

ST EARTH PARISH COUNCIL

This is to notify you that a meeting of the Governance Committee will be held on Tuesday 17 April 2018, in the Vestry Rooms, Fore Street, St Erth, commencing at 7.00pm.



11 April, 2018
Rylett - Clerk to the Council

Peter

AGENDA

1. Apologies for absence
2. Appointment of Chairman
3. Appointment of Vice-Chairman
4. Declarations of Interest
5. Terms of Reference

The Constitution and Terms of Reference for this Committee are attached for information or review if necessary. These were approved by the Council at its Annual Meeting on 16 May, 2017.

6. What this Committee is required to do

In accordance with Standing Orders, the Council, at its Annual Meeting each year, follows the agenda set out below:

- a. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to approve and adopt minutes of committees.
 - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review of the terms of reference for committees.
 - v. Receipt of nominations to existing committees.
 - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
 - vii. Review and adoption of appropriate standing orders and financial regulations.
 - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - ix. Review of representation on external bodies and arrangements for reporting back.
 - x. In an election year, if a Council's period of eligibility to exercise the power of wellbeing expired the day before the annual meeting, to review

- and make arrangements to reaffirm eligibility.
- xi. Review of inventory of land and assets, including buildings and office equipment.
- xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii. Review of the Council's and/or employees' memberships of other bodies.
- xiv. Establishing or reviewing the Council's complaints procedure.
- xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi. Establishing or reviewing the Council's policy for dealing with the press/ media.
- xvii. **Setting the dates, times and place of ordinary meetings of the Council for the year ahead.**

The Council deals with the items in **bold type** at the Annual Meeting but delegates authority to this Committee to review and report back to it, on the other items.

The remainder of the agenda for this Committee, therefore, comprises those items.

7. Review and adoption of appropriate standing orders and financial regulations

These documents will be projected at the meeting.

The Committee will recall that a fundamental review of both these documents was undertaken last year and revised versions adopted by the Council on 4 April 2017. Since then, no national changes to Model Standing Orders or Model Financial Regulations have been notified and so the Committee is requested to pass the following resolution:

RESOLVED - that as no changes have been notified, the Council adheres to the current versions of its Standing Orders and Financial Regulations which were adopted on 4 April 2017.

8. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities

The Parish Council has a Service Level Agreement (SLA) with Cormac for the cleaning and re-stocking of the Public Conveniences.

The Council has decided that before it reviews this SLA, (which would also provide the opportunity to tender the contract), it will monitor usage over a 12 month period so that decisions to vary opening times and/or cleaning frequencies etc. are soundly based.

To enable the collection of usage data, the Council made budget provision for 2018-19 to purchase and install an electronic recording system and so in approximately 12 months' time, therefore, the Council will have the information it needs to review this SLA, times of opening and cleaning frequency etc.

The current arrangement with Cormac will continue until any changes are agreed.

9. In an election year, if a Council's period of eligibility to exercise the power of wellbeing expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility

This requirement is not applicable to the Parish Council.

10. Review of inventory of land and assets, including buildings and office equipment

The Committee is requested to review the latest version of the Council's Asset Register which is attached. The three highlighted items, together with their value, have been

added.

11. Review and confirmation of arrangements for insurance cover in respect of all insured risks

The Council's Insurance Policy will be available at the meeting. The policy is updated whenever required throughout the year and is also reviewed annually by the Council's Financial Adviser and the Council's Internal Auditor in the preparation of the Annual Return to the External Auditors.

Also attached are the Registers for Financial Risk and Non-Financial Risk for consideration.

12. Review of the Council's and/or employees' memberships of other bodies.

The Council belongs to the following bodies:

a) Cornwall Association of Local Councils (CALC)

Annual membership cost is approximately £420.00.

Its website says:

"Who we are

The CALC is a not for profit membership organisation representing the parish and town councils of Cornwall. It provides information about the operation and powers of parish and town councils, and parish meetings. It works to enhance communication with everyone within the Parish Council network, ranging from the National Association (NALC), through our Association at county level, to all those parish councils, town councils and parish meetings who form the grass roots tier of local government. As a membership association it is unable to deal with queries from members of the public, but is happy to make general information available through this website.

Corporate membership is open to any parish or town council or parish meeting which pays an annual subscription to the Association. The subscription is calculated on an electoral roll basis.

What we do (Member Benefits)

CALC is constituted to support local councils and parish meetings in the delivery of services to their communities. As it is not a statutory body it has no powers or duties to intervene in the operation of individual councils.

Advice and information to member councils for them to use as they deem appropriate, on a range of subjects including: Legal advice service; Employment advice service; Advice on council administration; Policy consultation and advice; National Circulars and Information Bulletins.

Telephone helpline

Opportunity to participate- in meetings, consultations and feedback/survey requests.

Advice- free legal, administrative and employment advice.

Training - The Association runs an extensive programme of training courses to equip clerks and councillors.

National affiliation - Membership of the Association can also provide affiliation to the National Association of Local Councils (NALC) which seeks to represent local councils at

national level as well as providing advice on legal and procedural matters, national publications and regular information bulletins.

Local Council Award Scheme - We support councils in obtaining their LCAS Services available to members at a cost include: Training Courses; Consultancy; NALC Publications; Structural Review; and On site Councillor Development Programmes All queries from member councils should initially be placed with CALC by e-mail, telephone or post, and this should be done through the Chairman/Vice-Chairman or Clerk. CALC staff are available to not only answer queries, but also to deliver training where their specialised knowledge is required.

Funding

CALC is an unincorporated membership association and is not a public sector body. CALC is funded by member council subscription, training fees and contract funding from Cornwall Council.

Membership

Almost 90% of parish councils in Cornwall are in membership of the Association. This means that their voice is heard on local issues and at national level. It is hoped that all local councils will join the Association to avail themselves of the support available to them in these changing times for local government.

CALC sustains a positive working relationship with the Society of Local Council Clerks (SLCC)"

b) Campaign to Protect Rural England (CPRE)

Annual membership cost is approximately £36.00

Wikipedia says:

"The Campaign to Protect Rural England (CPRE) is a registered charity with over 60,000 members and supporters. Formed in 1926 by Sir Patrick Abercrombie to limit urban sprawl and ribbon development, the CPRE (until the 1960s the Council for the Preservation of Rural England and from then until 2003 the Council for the Protection of Rural England) claims to be one of the longest running environmental groups. CPRE campaigns for a "sustainable future" for the English countryside. They state it is "a vital but undervalued environmental, economic and social asset to the nation." They aim to "highlight threats and promote positive solutions." They campaign using their own research to lobby the public and all levels of government.

CPRE has influenced public policy relating to town and country planning in England, most notably in the formation of the National Parks and AONBs in 1949, and of green belts in 1955.^[1]It claims some credit for the slow shift of agricultural policies across Europe away from a price-support philosophy to one of environmental stewardship, a policy shift begun in England.^{[2][3]} Campaigns against noise and light pollution have been pursued over recent years, and CPRE is now focusing on "tranquility" as a key aspect of the countryside which CPRE wants to see protected in England's planning policies."

c) Parish Online

Annual membership cost is approximately £45.00

Its website says:

"Parish Online is a low-cost online mapping application designed to make using digital mapping easy for Councils. Parish Online includes a host of built-in map layers and enables you to search detailed property records plus annotate and save map information such as Council assets. The tools included are easy-to-use and give the

flexibility to produce anything from a simple boundary map to a full neighbourhood plan. These include:

Wide range of up-to-date mapping datasets, including the most detailed and up-to-date OS mapping available for the whole of Great Britain. Any Council with a valid PSMA number can view this mapping; search by address, street, postcode and coordinates; measure distance and area in a range of units; print maps to PDF or Image format at any scale; create and edit your own map layers; and extract address information for mailing lists”

The Clerk belongs to:

a) The Society of Local Council Clerks (SLCC)

Annual membership cost is approximately £170.00. Its website says:

“The Society of Local Council Clerks (SLCC) is the professional body for local council clerks and senior council employees. Its membership is steadily growing and now represents clerks to over 5,000 councils in England and Wales.

Many councils realise the benefits of having a clerk who is properly trained, fully briefed on the issues of the day and can get fast accurate advice to problems that they may face. In fact, over 90% of members' councils willingly pay for their clerks' subscriptions to the Society as encouraged by the Local Government Act.

The Society of Local Council Clerks is developing fast and is increasingly recognised as the body which represents and promotes 'best practice' in the sector. Membership is open to all full time, part time and deputy clerks and other senior employees of town, parish or community councils and parish meetings in England and Wales.

The Society was founded in 1972 at a side meeting held during a National Association of Local Councils Conference. Originally there were just under 50 member clerks working as a self-support group. The role of the town, parish and community council has changed out of all recognition in the intervening years. In the period up to 2001 membership rose to 2200 and the Society negotiated a basic terms and conditions agreement with the National Association, published editions of The Clerks Manual, provided a quarterly Journal for members and an early version of the 'Working With Your Council' the distance learning course pack.

Since 2001, the Society has developed and grown rapidly following the National Executive Council's decision to appoint professional officers and to invest in new services. Membership has increased to the point where members now serve over 5,000 councils and revenues are now over £1 million p.a. and a whole range of new services were established.

Today the Society is a vibrant and purposeful place which helps local council officers not only to survive, but to develop and grow professionally and so be able to better serve their councils and the communities they support. The formation of the Institute of Local Council Management and the building of a comprehensive Continuous Professional Development Structure has further raised the profile and standing and terms and conditions of a profession which now plays an increasingly significant role in the local council sector.

In June 2016, the Society members agreed to establish a separate trade union, known as the Association of Local Council Clerks (ALCC) which is now responsible to collective bargaining with the bodies representing local councils as employers and for providing individual employment advice.

Following a resolution carried unanimously at the National Conference in October 2016, the Society became a limited company on 25 January 2017, with a Board of Directors replacing the former National Executive Council.”

RECOMMENDED - that the Council:

1. continues with memberships the bodies listed above; except
2. CPRE as there has been no direct local benefit and Parish Online as the Parish Council has recently registered with Cornwall Council’s free mapping service.

13. Reviewing the Council’s complaints procedure

The Parish Council’s Standing Orders (pages 15-16) contain details of the process by which to complain. The text says:

“13 Code of conduct complaints

- a. Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b. Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined ~~{(England)}~~ and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
- c. The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the ~~District~~ or Unitary Council that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.”**

Furthermore, the *Your Council* page on the Parish Council’s website has a drop down menu where the process to make a complaint is introduced. The Parish Council’s complaints process is linked to that of Cornwall Council except that the Parish Council will also investigate complaints made anonymously.

The text says:

“Complaints

St. Erth Parish Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its Councillors or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint, or have been unfairly treated in their dealings with the Council staff, Councillors, the Council or its Committees.

If a member of the public feels that the procedures below are inappropriate he may submit a complaint against Councillor/Councillors of the Council to the Monitoring Officer of Cornwall Council.

More information on this process can be found [here](#) or contact:

E-mail councillorcomplaints@cornwall.gov.uk

Fax 01872 323833

All other submissions must be sent or delivered to:

The Monitoring Officer

% Simon J R Mansell MBE

3rd Floor

West Wing

New County Hall

Truro

TR1 3AY

Other contact details:

Telephone: 01872 322704 (Simon Mansell)

E-mail: simon.mansell@cornwall.gov.uk (do not use for submitting complaints)

Website www.cornwall.gov.uk

As circumstances have not changed since last year's fundamental review nor have any necessary changes been notified, it is

RECOMMENDED - that the current procedure be adhered to.

14. Reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998

The current policies are attached. Significant changes to the ways in which data is to be managed come into effect on 25 May 2018 and a guidance note from NALC on this matter is attached.

15. Reviewing the Council's policy for dealing with the press/media.

The current version of Standing Orders (page 20) simply refers the reader to the Council's policy in this respect and the only 'policy' is a form of words, found in the 2015 edition of Standing Orders, (not carried forward into the current version), which said:

"28 Relations with the press/media

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.*
- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media."*

On most occasions, a reporter will contact the Clerk with any general enquiries or concerning the Council's 'position' on a particular matter.

On more rare occasions, where a reporter requires a comment or an interview with a Councillor (usually the Chairman) about a news story, the Clerk will discuss the issue with the Councillor concerned to agree what the approach should be and to anticipate likely questions etc.

Where there is no 'whole Council' position, the response will always seek to reflect what

would be in the best interests of the residents.

Some Councils have policies to control (sometimes quite strictly), who can and cannot speak to the press/media but this is more common where party political issues are involved. Some Council's appoint spokespersons for different topics, such as the Portfolio Holders at Cornwall Council but such arrangements are rarely in place with parish councils.

The Committee could recommend, as above, that "*councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.*" but perhaps add words to the effect "*without discussing the matter first with the Clerk*" or could defer the matter to enable the Clerk to seek guidance from CALC etc.

The instructions of the Committee are requested.

16. Exclusion of the Press and Public

To consider passing the following resolution if required:

RESOLVED - that in accordance with S.1 (2) of the Public Bodies (Admission to Meetings) Act, 1960, the Press and Public be excluded from the meeting during the consideration of the following business owing to the confidential nature of that business.

To: **Members of the Governance Committee** - Councillors Buzza, Mrs. Chappell, Spencer-Smith and Taylor.