

The members of Morebath Parish Council are summoned to the following meeting

of Morebath Parish Council
to be held in the Village Hall, Morebath on
Tuesday 19th September 2017 at 8.00pm

MEMBERS: Cllr John Wescott (Chairman) (*), Cllr Tony Conway (*), Cllr Merv Adams (*),
Cllr Bob Hatton, Cllr Peggy Reed (*), Cllr Jeff Andrew, Cllr John Briden

Clerk: Karen Ward

Invited

Cllr Polly Colthorpe - County & District Council Representative

Cllr Ray Stanley - District Council Representative

Cllr Andrew Moore - District Council Representative

Members of the public are also invited to attend and have the opportunity to speak in item 6 only

AGENDA

Meeting protocol

8.00 pm

1. Apologies
2. Declarations of interest
3. Dispensation to councillors
4. Minutes of the meetings held on 18th July 2017 (minutes have been circulated) - To be agreed as correct and accurate record and to be signed by the Chairman
5. Open Forum – members of the public, and councillors with an interest have the opportunity to address the meeting (limiting their contribution to 3 minutes)
6. Reports
 - a. County Councillor (PC)
 - b. District Councillor (RS) (AM)
 - c. Police (PCSO)

Items for discussion and decision

8:30pm – 9:30pm

7. General Power of Competence – to consider and adopt the General Power of competence under the Localism Act 2011 – see Supplementary Information 1
8. Improvements to centre of Morebath: to consider, review and approve a site plan, works and costings for improvements to the village centre (TC)
9. Salt storage and bins: to report back on condition, repair or replacement and costs of salt bins and consider options on replacement of salt bins, siting, filling and ongoing maintenance
10. Communication Working Group:
 - a. General update (BH)
 - b. Advertising on website – to consider whether to have a policy for request from charities to advertise on the council's website
11. Traffic calming:
 - a. Update on overgrown hedges requiring action (Exebridge, Hukely Cross, Watchet Cross, Snapbox Cross)
 - b. General update (BH)
12. Footpaths:
 - a. Replacement gate and posts Timewell Road
 - b. Ongoing work and proposals (BH)

13. Environment / Amenities:

- a. Update on hedge trimming in the play area (MA)
- b. Bus shelters – to consider and approve and preserving treatment required (MA)
- c. Car park – to consider and approve and weed treatment required
- d. General update (JB)

14. Grants to local organisations: To consider a request for grant funding of £500 from the Church and from the Village Hall

15. Request from Riverside hall for support for TAP fund bid

16. Consideration of defibrillator and/or medical pack for Morebath village

Finance, Planning & other organisational matters

9:30pm – 10.00pm

17. Planning

- a. Notifications from Mid Devon District Council:
- b. Planning applications received since last meeting
 - 17/01062/ARM: Reserved Matters (parking) for the erection of a holiday let/workshop/therapy room following Outline approval 16/00442/OUT, Whitehall Farm Morebath – deadline 8 August
 - 17/01248/LBC: Listed Building Consent for installation of replacement front and side doors and blocking up of unused side door Location: Higher Trickeys Cottage Morebath Tiverton- deadline 21 August

18. Risk management: To investigate electrical testing for the car park lights (TC)

19. Purchase of IT equipment – Clerk to report back on equipment purchased from DALC grant.

20. Council policies: To review, consider and approve the following - see Supplementary Information 2

- Equalities Policy
- Data Protection Policy & Record Retention Policy and note the Council is now registered with the Information Commissioners Office

21. Amendment to Standing Orders and Financial Regulations regarding contracts over £25000 – see Supplementary Information 3

22. Finance 2017/18

- a. Current financial position – see budget monitoring information
- b. Internal Audit - to approve renewal of audit contract for 3 years
- c. Payments to approve:
 - Payment to Halberton Parish Council for VAT refund received in error £702.33
 - K Ward / HMRC wages £173.62
 - K Ward expenses £12.31
 - K Ward: reimburse for IT equipment £484.97 (£404.14 + VAT)
 - Information Commissioners Officer registration £35.00

23. Other items to note only

MDDC chairman to attend March 2018 meeting

Date of next meeting: 21st November 2017

Karen Ward (Clerk) Dated: 11 September 2017

(*) Bank Mandate Signature

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Agenda item 7: General Power of Competence

The General Power of Competence was introduced in the Localism Act 2011 and The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

The intention of the legislation is that eligible local authorities will no longer have to identify specific powers in order to undertake an activity. It is to be a power of first, not last, resort and as such the risk of legal challenge against any activities should be reduced. The above Statutory Instrument states "*The Government's intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers*".

Please note:

- It cannot be used to circumvent or override existing restrictions in existing specific powers.
- It cannot be used to raise the precept.
- Councils must still comply with other relevant existing legislation such as employment law, health and safety, equality legislation, data protection etc.
- If another council has a statutory duty to provide a service (e.g. highways) it remains their duty to provide it. It does not allow a parish to simply take over the service if they are unhappy with it, but it may allow an eligible parish to assist.

In order to adopt the General Power of Competence, there are three conditions which must be met:

1. The council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
2. At the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted).
3. At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g. Certificate in Local Council Administration)

The decision will then be clearly minuted. The Council is then required to reaffirm their eligibility and readopt the General Power of Competence at the annual meeting of the council after the next election has taken place (May 2019).

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Agenda item 20: Equalities Policy

The aim of this policy is to communicate the commitment of Morebath Parish Council to the promotion of equality of opportunity, recognising that everyone has a right to equal treatment, irrespective of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- sex (gender)
- pregnancy and maternity (a protected characteristic separate to sex)
- race
- religion or belief
- sexual orientation.

The Council is opposed to all forms of unlawful/unfair discrimination. All full-time and part-time employees, job applicants, councillors, committee members, volunteers, organisations and individuals will be treated fairly.

The Council recognises its legal obligations under the Equalities Act 2010 and is committed to:

- preventing any form of direct or indirect discrimination, harassment or victimisation
- eliminating discrimination on the grounds of gender, marital status, religious beliefs, political opinions, race, ethnic origin, nationality, sexual orientation and age;
- to promote equal opportunities in employment in our recruitment and staff management
- promoting a good and harmonious working environment where all men and women are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated
- fulfilling all legal obligations under the relevant legislation and associated Codes of Practice
- taking positive/affirmative action if deemed necessary.

The Council regards discrimination, harassment and bullying as gross misconduct. Any breaches of our equalities policy will be liable to appropriate action including disciplinary proceedings.

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Agenda item 20: Data Protection and Document Retention Policy

The Data Protection Act 1998 sets out standards for the handling of personal information and protecting individuals' rights for privacy, regulating how personal information can be collected, handled and used. The Act applies to anyone holding personal information about people electronically or on paper, and for the Council this means the Clerk and Councillors.

The Council has a number of procedures in place to ensure that it complies with Act and has notified the Information Commissioner that it holds personal data about individuals. The Clerk is the Council's nominated Data Protection Officer.

When dealing with personal data, the Clerk and Councillors must ensure that:

- Data is processed fairly and lawfully
- Personal information is only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.
- Data is processed for specified purposes only
- Only data that is needed should be held.
- Data is accurate and kept up to date
- Data is not kept longer than it is needed
- Data is processed in accordance with the rights of individuals and individuals must be informed, upon request, of all the personal information held about them.
- Data is kept securely and cannot be accessed by members of the public.

Storing and accessing data

The Council will hold the minimum personal data necessary to enable it to perform its functions. The data will be deleted in accordance with the Document Retention Policy. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.

The Council recognises its responsibility to be open with people when taking personal details from them. This means that councillors and Clerk must be open and honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number, this will only be used for the purpose it has been given and will not be disclosed to anyone else and will be destroyed once the matter is closed.

Any information about individuals such as their addresses and telephone numbers will be kept in a secure location at the home of the Clerk and is accessible to the public. Any data that is out of date or has served its use, it will destroyed or deleted.

The Council is aware that people have the right to access any personal information that is held about them and if they requests to see any data that is being held about them

- They must be sent all of the personal information that is being held about them unless specific legal exemptions apply
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information at 10p per sheet.

Disclosure of personal information

Councillors will only be given personal information if it helps them to carry out their duties. They are only able to access as much personal information as necessary and it should only be used for that specific purpose only. Provision of sensitive personal information about a person, will require consent from the Clerk first.

Confidentiality

Councillors and staff are aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Data held by the parish council, where it came from and how it is used

- Application forms for employment or election - provided by interested individuals for the purposes of being considered for a vacant position on the Council. As well as contact information, it may also include qualifications, employment information and experience.
- Payroll information – provided by employees in order to get paid under the terms of the contract of employment and relevant legislation regarding employment and taxation.
- Councillor contact information – provided by councillors and only passed on to third parties if their permission is given.
- Copy of electoral register – paper copy only provided by Mid Devon District Council. Its use and access is restricted under the Representations of the People (England and Wales) Regulations 2001.
- Register of interests – provided by Councillors upon taking up office. These are then sent to Mid Devon District Council. Councillors are required under the Localism Act 2011 to declare interests where it affects Council business.
- Planning applications – information is restricted to that which is publicly available from the Mid Devon District Council planning portal in order for the Council to comment on planning matters. No further information is held.
- Correspondence – information from individuals contacting the Council may include their name, address, phone number or email address. They will be held in order to respond to any matters raised and may be passed onto Councillors if they are needed to resolve any queries or complaints, unless the individual has specifically requested they remain anonymous.
- Invoices – if suppliers are individuals, then invoices for payment may contain their name, address, phone number, email and bank account and sort code.

General Data Protection Regulation and Data Protection Bill

The Council is aware that the above legislation is soon to be introduced and is taking measures to ensure compliance. This policy will be updated, where required, to reflect the new legislation once it becomes law.

Document retention policy

Document	Retention period
Minutes (and agendas if applicable)	Indefinite
Policies	Current policies only held
Scale of fees and charges	6 years + current year
Financial accounts including receipts and payments	6 years + current year
Bank statements	Last completed audit year
Paying in books	Last completed audit year
Cheque book stubs	Last completed audit year
Quotations and tenders	6 years + current year
Invoices, expenses and cheques	6 years + current year
VAT records	6 years + current year
Timesheets	Last completed audit year
Payroll	12 years + current
Insurance policies	Indefinite
Certificate for insurance against liability for employees	40 years from date of renewal
Investments	Indefinite

Title deeds, leases, agreements, contracts	Indefinite
Trust deeds	Indefinite
Members allowances register	6 years + current
Planning matters	While current only
Information from other bodies e.g. DALC	While useful and relevant only
Magazines and journals produced	Where required under Legal Deposit Libraries Act 2003, copies will be sent to the British Library Board
Correspondence	Retained while relevant only.
Staff documentation	While valid only, subject to being required for the purposes of taxation, references, pensions etc.
Local/historical information	Retained or lent to the Devon Archives where considered important
Retention of documents for legal purposes	As set out in the Limitations Act 1980

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Agenda item 21: Review of contract procedures

1. The Council's Standing Orders and Financial Regulations need to be amended to take into account the Public Contracts Regulations 2015. This Regulation sets out specific procedures that must be followed for contracts over £25,000. Below this threshold councils can establish their own rules for contracts and these rules must be set out and approved in the Standing Orders and Financial Regulations.
2. In summary the current Standing Orders for Morebath are:
 - Contracts over £60,000 are subject to full tendering procedures
 - Procedures for contracts under £60,000 are set out in Financial Regulations as follows:
 - Under £500 – Clerk shall obtain 3 quotes
 - Over £500 – Clerk shall invite tenders from at least 3 suppliers from “an appropriate approved list”
 - Over £100 and under £3000 - the Clerk shall “strive to obtain 3 estimates”

It is noted that there are conflicting thresholds for letting contracts within the current Financial Regulations, and also that the authorisation of payments has different thresholds:

- Under £100 – Clerk has authority in consultation with Chairman
 - Over £100 – Council must approve
3. It is therefore **RECOMMENDED** that Council delegate authority to the Clerk to amend the Standing Orders and Financial Regulations to take into account both the new Regulations and to improve consistency as follows:

Standing Orders:

- Contracts over £25,000 will be subject to full tendering procedures in accordance with Public Contracts Regulations 2015
- Procedures for contracts under £25,000 to be set out in Financial Regulations as follows:

Financial Regulations:

- Under £100 - no specific rules
 - Over £100 and under £3000 - the Clerk shall “strive to obtain 3 estimates”
 - Over £3000 - three or more quotations unless a formal contract is in place.
 - Contracts over £25,000 – tendering in accordance with the Regulations.
4. Please note: decisions can only be made at Council meetings, and members cannot not issue orders or make contracts on behalf of the Council outside of Council meetings.