, consultation and an opportunity to address any urgent issues which cannot be dealt with by other Standing committees.

5.34 Regular weekly meetings have been taking place with the Chair of the Council prior to the permanent Clerk leaving post and with the Locums and Chairs of the respective committees. However this arrangements became strained due to the lockdown restrictions imposed by government as a result of the Covid-19 pandemic. In the absence of an Officer/Member Protocol, there are no expectations of the council to deliver effective and conducive working relationships to meet the councils aims and objectives.

5.35 Officer Reports and the Decision Making Process

Preparation and presentation of an officers report is the responsibility of the Officer to express their own professional views and recommendations. Officer reports should be made available to members in advance and circulated with the agenda. The reports should contain sufficient information ie reference to any financial implications, policy implications, and any assessments made to mitigate risk. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own.

5.36 Reports should be circulated at the same time as the agenda and made available to the public, unless they include confidential matters that would justify the exclusion of the press and public at the meeting. This enhances the transparency of the council's decision making and improves local knowledge of its activities.

5.37 Councillors have historically struggled in the past to receive formal written reports from officers including any officer recommendations. In the event where reports have been received, the councillors have felt that the reports are of poor quality and do not include officer recommendations. The preparation and presentation of reports produced by the incumbent Locum Clerk have significantly improved and have been welcomed by the councillors as they have had the professional support and advice to enable them to make informed decisions. The council must ensure that their expectations are communicated in a formal policy, for example the introduction of protocol on communications or having a reference within the councils Standing Orders.

5.38 Access to Professional Advice and Support

The parish council is a member of the Derbyshire Association of Local Councils [DALC] who are discharged to provide professional advice, support and training to their member councils. As a member of DALC the council has access to the National Association of Local Councils that represents town and parish councils. The parish council has an expectation for the Clerks to continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Council and therefore supports the membership fees for the clerks' professional body The Society of Local Council Clerks.

5.39 Exclusion of the Press and Public

Meetings must initially be open to the press and the public, but the press and the public may be excluded from a meeting for one or more particular agenda items, if publicity during the discussion of

that item would be prejudicial to the public interest in accordance with the Public Bodies Admissions to Meetings Act 1960. As a guide, the following matters usually fall under the umbrella of confidential business, the disclosure of which would be prejudicial:-

- appointment, terms of service, conduct and dismissal of particular employees;
- terms of tenders and negotiations for contracts to be entered into;
- the early stages of any dispute and the preparation of cases in legal proceedings.

5.40 Historically, the council has had issues in determining the exclusion of the press and public. All council and committee agendas now had a standing agenda item for the meetings to determine which items may be considered under the exclusion of the press and public and the reasons why. Councillors were provided with a reference guide prepared by the Locum Clerk which outlined the reasons for exclusion and the wording of the agenda items. The reference guide included extracts from Local Councils Explained - A NALC Publication; Arnold -Baker on Local Council Administration and the Society of Local Council Clerks - Advice note141 - Council Meetings: Admission of Public and Press.

5.41 Extract from Local Councils Explained (A NALC Publication by Meera Tharmarajah) states that a meeting of the full council, a committee or a sub-committee that, through standing orders(1) permits attendance of the press (and public), is free to exclude them if it decides that their presence at the meeting is prejudicial to the public interest because of its confidential nature or other special reason(s) stated in the resolution(2). If the press (and public) have to be excluded from a part of whole of the meeting, the chairman of the meeting is expected to explain the broad reason. He must ensure that in doing so he does not disclose the confidential or sensitive information. The explanation given by the chairman of the meeting is designed to help the press (and public) accept the need to be excluded from the meeting. The Chairman should also explain that resolutions made in the closed session will be minuted but will not include confidential or sensitive information.

5.42 (Extract from the above Guide) Excluding the Public - The public may be excluded from all or part of a meeting where the discussion in public of the business being considered would be prejudicial to the public interest because of its confidential nature or other special reason. At the meeting, it will be necessary for a councillor to move a motion to exclude the public from the meeting during the particular items of business on the agenda. Before the public can be excluded, a meeting must pass a resolution to confirm that the public were excluded from the meeting and the broad reason for this. The resolution does not need to document the precise legal reason as to why the public were excluded. The example below illustrate this:

- that the wording of items on the agenda need careful thought
- the wording of resolutions to exclude the public from all or part of the meeting;

¹ Local Government Act 1972, s106

² Public Bodies (Admissions to Meetings) Act 1960 s.1 (2)

- the technical or legal reasons that should be in councillors' mind if they think a matter should be considered at a meeting without the public present.

AGENDA ITEM	RESOLVED	REASON
EXCLUSION OF PRESS AND PUBLIC GUIDE – EXTRACTED FROM NALC DOCUMENTATION		
Approval of councillor's absences	Public excluded from meeting to consider sensitive personal data.	The ill health of the councillors is considered. An individual's physical and mental health is classified as sensitive personal data and use of it by the council is protected under the Data Protection Act 1998.
To consider tenders received for a new contract for parks maintenance service	Public excluded to consider tenders for parks maintenance services contract.	Disclosure of the time sensitive commercial interests of the council and the persons that may have tendered is not in the public interest.
To progress staffing issues referenced in the confidential report dated 10 July 2014 referenced NPC 3.	Public excluded from meeting to consider legal advice from solicitor.	Communications between the solicitor and the client council which is for the purpose of giving legal advice is protected by legal professional privilege and therefore confidential. While the legal advice is the property of the council, publicity of it is likely to prejudice the legal position of the council.
To progress a complaint against a council.	Public excluded from meeting to consider a complaint against the council.	Under the Data Protection Act 1998, a council has obligations as to how it uses personal data about the individual complainant.
To consider the outcome of a code of conduct complaint	Public excluded from meeting to consider personal data.	Under the Data Protection Act 1998, a council has obligations as to how it uses personal data about the complainant and the councillor.
To progress lease negotiations about 28 Station Road, Sutton	Public excluded from meeting to consider commercial interests concerning 28 Station Road Sutton.	The proposed heads of terms for a new lease are subject to contract and publicity would prejudice the ongoing lease negotiations by the council.
To progress purchase of a new playing field	Public excluded from meeting to consider the purchase price for a new playing field.	Publicity of the professional survey and purchase price being considered is likely to prejudice the commercial position of the council in making this offer.

5.43 Confidentiality

The NALC briefing note states that councillors do not have a 'need to know' on all aspects of council business and cannot claim an automatic right to see all council documentation and information. In

other words, councillors are not permitted a fishing expedition in respect of council documentation and information simply because they are councillors. The following guidance is given in establishing whether a councillor has a 'need to know':

- If a councillor is a member of a committee, he/she has the right to inspect documents or to obtain information relating to the business of that committee.
- If a councillor is not a member of a particular committee, he/she has to demonstrate why sight of the document (s)/or receipt of the information in question is necessary to enable him/her to perform his/her duties as a councillor
- If the councillor's motive for seeing the documents/obtaining the information is indirect, improper or ulterior, then the documentation or information should be withheld.

5.44 The councils Standing Order number 11 and 20 relate to the management of confidential information and handling staff matters. In accordance with these Standing Orders, the council has arrangements in place to secure confidential employment documents that are in a lockable drawer and can only be accessed with those discharged to deal with staffing matters which are members of the Personnel Committee.

5.45 However members have expressed concerns that historically, confidential files including members personal details have been left on top of a cabinet. Previously members were not allowed to see any documentation e.g. Personnel Committee had to argue they had a right to see Personnel files. The members of the committee were not aware of what members of staff were being paid or their employment / contract rights. Contract details were deliberately withheld from members for a short space of time which during the window of the permanent clerk leaving and until the first locum clerk was appointed. Although councillors shouldn't have direct access to confidential information in a locked drawer, they should have the ability to request this information from officers or have formal arrangements in place for access.

5.46 Current Policies

A review of the policies was carried out. There are several policies under review and some policies that are subject to review. The adopted policies (excluding Finance, Employment, GDPR and Service Delivery) are listed. Finance, Employment, GDPR and Service related policies are covered in separate sections below:

- Training, Learning and Development Policy - To be Reviewed [See recommendation Review Area 2]
- Smoke Free Policy
- Equality and Diversity
- Standing Orders - To be Reviewed
- Co-Option Policy - To be Reviewed
- Marking the death of a senior national figure policy

5.47 An appendix to the Standing Orders should include a list of all adopted policies and procedures which should be reviewed each year prior to the annual council meeting. Any changes to the policies should be reflected in the appendix of listed policies contained in the Standing Orders.

Review Area 3: Recommendations	
R14:	To review the training learning and development policy and develop a training development policy for officers and members (see recommendation 11)
R15:	To review and update (if required) the Equality and Diversity Policy.
R16:	To review and update (if required) the Smoke Free Policy
R17:	To review and update the Co-Option Policy (see recommendation 1)
R18:	To develop and adopt a Protocol on Communications
R19:	To develop and adopt a general council Health and Safety Policy
R20:	To develop and adopt Social Media and Press Policies
R20:	To develop and adopt a Social Media, Internet and Email Policy

Review Area 4:

Financial Framework

5.48 A separate (55 page) report was issued following a review of the Financial Framework commissioned by full council at their meeting held on the 14th December 2020. The report was commissioned as a result of the recent NEDDC audit reports.

5.49 The term 'Financial Framework Review' is general term used to refer to the mechanisms and various financial arrangements involved for the effective management of the finances taking into account the legal framework, Standing Orders, Financial Regulations and adopted policies and procedures. The purpose of the review was to use a broad brush approach to capture the mechanisms in place for the operational management of the finances and to identify areas for improvement. Although the report identified the weaknesses in the financial management and areas for improvement, this should not be have been mistaken or interpreted as a review of the effectiveness of the internal control arrangements as that is a statutory requirement that must carried out by an independent competent person as part of the internal audit arrangements and would involve comprehensive audit testing for each individual control area as set out in the AGAR. The final report was issued on the 26 January 2021.

5.50 The areas that were not covered by the financial framework review are covered in this section.

5.51 Grant Awarding Scheme

The council has a Section 137 Grant and Donation Policy and application form in place. Improvements could be made to the application form and it is recommended that this is reviewed. Should the council declare the eligibility of the General Power of Competence it would give the council the power to make financial contributions in addition to the restricted expenditure allowed under the section 137 power. In view of this the council would need to introduce more robust control measures for awarding grants. In general the council has no forms in place for monitoring expenditure. Applicants should be provided with a grant monitoring expenditure and feedback form to return to the council within 3/6 months of incurring the grant expenditure which should be monitored by the RFO and the Finance committee.

5.52 Reviewing the Effectiveness of Internal Audit

A new policy was introduced and developed by the Locum Parish Clerk and adopted by the full council at the meeting held on the 25th January 2021.

5.53 Corporate Risk Assessment

A new policy and a comprehensive risk assessment document was introduced and adopted by full council at the meeting held on the 22nd February 2021. This is a live document and should be kept under review at all times.

5.54 Contracts Timetable

This has been developed and is due to be reviewed by the Finance Committee and Full Council in March 2021.

5.55 Current Financial Policies in Place

Document	Is this adopted?	Comments / Changes?
Anti-Fraud and Corruption Policy	Yes	No changes required.
Internal Audit Policy: Reviewing the Effectiveness of Internal Audit	Yes	No changes required.
Asset Register and Disposal Policy - Currently under review	Yes	New policy under review. To be adopted
Financial Regulations - To be Reviewed	Yes	See comments in review section 1
Reserves Policy - To be Reviewed	Yes	To be reviewed
Section 137 Grant Policy and Application Form	Yes	To be reviewed
Risk Management and Internal Controls Policy	Yes	No changes required.
Investment Policy	No	To be developed to include the statutory guidance issued under section 15(1)(a) of the Local Government Act 2003 (effective for financial years commencing on or after 1 April 2018)

Review Area 4: Recommendations

R21:	To adopt the Asset Register and Disposal policy (currently under review by the finance committee)
R22:	To review the Reserves Policy and update with any changes (if required).
R24:	To review the Section 137 Grant Policy and Application form and to introduce a grant monitoring expenditure and feedback form.
R25:	To develop an investment policy that includes the statutory guidance issued under section 15(1)(a) of the Local Government Act 2003 (effective for financial years commencing on or after 1 April 2018).

Review Area 5:

General Data Protection Regulations [GDPR]

5.56 The GDPR regulations came into force on the 25 May 2018 as a result of the United Kingdom being a part of the European Union. The GDPR were Europe's new framework for data protection laws and were enforced by the Information Commissioner's Office (ICO). However as the UK left the EU on the 31 December 2020, it is unknown what implications this will have on GDPR. Information from the Information Commissioners websites states 'It is not yet known what the data protection landscape will look like at the end of the transition period and we recognize that businesses and organizations will have concerns about the flow of personal data in future. We will continue to monitor the situation and update our external guidance accordingly.'

5.57 GDPR policies should continue to remain active until there is formal external guidance issued by the Information Commissioners Office. As GDPR forms part of the councils risk management arrangements, the council should ensure that they have adopted the relevant polices in policy to comply with the regulations.

5.58 The Council has adopted one GDPR policy to date. The Society of Local Council Clerks issued a GDPR toolkit and model documents for council to amend accordingly and formally adopt. It is noted that this did not take place and that the council should ensure relevant policies to comply with GDPR regulations are adopted as soon as possible. It is understood that former employees and Councillors had undertaken GDPR training.

5.59 Current GDPR Policies in Place

GDPR Specific Document Policies	Is this adopted?	Comments / Changes?
GDPR Employee Privacy Notice	Yes	Adopted 28 October 2019 - No changes required.
Information and Data Protection Policy	No	SLCC Model Policy to be considered
Document Management (disposal and retention) Policy	No	SLCC Model Policy to be considered
Privacy Notice (General)	No	SLCC Model Policy to be considered
Privacy Notice (Employees, Councillors, Role Handlers and Volunteers)	No	SLCC Model Policy to be considered
Security Incident Form	No	SLCC Model Policy to be considered
Data Breach Policy and Recording (Security Incident Form and Log)	No	SLCC Model Policy to be considered
Email Contact Privacy Notice	No	SLCC Model Policy to be considered
Removable Media Policy	No	SLCC Model Policy to be considered
Subject Access Request Form	No	SLCC Model Policy to be considered

GDPR Specific Document Policies	Is this adopted?	Comments / Changes?
Councillors consent to hold information	No	SLCC Model Policy to be considered
Management of Transferable Data Policy	No	SLCC Model Policy to be considered
Allotment Tennent's GDPR Privacy Notice Consent Form	No	SLCC Model Policy to be considered

Review Area 5: Recommendations

- R26: To develop and adopt relevant GDPR policies using the SLCC GDPR Checklist and model documents:
- Information and Data Protection Policy
 - Document Management (disposal and retention) Policy
 - Privacy Notice (General)
 - Privacy Notice (Employees, Councillors, Role Handlers and Volunteers)
 - Security Incident Form
 - Data Breach Policy and Recording (Security Incident Form and Log)
 - Email Contact Privacy Notice
 - Removable Media Policy
 - Subject Access Request Form
 - Councillors consent to hold information
 - Management of Transferable Data Policy
 - Allotment Tennent's GDPR Privacy Notice Consent Form

Review Area 6:

Employment Personnel

5.60 Introduction to Employment – Extracted from the Governance Toolkit

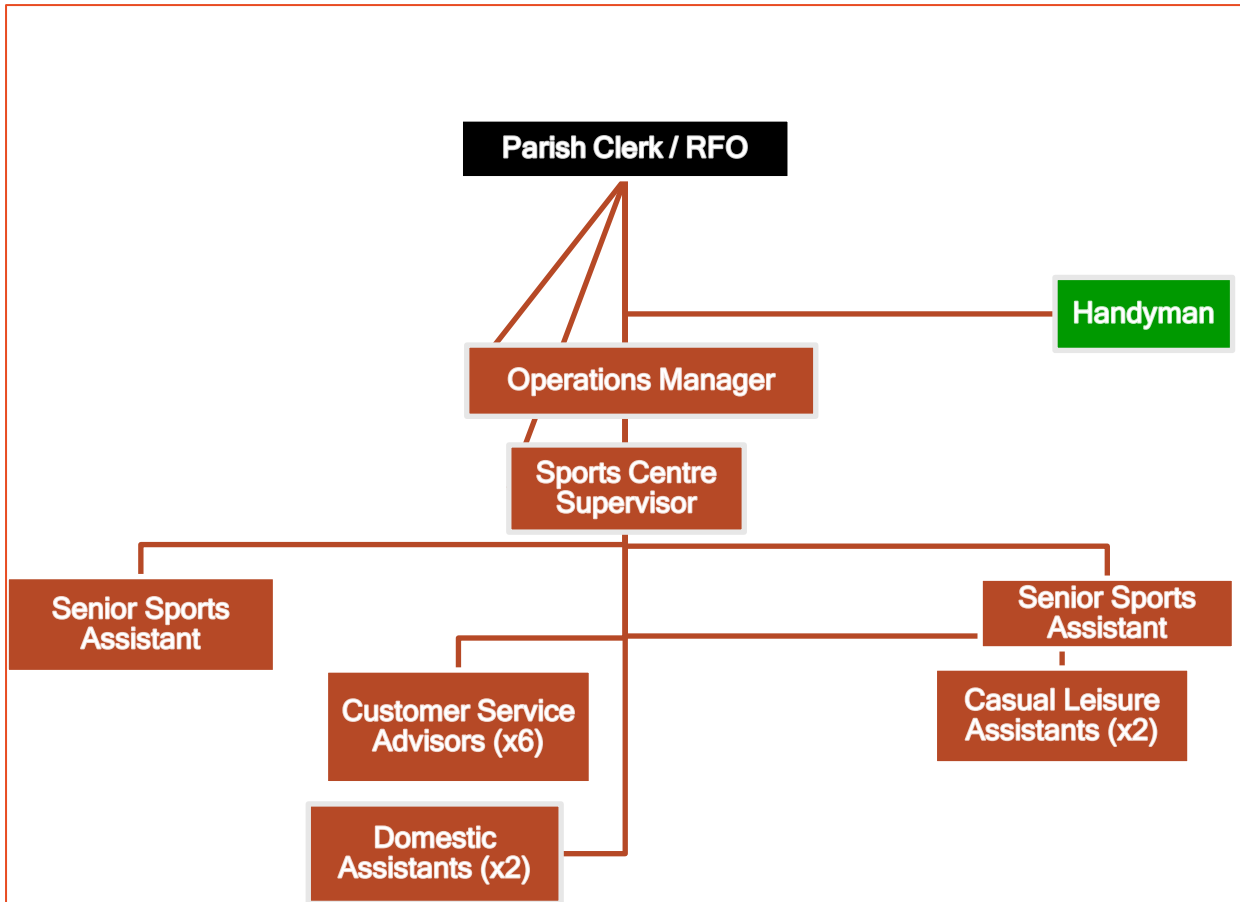
The parish council Clerk is the 'engine' of an effective parish council. He or she is its principal executive and adviser and, for the majority of smaller parish councils, is the officer responsible for the administration of its financial affairs. The Clerk is sometimes a council's only employee. The Clerk is required to give clear guidance to Councillors, including the Chair, before decisions are reached, even when that guidance may be unpalatable. The Clerk has a key role in advising the council, and Councillors, on governance, ethical and procedural matters. They must also liaise with the Monitoring Officer at the district/unitary council on ethical issues and the Councillors' Register of Interests. Some larger councils employ a range of administration and support staff and the Clerk is normally responsible for advising the council on staffing provision and managing the recruitment process. In smaller councils the Clerk may also carry out the role of the Finance Officer. However, it is common, especially in larger councils, for a separate Responsible Finance Officer to be appointed and given specific duties relating to the budget, annual accounts and audit to ensure proper financial management and transparency.

5.61 The Clerk is an independent and objective servant of the council who takes instructions from the corporate body and must recognise that the council is responsible for all decisions. In an emergency (e.g. to cover a temporary vacancy) a Councillor may fulfil the role of Clerk to the parish council (this must be unpaid. However, it is not good practice for Councillors to do this as it confuses Officer/Member roles. It should be noted that Councillors may not be paid employees of their council (as there is an unacceptable conflict of interest) and may not become employees of their former council until at least 12 months after ceasing to be a Councillor (Sections 112(5) and 116 Local Government Act 1972).

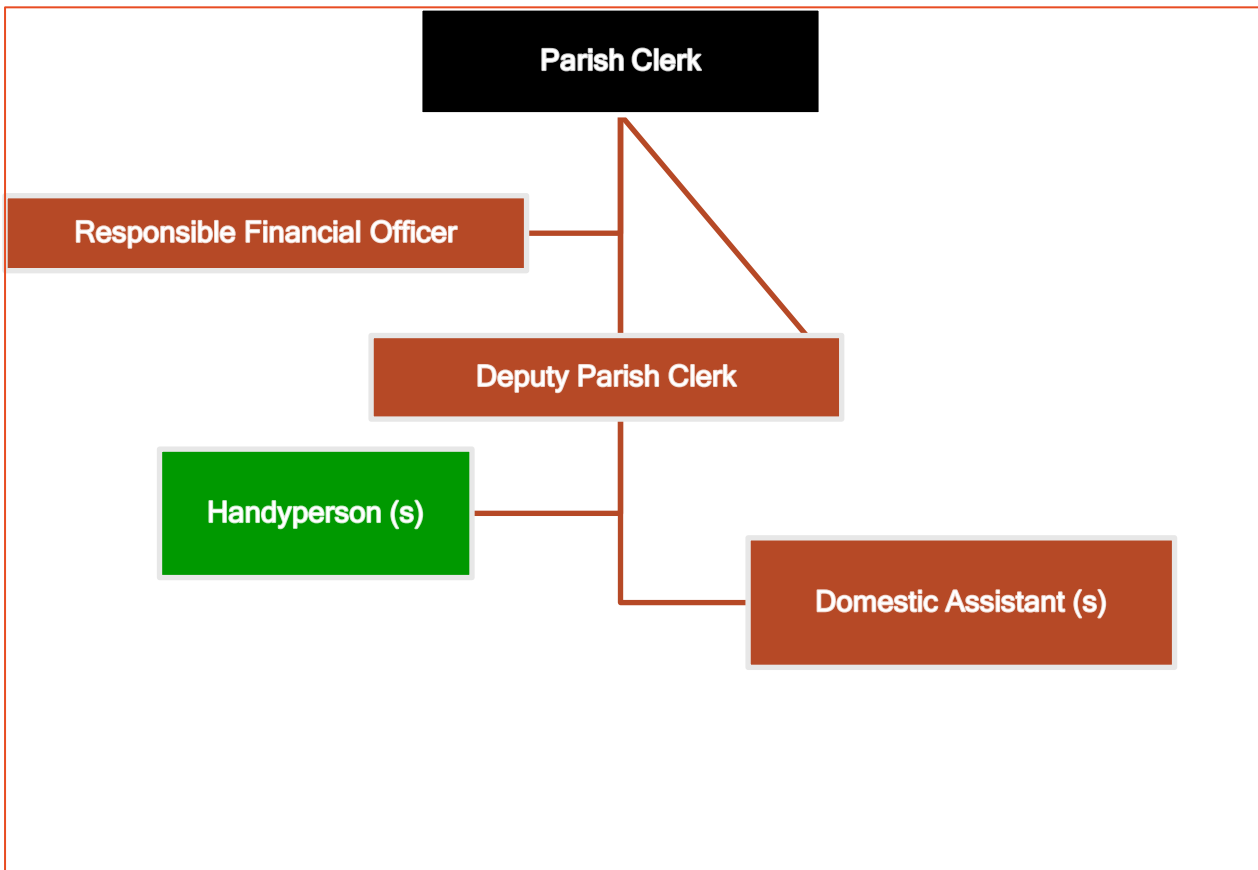
5.62 Employees at Killamarsh PC

Prior to September 2020, the council made the posts of three admin officers, a bar and catering manager, a bar supervisor and a senior bar operator redundant. The new staffing structure from September 2020 appears to be operationally effective in regards to the Sports and Leisure Centre.. The council is currently undertaking a review of the Sports Centre services and has agreed (subject to contract) to transfer the management of the Sports Centre from the 01 April 2021. The completion date at the time of preparing this report has been changed to 01 May 2021 subject to full council approval. The employment implications are under review. The Personnel Committee has carried out a review of the staffing structure as a result of the changes and is in the process of recruitment a Deputy Clerk, Parish Clerk and a Responsible Financial Officer.

5.63 Staffing Structure from September 2020 to 31 March 2021



5.64 Proposed New Staffing Structure from 01 April 2021



5.65 Contracts of Employment

The duties and terms and conditions of employment (including pay) should be set out in writing as soon as possible after appointment and within two months after the start of the Employment. A contract is an agreement that sets out an employee's:

- employment conditions
- rights
- responsibilities
- duties

These are called the 'terms' of the contract. Employees and employers must stick to a contract until it ends (for example, by an employer or employee giving notice or an employee being dismissed) or until the terms are changed (usually by agreement between the employee and employer).

5.66 It is understood that all employees have contracts of employment in place however they are not all uniformed and it is felt that some are poorly written. The National Association of Local Councils and the Society of Local Council Clerks have negotiated a National Agreement on Salaries and Conditions of Service for local council clerks in England and Wales and negotiate annually on a salary award. It is recommended that the NALC model contracts of employment are used for all new employees.

5.67 Employee Handbooks and Professional HR Support

An employee handbook is a valuable resource and reference point for all members of staff, and a good accompaniment to the Statement of Main Terms and Conditions. Although the handbook itself is not a legal requirement, the statement of main terms is a legal requirement that must be explained to each employee during induction. It is also a legal requirement to ensure each employee is aware of all council policies - such as grievance and disciplinary procedures, sickness absence and annual leave - which is why it is advisable to collate this information into a single handbook for convenience. Employers can then refer staff to the handbook if the employee has any query regarding policies and procedures. In the event of a dispute, the handbook offers a key reference point detailing the terms and conditions that both parties have agreed to. Changing these terms at any point without employee consent could result in a breach of contract on the part of the employer.

5.68 Employees have historically been provided with an employee handbook that is dated 2007 that is out of date. The Personnel Committee commenced a review of the handbook however this was not completed due to staffing issues. There are several standalone council employment related policies that do not necessarily mirror the policy in the employee handbook. The council should ensure that care is taken to update the changes in the employee handbook when a council employment related policy change is agreed. Updated employee handbooks should be reissued to employees and a declaration signed by each employee to confirm receipt. A review was undertaken on the employee policies which is referenced further in this report. The Personnel committee recognise that they need the professional support of a HR advisor which would include the development of an employee handbook and a procurement exercise on HR providers is scheduled to be carried out.

5.69 Induction and Leaver Interviews

Historically employees have not been provided with a formal induction or signed documentation to confirm they have received an induction and understand the health and safety procedures in place. As a matter of good practice, management should ensure these procedures are carried out and induction checklist documents retained on file. Employees who leave the organisation should take part in an exit interview and any council assets and documents in the employee's possession should be retained. Copies of employee exit interviews assist the council with establishing the reasons for leaving and also assist as a tool to document assets and confidential documents returned to the council. Employee exit interview forms should be retained on file in accordance with the councils retention policy.

5.70 Payroll procedures

The payroll procedures were covered in the Financial Framework Review (see page 47 of this report).

5.71 Staff Internal Communications

Meetings had not been taking place with senior management and the Clerk. Senior management meetings had not been taking place with employees under the management of the Senior Manager. Senior Management have felt that historically they have not had the support of the Clerk or effective internal communications to manage employment personnel matters that have arisen in the past. Communication channels should remain open with staff and weekly meetings should take place as a matter of routine to ensure that the council and employees are working collectively to support the delivery of the councils aims and objectives and that the manager is aware of workloads for the employees and to ensure there is adequate cover in the absence of any officers.

5.72 Annual Appraisal Scheme

The council should be committed to supporting each individual employee to reach their potential and to achieve their personal goals, which will in turn assist the council to achieve its objectives. An appraisal and performance review of individuals demonstrates that their role and contribution is important and valued and provides an opportunity for them to take stock of their own development needs. The council can improve its collective performance by taking the time to step back and consider its own effectiveness. The annual employee appraisal scheme should form part of that process. The Council following the guidance of the Locum Clerk have adopted a formal appraisal policy and scheme incorporating all the necessary appraisal documents. These documents were adopted at the full council meeting held on the 22nd February 2021.

5.73 Training for Employees

It is essential that the Officers and employees of the Council maintain up to date knowledge of their function and duties. County training partnerships and sector recognized training partners provide training to the members and employees of the parish council. The Personnel Committee should oversee the training development and requirements for all employees in conjunction with the Clerk.

The Clerk should ensure that employees training needs have been identified and arrangements made for training to be undertaken in accordance with the councils training policies. Historically the service managers have not had a formal training programme in place and although the service manager recognizes the importance of continuous training and development, there have been no arrangements made for the training to be delivered. The Council discussed a training policy that was adopted by full council at the meeting held on the 23 November 2020 subject to agreed amendments. It is noted that the amendments were not actioned and subsequently the policy was not adopted.

5.74 Employment Related Policies

Care should be taken to ensure that any standalone employment policies are copied and kept updated in the employee handbook or alternatively the council could consider adopting an employee handbook policy and discharge the responsibility to the Personnel committee for ensuring that the handbook is kept updated at all times in consultation with the councils HR advisors. It is recommended that the some policies remain adopted as stand-alone policies as well as being copied into the employee handbook, such as the grievance, disciplinary, homeworking and employee code of conduct. Where the council has any standalone policies, it is recommended that there is reference contained in the policy that states 'any changes made to this policy must be updated in the employee handbook and reissued to all employees. This reference will act as a trigger to update the handbook at the same time as the individual policy that has been updated by the council.

Employment Specific Document Policies	Is this adopted?	Comments / Changes?
Attendance Management and Ill Health Procedure	Yes	To be Reviewed against NALC Sickness Absence Model Policy
Pension Policy	Yes	To be Reviewed
Maternity Policy	Yes	To be Reviewed
Grievance Policy	Yes	To be Reviewed
Lone Working Policy	Yes	NALC model document to be considered.
LGPS Employer Disrections Policy	Yes	To be Reviewed
Recruitment and Selection Model Code of Practice Policy	Yes	To be Reviewed
Annual Leave Policy	No	NALC model document to be considered
Employee Performance Appraisal Policy	Yes	Adopted 22/02/2021. No changes required.
*Anti-Harassment and Bullying Policy	No	NALC model document to be considered.
Disciplinary Policy	No	NALC model to be considered.
**Equal Opportunities Policy	Yes	To be developed and adopted.
**Equality and Diversity Policy	No	NALC model document to be considered.
Expenses Policy (Staff Only)	No	NALC model document to be considered.
Homeworking Policy	No	NALC model document to be considered.

Employment Specific Document Policies	Is this adopted?	Comments / Changes?
Paternity Leave Policy	No	NALC model document to be considered.
Poor Performance	No	NALC model document to be considered.
Whistle Blowing	No	In progress
Mobile Phone Use Policy	No	To be developed and adopted.
***Training and Development Policy	No	To be developed and adopted.
Workplace Drugs and Alcohol Policy	No	To be developed and adopted.
Employee Code of Conduct Policy and Declarations of Interests Form	No	To be developed and adopted.

**Discussed by the Personnel Committee in December 2019. Unclear if this has been adopted.*

***May have been adopted by full council in October 2019.*

**** Adopted by full council at the meeting held on the 23 November 2020 subject to agreed amendments. It is noted that the amendments were not actioned and subsequently the policy was not adopted.*

Review Area 6: Recommendations

R27:	To develop and adopt an employee handbook with relevant HR policies and to ensure that any stand-alone HR policies mirror the employee handbook.
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Review Area 7:

Responsibility of Service Areas

5.75 Service Areas

The Parish Council should have clear policies and procedures in place for the effective delivery of services with each service area embedding into a council or committee terms of reference to oversee the service delivery. A review of services areas was carried out through consultation with members. The main area of service was the Sports and Leisure Centre which is currently under review. Once the council has finalised the agreement by the 31 March 2021 (date changed to 01 May 2021 subject to full council approval) with North East Derbyshire District Council, the council services and activities will be streamlined and the parish council will be able to focus on areas such as community involvement in local events which is has not been previously been able to do so due to time and budget constraints.

5.76 Summary list of Responsibility and Service Areas

- 1) The Youth Centre and Library buildings - owned by Derbyshire County Council but are sited on the parish council land.
- 2) The Leisure and Sports Centre owned by the Parish Council but on lease to North East Derbyshire District Council (from 01 May 2021 - change from 01/04/21 subject to approval)
- 3) Responsibility for the council offices and building on lease from NEDDC
- 4) Parish Suite including hall and bar hire and catering facilities
- 5) Ownership of Land at High Moor
- 6) Replenishment of village grit bins
- 7) Provision of Litter bins emptied by NEDDC
- 8) Provision of Dog Bins emptied by NEDDC (Norwood Place; Westhorpe Road Nr Bungalows & Westend Hotel; Rowan Tree Road Bull & Badger F/Way at Side of Pub; Rowan Tree Road Junction with Bryony Close; Link path Rectory Road Rectory Road to High Street; Belkline Drive Play Area / Allotment; Belkline Drive Play Area; Belkline Drive Path to Church Lane at bottom of grassed area/top of path; Mansfield Road Highmoor (Opp Travellers Pub); Bridge Street Old Canal Footpath between Bridge St and Kirkcroft Drive; Bridge Street Link path Bridge St to The Bungalows; Stanley Street Footpath rear of adult education centre; Kirkcroft Avenue On Path side of Playing Field; Linear Park Path at back of sports centre side of playing field; Boiley Lane Junction with Field Lane; Peacock Close; End of Road to left Top of Steps; Walford Road Entrance to Greenway Walk; Upperthorpe Road Entrance to path near pull in; Upperthorpe Road Access track between 1 & 7 Upperthorpe Rd, half way up; Birchlands Drive Play Area / Allotment
- 9) Ownership of the Cloc Building currently on lease to Killamarsh Community Trust Association (KCTA)
- 10) Community Grants

- 11) Appointment of a member to serve on the Killamarsh Bread Charity
- 12) Maintenance of the clock on the tower at St Giles Church.
- 13) Allotments (Belkline Drive and Station Road)
- 14) Play Areas at Belkline Drive, Birchlands Drive and Norwood
- 15) Maintenance and upkeep of Linear Park
- 16) Maintenance and upkeep of the bus shelters
- 17) Maintenance and upkeep of the memorial and memorial garden
- 18) Cemetery management - under review
- 19) Community Grants awarded under section 137 LGA 1972

5.77 Building Security Policy

The council does not have any building security policies in place to outline the responsibilities to key or fob holders in order to ensure that they are familiar with the lock-up procedures for council buildings and offices on lease. A policy should be developed which should include the general principles for lone working, key and fob procedures, security, equipment and possessions and a key holder/fob holder acceptance form which should be completed by all key holders and retained on file.

5.78 Health and Safety

The Council has engaged with an external specialist provider of Health and Safety support services, a contract which expires on 15/09/2021. The council should continue to engage professional health and safety support as it would support the council comply with health and safety responsibilities for the Parish Suite, Council offices and specific council project tasks that require risk assessments to be carried out.

5.79 Allotments Management

The Allotments management is currently under a review. The council should ensure they have digital site maps that correspond to each site and each individual allotment holders and data should be held electronically and backed up at regular intervals to ensure there is no loss of data. The Deputy Clerk post holder has been tasked to ensure that the allotments are managed effectively with reports to be issued and reported to the Environment committee who are discharged to oversee this service. These new requirements will ensure that the council has a dedicated officer for overseeing the allotments and a management committee to ensure that the allotments service is being delivered effectively. It is noted that these tasks were previously allocated to the former Administrative Officer.

- 5.80 There appears to be a demand for an allotments site which is not unusual however the council should consider an options appraisal for considering the transfer of existing unused land to a new allotments site which would reduce the waiting list numbers and also meet the needs of their residents who can actively engage with maintaining an allotment.

5.81 Grit Replenishment

The council struggled with the replenishment of grit in the village. Issues were identified and corrective action taken in good time to ensure the grit bins were refilled earlier this year. The Environment committee has been tasked to develop a grit bin refill policy and procedure including the criteria for requesting new grit bins. The committee has been tasked to carry out a procurement exercise for the refill of grit to ensure the bins are refilled at the correct times of the year in accordance with the contract. A 3 or 5 year contract will be useful as it will save the council time and money to test the market and procure for a new contractor every year. The council must ensure that this work is prioritized and a policy adopted in advance of the winter months.

5.82 Tree Preservation and Management Audit Policy

The council has several pieces of land with trees. The Environment committee is currently developing a Tree Management policy that is under review. The council land that requires tree management is Birchlands, the car park at the Leisure centre (due to be transferred to NEDDC) Linear park, Memorial garden and the land at High Moor.

5.83 Transferred Services

The council should ensure that they have copies of all contracts for services transferred to their management and ownership from North East Derbyshire District Council. These include: Play Areas x3 (compliance checks carried out by NEDDC); Bus Shelters; Linear Park; War Memorial and Garden; Cemetery (if applicable). Memorial garden was gifted to the council. Play area inspection reports should be emailed to the parish council on a weekly basis.

5.84 Service Level Agreements

It is unclear if any services are managed by North East Derbyshire District Council on behalf of the Parish Council. A full review should be undertaken to review the service level agreements, ensure that there are copies on file and that the council is receiving best value for money.

5.85 Council Land

It is understood the council has several pieces of land that is unregistered. All council land should be listed in the asset register with the land register reference number and location details.

5.86 Green Spaces

Members understand that the council has several green spaces in the village but these are managed by NEDDC. The council should be able to clearly identify the green spaces under its ownership and control and ensure that the management for the upkeep, maintenance and legal use is kept under review.

5.87 Cemetery Management

It is unclear who is responsible for the cemetery management. It is currently being managed by NEDDC but clarity is required to confirm responsibility. If the cemetery service has been transferred

to the parish council there should be an agreement on file and if the service is managed by NEDDC on behalf of the parish council then there should be a service level agreement on file to reflect this. Cemetery management is due to be considered by full council at their meeting scheduled for the 29 March 2021 following additional information obtained during the course of the review.

5.88 Service Related Policies

Service Related Document Policies	Is this adopted?	Comments / Changes?
Metal Detecting Policy	Yes	No changes required
Allotment Policy	Yes	To be Reviewed
Memorial Dedication Policy	Yes	To be Reviewed
Emergency Response Plan	Yes	To be Reviewed
Play Inspection Policy	No	To be developed and adopted
Business Continuity Plan	No	To be developed and adopted

Review Area 7: Recommendations

R28:	That the management of the allotments is reviewed to ensure that the service is administrated effectively.
R29:	That a Building Security Policy is developed to manage and monitor the security and key holder responsibilities for council buildings and offices.
R30:	That the council ensures that it has the support of professional health and safety providers to help the council discharges its health and safety responsibilities.
R31:	That a tree management and audit policy is developed to outline clear procedures for preserving trees and identifying trees on council land (details to be disclosed in the policy).
R32:	That a grit bin policy and procedure is developed with a criteria for assessing grit bin applications based on the criteria adopted by Derbyshire County Council.
R33:	That the council ensure it has contracts in places for services transferred by NEDDC inclusive of bus shelters, play areas, parks and cemeteries.
R34:	That all service level agreements are reviewed with NEDDC and copies retained on file. Details of service level agreements to be updated on the contracts procurement timetable.
R35:	That the asset register clearly identifies the site and location of all council registered land with supported land registry references.
R36:	That a Play Inspection Policy is developed and adopted.

Review Area 8:

Agendas and Minutes

5.89 Council Meetings (General)

NALC legal topic note LTN 5 sets out the legal requirements for conducting council meetings. The Councils Standing Orders based on the NALC model govern the conduct of council meetings and the legal requirements are in bold text.

5.90 The Annual Meeting of the Council must be held in May and in an election year must be held within 14 days following the day on which the councillors elected take office. The order of business for the annual meeting is set out in Standing Order 5.

5.91 The Annual Meeting is the councils opportunity to review all council arrangements from appointing committees, confirming delegations and including a review of the policies and procedures. As referenced earlier in our report, the Standing Orders did not include an appendix containing all adopted policies and procedures.

5.92 The Annual Meeting agenda dated 20th May 2019 was reviewed. The first item of business included apologies for absence which was in contravention of the legal requirements that stipulate that the first item order of business shall be the election of the chair and vice-chair. The Annual Meeting for 2020 was not held due to the Coronavirus Pandemic and the introduction of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020 that came into force on the 04 April 2020.

5.93 Appointment of Committees

It is recommended that there should be an appendix contained within the Standing Orders of the councils standing committees and the process for appointing members. This is currently under review by the parish council following a committee restructure review that was considered by the council at the meeting held on the 22nd February 2021. Some members have felt that in the past the appointment of committees has been poor and the voting has been difficult.

5.94 Political Composition

Town and parish councils are apolitical and political proportionality does not apply as it does in principal authorities. However it is noted that historically the parish council has been under a Labour administration and membership to the labour group has proven to be popular as it has provided members with an opportunity to become elected to Killamarsh Parish Council. In recent years the political make-up of the council has changed. Committees do consider the political balance rather than an individual's experience and skills which is not always an ideal scenario as membership should be considered on merit rather than political affiliation. Members do consider that although political affiliation has been recognized, members have had the expertise to serve on them.

5.95 Style and Content of Agendas and Minutes

The style and appearance of agendas and minutes are not subject to statutory requirements. The content of minutes should be concise and informative. The minutes of a council or committee meeting are a public record of the decisions of the council and great care should be taken in their format and production. The minutes can be produced in court and other judicial processes as evidence of decisions of the council, and they form part of the Council archives which must be preserved. It is sensible to adopt a standard style, using different fonts, text size to improve the readability and professional appearance of the document Minutes should be:

- as brief as is consistent with accuracy;
- precise and concise;
- self contained (i.e. complete in themselves and understandable without reference to other documents);
- decisive (so that there is no doubt about the decision made);

5.96 Prior to the incumbent Locum Clerks appointment, the council did not have an adopted in-house style that was used to complement the councils branding. The council's governance in these areas for producing agendas and minutes has improved significantly and the council should ensure that this level of consistency continues in the future.

5.97 Confidential information should not be contained in minutes. The Council has historically held a confidential set of minutes however this is unlawful as there should only be one set of minutes with a reference to a set of confidential notes. The council should ensure that it holds a separate confidential record of the discussion however the resolution must be carefully worded to ensure there is no breach of personal data.

5.98 Lawfulness of Agenda Items

A review of the agendas was undertaken and the majority of agenda items were clearly documented with clear requirements of the actions proposed for consideration by members. It has been felt that in the past some agenda items have been questionable but this has improved recently. There has always been concern about expenditure especially as the budget has been so tight for many years and information could have been clearer. Care should be taken to ensure that any agenda items that require expenditure by council or committee is clearly documented (applicable for items outside of delegated authority to officer) so members are aware of the proposed spend.

5.99 Council Resolutions

Motions that don't require written notice can be moved in accordance with Standing Order 10. Historically the council has not documented the names of the proposers and seconders (before moving to a vote) in the council or committee minutes. Members have felt that the council would benefit from having the names of the proposers and seconders documented in the minutes as it provides a point of reference and gives the meeting more formality in conducting its business.

5.100 Council Minutes Numbering

In accordance with the Local Government Act 1972, schedule 12, paragraph 41, council minutes should be kept in a book for that purpose. Loose leaf pages must be consecutively numbered and signed by the person presiding at the meeting. It is useful to have a minute reference for each individual committee and council for ease of reference. A council reference number could start from the Annual Meeting of the Council with the minute number followed by the year. For example, full council minute references starting from the annual meeting would be starting with 001/2021 indicating the reference number and the year. The minute reference number would continue consecutively until the following year's annual council meeting which would begin with 001/2022 and so on. Committees should follow this format and include their committee letters at the end of the year. For example a personnel committee number start with 001/2021 (P). It is recommended that the council starts with a minute numbering system from the Annual meeting 2021.

5.101 Draft and Approved Council Minutes

Minutes in draft form should record that fact clearly (at the top and bottom) to the effect: "Minutes subject to approval at the next meeting". The signed minutes should be carefully retained by the Clerk for the council's archives. It is prudent to retain a separate set of signed minutes for public inspection and for reference at meetings or for other purposes. The end of the published minutes should include the fact of being signed by the Chair and the date on which they were signed. If changes are made to the minutes by the council or committee before acceptance and signing, the wording changes should be recorded in the minutes of the meeting that agreed the changes and the original minutes must be amended to reflect the changes. The copy signed by the Chair will contain the alterations, recorded in longhand, with the changes signed and dated.

5.102 A review of the council minutes confirmed that all minutes are produced with the draft watermark. An exercise will need to be carried out to ensure all council minutes are signed and retained on file in their respective minute books to comply with legislative requirements.

Review Area 8: Recommendations	
R37:	The council should ensure that there is a consistent style adopted for producing agendas and minutes.
R38:	All council minutes from the Annual meeting onwards should contain a minute reference number for full council and committee meetings. New numbering to start from each annual council meeting.
R39:	The draft council minutes to state at the end: These minutes were approved as a true record at the council/committee meeting held on:..... With the following additions/deletions: Signed Dated
R40:	The Council to ensure that all council and committee minute books are updated with signed copies of minutes contained in each minute book/file.

Review Area 8: Recommendations (continued)

R41:	That all council minutes include the names of the proper and seconder for each motion moved on the agenda.
R42:	See recommendation R8: To ensure that the Standing Orders contain appendices for the appointment of committees and a record of the Standing Committees. Appendix to include the listed adopted policies and procedures.

Review Area 9:

Openness and Accountability

5.103 Transparency instils public confidence in a council's decision making process therefore the council should ensure that its decisions are transparent and are clearly explained and understood by staff, the public and other stakeholders and to be implemented effectively. The Council should evaluate the impact of decisions that are transparent, and therefore have evidence available which to draw in making future decisions.

5.104 Effective governance checks should be in place to ensure that the decisions and actions of the council are lawful and transparent to the public at large and local council tax payers who have a vested interest in the activities of their parish council. The legal requirements include:

- Public and advance notice of meetings of a parish council;
- Meetings of a parish council being open to the public;
- Regulation of the transaction of the business and the meetings of a parish council by appropriate standing orders;
- Procedures for voting on any decision which need to be made by a parish council;

5.105 It was clear from the responses arising from the councillor questionnaires that members are not fully aware of the requirements to comply with transparency including compliance of the transparency code.

5.106 Model Publication Scheme 'Reference from the Governance Toolkit'

Every public authority must prepare and publish a "publication scheme" which sets out the classes of information which the authority publishes or intends to publish, how that information may be obtained, and any charge that is made for it. An authority's Publication Scheme must be approved by the Information Commissioner. Individual schemes that were originally approved by the Commissioner were replaced, from 1 January 2009, by a new model publication scheme which the Commissioner has produced for all public authorities. The new scheme simply needs to be adopted by councils without the requirement for approval by the Commissioner. The scheme must be supported by a guide to the specific information that the authority holds and which is contained within any of the model scheme's seven classes. However, the Commissioner has also produced a model template guide to information specifically for parish councils to use when they adopt the new model scheme. Both the model scheme and the parish council model guide to information can be downloaded from the Information Commissioner's website, along with associated guidance on completing these documents.

5.107 The parish council has adopted a model publication scheme which may need to be reviewed to ensure it is up to date.

5.108 Public Participation and Recordings at Meetings

Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees. Importantly they have no right to participate in a meeting, unless permitted to do so by the Council. The council encourages public participation in council and committee meetings and the rules for the participation are contained within the councils Standing Orders. Permitting the public to contribute at council meetings is an effective mechanism for community engagement.

5.109 The right to record, film and to broadcast meetings of the parish meetings was established under the Openness of Local Government Regulations 2014. This was in addition to the rights of the press and public to attend such meetings. The parish council does not have a policy in place to manage recordings at council and committee meetings.

5.110 Freedom of Information

The Freedom of Information Act 2000 (FOI Act) received Royal Assent on 30 September 2000 but its implementation was phased in, with the duty on public authorities to adopt publication schemes being introduced first, followed by the individual right to access provisions which came into force on 1 January 2005. The council has no policies in place to manage FOI or vexatious FOI requests. It is recommended that the policies are developed and adopted to manage FOI requests.

5.111 Local Government Data Transparency Code

The Local Government Transparency Code 2015 ('the Code') came into effect on 1 April 2015. The Code was issued by the Secretary of State for Communities and Local Government in exercise of powers under section 2 of the Local Government, Planning and Land Act 1980, and replaced any previous codes issued in relation to authorities in England under those powers. The Code does not replace or supersede the existing framework for access to and re-use of public sector information provided by the:

- Freedom of Information Act 2000 (as amended by the Protection of Freedoms Act 2012)
- Environmental Information Regulations 2004
- Re-use of Public Sector Information Regulations 2005
- Infrastructure for Spatial Information in the European Community regulations 2009
- Sections 25 and 26 of the Local Audit and Accountability Act 2014 which provides rights for persons to inspect a local authority's accounting records and supporting documentation, and to make copies of them.

5.112 Killamarsh Parish Council meets the definition of a local authority covered by the requirements of the Code, defined as a 'parish council which has gross annual income or expenditure (whichever is higher) exceeding £200,000'.

5.113 Members are not familiar with the requirements of the Data Transparency Code and a review of the website confirmed that the council was not complying with the code.

5.114 The requirements of the code stipulate, publication of:

- Expenditure exceeding £500
- Government Procurement Card transactions
- Procurement Information (details of every invitation for tender exceeding £5,000 and details of any contract, commissioned activity exceeding £5,000)

Additionally, local authorities are required to publish the following information annually:

- Local Authority Land
- Social housing assets
- Grants to voluntary, community and social enterprise organisations
- Organisational chart
- Trade union facility time
- Parking account
- Parking Spaces
- Senior salaries
- Constitution
- Fraud
- Waste contracts

5.115 Although some of the requirements of the code may not apply to Killamarsh Parish Council, it is recommended that a dedicated page is set-up on the website to comply with Data Transparency and where applicable information is published within the frequencies stipulated.

5.116 Website

The parish council websites can be an effective communication tool for the council to communicate with its residents and stakeholders to keep them informed about what their parish council is doing. Members have commented that the parish council website, although easy to find, is not very organized with documentation, doesn't look user-friendly and is out of date. The council at their meeting held in December 2020 recognized the need to upgrade the existing site. The Locum Clerk has been tasked to carry out the website procurement once a website development brief has been agreed by the council.

5.117 Social Media and Media Policy

The parish council has got several social media pages on facebook for the Sports Centre and for the parish council but it is unknown who the administrators are and where the login details can be accessed from. Some councillors feel that there is a lot of misinformation circulating on facebook regarding the parish council. Councillors need to consider reviewing their social media presence and where required, introduce social media and media policies.

5.118 Complaints Procedure

This was covered in the earlier part of the report.

Review Area 9: Recommendations

R43:	That the model ICO publication scheme is adopted and updated with the parish council information and uploaded onto the website.
R44:	That a policy on the Management of Recordings at Council meetings is adopted.
R45:	That relevant freedom of information policies are developed and adopted by the parish council.
R46:	That the council publishes information on its website in accordance with the Local Government Data Transparency Code.
R47:	That a new council website is commissioned following approval of the website development brief to be drafted by the Locum Clerk.
R48:	That a review of the parish council Social Media pages is undertaken and that the access and login details be updated on the council's password list and if applicable out of date social media pages be shut down.
R49:	That a Social Media and Media policy is developed and adopted by the parish council using the NALC model templates.

Review Area 10:

Community Engagement

5.119 Overview

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately, good outcomes. A parish council public engagement strategy policy can guide the parish council and its partners (North East Derbyshire District Council; Derbyshire County Council and other organizations eg police) on how the council engages with its communities, interested people and organizations in the services provided.

5.120 Public Perception

Confidence and interest from the public can both be damaged easily, especially when things go wrong. Some members feel that the public perception of the parish council is negative which has, historically been contributed by the councils response and handling to communications received from members of the public. The council's ability to respond in these circumstances is an important demonstration of its accountability which the council members consider to be a priority. Part of the ongoing work to repair the perceived damage to the councils reputation has involved the commissioning of the financial framework review report (issued in January 2021), a corporate governance review including a review of its services and functions (current report to be issued in March 2021), streamlining its services in the Sports Centre to ensure the precept remains consistent with the surrounding parishes in the area, review of its website and communication channels and improvement in governance across the board including official communications, agendas, minutes, reports etc.

5.121 Councillors Surgeries

Holding councillors surgeries is an effective method to promote public and user involvement in public services, delivery and evaluation which individual councillors could achieve via their own efforts. Although the parish council has held councillor surgeries in the past, it has had very little response from public and it was felt that the time allocated towards this could be used elsewhere. Moving forward, it is recommended that councillors re-consider starting councillor surgeries on a weekly or monthly basis. This could for example be scheduled to take place every Wednesday morning between 10.00am to 12.00pm and councillors could agree on a rotational basis to be present at the council offices.

5.122 Annual Parish Meeting

The annual parish meeting is a meeting of the electors. All Parish and Town Councils throughout England are required by law to hold an Annual Parish Meeting, which must take place between 1st March and the 1st June (inclusive). Meetings should not commence before 6.00 pm. Due to the Covid-19 pandemic and the new legislation for remote meetings, there was not a requirement to hold an annual meeting during 2020, which did not take place (DALC provided advice to the Clerk).

5.123 It is noted that formal annual reports have historically been prepared by previous Chairman's although it is unclear if the reports have been made publically available via the website. A formal annual report was presented in 2020. A review of the website confirmed that there were no annual reports available to download from the website. The Annual Report can be distributed at the Annual Parish meeting which is an effective communication tool to inform residents about the work undertaken by the parish council in the previous municipal year and to enhance the reputation of the council. The governance toolkit states that annual reports do not have to be coloured, glossy or expensive and professional results can be achieved with a modern computer. It is recommended that the annual report is in a clear simple design and layout. Consideration should be given to:

- Using an agreed 'house' style;
- keeping sentences short and paragraphs to 3 or 4 sentences;
- using active not passive verbs and sentences;
- using everyday words, avoiding jargon and acronyms;
- keeping to plain English;
- always giving the Clerk's contact details, e-mail address and website if applicable;
- using the correct name of the council;

5.124 It is recommended that the council need to start developing formal annual reports for presentation and distribution at the annual meeting. Copies should always be made available on the parish council website.

5.125 Public Participation

This was covered in the earlier part of the report and all meetings are open to public to who an opportunity to attend, address the meeting and record meetings.

5.126 Parish Council Noticeboards

It is essential that notice boards are kept up to date and notices replaced regularly. There should be a clear responsibility (generally the Clerk's) for this task. The parish council has x3 noticeboards in the village. One is outside the sports centre, the second noticeboard is located bus shelter at the end of the prescient and the third one is located at the Bungalows. The noticeboard outside the Sports Centre was reviewed. Information about the council, councillors contact details and a latest copy of a committee agenda was available.

5.127 Communications Working Group and Annual Parish Council Newsletter

Issuing a regular newsletter of the parish council's news and activities is an effective way of keeping in touch with the community. The task of producing the newsletter or text for articles is often delegated to a small group of Councillors to work with the Clerk. Responsibility for editorial control needs to be agreed by the council at the outset and it is good practice to have a clear and published editorial policy, which should also be agreed by the council. The council has an agreed policy for the communications working group which is due to be reviewed.

- 5.128 The council has had a budget of £3k to produce an annual newsletter which is delivered to all residents in the parish. It is understood that a standing committee had been appointed to deal with this aspect but for various reasons the committee was officially disbanded in October 2019 and then due to many problems both with staff members and elected members it was finally agreed on a Terms of Reference in January/February 2020 for a communications working group. The group had finally reached a point in August/September 2020 to produce a newsletter and put an editorial policy in place to protect the Council however the staff were then made redundant and the previous Locum Clerk left, which prevented the council's ability to issue a newsletter.
- 5.129 Historically the council had issued a quarterly newsletter (4 pages on A4) however no newsletters have been issued since the new council was elected in May 2019.
- 5.130 Some members that took part in the consultation have raised concerns about the council's failure to issue a newsletter. Councillors have felt the progress of the newsletter has been hindered by 'political game playing' that has harmed the interests of the council and its residents and 'too much infighting between some councillors' that have caused issues. Other members have felt that progress was deliberately blocked until the communications policy was agreed to prevent this.
- 5.131 The council should aim to issue a newsletter no later than autumn 2021 to inform residents of the work undertaken by the council in the last civic year 2020/21 and the progress and work undertaken in relation to the transfer of the Sports Centre which has been a significant public interest matter for local residents. Other newsletter items could include the chairman's annual report, agreed budget for 2021/22, aims and objectives for the future, grants awarded in the last 12 months, information about how grants can be accessed, Covid-19 update and progress and information about other council projects and services.

Review Area 10: Recommendations	
R50:	That a formal annual report is issued for the annual parish meeting held by the council and a copy of the report to be made available on the parish council website.
R51:	That consideration is given to restarting weekly or monthly councillor surgeries.
R52:	That an annual newsletter is published and distributed to all residents no later than autumn 2021. The newsletter to cover all parish council activities over the last municipal year.

6. Summary: Member Consultation

6. Member Views

Members were requested to submit their views on the areas of the council they felt was working well, what the positives and negatives were in their opinion and how they viewed the council could progress in the future. Although the negatives outweighed the positives, the majority of members shared the same vision to improve the council and to work collectively in the interests of the Killamarsh residents.

Positives – MEMBERS QUOTES

- 1) As a member of Environment, Personnel and Finance Committees I feel these work well in the circumstances we had and have.
- 2) Cllrs work well together and politics rarely enters debates. We all seem to share the same aims.
- 3) We need to work together to give the residents and village the best what we can. It's a step by step improvement.
- 4) We need a plan, we need some vision, we need to be much bolder and comfortable investing money, we need to be more open, we need to be more engaging, we need to work much better and we need higher degree of skills from members.
- 5) We agreed not to increase the precept which had normally increased every year.
- 6) Resolving the issue of a quarter of a million pounds loss from the Sports Centre will be an enormous achievement as the money from precept can be allocated on the village, wellbeing and needs of the parishioners.
- 7) We need a plan of what we want to do for the village, in the village, support village organizations and change the views of people about the Council. It could be done step by step.
- 8) I would like to see the council improve by being more transparent and communicate with the residents as a whole instead of letting residents speculate on social media all the time or one councillor giving their opinion of matters instead of official information being presented.

Negatives – MEMBER QUOTES

- 1) Remote Meetings, Non Compliance with Remote Standing Orders - Meetings could be opened earlier to allow participants to be admitted to the meeting instead of running into the meeting time instead.
- 2) The whole structure is cumbersome and committee meetings are not programmed to dovetail into feeding into next full parish council meeting, sometimes leading to delays of a couple of months.
- 3) There's no political proportionality across the committees.
- 4) Failure to call an Annual Parish Meeting in 2020 which could have been held via Zoom.
- 5) Not enough feedback on issues which affect all councillors and the working of the council, such as recruitment of clerk.
- 6) No meaningful and informative financial reporting to full council for over a year when a previous locum was appointed. Information has to be searched out rather than provided as a matter of course.
- 7) Website is our public interface and it's terrible and needs addressing ASAP. There is a Facebook page for the Clerk which has never been used.
- 8) We are failing our residents by not keeping them up to date on our activities via a Newsletter.
- 9) Committee structure needs amending as Bar and Catering and Sports Committee appear to have stopped functioning. This would also be in line with a reduction in parish functions when NEDDC take sports centre.
- 10) We were unfortunate to have an ineffective staffing structure.
- 11) This has not been an easy Council though because of the implications of the Leisure Centre and the failing Bar and Catering aspects.
- 12) Some members hinder the progress made instead of working as a team.
- 13) The functions and services that the council does have don't appear to be working well.
- 14) Councillors choose to obstruct / hinder the Council moving forward but then choose to blame others because we haven't achieved enough.
- 15) Unfortunately we were unlucky with advertising/hiring of a new Clerk until recently. As most staff were made redundant, councillors needed to work twice as hard and others didn't contribute as much.
- 16) There is a bad element which keeps finding fault and problems and complaining about the Chair's handling of situations, making it difficult for progress to be made and for the council to move forward.
- 17) We are unlucky to not to have a good reputation within the community which we will try to make better.

7. Author Conclusion

- 7.1 This report has been written in a style to act as a training tool for members in addition to an audit summary of governance areas which have identified the weaknesses and the areas for improvement. This report should give councillors a good understanding of what the expectations are and how the council as a corporate body can achieve to deliver the highest standards of governance and service delivery.
- 7.2 The Locum Clerk has used her expertise since her appointment in December 2020 to identify the weaknesses in both financial and governance areas and to support the council to rebuild their foundations to enable council business to be conducted efficiently and effectively. This has been achieved in part with:
- The Financial Framework Review report, comprising of 49 pages and 26 recommendations that have been addressed or are in progress.
 - Significant improvements to council agendas, minutes and reports
 - Open communication channels with all members of the council for inclusivity purposes, irrespective of their political allegiances.
 - Governance Health Check Audit, comprising of 58 pages and 55 recommendations
- 7.3 It has been noted that members of the council recognise the importance of ensuring that their governance is of an adequate standard. The recommendations and follow up work arising from both the finance and governance report should be addressed and implemented no later than the Annual Council meeting in May 2022. The council would require the expertise and leadership from their new permanent Clerk, RFO and Councillors to work collectively to achieve this and where required, the council should buy in the support to ensure that they have the right skillset and experience to deliver on projects.
- 7.4 The NALC Local Council Award Scheme offers councils the opportunity to show that they meet the standards set by the sector, assessed by their peers, and to put in place the conditions for continued improvement. The Council should aim to work towards this scheme in the 2022/23 financial year which would in turn contribute towards instilling public confidence and enhancing the council's reputation.
- 7.5 For business continuity purposes, the council should have a plan that's adopted that would support the council to deliver their services are ensure they are managed effectively in the absence of key staff. A password list should be kept up to date and retained on file.

Author Conclusion: Recommendations

Author Conclusion: Recommendations	
R53:	That the recommendations arising from the Financial Framework Review Report and the Governance Health Check audit are addressed and implemented no later than May 2022.
R54:	That the Council applies for the NALC local Council award scheme once the recommendations from the Financial and Governance report are addressed (target date of 2022/23 financial year for submission of portfolio for assessment)
R55:	That a business continuity plan is developed and adopted by the council and a passwords list (password protected) is developed and retained on file, and kept up to date at all times.

APPENDIX: Governance Health Check Audit (Recommendations Action Plan)

SUMMARY OF RECOMMENDATIONS

No	Recommendation	Page No	Responsible Officer	Committee
R1:	That the Code of Conduct is revised and readopted in May 2021 (Annual Meeting). Revised changes to be based on NALC model and to include a policy form for dispensations	15		
R2:	That a Co-option Policy and Procedure is drafted and adopted by the Council at the Annual Meeting in May 2021.	15		
R3:	That the complaints procedures are revised and one policy is drafted to cover all elements of council. NALC model complaints policy to be considered.	15		
R4:	Member / Officer Protocol to be introduced and drafted.	15		
R5:	That a new Employee Code of Conduct is introduced and adopted. The Code to include an application for officers to declare interests in accordance with the LGA 1972 s117.	15		
R6:	Allowances Policy to be drafted and adopted to cover members allowances, chairman's allowance, travel and subsistence for members including procedure and claim form.	15		
R7:	To consider the development of a strategic business plan to deliver the councils aims and objectives including any associated budgets and a timeframe for delivery.	23		
R8:	To review the Standing Orders and update with any changes that correspond to the Councils Financial Regulations and the Scheme of Delegation.	23		

No	Recommendation	Page No	Responsible Officer	Committee
R9:	To review the Financial Regulations and update them with any changes that correspond to the Standing Orders and the Scheme of Delegation.	23		
R10:	To develop a Scheme of Delegation incorporating a committees terms of reference.	23		
R11:	To develop a training development policy for officers and members.	23		
R12:	To develop and adopt an organization chart of the new council committee and management structure.	23		
R13:	To appoint a CILCA qualified Parish Clerk that holds the relevant GPC training and to declare the eligibility of the GPC subject to meeting the criteria.	23		
R14:	To review the training learning and development policy and develop a training development policy for officers and members (see recommendation 11)	30		
R15:	To review and update (if required) the Equality and Diversity Policy.	30		
R16:	To review and update (if required) the Smoke Free Policy	30		
R17:	To review and update the Co-Option Policy (see recommendation 1)	30		
R18:	To develop and adopt a Protocol on Communications	30		
R19:	To develop and adopt a general council Health and Safety Policy	30		
R20:	To develop and adopt Social Media and Press Policies	30		
R21:	To adopt the Asset Register and Disposal policy (currently under review by the finance committee)	32		
R22:	To review the Reserves Policy and update with any changes (if required).	32		
R23:	To review the Section 137 Grant Policy and Application form and to introduce a grant monitoring expenditure and feedback form.	32		

No	Recommendation	Page No	Responsible Officer	Committee
R24:	To develop an investment policy that includes the statutory guidance issued under section 15(1)(a) of the Local Government Act 2003 (effective for financial years commencing on or after 1 April 2018).	32		
R25:	To adopt the Asset Register and Disposal policy (currently under review by the finance committee)	32		
R26:	<p>To develop and adopt relevant GDPR policies using the SLCC GDPR Checklist and model documents:</p> <ul style="list-style-type: none"> • Information and Data Protection Policy • Document Management (disposal and retention) Policy • Privacy Notice (General) • Privacy Notice (Employees, Councillors, Role Handlers and Volunteers) • Security Incident Form • Data Breach Policy and Recording (Security Incident Form and Log) • Email Contact Privacy Notice • Removable Media Policy • Subject Access Request Form • Councillors consent to hold information • Management of Transferable Data Policy • Allotment Tennent's GDPR Privacy Notice Consent Form 	34		
R27:	To develop and adopt an employee handbook with relevant HR policies and to ensure that any stand-alone HR policies mirror the employee handbook.	40		
R28:	That the management of the allotments is reviewed to ensure that the service is administrated effectively.	44		

No	Recommendation	Page No	Responsible Officer	Committee
R29:	That a Building Security Policy is developed to manage and monitor the security and key holder responsibilities for council buildings and offices.	44		
R30:	That the council ensures that it has the support of professional health and safety providers to help the council discharges its health and safety responsibilities.	44		
R31:	That a tree management and audit policy is developed to outline clear procedures for preserving trees and identifying trees on council land (details to be disclosed in the policy).	44		
R32:	That a grit bin policy and procedure is developed with a criteria for assessing grit bin applications based on the criteria adopted by Derbyshire County Council.	44		
R33:	That the council ensure it has contracts in places for services transferred by NEDDC inclusive of bus shelters, play areas, parks and cemeteries.	44		
R34:	That all service level agreements are reviewed with NEDDC and copies retained on file. Details of service level agreements to be updated on the contracts procurement timetable.	44		
R35:	That the asset register clearly identifies the site and location of all council registered land with supported land registry references.	44		
R36:	That a Play Inspection Policy is developed and adopted.	44		
R37:	That the management of the allotments is reviewed to ensure that the service is administrated effectively.	47		
R38:	That a Building Security Policy is developed to manage and monitor the security and key holder responsibilities for council buildings and offices.	47		

No	Recommendation	Page No	Responsible Officer	Committee
R39:	That the council ensures that it has the support of professional health and safety providers to help the council discharges its health and safety responsibilities.	47		
R40:	That a tree management and audit policy is developed to outline clear procedures for preserving trees and identifying trees on council land (details to be disclosed in the policy).	47		
R41:	That all council minutes include the names of the proper and seconder for each motion moved on the agenda.	48		
R42:	See recommendation R8: To ensure that the Standing Orders contain appendices for the appointment of committees and a record of the Standing Committees. Appendix to include the listed adopted policies and procedures.	48		
R43:	That the model ICO publication scheme is adopted and updated with the parish council information and uploaded onto the website.	52		
R44:	That a policy on the Management of Recordings at Council meetings is adopted.	52		
R45:	That relevant freedom of information policies are developed and adopted by the parish council.	52		
R46:	That the council publishes information on its website in accordance with the Local Government Data Transparency Code.	52		
R47:	That a new council website is commissioned following approval of the website development brief to be drafted by the Locum Clerk.	52		
R48:	That a review of the parish council Social Media pages is undertaken and that the access and login details be updated on the council's password list and if applicable out of date social media pages be shut down.	52		

No	Recommendation	Page No	Responsible Officer	Committee
R49:	That a Social Media and Media policy is developed and adopted by the parish council using the NALC model templates.	52		
R50:	That a formal annual report is issued for the annual parish meeting held by the council and a copy of the report to be made available on the parish council website.	55		
R51:	That consideration is given to restarting weekly or monthly councillor surgeries.	55		
R52:	That an annual newsletter is published and distributed to all residents no later than autumn 2021. The newsletter to cover all parish council activities over the last municipal year.	55		
R53:	That the recommendations arising from the Financial Framework Review Report and the Governance Health Check audit are addressed and implemented no later than May 2022.	58		
R54:	That the Council applies for the NALC local Council award scheme once the recommendations from the Financial and Governance report are addressed (target date of 2022/23 financial year for submission of portfolio for assessment)	58		
R55:	That a business continuity plan is developed and adopted by the council and a passwords list (password protected) is developed and retained on file, and kept up to date at all times.	58		