Minutes of the Ordinary Meeting of Ockbrook and Borrowash Parish Council.

Held virtually, on Tuesday 3rd November 2020 at 19.00.

### Public Speaking.

### Members of Public

* A member of public asked:
1. During the October meeting it was mentioned that Councillors were in discussions with a landowner of green belt land in Borrowash, the landowner wanting to develop the land for 90 homes and the cemetery. They believe the Parish Council are facilitating that aim through powers to discuss the neighbourhood plan, will the Parish Council abandon any further influence and discussion with the landowner and their representatives? Councillor M White responded that there were no plans for this Parish Council to support any development on that green belt land.
2. Will the cemetery plans on that land be abandoned? Councillor M White responded no, as a cemetery is classed as appropriate development of the green belt.
3. The Parish Council doesn’t need to provide a cemetery there are others in the surrounding areas.
* A member of public asked what are the Parish Council doing about their Carbon Footprint? and is paying a highly paid horticulturist to clean away waste and empty bins, good value for money to the residents when they are already paying Erewash Borough Council to deal with fly tipping? Councillor M Wallis responded that we have always helped Erewash Borough Council when they have needed the help, this is part of the joint working relationship that we have with Erewash Borough Council. Wayne Peapell responded that to keep the nice areas nice he does need to pick the litter.
* A member of public asked, what is happening with the Diversity Policy? Councillor M White responded this is being adopted in agenda item 9, Clerk to forward policy on.
* A member of public asked:
1. If litter is so bad isn’t it better value for money to pay someone to pick litter instead of using Wayne? Councillor M White responded we would look into that idea.
2. Looking into the Green Vision Policy there are also other areas that Wayne is dealing with that are the responsibility of other agencies, therefore residents will be paying twice for this service. Councillor M Wallis responded that all the agencies work together to resolve problems.

### Derbyshire County Council Report.

Councillor R Parkinson submitted his report after the meeting, see appendix 1.

### Erewash Borough Council Report.

Councillor M Wallis updated members on

* Long Eaton’s bid to try and secure £25 million of Government funding, projects are being put forward until the end of January.
* All main events have been cancelled due to COVID 19.

### Derbyshire Constabulary Report.

No figures were submitted for this meeting.

### Ashbrook Trustees.

Councillor R Locke updated members on:

* Hall hiring’s have now been cancelled, opening back up on the 3rd December 2020.
* Doors are all finished.
* Kitchen has been finalised
* Still looking for funding.

### Present.

Councillors M White (Chairman), T Holbrook (Vice Chairman), M Wallis, J White, D Webster, P Fisher, J Kennedy and R Locke.

### Also, Present.

S Kitchener (Clerk and RFO) and 14 members of public.

### 135/11/20 Apologies for Absence.

No absences

### 136/11/20 Declarations of Members Interests.

None.

### 137/11/20 Dispensations.

 None.

### 138/11/20 Variation of Order of Business.

None

### 139/11/20 Approve the Parish Council Minutes of the meeting held on the 7th October 2020.

Proposed by Councillor R Locke, seconded by Councillor J Kennedy and all unanimously agreed that the minutes be approved as a true record and were signed by the Chairman at the meeting.

### 140/11/20 Items to be Taken into Private Session.

None.

### 141/11/20 Report of the Parish Clerk and RFO.

1. Update from October’s meeting.
* The process of transferring the deeds for Moor Lane from the trustees to the Parish Council has started.
* The question was raised as to when the last payment was received, this was May 2020.
1. Website accessibility – our web providers have done the checks and made any necessary changes, we are now fully accessible apart from the AGAR.
2. CCTV – the monitor has been out for repairs and we have been unable to get it back after numerous phone calls from the Chairman and the Clerk, we have now written to them.
3. A member of public asked about the Community Speed Watch scheme ran by Crest. The PCSO is looking into this as they have run this before. If anyone is interested in helping, please contact the Clerk.

### 142/11/20 Report of the Chairman.

1. Casual vacancy application has now closed, they will be looked at and the new Parish Councillor will be co-opted at the December meeting.
2. Balmoral Road Cemetery, there seem to be three dates for the number of years left in the cemetery five, eight and more recently sixteen. Councillor White handed over to Councillor M Wallis who reported on a meeting between the grave digger and himself where it was agreed that sections A-D are full, leaving section E and F. The path to the left-hand side is going to be extended up to the cremation plots with an additional path running across the front of the cremation plots joining the middle path, therefore are a maximum of 120 plots available within section E and F, leaving 5-8 years available.
3. The New Cemetery, Councillor M White stated that Ockbrook and Borrowash Parish Council will not support any inappropriate development of any land that is designated as green belt within the Parish. Erewash Borough Councils Core Strategy Review, January 2020 identified land to the East and West of Borrowash and to the East of Ockbrook, all of these sights were rejected by Erewash Borough Council. **ACTION** Clerk to contact Mr C Neve to arrange a meeting between himself and the burials committee to discuss the new cemetery reporting back in December’s meeting. **ACTION** Clerk to contact DALC to arrange training on the Local Plan.

###  143/11/20 Reports from Parish Committees.

### Finance and General Purposes.

### Accept accounts for Payment.

**RESOLVED** Councillor P Fisher proposed to accept the payment list, seconded by Councillor D Webster and all unanimously agreed. See appendix 2.

### Accept the External Audit.

**RESOLVED** All unanimously agreed to accept the external audit. See appendix 3.

### Annual Policy Reviews.

* CCTV Policy; see appendix 4.
* Vexatious Complaints Policy; see appendix 5.
* Safeguarding Policy; see appendix 6

**RESOLVED** Proposed by Councillor J White, seconded by Councillor D Webster and all unanimously agreed to accept the documents.

### New Policies to adopt.

* Communications Policy; see appendix 7
* Dignity at Work/Bullying and Harassment Policy; see appendix 8
* Action Plan 2020/21; see appendix 9
* Equality and Diversity Policy, see appendix 10
* Freedom of Information and Data Protection Policy; see appendix 11

 **RESOLVED** All unanimously agreed to adopt the new policies and plan.

### Donations.

**RESOLVED** Councillor T Holbrook proposed to donate £500 to the British Legion in lieu of Remembrance poppies, seconded by Councillor D Webster and all unanimously agreed.

### Planning.

Nothing to report.

### Recreation.

Councillor J Kennedy updated members on:

1. Remembrance Poppies on the lamppost from Victoria Avenue, Borrowash to Flood Street, Ockbrook, thank you to the volunteers.
2. Christmas trees can now be purchased, adverts on the website, Facebook and notice boards.
3. Royal Oak and the two Parish Hall trees going up on the 18th November and the COOP’s on the 22nd November.
4. Santa letters this year being run by Toni Leatherland and Josie Gill.
5. Deans Drive play equipment will be going onto the next committee agenda to be held before Christmas.

### Environment.

Councillor M Wallis updated member on:

1. Update on Japanese Knotweed - Document produced on how this is going to be controlled which will be over a period of time, work has already started on the knotweed.
2. Purchasing trees for planting – trees being provided by a garden centre in the next 7-10 days.
3. Derby County Councils’ report on the brook is due for publication on the 6th November 2020.

### Burials.

Councillor M Wallis updated members on:

1. Inspection of the old cremation plots at Balmoral Road cemetery in response to a complaint into its state. It is in a bad state, mainly due to ground subsidence which could cause trip hazards. Wayne Peapell has produced a plan (subject to approval), including re-levelling the land, widening the access and introducing a path and box hedging.

### Parish Hall.

Councillor J White updated members on:

1. Electrical Testing quotes- third electrician coming in on 05/11/20. A committee meeting will be called as soon as the quote is received, then they will report their recommendations back to the full Council.

### Allotments.

Councillor D Webster updated members on:

* Plots 22 and 23 are going to be relet, they are in a bad state and we have received complaints about the brambles from the plot damaging the neighbours’ fence. Wayne’s going to clear the plots this week.
* Allotment tenancy agreements have gone out this week.
* Thank you to Julie Smith for all her help during the pandemic.

### 144/11/20 Correspondence Received.

The correspondence received and listed in the agenda were available at the meeting, see appendix 12.

### 145/11/20 Date and Time of Next Meeting.

The next Parish Council meeting is scheduled to take place virtually on Tuesday 1st December 2020 commencing at 19.00. February 2021 and March 2021 meetings will also be held on a Tuesday returning to Wednesdays in April 2021.

### 146/11/20 Exclusion of Press and Public.

Nothing to report.

There being no further business the meeting concluded at 20.05.

### **Appendix 1**

**Ockbrook & Borrowash Parish Council**

**Wednesday 4th November 2020**

**DCC Report**

**(Cllr Robert A Parkinson)**

**Lockdown planning continues apace across the council**

Following the Prime Minister’s announcement on Saturday of a month-long national lockdown, planned to begin this Thursday (5 November), the council’s Cabinet and Corporate Management Team continue to work through the detail and how this will affect some areas of council business.  As before, the council is working hard to ensure its essential services remain open and operating – including schools, social care and other vital frontline work.

New guidance is coming through from the government all the time and is being looked at closely as robust plans are worked out and measures put in place to ensure services continue to deliver for the people of Derbyshire.

As with the first lockdown, extensive communications will go out across the county to ensure that residents know about the lockdown measures and are clear what the restrictions are.

**The future for local government in Derbyshire**

In preparation for the Government’s “Local Government and Devolution” white paper, DCC has formulated an approach known as Vision Derbyshire, a commitment to work with District and Borough Councils to achieve the “best possible” deal for residents, communities and businesses.  Failing that, the Council has resolved to seek to establish a single unitary authority covering the whole of Derbyshire.

Accordingly, on 16th September 2020, a special meeting of the Council agreed to:

* note the government’s intention to publish a Devolution and Recovery White Paper in autumn 2020
* approve the consideration of the White Paper (once published) to assess the most appropriate response
* approve the council’s involvement in the development of a devolution deal for the East Midlands to support recovery, resilience and prosperity across the region
* approve Vision Derbyshire as the preferred route for local government reform, provided the conditions for this route as set out in the report are fully met.
* approve proposals for the Leader of the Council to write to the Secretary of State to request an invitation to submit a proposal for a single tier of local government for the county in the event that Vision Derbyshire is not able to satisfy the government’s requirements for reform and a subsequent devolution deal
* mandate officers within the council to prepare an alternative route for devolution and the development of a case for a single unitary for Derbyshire, should the conditions for the preferred route for local government reform not be fully met
* oppose any proposals for a new model of local government which disaggregates the county footprint due to service fragmentation and the breaking up of historical boundaries.

[**View the Cabinet papers on the Derbyshire Democracy website**](https://democracy.derbyshire.gov.uk/ieListDocuments.aspx?CId=135&MId=564&Ver=4).

Since then:

·        Erewash Borough Council has voted to retain the “two tier” system

·        The white paper is likely to be delayed until next year

·        The Secretary of State has said that changes will not be imposed without local support.

**'Best Council Services Team' Award**

DCC’s Crisis Response Team has won the Best Council Services Team Award in the MJ Locasl Government Achievement Awards 2020.

The entry demonstrated how a team was assembled from many different services across the council to respond to three unprecedented emergencies: the Whaley Bridge Toddbrook Reservoir incident, then severe floods and currently the challenges brought byu coronavirus.

The accolade recognises excellence in delivery of services by councils that have shown ability, ingenuity and dedication.

**£40m investment to improve Derbyshire's roads and pavements**

More than £40m is being invested by Derbyshire County Council to improve roads and pavements across the county over the next 18 months.  The council usually spends about £23m a year on road maintenance and improvements.  This year, extra money has been pledged by the government for road maintenance (including potholes) and the council successfully bid for a further £5m for retaining wall and drainage works on the A6 between Matlock and Whatstandwell.

More than £3m will be spent on vital maintenance work on bridges and retaining walls, with 21 sets of traffic lights that are nearing the end of their working lives being replaced.  To prevent accidents, more than £1m will be spent on road safety schemes, such as putting down skid-resistant surfaces or changes to road junctions.

To help deliver the work, the council is about to start a recruitment drive for civil engineers.  Skills in design, scheme delivery, maintenance and more are all needed at a variety of different levels from managers to civil engineering technicians.

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| **Invoices to be paid** |  |  |  |
|  |  |  |  |
| Christiana J Fitness | £125.00 | October Chair Based Exercise |  |
| Lisa’s | £335.00 | Parish Hall clean – Oct |  |
| Sarah Kitchener | £43.65 | Expenses- milage and keys |  |
| Royal British Legion | £18.00 | Poppy wreath |  |
| Erewash Borough Council | £3523.09 | October salaries |  |
| PKF Littlejohn LLP | £480.00 | External audit |  |
| Local Council Update | £100 | Subscription |  |
| Simply Sparkle | £15.00 | Parish hall windows |  |
| Wayne Peapell | £2850 | October  |  |
|  |  |  |  |
| **Invoices already paid** |  |  |  |
|  |  |  |  |
| ARB & Grounds | £60.00 | Motomix |  |
| Borrowash In Bloom | £250.00 | Donation | Minute 131/10/20 |
| Michael White | £750.00 | Chair allowance |  |
| Ockbrook and Borrowash Cricket Club | £250.00 | Donation | Minute 131/10/20 |
| Ockbrook in Bloom | £250.00 | Donation | Minute 131/10/20 |
|  |  |  |  |
| **Monthly Direct Debits**  |  |  |  |
|  |  |  |  |
| Virgin | £72.00 | Dec broadband and phone |  |
| Erewash Borough Council | £350.22 | Waste collection balmoral |  |
| Engie | £113.08 | Parish hall electricity Sept |  |
| Engie | £98.00 | Parish Hall gas Sept |  |
| Everflow | £76.56 | Water Nov |  |
| Erewash Borough Council | £20.00 | Cemetery rates |  |
| O2 | £27.11 | Mobile  |  |

### Appendix 2 - November2020 Meeting – Payment List

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### **Appendix 3**

**Section 3 – External Auditor Report and Certificate 2019/20**

In respect of **OCKBROOK AND BORROWASH PARISH COUNCIL – DE0165**

1 **Respective responsibilities of the body and the auditor**

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with Proper Practices which:

* summarises the accounting records for the year ended 31 March 2020; and
* confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

**2 External auditor report 2019/20**

Except for the matters reported below, on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

The AGAR was not accurately completed before submission for review:

* The smaller authority has not addressed the ‘except for’ matter raised by the external auditor when qualifying the prior year AGAR. The figure in Section 2, Box 9 in the comparative column should have been restated to include assets that were missing in the figure in the 2018/19 return. Section 2, Box 9 for the prior year should read £637,541. The smaller authority has confirmed that these assets have been correctly included in the Box 9 figure for the current year.

Other matters not affecting our opinion which we draw to the attention of the authority:

The smaller authority has confirmed that it has not complied with the governance assertion in Section 1, Box 5, in respect of risk assessment but it has provided the appointed auditor with an adequate explanation for non-compliance and details of the actions necessary to address weaknesses identified. The internal auditor has also made reference to this issue in the completion of the Annual Internal Audit Report.

3 **External auditor certificate 2019/20**

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2020.

External Auditor Name: **PKF LITTLEJOHN LLP**

External Auditor Signature **PKF LITTLEJOHN LLP**

Date **28/09/2020**

\* Note: the NAO issued guidance applicable to external auditors’ work on limited assurance reviews for 2019/20 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Annual Governance and Accountability Return 2019/20 Part 3

### **Appendix 4**

## Ockbrook and Borrowash Parish Council

## Policy Document – CCTV

**Introduction**

This policy controls the management, operation, use and confidentiality of the CCTV camera system in the Parish Hall, Ockbrook.

It has been prepared after taking due account of the Code of Practice published by the Information Commissioner (May 2015).

The installation will be operated, and data produced managed to achieve the stated purposes only.

This policy will be subject to periodic review by the Parish Council to ensure that it continues to reflect the public interest and that it and the system meets all legislative requirements.

The Parish Council accept the principles of the 988 Act based on the Data Protection Principles as follows:

* Data must be fairly and lawfully processed
* Processed for limited purposes and not in any manner incompatible with those purposes
* Adequate, relevant and not excessive
* Accurate
* Not kept for longer than is necessary
* Processed in accordance with individuals’ rights, and
* Secure.

**Statement of Purpose and Scope of Operation.**

The primary purpose of the installed system is to deter and detect criminal activity and maintain public order within the Parish Hall.

The secondary purpose of the installation is to increase security by monitoring of activity within the building.

The third purpose is to help prevent incidents of assault or abuse to Parish Council staff and Councillors who may be present in the building.

The fourth purpose is to provide information, if requested, to the Police for use as evidence in criminal prosecution proceedings, where alleged criminal acts occurred within the building and in range of the CCTV system.

The Parish Council will ensure all hall users are made aware that they are in an area where a surveillance system is being operated. This will be achieved by using prominently placed signs at each entrance to the Parish Hall and reinforcing this with further signs inside the building.

These objectives will be achieved by:

* Collection and electronic storage of data, collected by cameras in the system, for a specific period of time ( a minimum of 28 days) after which period the data will be destroyed.
* Viewing of this recorded data, by authorised persons only to enable identification of persons within the range of any camera within the building.
* Provision of data, from recordings, on transferable medium (DVD) to the Police, if requested, for use as evidence in criminal proceedings, which such relates to activities within the Parish Hall cartilage.
* Limited monitoring, as required, of a designated area as and when requested by the Police.

**Statement of Principle.**

**Fair and Lawful**

* This CCTV system will be operated fairly within all applicable law, and for the purposes stated in this Code of Practice.
* Any intended use of the data for any other use can only be authorised by full Council or, where the intended use is for covert surveillance by the Police Force, written confirmation is needed from the Police that authorisation has been granted by the Parish Council Chairman after consultation with full Council. Any such extension of its use must, after such authorisation, be written into this Code of Practice, which, as a Parish Council document is to be made available on request, in accordance with the requirements of the Freedom of Information Act 2000.

**Privacy of Individuals.**

* The CCTV system is intended to view and monitor activity within the Parish Office and external areas, the area of coverage reflects this.
* If a decision is made to view or retrieve data recorded of any particular individual, groups of people or property then it must be for a justifiable cause and this can only be conducted in accordance with all relative legislative requirements.
* Covert surveillance is NOT within the stated purpose of the installation.
* CCTV cameras will be positioned so as not to be able to read data on the desk of the Parish Clerk and Post Office Staff, to include data or information on their PC display screens.

**Access to Images.**

Access to images is restricted to authorised persons only. Authorised persons include the Parish Clerk, the Chairman of the Parish Council, the Police and one named Parish Councillor. With prior written consent of the Parish Council, images may be released to the media via the Police for the purpose of crime detection.

Images of areas under surveillance are not monitored continuously but are accessible as required by the Parish Clerk or by authorised persons as defined above.

Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act. Any request from an individual to view their own recorded images must be made in writing as a ‘subject access request’ to the Parish Clerk who must confirm the identity of the applicant by means of a valid passport, driving license or similar Government produced identity document.

A standard fee for retrieving the images is payable, currently £10.00. The images will normally be provided within the 28-day timescale stipulated in the collection and storage of data rules above. The Parish Council will use appropriate image editing software to protect the identity of those persons shown in the images but not covered within the subject access request themselves.

The Parish Council reserve the rights to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

The Parish Clerk in conjunction with the Chairman of the Parish Council or two or more other Councillors will decide whether to allow requests by third parties in accordance with the Parish Councils disclosure policy.

The viewing or recorded images must take place in a secure area to which only authorised persons will have access.

Viewing or removal of the medium by Ockbrook and Borrowash Parish Council on which images are recorded e.g., DVD or HDD for viewing purposes must be documented as follows:

* Name(s) of authorised person(s) viewing the images
* The date and time of the request
* The purpose of the viewing
* The date and time of viewing
* Action taken (if any) and
* The date and time the images were destroyed or returned to the system or secure place.

Police requests to view images and information relating to the viewing and copying of images at the request of the Police must be recorded as follows:

* The name (and rank if applicable) and address of the requester
* The date and time of the request
* The reason for the viewing
* The name(s) pf the person(s) viewing/copying the images
* The outcome, if any, of the viewing
* The date and time the images were returned to the Parish Clerk for destruction.

**Maintenance of the System.**

The Clerk to the Parish Council keeps a maintenance log for the system.

A record is kept of the date and time, item number and description, fault/servicing description and confirmation of the date and time the engineer was called out and the date and time the fault was rectified.

The log may be used as a check that the cameras/recording equipment are properly maintained and serviced to ensure that clear images are recorded.

The Clerk to the Parish Council should check the monitor on opening the office to ensure that all cameras are operational. In the event that they are not, the Chairman of the Parish Council should be informed as soon as possible.

**Access and Disclosure to Third Parties.**

All requests should be recorded and the reasons for allowing or refusing the request should be documented.

Any viewing of a recording should not necessarily require the agreement of the Police. Any enquiry concerning the CCTV system must be actioned through at least two members of the Parish Council and may involve the Police.

Where viewing of a recording is granted a *viewing agreed form* should be competed. A record of the below must be kept.

* time and date of the viewing
* name and signature of the person authorising the viewing
* name and address of the person viewing the recording
* The reason for viewing
* Date and time of the recording to be viewed
* Outcome (if any) of the viewing.

Viewing should be undertaken with only designated persons having access to the equipment. As owners of the system the Parish Council reserves the rights to have a representative present to view the recording. Owing to the sensitive and confidential nature of some of the matters dealt with in the Parish Office this must be by arrangement with the Parish Council.

### **Appendix 5**

Ockbrook and Borrowash Parish Council

 Vexatious Complaints Policy

A policy for dealing with abusive, persistent or vexatious complaints and complainants

# Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious. The following clauses form the Council policy for ways of responding to these situations.

In this policy the term habitual means ‘done repeatedly or as a habit’. The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant’. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of recourses in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

# Habitual or Vexatious Complainants

For the purpose of this policy the following definitions of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of: (1) unreasonable complaints and/or unrealistic outcomes; and/or (2) reasonable complaints in an unreasonable manner.

Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Parish Council shall consider the item in private session and resolve by a simple majority vote to declare a case of habitual and/or vexatious complaint exist and for an appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

The Parish Clerk on behalf of the Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. District/ County /Unitary Councillors for Ockbrook and Borrowash Parish Council will also be informed that a constituent has been designated as an habitual or vexatious complainant.

The status of the complainant will be kept under review for a minimum period of one year. After which the status can be withdrawn or not by the Parish Council by considering the item in private session and resolved by a simple majority vote. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

# Criteria for Determining Habitual or Vexatious Complainants/Contacts.

Complainants/contacts (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria. Where complainants/contacts:

* Persist in pursuing a complaint where the Councils complaints process has been fully and properly implemented and exhausted.
* Persistently change the substance of a complaint/enquiry or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complain/enquiry is being addressed. (care must be taken, however, not to disregard new issues which are significantly different from the original complaint/enquiry as they need to be addressed as separate complaints/enquiries).
* Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate reason in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
* Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Parish Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Parish Council to investigate.
* Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is, can be subjective and careful judgement will be used in applying this criteria.
* Have threatened to/or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. The Parish Council has determined that any complainant/contact that threatens or uses actual physical violence towards employees will be regarded as a vexatious complaint.
* Have, in the course of addressing a registered complaint/enquiry, had an excessive number of contacts with the Parish Council – placing unreasonable demands on employees. A contact may be in person, be telephone or email. Judgement will be used to determine excessive contact taking onto account the specific circumstances of each individual case.
* Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint/enquiry. Employees recognise that complainants/contacts may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants/contacts may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
* Are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
* Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or emails)
* Make unreasonable complaints/enquiries which impose a significant burden on the human resources of the Parish Council and where the complaint/enquiry:
	+ Clearly does not have any serious purpose or value; or
	+ Is designed to cause disruption or annoyance; or
	+ Has the effect of harassing the Public Authority; or
	+ Can otherwise fairly be characterised as possessive or manifestly unreasonable.
* Make repetitive complaints, enquiries and allegations which ignore the replies which Parish Council Officers have supplied in previous correspondence.
* Having by continuous, persistent and repetitive contact with a single employee, be classes as harassing, victimising, bullying or causing mental anguish to that employee to a point that their work for the Parish Council is impaired.

# Options for Dealing with Habitual or Vexatious Complainants/Contacts.

The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

 In the first instance the Clerk will consult with the Chairman of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Council and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant’s contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

* banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
* banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
* requiring contact to take place with one named member of staff only
* restricting telephone calls to specified days and/or times and/or duration
* requiring any personal contact to take place in the presence of an appropriate witness
* letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

* why the decision has been taken
* what action has been taken
* the duration of that action.

The Clerk will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council and the Chairman of Communications Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

# Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

* the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant
* when the restrictions came into force and ends
* what the restrictions are
* when the person and Council were advised.

Full Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

### **Appendix 6**

**Ockbrook and Borrowash Parish Council.**

**Safeguarding Policy – Personal Safety, a Guide for Councillors and the Parish Clerk.**

### Introduction.

An important role of Councillors and Parish Clerks is to keep in touch with members of the community.

This normally includes helping individuals or groups of people with any problems they may have, and these contacts are usually rewarding and non-confrontational.

The following guidance is to raise the awareness of personal safety and outline the measures that you can take to minimise any risk you may be exposed to.

The risks are thankfully small, but a little time given to preparation and planning can reduce them even further.

A definition of a ‘lone worker’ could be as follows…. Those who work by themselves with close or direct supervision.

**Councillors and Parish Clerks should always assess the level of risk and consider their own safety.**

### **General Consideration.**

A few general points to consider include:

* Treat people with respect
* Be conscious of people’s body language
* Be aware of the ways to calm a person down if they are angry or frustrated due to the lack of action from elsewhere, this may come with experience or from learning from other colleagues
* Do not isolate yourself
* Where possible, do not arrange to meet an unknown constituent in an isolated placer,
* Inform someone where you are, how to contact you, who you are meeting and what time you are expecting to be back.

### **Home Visit Safety.**

Councillors will sometimes be asked to visit constituents in their homes, especially if they are elderly, disabled and have mobility or other issues that prevent them attending a ward surgery. It may also be the case that the person is known to them.

Before arranging a home visit, however, Councillors should always consider alternative options:

* Can contact be made by phone or email?
* Can a meeting be arranged in a public place such as the Pariah Hall or café?
* Can another Parish Councillor or another person accompany you if a home visit takes place?

If a home visit is undertaken, the following personal safety issues should ne considered and planned before going:

* Arrange the visit in daylight hours if possible.
* Make sure someone knows where you are going and what time to expect you back
* After knocking or ringing the bell, stand back and to the side of the door
* Never be tempted to look through the letterbox
* Ask for dogs or other pets to be secured, where appropriate
* Consider and note how you would leave the room or property if felt threatened at any time, e.g. Sit near to the exit door, are there any other ways out of the room or property
* **If in any doubt or you feel threatened do not enter. Make an excuse and leave**
* Note any other people in the property and their mood
* Only sit down when the resident does
* Where possible sit in an upright chair or sit on the edge pf an armchair or sofa
* **If the situation changes and you feel threatened, make an excuse and leave**
* Back out rather than turning your back on the resident.

### **Personal Safety in Other Situations.**

### **Attending Meetings.**

Councillors often have to attend meetings in the hours of darkness. It is possible that, depending on the nature and outcomes of a particular meeting, members of the public may leave feeling angry or upset. In these circumstances, Councillors may wish to be accompanied to their car or nearest bus stop by a colleague who is also attending the meeting.

### **Parking and General Car Safety.**

* Try not to park in dark areas, deserted streets or isolated car parks.
* Park where possible under street lighting
* Always reverse into a parking space so that you can be ready to leave quickly if necessary
* Always lock your vehicle when entering and leaving it
* Do not keep valuables, your briefcase, paperwork etc on display in the vehicle.
* If you have to use a multi-storey car park, try to park on the ground floor away from the stairs and lifts. Always have the correct change ready for the machine and do not linger longer than necessary staying alert.
* Carry a torch with you.
* Hold keys in your hand so that you can get straight into the vehicle.
* Look closely at your vehicle as you approach in case someone is crouching down.
* Look inside the vehicle before entering to ensure nobody is hiding there, even if the vehicle was locked.
* If you are followed in your vehicle, do not stop. Drive to an area where there are people about. Then stop, flash you lights and sound your horn to attract attention.
* Always make sure your vehicle has sufficient fuel for the journey.

### **Reporting Incidents.**

Depending on the severity of the incident you should always contact the police. Even if an incident is not considered serious enough to involve the police, it should always be reported.

Remember that by taking appropriate action you may help to prevent a similar evet reoccurring.

### **Appendix 7**

Ockbrook and Borrowash Parish Council

COMMUNICATION POLICY

Introduction

Each Parish Councillor has a duty to represent without bias the interests of the whole community.

They will always try and do their best and are available to help parishioners with regard to matters relating to the Parish of Ockbrook and Borrowash.

Parish Councillors may be contacted via the Clerk.

If it is felt by the villager that the matter is important, then a letter or email to the Parish Clerk will ensure that it is dealt with in a timely and professional manner (also see the Correspondence section below).

It is the Parish Council's intention to meet the timescales detailed below but there could be occasions when this is not possible. When this happens the Parish Council will review their procedures and where necessary make changes to the policy or procedures.

Aims

To establish clear, easy to use channels of communication between the Parish Council and Parishioners, and vice versa.

To provide information on important matters in a timely manner so as to facilitate and encourage informed comment from interested individuals and groups.

Parish Council Meetings

The Parish Council meets on the first Wednesday of every month, except in January and August when we do not hold a meeting.

The Parish Council will normally meet in the Ockbrook Village Hall, from 19.00.

Public participation will be held from 7pm to enable discussion on agenda items. Members of the public wishing to address the Council during the formal meeting or wishing to record the meeting must make the Chairman aware of their intention before the meeting starts.

Notice Boards

The following items will be displayed on the five Parish Council noticeboards.

* Parish Council meeting dates for the year
* Contact details for the Clerk
* The Parish Council's meeting agenda - which will be posted at least 3 working days in advance of each meeting

The information displayed on the Parish Notice Board will be kept up-to-date.

Correspondence

All correspondence relating to the Parish should be addressed to the Parish Clerk in the first instance either via email at clerk@ockbrookandborrowashparishcouncil.gov.uk or via post. This will ensure that the matter is recorded and passed to the relevant person or organisation as soon as practically possible.

All correspondence to the Parish Clerk will be acknowledged within one week of receipt if at all possible. If email is used, then an acknowledgment will be sent via email.

Councillors will be notified of correspondence, but the addressee will not be named on minutes of meetings unless requested. Anonymous correspondence in any form will be recorded as received but not responded to.

Email should be thought of in the same way as a letter. A subject line, the sender’s name and the content should be in the main body of the email, not as an attachment. Attachments will not be opened unless the Clerk has prior knowledge of the subject. The Council regrets that, for reasons of computer security and virus protection, anonymous emails will not be opened or actioned.

A parishioner may raise any issue directly with the Parish Clerk or any Councillor. If a satisfactory answer cannot be given immediately, the issue may be placed on the agenda for the attention of the full Council.

The Clerk will acknowledge all Freedom of Information requests within seven working days and will reply fully within 20 working days of receipt of the request. If this is not possible, a further holding letter/email will be sent with an expected completion date.

Website

The Parish Clerk will arrange for the Agenda and associated papers to be posted on the Ockbrook and Borrowash Parish Council Website [www.ockbrookandborrowashparishcouncil.gov.uk](http://www.ockbrookandborrowashparishcouncil.gov.uk) at least three clear days before the meeting and for the draft Minutes to be posted as soon as possible after the meeting. The final Minutes will be posted once approved.

In order to comply with the Transparency Code for Smaller Authorities, the Clerk will arrange for the annual publication of the following documents no later than 1 July each year:

1. end of year accounts
2. annual governance statement
3. internal audit report
4. list of councillor or member responsibilities
5. Minutes, agendas and meeting papers of formal meetings.

The Parish Clerk is the Webmaster for the Parish Council website.

The Parish Clerk will ensure that the Parish Council email address is publicised.

Social Media

The use of social media does not replace existing forms of communication but is used to enhance communication with a wider range of the population.

A full social media policy has been adopted.

Annual Parish Meeting

The Annual Parish Meeting is convened by the Chairman of the Parish Council and is generally held in May each year to provide parishioners with a summary of the activities of the Parish Council over the previous year and the opportunity to debate local issues and celebrate local events and activities.

**Related policies and procedures**

Councillor Code of Conduct

Data Protection Policy

Document Retention and Disposal Policy

Freedom of Information Publication Scheme

Press and Media Policy

Recording of Meetings Policy

Social Media Policy

### **Appendix 8**

Ockbrook and Borrowash Parish Council

Dignity at Work / Bullying and Harassment Policy

# Purpose and Scope

1.1 **Statement**: In support of our value to respect others Ockbrook and Borrowash Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council’s policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

The council will issue this policy to all employees as part of their induction and to all Members as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors and members of the public.

* 1. **Definitions**

**Bullying**

*“Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*

**Harassment** is

*“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.*

These definitions are derived from the ACAS guidance on the topic.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council’s reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

1.3 **Examples** of unacceptable behaviour are as follows; (this list is not exhaustive)

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 **Penalties**: Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member’s Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council’s insurer, if such a matter arises.

1.5 **The Legal position**: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim ‘constructive dismissal’ at an Employment Tribunal Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as ‘serious’, or ‘oppressive and unacceptable’, that a ‘course of conduct’ needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

# Process for dealing with complaints of Bullying and Harassment

2.1 **Informal approach** – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

2.2 **Formal approach**

2.2.1 **Employees**: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Personnel committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

2.2.2 **Others**

Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of a council should use the council’s official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

2.**3 Grievance – Employees only** - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council’s Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required, and the council should contact NALC, an employer’s body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded.

2.4 **Disciplinary Action** - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an **Employee** found to have been bullying/harassing others this will follow the council’s Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases, counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee (England) or Ombudsman (Wales) reviewing the evidence under the Code in place at the time.

A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

This list is not exhaustive.

2.5 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

# 3. Responsibilities

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how “robust people management” and “bullying” differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground.

The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

# 4. Useful contacts

* ACAS [www.acas.org.uk](http://www.acas.org.uk) and Tel no: 0300 123 1100
* Local Government Ombudsman for Wales [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) and Tel: 0300 790 0203
* Local Government Ombudsman for England [www.lgo.org.uk](http://www.lgo.org.uk)

Tel: 0300 061 0614

* Equalities and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
* SLCC [www.slcc.co.uk](http://www.slcc.co.uk)
* DirectGov website [www.GOV.uk](http://www.GOV.uk)

### **Appendix 9**

**Ockbrook and Borrowash Parish Council – Action Plan 2020/2021**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Aim** | **Objective** | **Action** | **Who** | **Completion Date** |   |  |
|   |   |   |   |   |   |  |
| Financial Management | Vat Return | Produce half yearly VAT return and report to Parish Council | Clerk | April 2020 |  |  |
| Community Engagement | Annual Parish Meeting | Invite local groups to submit yearly reports and join the annual meeting. All to be published on the website  | Clerk | May 2020 |  |  |
| Comply with law and inform community | Internal Audit | Report to Parish Council publish on website | Internal auditor, RFO and Parish Council | May 2020 |  |  |
| Comply with law and inform community | Annual Return | Agreed at June Parish Meeting. Send to external auditors and publish on website. | Clerk and Parish Council/Finance and GDPR Committee | June 2020 |  |  |
| Comply with law and inform community | Notice of Public Rights & Publication of unaudited AGAR 2019/20 | Published on noticeboard and website | Clerk and Parish Council/Finance and GDPR Committee |  July 2020 |  |  |
| Community Engagement | Start preparations for Christmas | Book the mayor/mayoress. Liaise with local groups  | Clerk | August 2020 |  |  |
| Comply with Website Accessibility  | Ensure the Council is Compliant of the new legislation | Complete a website Audit, produce website accessibility statement | Clerk | September 2020 |  |  |
| Financial Management | Vat Return | Produce half yearly VAT return and report to Parish Council | Clerk | October 2020 |  |  |
| Financial Management | Budget preparation | email to committees on what they think they will spend, draft budget agreed at full Council | Clerk, individual committees and Parish Council | October/November 2020 |  |  |
| Comply with law  | Allotment tenancy agreements sent out | Collate returned agreements with the rent | Clerk |  November/ December/ January 2020/2021 |  |  |
| Community Engagement | Remembrance Day | Remembrance celebration from Borrowash to Ockbrook | Clerk, Recreation committee and Parish Council | November 2020 |  |  |
| Community Engagement | Ockbrook and Borrowash Christmas Light switch on | Celebrations in the two villages | Clerk/Recreation committee | November 2020 |  |  |
| Financial Management | Set the precept and send request through to Erewash Borough Council | Agreed at full Council | Clerk/Finance and GDPR committee and Parish Council | December 2020 |  |  |
| Monitor development and planning | Consider all planning applications which fall within and impact upon the Parish  | Clerk to notify Planning Committee Chairman, place on agenda and website. | Clerk and Planning Committee | ongoing |  |  |
| Comply with law and inform community | Keeping residents up to date with Parish Council news  | update noticeboards, website and Facebook. | Clerk | ongoing |  |  |
| Quality Status for the Council | Achieve Quality Status under Local Council Accreditation scheme. | Clerk to complete CILCA and look at conditions of the scheme | Clerk |   |  |  |
| Comply with law | Monitor defibrillators |   | Clerk | ongoing |  |  |
| Provide play facilities | Investigate new funding opportunities to replace Deans Drive playground | investigate possible grants available | Clerk/Recreation committee | ongoing |  |  |
| Comply with the Law | Review Parish Council Policies/risk assessments and asset register | Clerk to check all are up to date  | Clerk and Parish Council/Finance and GDPR Committee | ongoing as each reaches its review date and /or new legislation occurs |  |  |
| Provide Play Facilities | Maintain play and fitness equipment | Conduct monthly play equipment inspections and action any issues | Contractor and Clerk | ongoing |  |  |
| Enhance the Parish and its amenities | Continue to seek funding for projects e.g. children's holiday activities | Complete relevant grant applications | Clerk and Councillors | ongoing |  |  |
| Ensure Clerk and Council maintain good practice | Clerk and Council to attend relevant training courses to their roles | Clerk to identify new legislation and to seek relevant training. All new Councillors to attend Essential Training for Councillors. | Clerk and Councillors | ongoing |  |  |
| To comply with Law and engage community | Ensure the website is kept updated | Update as and when required | Clerk | ongoing  |  |  |
| Comply with law and inform community | To ensure the Parish Councils administration is run efficiently and that information is transparent | Publish agendas, minutes, Agar, budget and precept are on the website and/or noticeboards | Clerk | ongoing |  |  |

### **Appendix 10**

**Ockbrook and Borrowash Parish Council**

**Equality and Diversity Policy.**

**Legal Position.**

It is unlawful to discriminate against an individual on the following grounds:

* Age
* Disability
* Gender reassignment
* Marriage and civil partnership
* Pregnancy and maternity
* Race
* Religion or belief
* Sex
* Sexual orientation

Under the Equality Act 2010 these are known as “protected characteristics”

**Purpose**

The purpose of this policy is to provide equal opportunities to all employees, volunteers, Councillors and residents. We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

Ockbrook and Borrowash Parish Council is committed to treating all people equally and with respect and will ensure that equality and diversity is reflected in every aspect of Council business (employment, decision-making, policies, service delivery and partnership working).

**Scope.**

All Ockbrook and Borrowash Parish Councillors employees, Councillors, volunteers and residents will be treated fairly and equally, and they will be expected to adhere to and comply with this policy.

Selection for employment, promotion, training, remuneration or any other benefit will be based on aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of Ockbrook and Borrowash Parish Council.

**Our Commitment.**

Every employee, volunteer and Councillor is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work/Bullying and Harassment Policy adopted by the Council.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing society as a whole.

Breaches of our Equality and Diversity Policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination, harassment or victimisation through the Councils Disciplinary and Grievance Procedure.

# **Appendix 11**

Ockbrook and Borrowash Parish Council. Freedom of Information and Data Protection Policy.

# Introduction:

Under the Freedom of Information Act, Ockbrook and Borrowash Parish Council has a duty to adopt and maintain a Publication Scheme describing:

* The classes of information it publishes
* How and where such information is published (e.g. website, paper copy, etc.) and
* If a charge is made for such information

The purpose of the Ockbrook and Borrowash Parish Council Information Guide is to let everyone know what information will be automatically or routinely published by Ockbrook and Borrowash Parish Council and to ensure that a significant amount of information is available to the public, without the need for a specific request to be made. Other information is of course available from the Ockbrook and Borrowash Parish Council by individual request, under the Freedom of Information Act 2000 and the Data Protection Act 1998, however as many requests are for routine information, this Policy should assist the public in quickly and efficiently locating the information they require.

If there is any information required that does not appear in our Information Guide or you have any comments or suggestions on how it can be improved, please contact:

Mrs Sarah Kitchener

Clerk and RFO

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: clerk@ockbrookandborrowashparishcouncil.gov.uk

# Obtaining Information

Much of the information listed in our Information Guide is supplied free of charge and can be downloaded from our website at <http://www.ockbrookandborrowashparishcouncil.gov.uk> and where this is the case, the appropriate link is shown. Where information is available only in paper format, this is stated within our Scheme and can be viewed by appointment with the Ockbrook and Borrowash Parish Council Clerk or copies can be collected / posted (at the appropriate charge).

# Information not contained within the scheme and Exemptions

Although the Freedom of Information Act creates a general right of access to information, it also sets out information that we do not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of Ockbrook and Borrowash Parish Council, our staff, systems, services or property.

If information is requested but is covered by an exemption, the Clerk to Ockbrook and Borrowash Parish Council will tell the applicant in writing why Ockbrook and Borrowash Parish Council has turned down the request, quoting any relevant exemptions.

If the information requested is not disclosed, the applicant can ask the Information Commissioner to review Ockbrook and Borrowash Parish Council’s decision. The Information Commissioner’s Office is the Government department that oversees and enforces FOI. They can be contacted by the following link: www.ico.gov.uk/

# Data Protection

A great deal of the information that Ockbrook and Borrowash Parish Council holds is personal and private to Individuals. However, the Freedom of Information Act, will not make public Private and Confidential information. Under the Data Protection Act 1998, individuals have the right to see any information we hold about them. However, the right is subject to exemptions which will affect whether information is provided,and requests will be dealt with by Ockbrook and Borrowash Parish Council on a case by case basis.

Please send any data protection requests, providing as much detail as possible about the information required to:

Mrs Sarah Kitchener

Clerk and RFO

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: clerk@ockbrookandborrowashparishcouncil.gov.uk

# Charges

Ockbrook and Borrowash Parish Council Fees and Charges are stated at the end of our Information Guide.

Unless otherwise stated, publications listed in our Information Guide are usually supplied free of charge.

If administration costs exceed £450, to enable a Freedom of Information request to be met, then Ockbrook and Borrowash Parish Council can charge the requestor for the administration costs in meeting the request.

A charge will be made for photocopies as per the Schedule of Charges.

# Management of the Ockbrook and Borrowash Parish Council Parish Council’s Information Guide

Ockbrook and Borrowash Parish Council is responsible for the adoption and maintenance of this Policy and our Information Guide.

### **Appendix 12**

**CORRESPONDENCE RECEIVED. – UP TO 30/10/20**

Emails received from numerous members of public RE: Building on green belt land. (1)

Email received from a member of public RE: Councils field on Moor Lane. (2)

Email received from a member of public RE: Complaint about old cremation plot, Balmoral Road Cemetery. (3)

Email received from a member of public RE: Explanation of expenditure for allotments in June 2020. (4)

Email received from Friends of Elvaston Castle RE: Thanking the Council for their support. (5)

Email received from EBC RE: Minutes for Extraordinary council 30/09/20. (6)

Email received from EBC RE: Planning Committee minutes 07/10/20. (7)

Email received from EBC RE: Minutes for Council meeting 08/10/20. (8)

Document received from EBC RE: Octobers Agenda and numerous minutes. (9)

Numerous emails received from DALC inc. October Newsletter – Forwarded to Councillors (10)

Emails received from ICO. (11)

Numerous informative emails received from NALC. (12)

Informative Emails received from DCC Community news. (13)

Advisory email received from Citizens Advice Derbyshire. (14)

Emails received from Rural Action Derbyshire (village halls). (15)

Publication -Local Councils update. (16)

Magazine – Clerks and Councils Direct. (17)

Magazine – The Clerk. (18)