



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DATE: 06 November 2023**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **THE FINANCE COMMITTEE** will be held on **Monday 13 November 2023**, at **5.00pm** and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at the Boardroom, Unit 1, Church House, 19-24 Friargate, Penrith.

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am on the day of the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 1.00pm on the day of the meeting at the latest) by emailing [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## COMMITTEE MEMBERSHIP

Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Jackson	North Ward	Cllr. Rudhall	East Ward
Cllr. D. Jayson	North Ward	Cllr. Shepherd	East Ward
Cllr. Kenyon	North Ward		

Mr I. Parker, Acting Town Clerk

## **Public Participation**

Members of the public are welcome to attend. Details about how to comment on an agenda item are available on the Town Council Website.

## **Filming**

**Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.**

**Please be advised that the Town Council does not record or live stream meetings.**

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## **General Power of Competence**

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

# **AGENDA FOR THE MEETING OF FINANCE COMMITTEE MONDAY 13 NOVEMBER 2023**

## **PART I**

### **1. Apologies for Absence**

Receive apologies from Members.

### **2. Minutes**

Authorise the Chair to sign, as a correct record, the minutes of the meeting of the Finance Committee held on Monday 18 September 2023.

### **3. Declarations of Interest and Requests for Dispensations**

Receive declarations by Members of interests in respect of items on this agenda and apply for a dispensation to remain, speak and/or vote during consideration of that item.

#### **ADVICE NOTE:**

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting

### **4. Public Participation**

Receive any questions or representations which have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.

#### **ADVICE NOTE:**

Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. The public must make a request in writing to the Town Clerk **PRIOR** to the meeting, when possible. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

## **5. EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Determine whether any items should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

## **6. Resolutions Report**

To receive and note the written report.

## **7. Payments for Approval**

- a) Note that Cllr. D. Jayson and Cllr. Jackson accessed the Banking System to reconcile the report of all payments made for the relevant period and would be able to recommend that each payment aligned with the invoices.
- b) Agree two Members to undertake the Payments for Approval reconciliation for the meeting of Finance Committee on the 15 January 2024.
- c) Approve the monthly report of payments for September and October 2023.

## **8. Bank Reconciliation**

Approve and sign the bank reconciliation as of 30 September and 31 October 2023 as a correct record.

## **9. Budgetary Control Statement: 31 October 2023**

Consider and approve the budgetary control statement for the period to 31 October 2023 and recommend the statement be ratified by Full Council.

## **10. CCLA Public Sector Deposit Fund**

Note that £150,000 has been withdrawn from the CCLA Public Sector Deposit Fund account and has been deposited in the HSBC Account. The balance in the CCLA is £680,000.

## **11. Work Plan**

Note the progress on the Finance Committee Work plan for the period 01 April 2023 to 31 October 2023.

## **12. Staff Training Request**

Consider a request from the Community Services Officer to undertake the Certificate in Local Council Administration (CILCA) course and if minded to approve the request to authorise the Chair to sign the Training Request Form.

### **13. Policy Review**

i. Consider the following reviewed policies and recommended amendments and agree that these go forward to Full Council for ratification.

- a) Social Media Protocol for Councillors
- b) Social Media Employees Policy
- c) Use of Social Media Press and Public
- d) Information Protection Policy
- e) Information Security Incident Policy
- f) Removable Media Policy
- g) Passwords Policy
- h) Data Protection Policy
- i) Record Management and Retention Policy
- j) Privacy Policy

ii. Note the Subject Access Request policy has been reviewed and the policy is not necessary as the Council has to comply with the legislation by law and as such the Council has an approved internal procedure for dealing with such request.

### **14. New Seat Oak Road**

Consider a request for the installation of a new seat on Oak Road.

### **15. 2023-24 National Salary Award**

Note that NALC has informed member Councils of the new rates of pay applicable from 1 April 2023. The new rates of pay and backdated increases will be paid to Council staff in December. The 2023-24 Budgets provide fully for the new rates of pay.

### **16. IT Service Schedule**

Note the Council has renewed its IT Managed Support, Maintenance and Security Licensing schedule for the period 27 October 2023 to 26 October 2024 and that the annual cost is £3,437.

### **17. Next Meeting**

Note the next meeting is scheduled for **Monday 15 January 2024** at 6.00pm, Board Room, Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

## **PART II PRIVATE SECTION**

There are no further items in this part of the Agenda.

**FOR THE ATTENTION OF ALL MEMBERS OF  
THE FINANCE COMMITTEE  
AND FOR ATTENTION TO ALL REMAINING MEMBERS  
OF THE TOWN COUNCIL**

**Access To Information**

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website at <https://www.penrithtowncouncil.gov.uk/>

**Background Papers**

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Acting Town Clerk address overleaf between the hours of 9.00 am and 4.00 pm, Monday to Friday via [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)



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Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DRAFT** Minutes of the meeting of the

## **FINANCE COMMITTEE**

Held on Monday 18 September 2023, at 6.00 p.m.

### **PRESENT**

Cllr. Burgin  
Cllr. Kenyon

South Ward  
North Ward

Cllr. Rudhall  
Cllr. Shepherd

East Ward  
East Ward

Services and Contracts Manager  
Responsible Finance Officer

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, which having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

# **DRAFT MINUTES FOR THE MEETING OF FINANCE COMMITTEE 18 SEPTEMBER 2023**

## **FIN23/16 Apologies for Absence**

Apologies for absence were received from Cllrs. Jackson and Lawson.

Cllr D. Jayson was absent without apologies.

## **FIN23/17 Confirmation of the Minutes**

Members authorised the Chair to sign the Minutes of the Meeting of the Finance Committee held on Monday 26 June 2023.

## **FIN23/18 Declarations of Interest and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations.

There were no declarations of interest and requests for dispensations.

## **FIN23/19 Public Participation**

Members noted that there were no questions or representations from members of the public.

## **FIN23/20 Excluded Item: Public Bodies (Admission to Meetings) Act 1960**

Members considered whether any items should be considered without the press and public, pursuant to Section 1 (2) of the Public Bodies (Admissions to Meetings) Act, 1960.

### **RESOLVED THAT:**

No items should be considered without the presence of the press and public.

## **FIN23/21 Resolutions Report**

Members noted the Resolutions Report.



## **FIN23/22 Payments for Approval**

- a) Members noted that prior to the meeting, Cllr. Rudhall and Cllr. Shepherd verified and confirmed that the banking transaction history for June, July and August 2023 reconciled and agreed with the transactions circulated with the meeting documents.
- b) Members were asked to agree the two Councillors to undertake the payments for approval checking for the next meeting of the Finance Committee to be held on the 13 November 2023.

### **RESOLVED THAT:**

Cllr D. Jayson and Cllr Jackson check the payments for approval prior to the meeting of the Finance Committee on the 13 November 2023.

- c) Members considered the Monthly Report of Payments for June, July and August 2023.

### **RESOLVED THAT:**

The Monthly Report of Payments for June, July and August 2023 be approved.

## **FIN23/23 Bank Reconciliation**

Members considered the Bank Reconciliation for the HSBC Bank account for the period ending 30 June, 31 July and 31 August 2023.

### **RESOLVED THAT:**

The Bank Reconciliation for the HSBC Bank account for the period ending 30 June, 31 July and 31 August 2023 be approved and signed by the Chair.

## **FIN23/24 Budgetary Control Statement 2023/2024: 31 August 2023**

Members considered the Budgetary Control Statement 2022/23 Expenditure for the period to 31 August 2023.

### **RESOLVED THAT:**

The Budgetary Control Statement 2023/24 expenditure for the period to 31 August 2023 be approved and go forward for ratification by Full Council.

## **FIN23/25 Risk Assessments**

Members considered the corporate Risk Assessments for:

- i. Allotments
- ii. Bandstand
- iii. Business Continuity
- iv. Bus Shelters
- v. Fairhill Playing Field
- vi. Finance
- vii. Fire
- viii. Governance
- ix. IT & Website

## **FIN23/25 Risk Assessments, continued**

- x. Lone Working
- xi. Musgrave Monument
- xii. Office
- xiii. Remembrance Day Parade and Service
- xiv. Seats
- xv. Thacka Beck Field
- xvi. War Memorial (St Andrews)

### **RESOLVED THAT:**

The corporate Risk Assessments be approved and go forward for ratification by Full Council.

## **FIN23/26 Internal Audit 2023-24**

Members considered the scope of Internal Audit coverage for 2023-24.

### **RESOLVED THAT:**

The scope of Internal Audit for 2023-24 be approved and go forward for ratification by Full Council.

## **FIN23/27 Policy Review**

Members reviewed the Procurement Policy, Bandstand Hire Policy and Risk Management Policy.

### **RESOLVED THAT:**

- i. The Procurement Policy be approved with amendments and go forward for ratification by Full Council.
- ii. The Bandstand Hire Policy be approved and go forward for ratification by Full Council.
- iii. The Risk Management Policy be approved and go forward for ratification by Full Council.

## **FIN23/28 Banking and Account Signatories**

Members received a written report on the Council's banking arrangements and were asked to approve the bank account signatories for the term of this Council.

### **RESOLVED THAT:**

The following recommendations were approved and go forward to Full Council for ratification:

- i. The account with Lloyds Bank be closed and the account with the HSBC Bank be retained.
- ii. The Services and Contracts Manager be added as a new account administrator on the HSBC account.

## **FIN23/28 Banking and Account Signatories, continued**

- iii. A Business Debit Card application be made for the Services and Contracts Manager on the HSBC Account.
- iv. Cllrs Burgin, Jackson, Kenyon, Shepherd be approved as authorised signatories on the Councils accounts at the HSBC, Penrith Building Society and the CCLA Public Sector Deposit Fund for the term of this Council.
- v. The Town Clerk, Deputy Town Clerk, Responsible Finance Officer and Services and Contracts Manager be approved as the authorised signatories on the Councils accounts at the HSBC, Penrith Building Society and the CCLA Public Sector Deposit Fund.
- vi. The resolution from Finance Committee 20 September 2021 (Minute FIN20/25) to increase the daily payment limit on the HSBC account from £10,000 per day to £20,000 is noted and that this is implemented as soon as practicable.

## **FIN23/29 External Audit**

- a) Members received the External Auditors report (AGAR Section 3) noting that the external auditor, Moore, had signed off the accounts ending 31 March 2023 with no qualifications.
- b) Members noted that to comply with The Accounts and Audit Regulations 2015 the Council had published on its website, Sections 1 and 2 of the 2022/23 Annual Return (the Annual Governance Statement and the Summary Accounts), together with the Audit Certificate AGAR Section 3.

### **RESOLVED THAT:**

- i. The Audit Certificate (AGAR Section 3) go forward to Full Council for approval together with Sections 1 and 2 of the 2022/23 Annual Return (the Annual Governance Statement and the Summary Accounts).
- ii. Officers be thanked for all their work leading to the positive audit report.

## **FIN23/30 Budget Process 2024-25**

Members considered the process for preparing the 2024-25 Budget.

### **RESOLVED THAT:**

- i. The process and the budget timetable for preparing and agreeing the 2024-25 budget be approved.
- ii. The December meeting of the Budget Working Group be held on the 04 December 2023.

## **FIN23/31 New Seat Southend Road**

Members considered a request for the installation of a new seat on Southend Road.

### **RESOLVED THAT:**

A new seat of the corporate style be purchased and installed at Southend Road.

## **FIN23/32 Next Meeting**

Members noted that the next meeting of the Finance Committee was scheduled **for Monday 13 November 2023 at 5pm, Penrith Town Council Office, Board Room, Unit 1, Church House.**

## **PART II PRIVATE SECTION**

There are no further items in this part of the agenda.

**CHAIR:**

**DATE:**

## **FOR ATTENTION FOR ALL MEMBERS OF FINANCE COMMITTEE AND FOR INFORMATION TO THE TOWN COUNCIL**

### **Access to Information**

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## FINANCE COMMITTEE 13 NOVEMBER 2023

ITEM: 06

### RESOLUTIONS REPORT

This report shows the progress made against resolutions from the Council's Finance Committee this municipal year.

#### STATUS KEY:

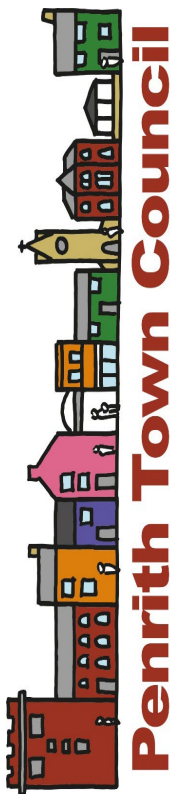
On hold - Not commenced

Completed

In progress - Started and ongoing

Reference	Activity	Status	Notes
<b>26 June 2023</b>			
FIN23/04	Respond to Public Participation question		
FIN23/08	Budgetary Control Statement: 31 May 2023 to Full Council		
FIN23/15	Christmas Lights Tender Actions		
<b>18 September 2023</b>			
FIN23/24	Budgetary Control Statement: 31 August 2023 to Full Council		
FIN23/25	Risk Assessments to Full Council		
FIN23/26	Scope of Internal Audit 2023-24 to Full Council		
FIN23/27	Procurement, Bandstand & Risk Management Policy to Full Council		
FIN23/28	Banking and Account Signatories		Process commenced
FIN23/29	External Audit Certificate (AGAR Section 3) to Full Council		
FIN23/30	Budget Process		Process commenced
FIN23/31	New Seat Southend Road		

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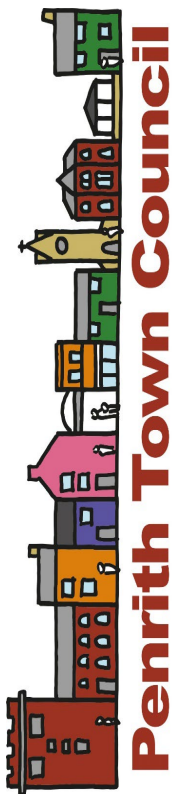
### Payments Schedule September 2023

Date	Ref	Details	Net £	VAT £	Total £	Budget
06/09/2023	23-96	Heatons Group - Stationery	29.11	5.82	34.93	Printing, Postage & Stationery
06/09/2023	23-97	Rei Lux UK Limited - Light Testing	1,000.00	200.00	1,200.00	Town Projects
06/09/2023	23-98	Walton Goodland - Office Rent 29/09 - 24/12/23	1,875.00	-	1,875.00	Rent
06/09/2023	23-99	Wicksteed Leisure Ltd - Replacement Swing Parts	617.04	123.41	740.45	Fairhill Park
06/09/2023	23-100	KTD Ltd - IT Services	118.80	23.76	142.56	IT
06/09/2023	23-101	Gale Little - Office Cleaning	100.00	-	100.00	Service Charges
06/09/2023	23-102	Rosalyn Richardson (Staff) - Eye Test Reimbursement	35.00	-	35.00	Staff Expenses
06/09/2023	23-103	KTD Ltd - Managed Print 31/07 - 31/08/23	38.21	7.64	45.85	Printing, Postage & Stationery
09/09/2023	23-104	Moore - External Audit Fee	1,050.00	210.00	1,260.00	Audit Fees
06/09/2023	23-105	Growing Well Ltd - Grant	1,000.00	-	1,000.00	Large Grants
13/09/2023	23-106	Urbaser Ltd - Community Caretaker Contract August 2023	712.78	142.56	855.34	Community Caretaker
13/09/2023	23-107	Urbaser Ltd - Grounds Maintenance Contract August 2023	57.00	11.40	68.40	Thacka Beck
13/09/2023	23-107	Urbaser Ltd - Grounds Maintenance Contract August 2023	306.75	61.35	368.10	Fairhill Park
20/09/2023	23-108	Penrith Swift Group - Grant	195.00	-	195.00	Large Grants
20/09/2023	23-109	Cumbria Association of Local Councils - Member Training	30.00	-	30.00	Members' Training
20/09/2023	23-110	Walton Goodland - Service Charges	75.26	15.06	90.32	Service Charges
20/09/2023	23-110	Walton Goodland - Service Charges - repairs to door lock	64.97	12.99	77.96	Repairs & Renewals
20/09/2023	23-110	Walton Goodland - Service Charges - water charges	88.36	-	88.36	Heat, Light & Water
20/09/2023	23-110	Walton Goodland - Service Charges - gas and electric	411.97	20.60	432.57	Heat, Light & Water
20/09/2023	23-111	Ian Cannon Ltd - Path Repairs / Gate Alterations	600.00	120.00	720.00	Thacka Beck
20/09/2023	23-111	Ian Cannon Ltd - Path Repairs / Gate Alterations	50.00	10.00	60.00	Fairhill Park
20/09/2023	23-112	KTD Ltd - System Support	859.25	171.85	1,031.10	IT
27/09/2023	23-113	Penrith Rotary Club - Grant	372.00	-	372.00	Large Grants
27/09/2023	23-114	Living Well Foundation - Accreditation	66.00	13.20	79.20	Subscriptions
27/09/2023	23-115	Westmorland and Furness Council - Castle Park Tennis	5,500.00	-	5,500.00	Council Projects
27/09/2023	23-116	KTD Ltd - IT Services	118.80	23.76	142.56	IT
05/09/2023	CCR23-34	Canva - Graphic Design Tool	12.99	-	12.99	Community Engagement
06/09/2023	CCR23-35	Post Office Ltd - Post	2.70	-	2.70	Printing, Postage & Stationery
12/09/2023	CCR23-36	Post Office Ltd - Post	15.75	-	15.75	Printing, Postage & Stationery
19/09/2023	CCR23-37	Poppy Shop UK - Wreath	19.98	4.00	23.98	Civic Functions
19/09/2023	CCR23-38	Post Office Ltd - Post	64.50	-	64.50	Printing, Postage & Stationery
27/09/2023	CCR23-39	Adobe Software Licence	75.84	-	75.84	Licences
08/09/2023	CHG	Bank Charges to 17 Aug	8.00	-	8.00	Bank Charges & Interest
18/09/2023	DD	BrightHR	43.20	-	43.20	IT
20/09/2023	BP	HMRC PAYE/NIC Aug 23	5,741.26	8.64	5,741.26	Staffing - Salaries
27/09/2023	BP	Net Pay Sep 2023	13,800.81	-	13,800.81	Staffing - Salaries
22/09/2023	DD	British Gas	8.58	0.43	9.01	Bandstand
27/09/2023	DD	New Star Networks	338.42	67.68	406.10	IT

<b>Total</b>	<b>35,503.33</b>	<b>1,254.15</b>	<b>36,757.48</b>
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### Payments Schedule October 2023

Date	Ref	Details	Net £	VAT £	Total £	Budget
04/10/2023	23-117	KTD Ltd - Managed Print Use 31/08 - 30/09/23	149.89	29.98	179.87	Printing, Postage & Stationery
04/10/2023	23-118	Lowther Forestry Group Ltd - Fairhill Tree Survey	450.00	90.00	540.00	Fairhill Park
04/10/2023	23-119	Gale Little - Office Cleaning Services	60.00	-	60.00	Service Charges
19/10/2023	23-120	Cumbria Association of Local Councils - Member Training	30.00	-	30.00	Members' Training
19/10/2023	23-121	Fenland Leisure Products - Play Area Spare Parts	18.73	3.75	22.48	Fairhill Park
19/10/2023	23-122	Paul Foote (Staff) - Reimbursement Law Certificate	337.00	-	337.00	Legal Fees
19/10/2023	23-123	Eden Arts Ltd - Winter Droving 2023 Grant	5,000.00	-	5,000.00	Signature Grants
19/10/2023	23-124	Riverside Group - Winter Warmth Club	895.94	-	895.94	Large Grants
02/10/2023	CCR23-40	Post Office Ltd - Post	1.50	-	1.50	Printing, Postage & Stationery
04/10/2023	CCR23-41	Post Office Ltd - Post	5.45	-	5.45	Printing, Postage & Stationery
05/10/2023	CCR23-42	TonerGiant - Toner	54.50	10.90	65.40	Printing, Postage & Stationery
09/10/2023	CCR23-43	Marks and Spencer	7.20	-	7.20	Repairs & Renewals
09/10/2023	CCR23-44	Post Office Ltd - Post	2.40	-	2.40	Printing, Postage & Stationery
13/10/2023	CCR23-45	Post Office Ltd - Post	23.25	-	23.25	Printing, Postage & Stationery
30/10/2023	CCR23-46	Adobe Software Licence	63.20	12.64	75.84	Licences
31/10/2023	CCR23-47	Yorkshire Trading	2.91	0.58	3.49	Printing, Postage & Stationery
31/10/2023	CCR23-48	Post Office - Post	15.60	-	15.60	Printing, Postage & Stationery
02/10/2023	BP	Cumbria Local Gov. Pension	5,342.74	-	5,342.74	Staffing - Salaries
09/10/2023	CHG	Bank Charges 17 Sep	10.00	-	10.00	Bank Charges & Interest
19/10/2023	DD	BrightHR	43.20	8.64	51.84	IT
16/10/2023	DD	Sage Software Ltd - Oct 23 - Sept 24	360.00	72.00	432.00	Licences
23/10/2023	DD	British Gas	14.37	0.72	15.09	Bandstand
18/10/2023	BP	HMRC PAYE/NIC Sept 23	5,741.86	-	5,741.86	Staffing - Salaries
19/10/2023	BP	Cumb Pensions	5,342.74	-	5,342.74	Staffing - Salaries
27/10/2023	BP	Net Pay Oct 2023	13,864.33	-	13,864.33	Staffing - Salaries
09/10/2023	VIS	Canva Graphic Design Tool	10.83	2.16	12.99	IT
30/10/2023	DD	New Star Networks	338.60	67.72	406.32	IT

#### Total

**38,186.24**

**299.09**

**38,485.33**

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Bank Ref:	1205	Date To:	30/09/2023
Bank Name:	HSBC	Statement Ref:	1205 2023-10-02 01
Currency:	Pound Sterling		

Balance as per cash book at 30/09/2023: 46,883.71

Add: Unpresented Payments

Tran No	Date	Ref	Details	£
				<u>0.00</u>

Less: Outstanding Receipts

Tran No	Date	Ref	Details	£
				<u>0.00</u>

Reconciled balance : 46,883.71

Balance as per statement : 46,883.71

Difference : 0.00

Contact tel 03457 60 60 60  
see reverse for call times  
Text phone 03457 125 563  
used by deaf or speech impaired customers  
[www.hsbc.co.uk](http://www.hsbc.co.uk)

**3 September to 2 October 2023**

## Your Statement

**Account Name**  
Penrith Town Council

**Sortcode** **Account Number** **Sheet Number**  
[REDACTED] 209

### Your BUSINESS CURRENT ACCOUNT details

Date	Payment type and details	Paid out	Paid in	Balance
29 Sep 23	BP <b>BALANCE BROUGHT FORWARD</b>			52,977.47
	Westmorland & Furn			
	Inv 0368094	5,500.00		
	BP KTD			
	K152968	142.56		
	BP Penrith Rotary Clu			
	Penrith Town Counc	372.00		
	BP Living Wage Founda			
	138920	79.20		46,883.71
02 Oct 23	BP CUMBRIA LOCAL GOVT			
	PENRITH TOWN COUNC	5,342.74		41,540.97
02 Oct 23	<b>BALANCE CARRIED FORWARD</b>			<b>41,540.97</b>

### Information about the Financial Services Compensation Scheme

Most deposits made by HSBC Business customers are eligible for protection under the Financial Services Compensation Scheme (FSCS). For further information about the compensation provided by the FSCS, refer to the FSCS website at [fscs.org.uk](http://fscs.org.uk), call into your nearest branch or call your telephone banking service. Further details can be found on the FSCS Information Sheet and Exclusions List which is available on our website ([hsbc.co.uk/fscs/](http://hsbc.co.uk/fscs/)).

### DISCOVER HSBC BUSINESS OFFERS

A number of new exclusive discounts on big brands are now available for HSBC Business cards. View the available offers on our dedicated offers page at [business.hsbc.uk/business-offers](http://business.hsbc.uk/business-offers).

Credit Interest Rates	balance	AER variable	Debit Interest Rates	balance	EAR variable
Credit interest is not applied			Debit interest		21.34%

Date: 06/11/2023  
Time: 10:37:48

Penrith Town Council  
Bank Reconciliation

Item 8iii

Bank Ref:	1205	Date To:	31/10/2023
Bank Name:	HSBC	Statement Ref:	1205 2023-10-10 01
Currency:	Pound Sterling		

Balance as per cash book at 31/10/2023: 164,721.07

Add: Unpresented Payments

Tran No	Date	Ref	Details	£
				<u>0.00</u>

Less: Outstanding Receipts

Tran No	Date	Ref	Details	£
				<u>0.00</u>

Reconciled balance : 164,721.07

Balance as per statement : 164,721.07

Difference : 0.00

**3 October to 2 November 2023**

## Your Statement

**Account Name**  
Penrith Town Council

**Sortcode Account Number Sheet Number**  
[REDACTED] 212

### Your BUSINESS CURRENT ACCOUNT details

Date	Payment type and details	Paid out	Paid in	Balance
31 Oct 23	CR BALANCE BROUGHT FORWARD			164,614.16
	SLCC ENTERPRISES L			
	REFUND BK209858		126.00	
	))) POST OFFICE COUNT			
	PENRITH	15.60		
	))) YTC (PENRITH)			
	PENRITH	3.49		164,721.07
01 Nov 23	DD TV LICENCE DDA	159.00		164,562.07
02 Nov 23	CR PUBLIC SECTOR DEPO		3,174.71	167,736.78
02 Nov 23	BALANCE CARRIED FORWARD			167,736.78

### Information about the Financial Services Compensation Scheme

Most deposits made by HSBC Business customers are eligible for protection under the Financial Services Compensation Scheme (FSCS). For further information about the compensation provided by the FSCS, refer to the FSCS website at [fscs.org.uk](http://fscs.org.uk), call into your nearest branch or call your telephone banking service. Further details can be found on the FSCS Information Sheet and Exclusions List which is available on our website ([hsbc.co.uk/fscs/](http://hsbc.co.uk/fscs/)).

Credit Interest Rates	balance	AER variable	Debit Interest Rates	balance	EAR variable
Credit interest is not applied			Debit interest		21.34%

# **FINANCE COMMITTEE**

**Date: 13 November 2023**

## **Public Report**

**Matter: Budgetary Control Statement 2023-24 Expenditure 31 October 2023**

**Item no: 09**

**Author:** Responsible Finance Officer

**Supporting Member:** Cllr. Shepherd, Chair of Finance Committee

### **Purpose of Report:**

To consider the budgetary control statement for the seven-month period to 31 October 2023.

### **Recommendations:**

The Committee is recommended to approve the budgetary control statement and forward it, with any comments, to Council for ratification.

### **Law and Legal Implications**

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

The Local Government Act requires the Council to have sound financial management.

## **1. Report Details**

### **A. Budgetary Control Statement (Appendix A)**

The attached budgetary control statement shows the following information, analysed over the most detailed budget headings:

- The full year's Approved Budget for 2023-24, which was ratified by Council on 23 January 2023.
- The budget to date, based on the latest budget for the year. For most headings, this budget to date will be a simple pro-rata of the annual budget (i.e., 7/12ths for the current period).
- Actual income and expenditure to 31 October, based on the matching principle, which means taking account of all income and expenditure which relates to the period, irrespective of when it is paid/received. An exception to the general matching rule is that grants approved but not yet paid at the end of the period are included as expenditure, on the basis that this gives a truer view of expenditure against budget.

- The variance between the actual income and expenditure and the profiled latest budget for the period. Variances are expressed as favourable (positive) where there is an underspending or increased income, and as adverse (negative and bracketed) where there is an overspending or reduced income.
- The position on the Council's three reserves: its General Reserve, Devolution and Election Reserves, at the end of October. To give a truer view of the General Reserve, it is assumed that contributions to the Devolution Reserve are made during the year at each month-end.

## **B. Commentary**

The statement shows overall underspending from the anticipated position at this time in the year. The following comments concentrate on unusual or unexpected variances.

### **B.1 Income**

Overall income of £296,810 exceeds the profiled budget of £286,824 by £9,986.

- The investment income returns are higher than expected due to the higher than budgeted rates of interest.

### **B.2 Planning Committee**

There has been very little expenditure up to this period in the year.

### **B.3 Communities Committee**

Net spend of £52,022 is shown against the profiled budget of £62,417, an underspending of £10,395.

- The Town Projects budget is currently underspent by £7,137. With less Council expenditure now planned on Christmas lights this underspend is likely to increase in the coming months.

### **B.4 Finance Committee**

Net expenditure of £256,922 is shown against the budget to date of £255,215, an overspending of £1,707. This small overspend is likely to decrease over the coming months. This small variance indicates this budget is being spent as planned.

### **B.5 Total Expenditure & Increase/Decrease in General Reserve**

- The individual variances result in an underspending of £20,997 against the profiled total expenditure budget of £330,057. As there is £9,986 more income, there is a net variation of £30,983 on the profiled amount transferrable to the General Reserve.

### **B.6 Reserves**

- The General Reserve is profiled to decrease by £43,233 in the period, it has actually decreased by £12,250 to £486,636.
- The Devolution Reserve opened the year with a balance of £156,794, the amount of £12,671 transferrable into the Devolution Reserve is £1,636 higher than profile.



- The Election Reserve opened the year with a balance of £30,000, an amount of £5,000 is budgeted to be added at the end of the financial year.

## **C. Balance Sheet (Appendix B)**

Appendix B shows the Council's balance sheet as at 31 October 2023. The following points may be noted:

- The total invested of £766,626 includes £680,000 placed with CCLA, this will be managed through the year to allow a reasonable return while maintaining a sufficient bank balance to make required payments.
- The VAT debtor of £278 is VAT reclaimed from HMRC in respect of October transactions.
- Prepayments of £10,762 include adjustments for insurance, office rental, licences, subscriptions and maintenance agreements.
- Accruals of £39,679 represent goods and services received before 31 October, where the payment was not made by that date. Individual items include lights infrastructure, grounds maintenance, caretaking and audit and accountancy fees.
- The Payroll Control balance of £11,156 relates to deductions calculated in the October payroll; the total is due to HMRC for income tax and national insurance and to the Cumbria Pension Fund for employee pensions.
- The Receipts in Advance figure represents income for the period 1 November 2023 to March 2024 already received from Westmorland and Furness Council as precept and grants, together with monies from United Utilities for planting maintenance.

## **D. Conclusion**

The budgetary control statement shows that net spending to 31 October was around £21,000 below the Latest Budget for the period.

Finally, there are no issues arising from the Council's balance sheet at 31 October.

## **2. Options Analysis including risk assessment**

### **a) Risk**

The Council may fail to receive expected income or may incur unexpected overspending, potentially leading to the curtailment of planned expenditure.

### **b) Consequence**

Adverse criticism of over or underspending.

### **c) Controls Required**

A sound budgetary control system with regular reporting and identification of issues.

### **3. Financial and Resource Implications**

This report is concerned solely with financial management.

### **4. Equalities Implications**

There are no equalities implications associated with this report.

### **5. Climate Change and Environmental Implications**

There are no climate and environmental implications associated with this report.

## **Appendices**

Appendix A – Budgetary Control Statement Seven Months Ended 31 October 2023

Appendix B – Balance Sheet as at 31 October 2023

## **Background Papers**

- Transaction and trial balance reports from the Sage accountancy system
- Budgetary Control Working papers.



# Penrith Town Council

## BUDGETARY CONTROL STATEMENT: SEVEN MONTHS ENDED 31 OCTOBER 2023

Actual 2022-23	Approved Budget 2023-24	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>INCOME</b>			
		<b>Precept:</b>			
455,209	468,295	Council Tax	273,172	273,172	0
7,388	7,642	<b>CTRS Grant</b>	4,458	4,458	0
		<b>Other Income:</b>			
13,577	15,750	Investment Income	9,188	19,180	9,992
0	10	Miscellaneous Income	6	0	(6)
<b>476,174</b>	<b>491,697</b>	<b>TOTAL INCOME</b>	<b>286,824</b>	<b>296,810</b>	<b>9,986</b>
		<b>EXPENDITURE</b>			
		<b>PLANNING COMMITTEE:</b>			
		<b>Planning:</b>			
2,118	10,000	Planning Consultancy	5,833	116	5,717
2,118	10,000		5,833	116	5,717
		<b>Climate Change:</b>			
2,910	8,300	Climate Efficiency	4,842	0	4,842
2,910	8,300		4,842	0	4,842
<b>5,028</b>	<b>18,300</b>	<b>Planning Committee Total</b>	<b>10,675</b>	<b>116</b>	<b>10,559</b>
		<b>COMMUNITIES COMMITTEE:</b>			
		<b>Town Projects:</b>			
4,689	47,000	Town Projects	27,417	20,280	7,137
4,689	47,000		27,417	20,280	7,137
		<b>Arts &amp; Entertainment:</b>			
21,474	10,000	Arts & Culture Development	5,833	4,222	1,611
21,474	10,000		5,833	4,222	1,611
		<b>Grants:</b>			
20,283	15,000	Grants	8,750	11,763	(3,013)
0	20,000	Signature Grants	11,667	10,000	1,667
20,283	35,000		20,417	21,763	(1,346)
		<b>Corporate Communications:</b>			
4,839	15,000	Communications	8,750	5,757	2,993
4,839	15,000		8,750	5,757	2,993
<b>51,285</b>	<b>107,000</b>	<b>Communities Committee Total</b>	<b>62,417</b>	<b>52,022</b>	<b>10,395</b>

Actual 2022-23	Approved Budget 2023-24	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>FINANCE COMMITTEE:</b>			
		<b>Staffing:</b>			
194,747	247,200	Salaries	144,200	151,420	(7,220)
19,268	23,780	National Insurance	13,872	14,343	(471)
42,230	53,150	LG Pension Scheme	31,004	31,156	(152)
3,029	500	Recruitment Expenses	292	567	(275)
1,282	600	Staff Training	350	265	85
0	500	Conferences	292	0	292
238	500	Staff Expenses	292	52	240
260,794	326,230		190,302	197,803	(7,501)
		<b>Accommodation:</b>			
7,500	7,500	Rent	4,375	4,375	0
3,104	4,000	Heat, Light & Water	2,333	1,374	959
2,331	1,020	Service Charges	595	1,369	(774)
1,782	1,730	Room Hire & Meetings	1,009	970	39
390	380	Insurances	222	228	(6)
0	0	Letting Income	0	0	0
15,107	14,630		8,534	8,316	218
		<b>Civic Functions:</b>			
76	400	Civic Functions	233	20	213
700	700	Mayoral Expenses	408	0	408
300	300	Deputy Mayor's Expenses	175	0	175
102	100	Civic Regalia	58	486	(428)
1,178	1,500		874	506	368
		<b>Cost of Democracy:</b>			
225	200	Annual Meeting	200	30	170
	5,000	Elections	0	0	0
160	1,000	Members' Training	583	266	317
0	200	Members' Expenses	117	0	117
0	1,200	Notice/Honours Board	700	102	598
385	7,600		1,600	398	1,202
26,800	20,000	<b>IT</b>	11,667	10,517	1,150
340	2,050	<b>Website</b>	1,196	0	1,196
		<b>Devolved Services:</b>			
(450)	800	Allotments	279	1,598	(1,319)
0	400	War Memorial	233	0	233
0	1,500	Benches	875	1,178	(303)
3,330	3,000	Bus Shelters	1,750	130	1,620
1,021	1,750	Bandstand	1,021	164	857
653	800	Musgrave Monument	467	0	467
7,426	5,500	Fairhill Park	3,208	4,963	(1,755)
19,407	3,700	Thacka Beck Field	2,158	1,510	648
27	300	Signage, etc	175	0	175
7,991	10,000	Community Caretaker	5,833	4,820	1,013
6,939	18,594	Contribution to/(from) Devolution Reserve	11,035	12,671	(1,636)
46,344	46,344		27,034	27,034	0
0	5,000	<b>Local Government Re-organisation</b>	2,917	0	2,917
		<b>Other Overheads:</b>			
3,614	3,000	Printing, Postage & Stationery	1,750	1,749	1
1,166	1,450	Audit Fees	846	850	(4)
3,241	4,180	Insurance	2,438	1,980	458
123	130	Bank Charges & Interest	76	242	(166)
2,205	2,900	Accountancy Fees	1,692	2,930	(1,238)
1,898	1,650	Legal & Professional Fees	963	1,987	(1,024)
827	500	Licences	292	807	(515)
3,354	3,201	Subscriptions	1,867	1,727	140
16,428	17,011		9,924	12,272	(2,348)
1,690	2,000	<b>Repairs &amp; Renewals</b>	1,167	76	1,091
<b>369,066</b>	<b>442,365</b>	<b>Finance Committee Total</b>	<b>255,215</b>	<b>256,922</b>	<b>(1,707)</b>

Actual 2022-23	Approved Budget 2023-24	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£ 0	£ 3,000	Contingency	£ 1,750	£ 0	£ 1,750
(20,000)	5,000	Transfer to/(from) Election Reserve		0	0
405,379	575,665	TOTAL EXPENDITURE	330,057	309,060	20,997
70,795	(83,968)	INCREASE/(DECR) IN GENERAL RESERVE	(43,233)	(12,250)	30,983
		RESERVES:			
		General Reserve:			
428,090	482,605	Balance brought forward 1 April 2023	482,605	498,886	16,281
70,795	(83,968)	Increase/(decrease) in year	(43,233)	(12,250)	30,983
498,885	398,637	Balance carried forward	439,372	486,636	47,264
		Devolution Reserve:			
149,855	164,819	Balance brought forward 1 April 2023	164,819	156,794	(8,025)
6,939	18,594	Contribution from/(to) 2023-24 Budget	11,035	12,671	1,636
156,794	183,413	Balance carried forward	175,854	169,465	(6,389)
		Election Reserve:			
0	30,000	Balance brought forward 1 April 2023	30,000	30,000	0
30,000	5,000	Contribution from/(to) 2023-24 Budget	0	0	0
30,000	35,000	Balance carried forward	30,000	30,000	0
685,679	617,050	TOTAL RESERVES	645,226	686,101	40,875



## Penrith Town Council

### BALANCE SHEET AS AT 31 OCTOBER 2023

	£	£
<b>Investments</b>		
Penrith Building Society	86,626	
CCLA Public Sector Deposit Account	<u>680,000</u>	
		766,626
<b>Current Assets</b>		
Debtors	2,485	
Debtor - VAT	278	
Prepayments	10,762	
HSBC Bank Account	<u>164,721</u>	
	178,246	
<b>Current Liabilities</b>		
Creditors	0	
Accruals	39,679	
Payroll Control	11,156	
Receipts in Advance	<u>207,936</u>	
	258,771	
<b>Net Current Assets</b>		(80,525 )
		<u><b>686,101</b></u>
<b>Represented by:</b>		
<b>Reserves</b>		
General Reserve		486,636
Devolution Reserve		169,465
Election Reserve		30,000
		<u><b>686,101</b></u>

Budgetary Management and Control				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
Payments Schedule and Bank Reconciliation.	Ian / John	Prepare Payments for Approval information for two nominated Members prior to each Committee.  Prepare Payments Report for each month.  Prepare Monthly Bank Reconciliation	To give members and the wider public greater awareness of the Financial controls within the Council.	Finance Committee  June 23 Sept 23 Nov 23 Jan 24 Mar 24 Apr 24
Budget Monitoring Statement.	Ian / John	Prepare Budget Monitoring Statement for each Committee.	To give members and the wider public greater awareness of the Financial management and up to date position within the Council.	Finance Committee  June 23 Sept 23 Nov 23 Jan 24 Mar 24 Apr 24
Management of Internal Audit.	Ian / John / Jean	Ensure effective arrangements for internal audit.	Prepare Internal Audit Outline Plan  Internal Audit Interim Report to 31/12/24  Final Internal Audit Report to 31/03/24  Review of Effectiveness of Internal Audit and Appointment of Internal Auditor 24/25	Sept 23  Dec 23  Apr 24  Apr 24

Risk Management, Insurance and Banking				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
Risk Assessments	Ian / John	Review Corporate Risk Assessments	Review Corporate Risk Assessments and record actions arising from each one.  Put actions in to place and implement as required.	Sept 23  Ongoing
Insurance Review	Ian / John	Review Annual Insurance Policy	Review items and values insured  Seek quotations for new 3 yr Insurance cover agreement and report to Committee.  Insurance renewed	Jan 24  Apr 24  May 24
Review and Update Asset Register	Ian / Jon	Maintain asset register	Maintain an up-to-date Asset Register	Ongoing
Banking	Ian / John / Viv / Ros	Ensure suitable arrangements are in place for Banking and Investments	Update account signatories at Penrith Building Society, Lloyds, CCLA.  Ensure effective set up of the new Bank Account with Lloyds (from HSBC)  Monitor investments with the CCLA and ensuring sufficient funds available in current account.	Sept 23  Account closed  Ongoing



Annual Budget Preparation, Precept and Annual Return				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
Prepare 2024-25 Annual Budget and Precept	Ian / John Viv, Carol, Ros, Lewis, Paul, Kerry	To follow a process to agree a Budget for 2024-25 and Precept	Set out budget process in a report to Finance Committee.	Sept 23
			Invite Growth Items.	Oct 23
			Budget Prospects and input from Finance Working Group.	Nov 23
			Prepare Draft Budget for Finance WG.	Dec 23
			Staff Salaries 24-25 to Committee.	Jan 24
			Final Draft Proposed Budget 24/25 to Finance Committee.	Jan 24
Practitioners Guide	Ian / John	Review of documents to support the Annual Return	Proposed Budget to Full Council 24/25.	Jan 24
			Precept Request submitted to W&F	Feb 24
			Review and adopt the provisions in the Practitioners Guide for 2023/24	Apr 24
Annual Return	Ian / John / Viv	Annual Return AGAR	Review the effectiveness of Internal Control Provision	Apr 24
			Finance Outturn 31 March 24	Apr 24
			AGAR Forms and Accounting Statements	Apr 24
			Documents for AGAR, External Audit	May 24

Review of Council Policy				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
To review Council Policy Documents	Ian / John / Viv	To review Council Policy Documents at Finance Committee	Bandstand Hire Policy	Sept 23
			Risk Management Policy	Sept 23
			Procurement Policy	Sept 23
			Record Management and Retention	Nov 23
			Social Media	Nov 23
			Information Protection	Nov 23
			Information Security	Nov 23
			Removable Media	Nov 23
			Data Protection / Privacy	Nov 23
			Subject Access Requests	Nov 23
			Passwords	Nov 23
			Reserves Policy	Jan 24
			Investment Policy	Jan 24
			Code of Conduct	Jan 24
			Asset Valuation Policy	Mar 24
			Delegation Scheme	Mar 24
			Grants Scheme	Mar 24

Assets				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
Grounds Maintenance Contract	Ian	Monitoring of Contract	Monitoring of Contract	Ongoing
			Regular meetings with Urbaser	Ongoing
			Retender Grounds Maintenance Contract	Autumn 23
Allotments	Ian	Maintaining a relationship with PAA.	Attend meetings with PAA as required.	Ongoing
			Undertake asset inspections for areas of Council responsibility.	Ongoing
			Receive income (lease)	Apr 23
Community Caretaker Contract	Ian / John	Maintain asset register	Monitoring of Contract	Ongoing
			Regular meetings with Urbaser	Ongoing
Carleton Village Hall	Ian / John / Lewis / Paul	Business Case	Develop Business Case / Implement resolutions of Council May 23.	Jul 23
Service Schedule	Ian / Viv / John	Maintenance and Upkeep of Council Assets	Office PAT Test	Jun 23
			Tree Liability Survey (Fairhill)	Aug 23
			Review IT service provision	Oct 23
			Clock Service (Musgrave Monument)	Oct 23
			Annual Play Inspection Report (Fairhill)	Dec 23
			Ladder / Latchway Safety Inspection (Musgrave Monument)	Feb 24
			Fire Extinguisher Service	Mar 24

Assets				
ACTIVITY & PARTNERS	PTC Colleague	DETAILS	TARGETS	Date Due
Assets	Ian	Projects	St Andrews War Memorial Plinth	Ongoing
			Bus Shelter (Scaws Estate)	Ongoing

Progress Report	Record Progress using the following		
	Not Complete / Started	Started and Underway	Completed
<b>Item</b>			
Payments Schedule / Bank Rec	On schedule		
Budget Monitoring	On schedule		
Management of Internal Audit	On schedule		
Risk Assessments	On schedule		
Insurance review	Later in the year		
Review and update Asset Register	On schedule		
Banking	Ongoing – Lloyds bank closed, signatories ongoing, HSBC complete		
Annual Budget and Precept 2024-25	On schedule		
Practitioners Guide / Internal Control	Later in the year		
Annual Return	Later in the year		
Policy Review	On schedule		
Grounds Maintenance	On schedule / tender for new contract ongoing		
Allotments	On schedule		
Community Caretaker Contract	On schedule		
Carleton Village Hall	Behind schedule		
Service Schedule	On schedule		
Assets	St Andrews commenced / Bus shelter commenced		

INTENTIONALLY BLANK



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## TRAINING REQUEST FORM

**\* All fields must be completed for any training requests to be approved**


<b>Name of Employee:</b>	Lewis Murray		
<b>Position:</b>	Community Services Officer		
<b>Name of Event/ Course/ Programme / Qualification</b>	<b>Certificate in Local Council Administration (CILCA)</b>		
<b>Method of Study (e.g. distance, classroom etc.) – please tick</b>			
<ul style="list-style-type: none"> <li>• Continuous Professional Development (CPD) ✓</li> <li>• Conference/ Seminar/ Exhibition</li> <li>• External Training course ✓</li> <li>• Qualification/ Vocational Training ✓</li> <li>• Other (please specify)</li> </ul>			
Will you require any additional days off? e.g. for exams or study leave		<b>Yes</b> 200 hours of work. Work on the CiLCA to take place on Thursdays until completion unless unviable due to existing workload.	
<b>Training Provider:</b>		SLCC	
<b>Venue details if known:</b>		Virtual and desk based coursework	
<b>Start Date:</b>		14/11/2023	
<b>Date of Completion:</b>		12 months to complete the course (End date: 13/11/2024)	
<b>Length of Programme</b>		1 year to complete	

<b>PART ONE – To be completed by applicant</b>	
<b>Business Case</b>	
<p><b>Is this learning activity part of your Personal Development Plan (PDP) as agreed at your appraisal meeting?</b></p> <p>Yes</p> <p><b>What is the training/development need if not part of your PDP?</b></p> <p>n/a</p> <p><b>How does this link with the business of the Council and your responsibilities?</b></p> <p>Sector specific qualification, upskilling staff member on Council's administration and its statutory obligations. CiLCA forms part of the criteria for the council to exercise the General Power of Competence- providing the council with greater business continuity.</p>	
<b>What are you expecting to learn on this course (your objectives)?</b>	
<p>The Certificate in Local Council Administration (CiLCA) will give me a greater understanding of local council administration.</p> <p>Specifically, I will learn the following:</p> <ul style="list-style-type: none"> <li>• Make confident, informative decisions for your council and your community</li> <li>• Adapt to changing circumstances</li> <li>• Set a vision for the future for the council and the community</li> <li>• Advise and support the council as it identifies and implements plans for the future</li> <li>• Advise the council on its duties and powers</li> <li>• Ensure your council is compliant with proper financial practices</li> <li>• Respond to questions and problems with a dynamic, 'can-do' attitude</li> </ul> <p>CiLCA forms part of the criteria for the council to exercise the General Power of Competence.</p>	
<p>Do you require any assistance in attending the course, including access, language, reading, writing or other?</p> <p>If the answer is YES, please provide details below</p>	<p>Delete as appropriate</p> <p>NO</p>
<p>Any other relevant information</p> <p>n/a</p>	
<p>Signed (employee)*:</p> <p><i>L. Murray</i></p>	<p>Date:</p> <p>01/11/2023</p>



<b>PART TWO FINANCIAL IMPLICATIONS</b>			
<b>Detail – excl. VAT</b>			<b>£</b>
Course Fee:			£450
Total cost of travel to/from place of learning activity (or anticipated costs) NB: where applicable, any travel costs should be standard class or economy			
Travel @ 45p per mile by car –			n/a
Travel Public transport			n/a
Car Parking			n/a
Total cost of any accommodation needs for period of learning activity (or anticipated costs)			n/a
Total cost of any learning materials in support of the learning activity (i.e. books, training equipment or similar)			n/a
Any other (anticipated) costs not mentioned above?			n/a
Meals			
Out of pocket expenses			
Bursary/ Employee contribution			n/a
<b>TOTAL excl. VAT</b>			£450
<b>TOTAL inc. VAT</b>			N/A
<b>PART THREE – Approval to attend this learning activity is supported by:</b>			
<b>APPROVAL</b>	<b>Name (please print)</b>	<b>Signature</b>	<b>Date</b>
<b>INFORMAL APPROVAL</b> <b>Town Clerk</b> (for total cost of less than £350) <b>For training for Town Clerk:</b> <b>Council Chairman</b> approves	N/A	<b>Chair</b>	
<b>FORMAL APPROVAL</b> <b>Finance Committee</b> (for costs between £350 and £2,000)		<b>Chair</b>	
<u><b>Full Council</b></u> (for costs in excess of £2,001)		<b>Chair</b>	

Please retain a copy for your records and submit your application to the Town Clerk/Council Chair.

PART FOUR - Office Use ONLY			
Action	Delete as appropriate	Signature	Date
Received by ATC	Yes		01/11/2023
Approved by	Yes / No	Yes / No	
Learning Agreement required:	No		
Learning Agreement Issued:	N/A		Date issued
Learning Agreement returned:	N/A		Date returned
Cost/Budget code for learning activity	£450 7030 Staff Training		
Cost/budget code for travel and accommodation:	Nil (Virtual)		
Details entered onto	Delete as appropriate: CPD Register Yes / No* Training Register Yes / No* SAGE Yes / No*		Date
Any other information:			

# **FINANCE COMMITTEE**

**Date: 13 November 2023**

## **Public Report**

**Matter: Policy Review**

**Item no: 13**

**Author: Services and Contracts Manager**

**Supporting Member: Cllr. Shepherd, Chair of Finance Committee**

### **Purpose of Report:**

To consider the reviewed policies and recommended amendments.

### **Recommendations:**

- i. Approve the following reviewed policies and recommended amendments and agree that these go forward to Full Council for ratification:
  - a) Socia Media Protocol for Councillors
  - b) Social Media Employees Policy
  - c) Use of Social Media Press and Public
  - d) Information Protection Policy
  - e) Information Security Incident Policy
  - f) Removable Media Policy
  - g) Passwords Policy
  - h) Data Protection Policy
  - i) Record Management and Retention Policy
  - j) Privacy Policy
- ii. Note the Subject Access Request policy has been reviewed and the policy is not necessary as the Council has to comply with the legislation by law and as such the Council has an approved internal procedure for dealing with such requests.

### **Law and Legal Implications**

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

### **1. Report Details**

1.1 The Council reviews its policies periodically in accordance with its Governance Schedule. This report includes the review of the following policies:

- Socia Media Protocol for Councillors
- Social Media Employees Policy
- Use of Social Media Press and Public
- Information Protection Policy
- Information Security Incident Policy
- Removable Media Policy

- Passwords Policy
- Data Protection Policy
- Record Management and Retention Policy
- Privacy Policy

- 1.2 The policies as listed above are included as appendices to this report. Proposed deletions are highlighted in Yellow, and proposed new and additional wording is in Red text.
- 1.3 Members are reminded to note that the three Social Media policies were approved by Full Council, 23 January 2023, Minute PTC22/103 following an extensive review involving officers and Councillors. Whilst these are being reviewed as part of this policy review there are no recommended changes.
- 1.4 The Subject Access Request policy has been reviewed and the policy is not necessary as the Council has to comply with the legislation by law and as such the Council has an approved internal procedure for dealing with such requests.

## **2. Options Analysis including risk assessment**

### **a) Risk**

Not reviewing or having up to date policies.

### **b) Consequence**

Not complying with legislation, good practice or current policy.

### **c) Controls Required**

Approve the reviewed policies.

## **3. Financial and Resource Implications**

There are no financial implications associated with this report.

## **4. Equalities Implications**

There are no equalities implications associated with this report.

## **5. Climate Change and Environmental Implications**

There are no climate and environmental implications associated with this report.

## **Appendices**

- a) Social Media Protocol for Councillors
- b) Social Media Employees Policy
- c) Use of Social Media Press and Public
- d) Information Protection Policy
- e) Information Security Incident Policy
- f) Removable Media Policy
- g) Passwords Policy
- h) Data Protection Policy
- i) Record Management and Retention Policy
- j) Privacy Policy



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR Tel:  
01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## Social Media Protocol for Councillors

### Section 1 – Introduction

1. The Council welcomes and encourages Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a social media account.
2. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
3. Councillors are required to attend social media training within the first six months of commencement in post.
4. Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
5. This protocol provides guidance to using social media and will ensure that it is effective, lawful and does not compromise Council information.
6. Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies. Social media must not be used in a way that might lead to a complaint that a councillor has breached the Council's Code of Conduct for Councillors.

## Section 2 – Legal Considerations

1. Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
2. In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material on social media platforms. Some of the main ones are these:
  - a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages.
  - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you.
  - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment, or distress.
  - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so.
  - e. **Incitement:** it is an offence to incite any criminal act.
  - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010).
  - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.
3. Inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.

4. Additional considerations apply to Councillors:

a. Bias and pre-determination

Members sitting on committees such as planning should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

b. Equality and discrimination

The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

c. Electioneering

Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

d. Human Rights

Various fundamental human rights are protected by law, and they include in particular freedom of expression and respect for a person's private life and family. A restriction can only be placed on such rights if it is lawful, necessary, and proportionate. Any person should behave responsibly and respects the rights of others.

e. Code of Conduct

Councillors may use social media in both an official and personal capacity, but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

### **Section 3 – Responsibilities of Councillors**

1. Councillors should be mindful that social media sites are in the public domain, and it is important to ensure that you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
2. Councillors must not use the Council's logo, or any other Council related material on a personal account or website.
3. Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code of Conduct issues were allowing comments to remain could be seen as condoning or endorsing them.
4. Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code of Conduct considerations would apply.
5. Councillors should make use of stringent privacy settings and read the terms of service of any social media site accessed and make sure you understand the confidentiality/privacy settings.
6. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if Councillors have any concerns about other site users, they have a responsibility to report them.
7. Generally it is best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. It is recommended that Councillors be professional, respectful, and polite, even (or especially) when corresponding with those who do not return the courtesy.
8. Do not publish or report on meetings which are private or internal (where no members of the public are present, or it is of a confidential nature) or exempt reports.
9. Councillors should always ensure the security of their devices to prevent unauthorised access by third parties who may make inappropriate use of the device.



## Section 4 – Councillor Principles for using Social Media

Councillors should follow these five guiding principles for any social media activities:

1. **Be respectful** – set the tone for online conversations by being polite, open, and respectful. Use familiar language, be cordial, honest and professional at all times. Respect confidentiality – do not disclose non-public information or the personal information of others.
2. **Be credible and consistent** – be accurate, fair, thorough, and transparent. Encourage constructive criticism and deliberation.
3. **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
4. **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot.  
Respond to questions and comments in a timely manner.
5. **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## Section 5 – Use of Social Media during Council Meetings

1. Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
2. Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However, it is most important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

## **Section 6- Inappropriate use of Social Media by Others**

1. Anyone receiving threats, abuse, or harassment via their use of social media should report it to the police.
2. Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

## **Section 7 –Code of Conduct**

1. Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the Code of Conduct and to various Laws.
2. These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors' use of social media amounts to a breach of that Code and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.
3. The Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority".
4. The Code applies if you "Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute". If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. Also if you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.
5. Be advised that making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute.

6. In the same way that you are required to act in council meetings or in communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful.
- **Not disclose confidential information about people or the Council.**
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation.
- **Not try to secure a benefit for yourself or a disadvantage for others.**
- **Abide by the laws of equality** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith. Even as a joke or “tongue

## GLOSSARY

**Audience** - The people you have the ability to reach through your social media posts make up your audience. This covers all your followers and everyone who sees or interacts with your posts.

**Block** - When you block someone on social media, you prevent them from seeing your posts on that social network. Blocked users will also be unable to follow you, message you, or tag you in photos.

**Follower** - A follower is a user who has subscribed or followed you to view posts.

**GDPR** -The [Data Protection Act 2018](#) controls how personal information is used by organisations, businesses or the government.

**Liking** - Users show approval and resonate with the content by hitting the like button. Liking the post is a quick way of engaging instead of taking the time to write a comment or share the post.

**Live Streaming** – Delivering real-time content via social media is called live streaming to interact directly with an audience.

**Moderation** - The process of controlling the wanted contents from the online platforms like social media networking sites: known as social media content moderation to moderate the different types of contents not suitable for the normal audience.

**Public Domain** - Available for everyone to see or know about.

**Publish** - A social media post is a short-form type of content or message that gets published on social media platforms such as Facebook, Instagram, Twitter, LinkedIn, and other similar channels.

**Re-tweeting** - A re-posting of a Tweet.

**Sharing** - Share refers to how many times a piece of content has been reposted on social media. There is a clickable 'share' feature on social media platforms that allows you to repost other user's content to your own timeline or newsfeed. Shareable content or content that is useful, entertaining, and inspiring is more likely to get shared by users on social media.

**Thread** - A series of comments or conversations happening on discussion forums is called a thread. Contributing to trending threads by helping resolve issues is a great way to build credibility and trust.

**Trending** - A specific topic, subject, event, or a hashtag that receives a sudden surge in popularity on social media is known as a trending topic.

**Social Media Feed** - A feed on social media is a generic term for the stream of content you see from other users. On most social networks, the feed functions as a homepage and is the most common way to see people's posts and engage with them.

**Approved: 23 January 2023**

**Review: Annual**



# Penrith Town Council

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## Social Media Employees

### Section 1- Introduction

1. Penrith Town Council strives to be an open and transparent organisation, which actively engages with our residents, businesses, visitors, and partners. Our communication with stakeholders should be a two-way process, so everyone's views can help shape the services we provide. We are a listening Council. We welcome engagement and feedback from our residents and followers. We expect that information in the public domain regarding the operations and services of the Council are accurate.
2. This policy is intended to provide clear guidance regarding the acceptable use of electronic communications and social media both within, and outside, of work. The policy covers you if you are:
  - One of our employees.
  - An agency, temporary or contract member of staff working for us or on our behalf.
  - Staff of third-party suppliers contracted to and/or providing services to the Council.
  - Volunteers collaborating with us on our projects.
  - Students on work placements with us.
3. Penrith Town Council is committed to making the best use of all available technology and innovation to improve the way we do business. This includes using all reasonable and cost-effective means to improve the way we communicate, reach out and interact with the different communities we serve.
4. The use of digital and social media and electronic communication enables the Penrith Town Council to interact in a way that improves the communications both within the Council and between the Council and the people, businesses, and agencies it works with and serves.

5. 'Social media' is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge, and interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement.
6. We acknowledge that social media is a reality and, when used effectively, can support Council business and the services we provide. These platforms open many new and exciting opportunities. However, the practical application of such technology by the Council is continually developing and there are many potential issues to consider – both as individual employees and as a Council.
7. There is increasing use of social media for work related purposes, be this posting proactive messages about our services or activities, dealing with queries, complaints, or comments, uploading audio and video material or professional/peer networking.
8. The Council has a website, Facebook page, Instagram and Twitter account and uses email to communicate. It will always try to use the most effective channel for its communications. The Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur, this Policy will be updated to reflect the new arrangements.
9. The Council's Social media accounts provide information, updates regarding activities and opportunities within Penrith, and promote the community positively. To avoid major mistakes which could result in reputational, legal, and ethical issues, and misuse/abuse of a well-functioning social media relationship, it is important that we manage any potential risks through a common-sense approach and framework as well as proactively monitoring the development of such applications.

## **Section 2 - Understanding the Risks of Social Media**

1. These guidelines aim to provide information concerning the use of, or the development of, any social media application, to help get the best out of the tools available whilst maintaining a safe professional environment and protecting the Council.
2. Communications from the Council will meet the following criteria:
  - i. Be civil, tasteful, and relevant.
  - ii. Not contain content that is knowingly unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented, or racially offensive.
  - iii. Not contain content knowingly copied from elsewhere, for which the Council does not own the copyright.
  - iv. Not contain any personal information.

- v. If it is official Council business, it will be moderated by Councils external Communications Team, the Clerk, and senior officers of the Council.
  - vi. Social media will not be used for the dissemination of any political advertising.
  - vii. Be considerate and respectful of others.
  - viii. Differing opinions and discussion of diverse ideas will be encouraged, but personal attacks on anyone, including the Council Councillors or staff, will not be permitted.
  - ix. Share freely and be generous with official Council posts but be aware of copyright laws; be accurate and give credit where credit is due.
  - x. Stay on topic.
  - xi. Refrain from using the Council's Facebook page or Twitter site for commercial purposes or to advertise, market or sell products.
3. Exceptional care should be taken when using any social media tools. Most social media sites work on the principle of 'broadcast-by-default,' which means it is not always possible to control who may, or may not, see the content. Even where such sites allow users to set up privacy settings and to block unwanted contacts, the content published may be broadcast beyond a controlled audience.
  4. Clear legal precedents have now emerged whereby the misuse of social media can result in both civil and criminal action. Users of digital communication channels need to have due regard for such consequences. Recent high-profile cases have shown the legal dangers posed by social media and led to both significant fines and, in some cases, imprisonment.
  5. GDPR applies to the use of digital communications. Therefore, whether using social media for work or personal purposes, you are advised to follow the principles of this legislation when referring to any other living individual. Failure to do so could lead to enforcement action and potential civil or criminal action against the Council and/or against you as the individual responsible.
  6. **Likes, shares, and retweets:** Likes, shares and retweets do not imply an endorsement on the part of PTC, and we may like, retweet, and share links that we believe are relevant to the work of PTC.
  7. **Following, sharing** PTC's decision to follow a Twitter user and share or like an Instagram account, a Facebook Post or YouTube video does not imply endorsement of any kind. We do this when we believe it is relevant to our work. This could include following, sharing, or liking social media accounts of companies, partners, stakeholders, contractors (and/or their employees) who comment on PTC-related issues.

### **Section 3 - Acceptable Use and Monitoring social media**

1. This policy should be read together with the Council's other GDPR policies, communications, and community engagement policies.
2. No data about individuals or organisations collected for the Council's business use should be published or distributed via social media because we cannot control or secure the potential audience and we must comply with UK and European laws which state all data must be held on servers in 'approved locations' (we cannot do so for social media providers). We must comply with relevant laws before sharing data with partners and we have a duty of care to the data 'subject.'
3. We reserve the right to monitor and maintain audit trails of electronic communications (including, but not limited to, content on social media sites, or other digital communication channels and/or email sent using the Council's email system).
4. We do not monitor use of electronic communications or social media set up by individuals and not in the name of Penrith Town Council. However, where items are published electronically referring to the Council, our business, activities, or services, or to named employees in their Council role, we may respond where it is brought to our attention.

### **Section 4 - Official Communications**

1. Our policies and procedures for official communications, and for issuing media statements, apply equally to digital communications and social media.
2. Only those with delegated authority to issue such statements should use electronic communications and social media to do so.
3. Before any official public statement or post intended as a news release or in response to an enquiry from the media is issued, it must be checked with the Town Clerk.
4. It is also important we continue to have effective internal communications, which allow us to share information with staff and others on a basis of trust and in confidence.



## Section 5 - social media for Work Use

1. We allow, and encourage, the use of social media and digital channels of communication for business purposes as defined in this policy.

Examples may include:

- To engage residents (or other stakeholders) who prefer to use social media.
  - To engage partner organisations who use social media.
  - To participate in peer and professional body networks.
  - To access business-related, content posted or published via social media.
2. We have a duty to protect our reputation and ourselves and want to use social media in a way that is consistent with our overall communications policies.
  3. Employees may contribute to the Council's social media activities, for example by writing for blogs, managing a social media account, and running official social communications account for the Council in accordance with the standards defined in the Communication Procedure.
  4. The Council understands that employees may wish to use their own computers or devices, such as laptops, tablets, and mobile telephones, to access social media websites. Such use should nonetheless be in accordance with these guidelines.
  5. Employees must be aware that, while contributing to the Council's social media activities, they are representing the Council and must adhere to the following safeguards:
    - Making sure that the communication has a purpose, is accurate and a benefit for the Council.
    - Obtaining permission from the Chair and Council before embarking on a public campaign using social media.
    - Getting a colleague to check the content before it is published.
  6. Any communications that employees make in a professional capacity through social media **must not**:
    - i. **Breach confidentiality**, for example by revealing confidential intellectual property or information owned by the Council or;
      - give away confidential information about an individual (such as a colleague or partner contact) or organisation (such as a partner institution); or
      - discuss the Council's internal workings (such as agreements that it is reaching with partner institutions/customers or its future business plans that have not been communicated to the public) or;

- ii. Do anything that could be considered **discriminatory** against, or bullying or harassment of, any individual, for example by:
    - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age or;
    - using social media to bully another individual (such as an employee of the Council); or
    - posting images that are discriminatory or offensive or links to such content or;
  - iii. Bring the **Council into disrepute**, for example by:
    - criticizing or arguing with Councillors, colleagues, partners, or competitors or;
    - making defamatory comments about individuals or other organisations or groups; or
    - posting images that are inappropriate or links to inappropriate content or;
  - iv. Breach **copyright**, for example by:
    - using someone else's images or written content without permission; or
    - Failing to give acknowledgement where permission has been given to reproduce something.
7. If you want to set up a new social media or digital channel(s), you need to justify the need to do this and gain approval from the Town Clerk who will provide advice on what is required and how the site(s) should be branded. The use of such sites will be monitored, and passwords must be shared with the Officer team.
  8. Social media accounts should make it clear in the description that they are provided by the Penrith Town Council. Our logo must be used as the profile image for serviced accounts unless agreed otherwise with the Town Clerk.
  9. You should not use a separate social media site for content that could (and should) be published on our corporate Twitter, Instagram or Facebook sites or the Council website.
  10. If you wish to extend the reach of relevant content, it should be published on the Council website first before a link to the material is posted to social media.
  11. If you are signing up to any social media facility for work use, you should use your Council email address and give your job title.
  12. Do not forget you represent the Council when posting to social media or digital platforms. Any content you publish or post (and any material you access) must be relevant to your role at the Council and could be understood to be made on behalf of the Council.
  13. In the same way that you are responsible for your actions by email, on the telephone you are entirely responsible for your actions, views, opinions, and any published comments on social media.

## **Section 6 - Your Personal Use of Social Media**

1. Employees can make reasonable and appropriate use of social media websites from Penrith Town Council's computers or devices if this does not interfere with their duties.
2. The Council does not want to prevent or restrict your use of social media in your own time and for your own purposes.
3. However, we need to make you aware that if your personal use of social media conflicts with your duties for the Council or your obligations as an employee, as a Councillor, a contracted supplier, or a volunteer then we may act.
4. No confidential information you have as a representative of the Council should be copied, published, or commented upon when using social media for personal use.
5. Our standards and codes of behaviour extend beyond the workplace in respect of your actions or communication(s) that could bring the Council into disrepute.
6. We do not block access to social media sites at work but will restrict access to sites whose purpose or content are not consistent with our values and policies.
7. Personal use of social media sites is only permitted in your own time.
8. If you are suspected of using social media for personal use during working time, just as conducting other personal activities in work time, you may be subject to investigation and potential disciplinary action.
9. Your use of social media and other electronic communications, whether for work or personal use, must be consistent with the standards of behaviour always expected by the Council, and must be legal.
10. Personal use of social media sites is only permitted in your own time. Council work will take priority over personal use of social media sites. If you are suspected of using social media for personal use during working time, just as conducting other personal activities in work time, you may be subject to investigation and potential disciplinary action.
11. Our standards and codes of behaviour extend beyond the workplace in respect of your actions or communication(s) that could bring the Council into disrepute.
12. The Council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the Council, employees must be aware that they can damage the Council if they are recognised as being one of our employees.

13. Employees can say that they work for/with the Council, which recognises that it is natural for its staff sometimes to want to discuss their work on social media. The employee's online profile (for example, the name of a blog or a Twitter name) may contain the Council's name but should be focused to the area in which the employee/member works.
14. If employees discuss their work/role on social media (for example, giving opinions on their specialism or the sector in which The Council operates), they should include on their profile a statement along the following lines: "The views I express here are mine alone and do not necessarily reflect the views of the Council."
15. Your use of social media and other electronic communications, whether for work or personal use, must be consistent with the standards of behaviour always expected by the Council, and must be legal.
16. Any communications that employees make in a personal capacity through social media must comply with Section 5 (6).

## GLOSSARY

**Audience** - The people you have the ability to reach through your social media posts make up your audience. This covers all your followers and everyone who sees or interacts with your posts.

**Block** - When you block someone on social media, you prevent them from seeing your posts on that social network. Blocked users will also be unable to follow you, message you, or tag you in photos.

**Follower** - A follower is a user who has subscribed or followed you to view posts.

**GDPR** -The [Data Protection Act 2018](#) controls how personal information is used by organisations, businesses or the government.

**Liking** - Users show approval and resonate with the content by hitting the like button. Liking the post is a quick way of engaging instead of taking the time to write a comment or share the post.

**Live Streaming** – Delivering real-time content via social media is called live streaming to interact directly with an audience.

**Moderation** - The process of controlling the wanted contents from the online platforms like social media networking sites: known as social media

content moderation to moderate the different types of contents not suitable for the normal audience.

**Public Domain** - Available for everyone to see or know about

**Publish** - A social media post is a short-form type of content or message that gets published on social media platforms such as Facebook, Instagram, Twitter, LinkedIn, and other similar channels.

**Re-tweeting** - A re-posting of a Tweet.

**Sharing** - Share refers to how many times a piece of content has been reposted on social media. There is a clickable 'share' feature on social media platforms that allows you to repost other user's content to your own timeline or newsfeed. Shareable content or content that is useful, entertaining, and inspiring is more likely to get shared by users on social media.

**Thread** – A series of comments or conversations happening on discussion forums is called a thread. Contributing to trending threads by helping resolve issues is a great way to build credibility and trust.

**Trending** – A specific topic, subject, event, or a hashtag that receives a sudden surge in popularity on social media is known as a trending topic.

**Social Media Feed** - A feed on social media is a generic term for the stream of content you see from other users. On most social networks, the feed functions as a homepage and is the most common way to see people's posts and engage with them.

**Approved: 23 January 2023**

**Review: Annual**

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# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## Use of Social Media

### Press & Public

#### Section 1 - Introduction

1. We recognise that social media has a significant role to play in how we communicate with, engage, and promote dialogue with our residents. Some people prefer sites like Twitter and Facebook as their method of interacting with the Council.
2. We are pleased to be able to offer these methods for people to get in touch, to ask us questions, reporting issues and to seek our help or support. We have an existing process for dealing with complaints via the Complaints Procedure and the public can make representations at meetings. Details of how to do this are on "Your Say" and in the policies section of our website.
3. We acknowledge that everyone has a right to free speech. This is enshrined in law. However, a right to free speech must be balanced with UK laws covering matters such as libel and defamation, contempt of court, harassment, the Communications Act, Computer Misuse Act and what is acceptable.
4. As a Council, we also have a duty of care towards our employees and Councillors.

#### Section2 - What is and is not acceptable

1. We know that there will be times when people will be unhappy with what the Council does (or does not do) or the decisions it takes. Criticism is a fact of life, and we know organisations like ours are in the public spotlight. In fact, we encourage public debate, and it is good that people are free to share their views about Penrith and the Council.
2. We have no intention of stifling discussion about us as an organisation.
3. We draw the line at posts or messages, on whatever channel or social media site, which cross the line in terms of acceptability. This includes

targeting named Councillors or staff with direct, unacceptable, criticism.

4. We will reserve the right to act in relation to social media posts or messages which:

- i. Are abusive, offensive, or use provocative language - including swearing, rude or indecent comments.
- ii. Are harassing, contain abuse directed at an individual, group, other organisations, or page administrators.
- iii. Are threatening.
- iv. Promote any product, service, or publication not relevant to the discussion.
- v. Use sexist, racist or other unacceptable language/swear words which are intended to cause concern/harm.
- vi. Are defamatory or libellous.
- vii. Link to obscene or offensive material.
- viii. May be in contempt of court.
- ix. Contains personal details, such as private addresses, phone numbers, email addresses or other online contact details whether they would breach privacy laws.
- x. Break any other law this includes libel, condoning illegal activity, trade secrets, national security, and breaking copyright.
- xi. Are persistent or repetitive negative messages which aim to provoke a response and/or do not constructively add to the conversation.
- xii. Are not concise and constitute spam.
- xiii. Contain links to inappropriate material (photographs or video) - We reserve the right to remove links-only comments.
- xiv. Incite someone or people to break the law.

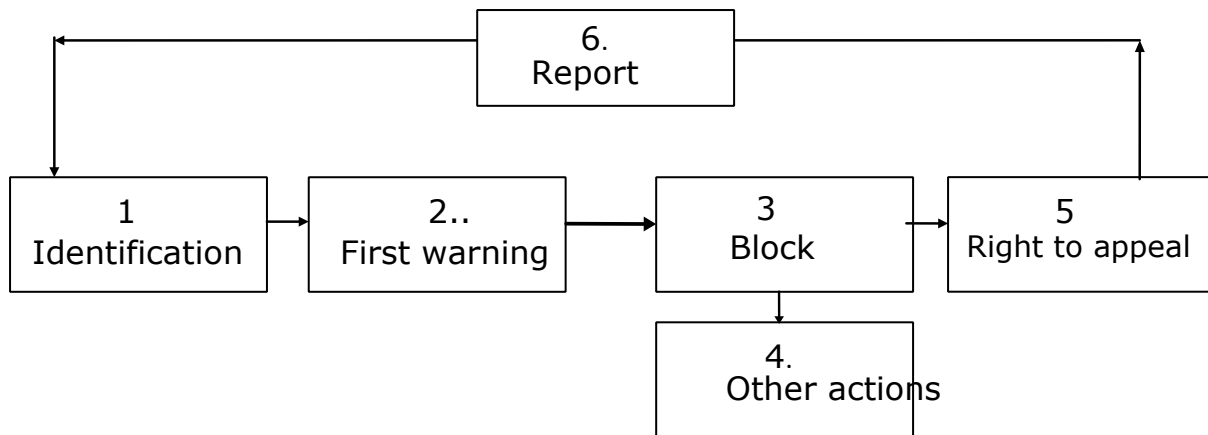


### **Section 3 - How we will deal with unacceptable behaviour**

1. Where we choose to remove or not to publish a comment for whatever reason, we will refer to this policy. This is not about censoring people's views. The aim is to ensure that comments relate to the subject being discussed.
2. Moderation will not be used to suppress legitimate, reasoned discussion.
3. We may also report posts and comments that breach this policy to the appropriate social media platform.
4. In the first instance, the Council's external communications contractor (Communications Team) will issue a written warning to the author in private via a direct message, or email if appropriate and any inappropriate material will be removed immediately from the Council's social media feeds.
5. The Communications Team will make all efforts to identify the person responsible, but where they cannot, or, in the case, unacceptable content continues to be published, they will remove posts, messages or content considered unacceptable, from the Council's social media feeds.
6. If unacceptable behaviour continues, the Council will consider blocking users from interacting with the Council's social media feeds.
7. A decision to block a user will be made by the Town Clerk, Communication Team Lead in consultation with the Council's solicitor.
8. If a block is imposed, the Town Clerk will write to the person concerned, explaining the reasons, and setting out the terms of when the Council will review the block.
9. The Town Clerk will use their discretion to decide whether to continue blocking a user. A review will be made on a regular basis and the Town Clerk may employ the Vexatious Complainant Policy.
10. Unacceptable behaviour may also be addressed by restricting the way someone can communicate with the Council, or their participation/attendance at meetings.
11. We may also report the matter to the police where behaviour amounts to abuse or harassment, or a criminal offence is suspected. All decisions on these matters will be made by the Town Clerk in consultation with others where appropriate.
12. The Council reserves the right to take whatever legal action may be necessary in the case of libellous or defamatory posts/messages.

Section 4 provides the process for handling unacceptable social media behaviour in greater detail.

## Section 4 – Process for managing unacceptable social media behaviour



### 1. Identification

- i. The Communications Team monitors PTC main social media accounts daily.
- ii. If they see unacceptable behaviour, they will record the name and handle of the account, the date, the social media post, and why it is unacceptable.

### 2. First warning

- i. Once unacceptable behaviour has been identified, the Communications Team will confirm whether it is inappropriate with the Town Clerk.
- ii. Once a decision has been made, they will issue a written warning to the author in private via a direct message, or email sent from the office email address, if appropriate.
- iii. The warning will link to the social media policy and remind the individual of acceptable behaviour. It will be a standard message.
- iv. The inappropriate material will be removed immediately from the Council's social media feeds.
- v. Unacceptable behaviour that has been identified will be logged on a central record.
- vi. Before issuing a warning, the central record will be checked to assess whether this is a first warning or whether the individual is now blocked (see 4).
- vii. Extreme unacceptable behaviour will result in a block (see 4).

### **3. Blocking users**

- i. If unacceptable behaviour continues after the one warning, or if the behaviour is extreme, the Council will consider blocking users from interacting with the Council's social media feeds.
- ii. The Communications Team will provide a report to the Town Clerk outlining the details collected above (1ii), the dates of the written warning and any subsequent response.
- iii. A panel (live, virtual or via email) comprised of the Town Clerk (or representative if appropriate), the Council's Solicitor and the lead of the Communications Team will be convened to discuss the matter. The Town Clerk, or representative, will take the final decision to block an individual.
- iv. If a block is imposed, the Town Clerk will write to the person concerned, explaining the reasons, and setting out the terms of when the citizen will have the opportunity to ask for an appeal (after the block has been imposed for 12 months).

### **4. Other actions taken when blocking an individual**

- i. The Council manages unacceptable behaviour according to the 'Dealing with Abusive or Vexatious Customers' policy.
- ii. A blocked social media account could also lead to restricting the way someone can communicate with the Council, or their participation/attendance at meetings.
- iii. We may also report the matter to the police where behaviour amounts to abuse or harassment, or a criminal offence is suspected.
- iv. The Town Clerk in consultation with the Councils Solicitor will make all decisions on these matters.

### **5. Right to Appeal a Blocked Account**

- a) After 12 months, the blocked account owner can appeal the decision to block.
- b) To request an appeal, they will need to provide evidence that they are no longer posting messages that are unacceptable.
- c) Evidence will include screen shots from their account to demonstrate understanding of acceptable behaviour.
- d) On receipt of a request to appeal, a review meeting (live, virtual or via email) comprised of the Town Clerk, the lead of the Communications Team will be convened who will review the evidence provided.
- e) Individuals who are unblocked will be regularly reviewed to ensure behaviour remains acceptable.
- f) The panel will review the tone, sentiment and approach taken by the blocked account holder's evidence to assess whether their behaviour remains unacceptable.
- g) Should the account holder remain blocked, PTC will write (via email or direct message) to the account holder to explain the decision.

- h) Should the account holder be “unblocked,” the Town Clerk will notify them in writing.

## **6. Reporting Unacceptable Behaviour by Citizen’s Who Have Posted Comment on PTC Accounts**

- a) Citizens who respond to PTC posts have the right to express their opinion without fear of retribution or unacceptable behaviour.
- b) If citizens are uncomfortable with any post directed at them on a Council social media account, they have the right to report the post to the Communications Team, who will investigate.
- c) The process described above will be followed if the event of unacceptable behaviour directed at residents who are commenting on Council social media accounts.
- d) A member of the Communications Team will contact the citizen to let them know the outcome of the investigation and any actions taken.
- e) Sending a message/post via the Councils social media feeds will not be considered as contacting the Council for official purposes and we will not monitor or respond to requests for information through these channels. Instead, citizens are directed to contact with the Council’s Clerk, officers and/or Councillors of the Council by email or telephone.
- f) The Council reserves the right to take whatever complaints or legal action that may be necessary in the case of inaccurate, libellous, or defamatory posts/messages.
- g) We can take no responsibility for any point at which social media services are unavailable, whether this is due to our actions, due to general issues with the social media sites themselves, due to internet access in your area or due to any other factors.

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Queries relating to the application of this policy should be addressed, in writing, to [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

If your account has been blocked, you can request a right to appeal by providing evidence, including the date you were blocked, by emailing [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

We welcome requests made under the Freedom of Information (FOI) Act, in addition, would ask you, if possible, to email these to [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

If you are not happy with the service we provide or have feedback that you would like to bring to our attention and are not happy with the response you receive via social media please email [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

You can find full details of our Complaints Procedure on our website.

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**Approved: 23 January 2023**

**Review: Annual**



# **Penrith Town Council**

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01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## **INFORMATION PROTECTION POLICY**

## 1 PURPOSE

- 1.1 Information is a major asset that Penrith Town Council has a duty and responsibility to protect.
- 1.2 The purpose and objective of this Information Protection Policy is to specify the means of information handling and transfer within the Council.

## 2 SCOPE

- 2.1 The Information Protection Policy applies to all Councillors, Committees, Employees of the Council, contracted third parties and agents of the Council who have access to Information Systems or information used for Council purposes.
- 2.2 Information takes many forms and includes:
  - hard copy data printed or written on paper
  - data stored electronically
  - communications sent by post / courier or using electronic means
  - stored tape or video
  - speech

## 3 INFORMATION STORAGE

- 3.1 All electronic information will be stored on centralised facilities to allow regular backups to take place.
- 3.2 Information will ~~not~~ be held ~~that breaches~~ in accordance with the Data Protection Act (1998) and any formal notification and guidance issued by Penrith Town Council. All personal data ~~identifiable information~~ will be held and processed in accordance with the ~~Caldicott~~ Data Protection Principles, namely, personal data:
  - i. Will be processed fairly, lawfully and transparently;
  - ii. Will be collected for specified, explicit and legitimate purposes;
  - iii. Will be adequate, relevant and necessary,
  - iv. Will be accurate and kept up to date;
  - v. Will be kept for no longer than necessary;
  - vi. Will be processed in a manner that ensures appropriate security; and
  - vii. Will be processed in a manner for which the Town Council will be able to demonstrate accountability.
- 3.3 The Records management and retention policy will be followed.
- 3.4 Staff ~~should not be~~ will only be allowed to access personal data ~~information until the Data Information Officers are satisfied that~~ when



they understand and **accept** the legislative responsibilities for the **data and** information that they will be handling **or processing**.

- 3.5 This documentation will include a clear statement as to the use, or planned use of the personal information, which is cross-referenced to the Data Protection Notification.
- 3.6 **Any** Files which are ~~listed by Penrith Town Council~~ **identified** as a potential security risk ~~will~~ **should** not be stored on the network, except ~~for~~ in designated application storage areas.

#### **4 DISCLOSURE OF INFORMATION COMPUTER AND PAPER BASED**

- 4.1 The disclosure of personal information other than to authorised ~~personnel~~ **people** is forbidden. If there is suspicion of a Councillor or employee treating confidential Council information in a way that could be harmful to the Council or to the data subject, then it ~~is~~ **should** be reported to the Data ~~Control~~ Protection Officer who will take appropriate action.
- 4.2 Printed information must not be removed from premises without the express consent of the information owner.
- 4.3 Protectively marked, personal or sensitive documents ~~are~~ **should** not be left unattended and, when not in use, ~~are to~~ **should** be locked away and ~~accessed~~ **available** only ~~by~~ **to** authorised persons.
- 4.4 **The** Disposal methods for waste computer printed ~~output~~ **material** and other media **and hard copy documents** must be in accordance with Penrith Town Councils **record management and retention** policy.
- 4.5 Distribution of information should be ~~via~~ **by use of** the most secure method **and appropriate** available.

#### **5 DISCLOSURE OF INFORMATION **by** TELEPHONE, FAX AND E-MAIL**

Where this involves the exchange of sensitive information then the following procedures will be applied.

#### **6 TELEPHONE CALLS**

- 6.1 Verify the identity ~~ification~~ of ~~members~~ **callers** before disclosing information. **The only information which should be disclosed is that which the caller is entitled to know and receive.** If in **any** doubt, return their call using a known telephone number.

- 6.2 For external callers, verify their identity and their need to know the requested information. Telephone them back before releasing information and ask the caller to provide evidence of their identity (this could be passport, driving licence, household bill).
- 6.3 Ensure that you are authorised to disclose the information requested.
- 6.4 Ensure that the person is entitled to be given this information.
- 6.5 Ensure that the information you give is accurate and factual.

## **7 ~~FAX TRANSMISSIONS~~**

- ~~7.1 Fax should not be used to transmit personal or sensitive information.~~

## **8 DISCLOSURE OF INFORMATION BY EMAIL**

- 8.1 Personal/sensitive information is at risk if sent outside of the Council's network.
- 8.3 Email should not be used for sending personal or sensitive information unless technical measures are in place to keep the message secure.
- 8.5 The sender should be satisfied of the identity of the recipient, if in doubt the email should not be sent, and alternative methods should be used.
- 8.6 No identifiable personal information should be included when sending on emails.
- 8.7 ~~The recipient of~~ Council emails are prohibited from being forwarded, copied or blind copied to any third party within or outside of the Council.

## **9 SHARING OF PERSONAL INFORMATION**

- 9.1 Information relating to individuals shall not be shared with other authorities **unless this lawfully permissible and in accordance with any data sharing protocol.**
- 9.2 Staff should be aware of their responsibilities to be able to **authorise** ~~justify~~ the sharing of information and to be able to maintain security when transferring information in person, by email, phone or post.

**Adopted: 2018**

**Reviewed: Annual**



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## **INFORMATION SECURITY INCIDENT POLICY**

## **1 PURPOSE**

- 1.1 This document defines an Information Security Incident and the procedure to report an incident.

## **2 SCOPE**

- 2.1 This document applies to all Councillors, ~~Committees, Departments~~ Partners, Employees of the Council, contractual third parties and agents of the Council who have access to Information Systems or information used for Penrith Town Councils purposes.

## **3 DEFINITION**

- 3.1 An information security incident occurs when data or information is transferred or is at risk of being transferred to somebody who is not entitled to receive it, or data is at risk from corruption.

## **4 AN INFORMATION SECURITY INCIDENT INCLUDES**

- The loss or theft of data or information
- The transfer of data or information to those who are not entitled to receive that information
- Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system
- Changes to information or data or system hardware, firmware, or software characteristics without the council's knowledge, instruction, or consent
- Unwanted disruption or denial of service to a system
- The unauthorised use of a system for the processing or storage of data by any person.

## **5 WHEN TO REPORT**

- 5.1 All events that result in the actual or potential loss of data, breaches of confidentiality, unauthorised access or changes to systems should be reported to the **Data Protection Officer and Town Clerk** as soon as they happen.

## **6 ACTION ON BECOMING AWARE OF THE INCIDENT**

- 6.1 Follow the ~~information security~~ procedures below according to the type of incident:

## **7 HOW TO REPORT**

- 7.1 The Data Protection Information Officers must be contacted by email or telephone. They will log the incident and forward it on to the IT Contractor.
- 7.2 The Data Protection Information Officers will require you to supply further information, the nature of which will depend upon the nature of the incident. However, the following information must be supplied:
- Contact name and number of person reporting the incident
  - The type of data or information involved
  - Whether the loss of the data puts any person or other data at risk
  - Location of the incident
  - Inventory numbers of any equipment affected
  - Date and time the security incident occurred
  - Location of data or equipment affected • Type and circumstances of the incident.

## **8 WHAT TO REPORT**

- 8.1 All Information Security Incidents must be reported to the Data Protection Officer and Town Clerk.

## **9 EXAMPLES OF INFORMATION SECURITY / MISUSE**

- 9.1 Information Security Incidents are not limited to this list, which contains examples of some of the most common incidents.

### **9.2 Malicious Incident**

- Computer infected by a Virus or other malware, (for example spyware or adware)
- An unauthorised person changing data
- Receiving and forwarding chain letters – Including virus warnings, scam warnings and other emails which encourage the recipient to forward onto others.
- Social engineering - Unknown people asking for information which could gain them access to council data (e.g. a password or details of a third party).
- Unauthorised disclosure of information electronically, in paper form or verbally.
- Falsification of records, Inappropriate destruction of records
- Denial of Service, for example
- Damage or interruption to Penrith Town Council equipment or services caused deliberately e.g. computer vandalism

- Connecting non-council equipment to the council network
- Unauthorised Information access or use
- Giving information to someone who should not have access to it - verbally, in writing or electronically
- Printing or copying confidential information and not storing it correctly or confidentially.

### **9.3 Access Violation**

- Disclosure of logins to unauthorised people
- Disclosure of passwords to unauthorised people e.g. writing down your password and leaving it on display
- Accessing systems using someone else's authorisation e.g. someone else's user id and password
- Inappropriately sharing security devices such as access tokens
- Other compromise of user identity e.g. access to network or specific system by unauthorised person
- Allowing Unauthorised Physical access to secure premises e.g. server room, scanning facility, dept area.

### **9.4 Environmental**

- Loss of integrity of the data within systems and transferred between systems
- Damage caused by natural disasters e.g. fire, burst pipes, lighting etc
- Deterioration of paper records
- Deterioration of backup tapes
- Introduction of unauthorised or untested software • Information leakage due to software errors.

### **9.5 Inappropriate use**

- Accessing inappropriate material on the internet
- Sending inappropriate emails
- Personal use of services and equipment in work time
- Using unlicensed Software
- Misuse of facilities, e.g. phoning premium line numbers.

### **9.6 Theft / loss Incident**

- Theft / loss of data – written or electronically held
- Theft / loss of any Council equipment including computers, monitors, mobile phones, Blackberries, Memory sticks, CDs.

### **9.7 Accidental Incident**

- Sending an email containing sensitive information to 'all staff' and or Councillors by mistake

- Receiving unsolicited mail of an offensive nature, e.g. containing pornographic, obscene, racist, sexist, grossly offensive or violent material
- Receiving unsolicited mail which requires you to enter personal data.

## **9.8 Mis-keying**

- Receiving unauthorised information
- Sending information to wrong recipient.

## **10 ESCALATION**

- 10.1 Serious incidents will be escalated within the Council **to the Town Clerk and Chair of Council.** ~~via the national WARP scheme if determined to be of national value.~~
- 10.2 **Should the incident have a substantial impact on the provision of the Council's services the Council shall report the incident to the Information Commissioners Office (ICO) within 72 hours of the incident occurring. The Council will first take into account some or all of the following factors:**
- The number of users affected.
  - The duration of the incident
  - The geographical spread
  - The extent of the disruption
  - The extent of the incidents impact.

**Adopted 2018**  
**Review: Annual**

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## REMOVABLE MEDIA POLICY

### 1 PURPOSE

- 1.1 This policy supports the controlled storage and transfer of information by Councillors of Penrith Town Council and all employees, temporary staff and agents (contractors, consultants and others working on behalf of the Council) who have access to and use of computing equipment that is owned or leased by Penrith Town Council.
- 1.2 Information is used throughout the Penrith Town Council and is sometimes shared with external organisations and applicants. The use of removable media may result in the loss of the ability to access information, or interference with the integrity of information, which could have a significant effect on the efficient operation of the Penrith Town Council and may result in financial loss and an inability to provide services to the public.
- 1.3 It is therefore essential for the continued operation of the Penrith Town Council that the availability, integrity and confidentiality of all storage devices are maintained at a level which is appropriate to the Penrith Town Council's needs.
- 1.4 The aims of the policy are to ensure that the use of removable storage devices is accomplished with due regard to:
  - a. Enabling the correct data to be made available where it is required.
  - b. Maintaining the integrity of the data
  - c. Preventing unintended consequences to the stability of the computer network
  - d. Building confidence and trust in data that is being shared between systems.
  - e. Maintaining high standards of care towards data and information about individual citizens, staff or information that is exempt from disclosure.
  - f. Compliance with legislation, policies or good practice requirements

### 2 SCOPE

- 2.1 This policy sets out the principles that will be adopted by the Council for material to be safely stored on removable media so that the risk of loss or corruption to work data is low.
- 2.2 Removable media includes but is not limited to:

USB memory sticks, memory cards, portable memory devices, CD / DVDs, diskettes and any other device that transfers data between systems or stores electronic data separately from email or other applications.

- 2.3 Any person who intends to store Council data on removable media must abide by this Policy. This requirement devolves to Councillors, employees and agents of the Council, who may be held personally liable for any breach of the requirements of this policy.
- 2.4 Failure to comply with this policy could result in disciplinary action or will be considered a breach of the Code of Conduct.

### **3 ADVICE AND ASSISTANCE**

- 3.1 The Data Protection Information Officers will ensure that everyone that is authorised to access the Penrith Town Council's information systems is aware of their obligations arising from this policy.
- 3.2 The Data Protection Information Officers should be consulted over any hardware or system issues. The IT Contractor in conjunction with the Data Protection Information Officers should be approached for advice and guidance on using software packages.
- 3.3 Should this policy appear to conflict with any other approved Council policy, then contact the Data Protection Information Officers for guidance.

### **4 RESPONSIBILITIES**

- 4.1 The Data Protection Information Officers are responsible for enforcing this policy and for having arrangements in place to identify the location of all data used in connection with Council business.
- 4.2 Users of removable media must have adequate training so that relevant policies are implemented.

### **5 INCIDENT MANAGEMENT**

- 5.1 It is the duty of all employees and agents of the Council to not allow storage media to be compromised in any way whilst in their care or under their control. There must be immediate reporting of any misuse or irresponsible actions that affect work data or information, any loss of material, or actual, or suspected breaches in information security to the Data Protection Information Officers.
- 5.2 It is the duty of all Councillors to report any actual or suspected breaches in information security to the Data Protection Information Officers.

## **6 DATA ADMINISTRATION**

- 6.1 Removable media should not be the only place where data created or obtained for work purposes is held, as data that is only held in one place and in one format is at much higher risk of being unavailable through loss, destruction or malfunction of equipment, than data which is routinely backed up.
- 6.2 Where removable media is used to transfer material between systems then copies of the data should also remain on the source system or computer, until the data is successfully transferred to another computer or system.
- 6.3 Where there is a business requirement to distribute information to third parties, then removable media must only be used when the file cannot be sent or is too large to be sent by email or other secure electronic means.
- 6.4 Transferring material to removable media is a snapshot of the data at the time it was saved to the media. Adequate labelling must be undertaken to easily identify the version of the data, as well as its content.
- 6.5 Files must be deleted from removable media, or the removable media destroyed, when the operational use of the material has been completed. The Council's retention and disposition schedule must be implemented by Councillors, employees, contractors and agents for all removable media.

## **7 SECURITY**

- 7.1 All storage media must be kept in an appropriately secure and safe environment that avoids physical risk, loss or electrical corruption of the business asset. Due to their small size, there is a high risk of the removable media being mislaid lost or damaged, therefore special care is required to physically protect the device and the data. Anyone using removable media to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.
- 7.2 Virus Infections must be prevented from damaging the Penrith Town Council's network and computers. Virus and malware checking software approved by the Councils IT Contractor must be operational on both the machine from which the data is taken and the machine on to which the data is to be loaded. The data must be scanned by the virus checking software before the media is loaded on to the receiving machine.
- 7.3 Any memory stick used in connection with Council equipment or to store Council material should usually be Council owned. However, work related data from external sources can be transferred to the Council network using memory sticks that are from trusted sources and have been checked using current anti-virus software **before use**.

- 7.4 The Council will not provide support or administrator access for any **noncouncil** memory stick **that is not Council owned or purchased**.

## **8 USE OF REMOVABLE MEDIA**

- 8.1 Care must be taken over what data or information is transferred onto removable media. Only the data that is authorised and necessary to be transferred should be saved on to the device.
- 8.2 Material that is classified as RESTRICTED or **higher** **CONFIDENTIAL** must not be stored on removable media at any time.
- 8.3 Council material belongs to the Council and any equipment on which it is held should be under the control of the Council and not available to be used for other purposes that may compromise the data.
- 8.4 All data transferred to removable media should be in accordance with an agreed process **established by the Directorate** so that material can be traced.
- 8.5 The person arranging the transfer of data must be authorised to make use of, or process that data.
- 8.6 Whilst in transit or storage the data must be given appropriate security according to the type of data and its sensitivity.
- 8.7 Encryption must be applied to the data file unless there is no risk to the Council, other organisations or individuals from the data being lost whilst in transit or storage. If encryption is not available, then password control must be applied if removable media must be used for the business purpose.

## **9 FAULTY OR UNNEEDED STORAGE DEVICES**

- 9.1 Damaged or faulty media must not be used. The IT Contractor must be consulted over any damaged equipment, peripherals or media.
- 9.2 All unneeded or faulty storage devices must be sent to the IT Contractor who will securely remove the data before reallocating or disposing of the device.

## **10 REQUESTS TO SUSPEND THIS POLICY**

- 10.1 This Policy is designed to protect Council business data and to accommodate the needs of users. However, should aspects of this policy interfere with a valid business requirement; an application can be made to the Data Protection **Information Officers** for an amendment to this policy. An outline risk assessment should be submitted with the application.

## **11 BREACH PROCEDURES**

- 11.1 Users who do not adhere to this policy will be dealt with through the Council's disciplinary process.
- 11.2 For Councillors, the Data Protection Information Officers will ensure appropriate action is taken.
- 11.3 Where external service providers, agents or contractors breach the policy, this should be addressed through contract arrangements.
- 11.4 Where the public have access to the Penrith Town Council system, that access will be withdrawn if there is an actual or likely breach of information security, until adequate controls are in place.

## **12 IN SUMMARY**

- Data and information are valuable and must be protected.
- Do not use removable media for material that is marked 'restricted' or confidential.
- Only transfer data onto removable media, if you have the permission of Penrith Town Council to do so.
- All transfer arrangements carry a risk to the data.
- Run the virus checking programme on the removable media each time it is connected to a computer.
- Only use approved products for Council data.
- Activate encryption on removable media wherever it is available and password protection if not available.
- Data should be available for automatic back up and not solely saved to removable media.
- Delete files from removable media, or destroy the media, after the material has been used for its purpose.
- Ask if you are unsure.

## **REVIEW AND REVISION**

This policy will be reviewed annually by the Data Protection Information Officers and revised according to developments in legislation, guidance, accepted good practice and operational use.



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

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## PASSWORD POLICY

## **1. PURPOSE**

- 1.1** Penrith Town Council's information is a valuable asset that must be managed with care; protecting information helps protect the interests of the Council, its customers, partners and employees.
- 1.2** This policy sets out how access to information and information processing facilities should be controlled via passwords and aims to ensure that users are using suitable passwords and understand their responsibilities.

### **1.3 The Council will:**

- Have a standard for the creation of strong passwords
- Enforce the use of strong passwords
- Determine the frequency of password change across all systems throughout the Council
- Ensure that users are made aware of how to use information systems securely

## **2. SCOPE**

- 2.1** This policy applies to all employees, partners, contractors, Councillors, agents of the Council and other third parties (referred to hereafter as 'users') who require any form of access to the Council's electronic information systems.
- 2.2** This policy should be adhered to always when accessing information from any device. Questions regarding the content or application of this policy should be directed to the ICT Contractor and/or Data Protection Officer.

## **3. RISK MANAGEMENT**

- 3.1** Protecting personal and/or sensitive information from unauthorised access, modification, disclosure, or misuse is essential to mitigate the following risks:
- Harm to individual(s)
  - Service disruption



- Potential legal action and/or fines against the Council or individual(s)
- Damage to the Council's reputation
- Loss of credibility
- Theft, fraud or misuse of facilities
- Cyber-attack and/or threat to the productivity and capability of the council to conduct its business.

## 4. APPLYING THIS POLICY

### RESPONSIBILITIES

#### 4.1 Users:

- **must** ensure that their password is not divulged or shared with anyone else.
- **must not** create 'poor' passwords (see Appendix 1)
- **must not** write down and store passwords within the office i.e. in office diaries or paper files.
- **must not** insert passwords into email messages. (Systems-generated temporary passwords are regarded as an exception and can be emailed as these are classified as temporary passwords and **must** be changed as soon as possible)

#### 4.2 ICT system usage:

- **should** support individual user identification – providing for identification of specific users and not generic group accounts.
- **should not** store passwords in clear text or in any easily reversible form.
- **should** ensure passwords and accounts are linked to role-based access enabling delegation of tasks to individuals.

#### 4.3 ICT system infrastructure:

- **should not** contain or utilise embedded (hard-coded) passwords.
- **should** use access control procedures, which apply to both operational and test systems equally.
- which requires local logon privileges for configuration and maintenance i.e. printers, network switches, routers, SAN appliances, etc. **must** have built-in default admin (or equivalent) account passwords changed in line with this policy.

## 5. PASSWORD CREATION

- 5.1 All user-level and system level passwords must conform to the Council's Password Construction guidelines (see Appendix 1).
- 5.2 Users must not use existing personal account passwords for their PTC accounts (e.g., personal internet (ISP) accounts, banks, etc.).

## 6. PASSWORD CHANGE

- 6.1 All system-level passwords must be changed **when prompted by the IT service provider** or on at least on an annual basis.
- 6.2 All user-level passwords must be changed annually **on the or close to the Users birthday.**
- 6.3 For business continuity the IT Contractor must be informed of the password change.
- 6.4 Random password 'cracking' may be carried out on a periodic basis by the IT **provider** or its delegates. If a password is 'cracked' the user will be required to change it in line with the Password Construction guideline.

## 7. PASSWORD PROTECTION

- 7.1 Personal passwords must not be shared with anyone other than the IT Contractor.
- 7.2 All passwords are to be treated as business-critical PTC information.
- 7.3 Passwords must not be inserted into email messages or other forms of electronic communication.
- 7.4 The only passwords permitted to be sent via e-mail are those that are temporary and generated for users who are receiving their login credentials for the first time or have requested them through an application password re-set procedure.
- 7.5 Passwords must not be revealed over the phone.
- 7.6 Passwords must not be revealed on questionnaires or security forms
- 7.7 Users must not hint at the format of a password (for example "my family name")
- 7.8 Any user that suspects their password has been compromised must report the incident to the IT Contractor and Data Protection Officer and change all passwords in line with the Password Construction guidelines.

## **8. APPLICATION DEVELOPMENT**

Application developers must ensure that their programmes contain the following security precautions:

- 8.1** Applications must support authentication of individual users and not generic passwords for teams or groups of staff.
- 8.2** Applications must not store passwords in clear text or in any easily reversible form.
- 8.3** Applications must not transmit passwords in clear text over the network
- 8.4** Applications must provide role management, which allow one user to take over the functions of another without having to know their password

## **9. POLICY COMPLIANCE**

- 9.1** All employees, Councillors and anyone who delivers services on the Council's behalf e.g. contractors, partners, agents or other third parties with access to the Council's information assets have a responsibility to comply with this policy and to promptly report any suspected or observed security breach.
- 9.2** Security breaches that result from a deliberate or negligent disregard of any security policy requirements may, in the Council's absolute discretion, result in disciplinary action being taken against that employee.
- 9.3** If breaches arise from the deliberate or negligent disregard of the Council's security policy requirements by a user who is not a direct employee of the Council, the Council shall take such punitive action against that user and/or their employer as the Council in its absolute discretion deems appropriate.
- 9.4** The Council may, in its absolute discretion refer the matter of any breach of the Council's security policy requirements to the police for investigation and (if appropriate) the instigation of criminal proceedings if in the reasonable opinion of the Council such breach has or is likely to lead to the commissioning of a criminal offence.

## 10. RELATED STANDARDS, POLICIES AND PROCESSES

Password Construction Guidelines (Appendix 1)

## 11. POLICY REVIEW

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

**Originally Approved: November 2016**

**Reviewed:**

### DATA CONTACTS

**DATA PROTECTION OFFICER:** [legal@penrithtowncouncil.gov.uk](mailto:legal@penrithtowncouncil.gov.uk)

<b>IT CONTRACTOR:</b>	KTD	AINDALE
	KTD – A DIVISION OF AINDALE BMS LTD KTD House Dowkers Lane Kendal Cumbria LA9 4DN	AINDALE BMS LTD 31-33 Chapel Hill Huddersfield HD1 3ED  Company no. 1871557
	Telephone: 01539733 288	
<b>DATA CONTROLLER:</b>	Penrith Town Council	

## **Appendix 1: Password Construction Guidelines**

### **What is a poor password?**

A poor password is one that can be easily guessed or can be cracked using software easily available on the Internet. Do not use any of the following in your password:

- Your name, the name of your spouse, child, pet, boss etc. Do not use names in any form.
- Your username.
- Anything that can easily be found out about you e.g. your house name, street, city, your birthday, license plate number, your national insurance number, phone number, favourite pop star, movie, song etc.
- Family member's birthdays.
- A password composed of all digits or all letters.
- A word with a single digit on the end e.g. summer1.
- Key patterns such as 'qwerty'.
- A derivative of any of your personal passwords e.g. home email address, social networking, online shopping, etc.

### ***What is a good password?***

- At least 8 characters long.
- Have both upper and lower-case letters.
- Have both alpha and numeric characters.
- Have digits and punctuation (e.g. @ : } { ) ( " ! ?)£.
- Do not appear systematic e.g. abc, or 123.
- Are easy to remember so that they don't need to be written down.

### ***How do I choose a good password?***

- Use a sentence like 'I love shopping, especially for Christmas presents' and turn this into a password such as - IIs,e4Cp - using the first letter of each word, substituting numbers for words where possible (e.g. 4 instead of 'for'). This looks like gobbledegook which is good because it is hard to crack.
- You could do something simple like picking 2 words, splitting them into non-dictionary words and adding a number and other characters in the middle, e.g. summer evening becomes Sum99\*ng (note at least 1 letter is capitalised).

- Substitute numbers for letters - some numbers look like a letter e.g. number 5 looks like the letter S, number 2 looks like the letter Z, number 1 looks like the letter L, number 3 looks like the letter E.
- Substitute special characters - e.g. use the \$ to replace S, use ! to replace l. Combine this with using the first letters of words that make up a movie such as 'Star Wars: The Empire Strikes Back Episode 5' - this becomes \$Wte\$be5, or also include some number for letter substitution and this becomes \$Wt3\$b35.
- Use compound words and spice them up with numbers or special characters, or create your own spelling of one or both words e.g.
- Tunafish becomes toona&Fish2
- Rocketship becomes rokiT7shiP
- Doghouse becomes DAWG~howz8
- Use keyboard patterns using numbers and the shift key occasionally (but be careful not to use simple patterns such as qwerty).
- Use the [Password Generator](#). This presents you with a selection of passwords and you can select the one that suits you, and that you will find easy to remember



# Penrith Town Council

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## DATA PROTECTION POLICY

## OVERVIEW

We hold personal data about our employees, residents, suppliers and other individuals for a variety of Council purposes.

This policy sets out how we seek to protect personal data and ensure that Councillors and Officers understand the rules governing their use of personal data to which they have access during their work. This policy requires Officers to ensure that the Data Protection Officer (DPO) **is** consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

## DEFINITIONS

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### **Business purposes**

The purposes for which personal data may be used by us:

Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes.

Council purposes include the following:

- Compliance with our legal, regulatory and corporate governance obligations and good practice
- Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests
- Ensuring Council policies are adhered to (such as policies covering email and internet use)
- Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking
- Investigating complaints
- Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments
- Monitoring staff conduct, disciplinary matters
- Promoting Council services
- Improving services



## **Personal data**

Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts, members of the public, Council service users, residents, grant applicants, hirers, correspondents

Personal data we gather may include:

- Individuals' contact details
- Educational background
- Financial and pay details
- Details of certificates and diplomas, education and skills
- Marital status
- Nationality
- Job title
- CV
- Organisation contact details
- Correspondence
- Emails
- Databases
- Council records

## **Sensitive personal data**

Any use of sensitive personal data should be strictly controlled in accordance with this policy. That is personal data about an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership (or non-membership)
- Physical or mental health or condition
- Criminal offences, or related proceeding
- Salary and pension

## **SCOPE**

This policy applies to all councillors and staff **who should be** ~~You must be~~ familiar with this policy and comply with its terms.

This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

## **WHO IS RESPONSIBLE FOR THIS POLICY?**

The Data Protection Officer, has overall responsibility for the day-to-day implementation of this policy.

## **PROCEDURES**

## **FAIR AND LAWFUL PROCESSING**

The Council must process personal data fairly and lawfully in accordance with individuals' rights and the six lawful bases for processing personal data. The six lawful bases are processing the personal data:

1. with the consent of an individual for a specific purpose;
2. where this is necessary to comply with a contract;
3. where this is necessary to comply with the law;
4. to protect someone's life;
5. to perform a task in the public interest or to perform official functions;
6. to carry out our legitimate interests.

Generally, most of the data we process will be to carry out our public tasks and our official functions. On occasions we will need the specific consent of an individual to process data.

## **THE DATA PROTECTION OFFICER'S RESPONSIBILITIES:**

- Keeping the Council updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Assisting with data protection training and advice for all staff, members and those included in this policy
- Answering questions on data protection from staff, council members and other stakeholders
- Responding to individuals such as members of the public, service users and employees who wish to know which data is being held on them.

Checking and approving with third parties that handle the council's data any contracts or agreement regarding data processing.

## **RESPONSIBILITIES OF THE IT CONTRACTOR**

- Ensuring all systems, services, software and equipment meet acceptable security standards.
- Checking and scanning security hardware and software regularly to ensure it is functioning properly.
- Researching third-party services, such as cloud services the company is considering using to store or process data.

## **RESPONSIBILITIES OF THE COUNCIL'S OFFICERS**

- Approving data protection statements attached to emails and other marketing copy
- Addressing data protection queries from clients, target audiences or media outlets
- Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the ~~company's Council's Policies Data Protection Policy~~.
- **Complying with the Council's policies and data protection legislation including that contained in the UK General Data Protection Regulation (GDPR) and the Data Protection Act, 2018.**

## THE PROCESSING OF ALL DATA MUST BE:

- Necessary to deliver Council services.
- In the Council's legitimate interests and not unduly prejudice the individual's privacy
- **Carried out in accordance with the Council's policies and the data protection legislation.**
- ~~In most cases this provision will apply to routine business data processing activities.~~
- The Council has adopted a Privacy Policy which contains the privacy notice ~~Our Terms of Business contains a Privacy Notice relating to~~ on data protection.

The notice:

- Sets out the purposes for which we hold personal data on customers, employees, residents and service users
- **Explains how we use the personal data including sensitive personal data that we hold to deliver our services and perform our public tasks and duties.**
- **Explains what we do to protect the personal data that we hold.**
- **Sets out a person's rights in respect of personal data.**
- ~~Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers~~
- ~~Provides that service users and correspondents have a right of access to the personal data that we hold about them~~

## SENSITIVE PERSONAL DATA

In **some** cases where we process sensitive personal data we will require the data subject's **explicit** consent to do this unless **other lawful bases** or circumstances apply. ~~or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work, comply with burial legislation and allotment legislation).~~ Where applicable, any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed. ~~The Council's Privacy Policy sets out further detail on how we use sensitive personal data.~~

## ACCURACY AND RELEVANCE

We will ensure that any personal data we process is accurate, **fair**, adequate, relevant and not excessive, given the purpose for which it was obtained.

We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the Data Information Officer.

## YOUR PERSONAL DATA

You must take reasonable steps to ensure that personal data we hold about you is accurate and updated as required. ~~For example, if your personal circumstances change, please inform the Data Information Officer so that they can update your records.~~

## DATA SECURITY

~~You must keep~~ Personal data **will be kept** secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements **will** need to be implemented in contracts with those third-party organisations.

## STORING DATA SECURELY

- In cases when data is stored on printed paper, it must be kept in a secure place where unauthorised personnel **and third parties** cannot access it.
- Printed data must be shredded when it is no longer needed.
- Data stored on a computer must be protected by strong passwords that are changed regularly.
- Data stored on CDs or memory sticks must be locked away securely when they are not being used.
- ~~The DIO and IT contractor must seek the DPO's~~ **Specific approval from the Town Clerk in consultation with the DPO must be obtained for any proposal to use any cloud used** to store data.
- Servers containing personal data must be kept in a secure location.

- Data should be regularly backed up.
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones.
- All servers containing sensitive data must be approved and protected by security software and a strong firewall.

## DATA RETENTION

We **will** retain **or store** personal data for no longer than is necessary **for the purposes for which the data was processed**. What is necessary will depend on the circumstances of each case, considering the reasons that the personal data was obtained, but should be determined in a manner consistent with **our this policy and our statutory responsibilities**.

## SUBJECT ACCESS REQUESTS

Under the Data Protection **legislation**, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If **you receive** a subject access request **(a SAR) is received**, **you should refer that request** it must be dealt with promptly **under the SAR procedure** immediately to the **DIO who may ask** **The DPO will assist in responding to SARs if required.** **comply with those requests.**

**Please contact the Data Information Officer if you would like to correct or request information that we hold about you.** There are **also** restrictions on the information to which **you are** **a person is** entitled under **the** applicable law.

## PROCESSING DATA IN ACCORDANCE WITH THE INDIVIDUAL'S RIGHTS

**You should abide by** Any request from an individual not to use their personal data for direct marketing purposes **should be complied with.** **and notify the DIO about any such request.**

**Do not send** Direct marketing material **should not be sent** to someone electronically (e.g. via email) unless **you have** **there is** an existing business relationship with them in relation to the services being marketed.

**Please contact** The DPO **should be asked** for advice on direct marketing before **starting** any new direct marketing activity **is started**.

## TRAINING

All staff will receive training on this policy and data protection generally. New joiners employees will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure.

~~Training is provided through an in-house seminar on a regular basis.~~

It will cover:

- The law relating to data protection
- Our data protection and related policies and procedures.

Completion of training is compulsory for all employees.

~~Where not specified previously in this policy, the following provisions will be in effect on or before 25 May 2018.~~

## PRIVACY NOTICE — TRANSPARENCY OF DATA PROTECTION

Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. The following are details on how we collect data and what we will do with it:

### What information is being collected?

Who is collecting it?	The Council
How is it collected?	Electronically, hard copies, orally
Why is it being collected?	<p>To carry out the legitimate functions and powers of the Council:</p> <p>The Council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services. We will always consider your interests and rights. We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.</p>
How will it be used?	For Council purposes, in the exercise of official authority, to perform a task that is in the public interest and that is set out in law.
Who will it be shared with?	Authorised third parties.
The Data Controller	Penrith Town Council
The Data Information Officers	The Town Clerk & Deputy Town Clerk
The Data Processors	Council Officers
The Data Protection Officer	Council solicitor
Retention period	Refer to the Councils Retention Policy

## CONDITIONS FOR PROCESSING

~~We will ensure~~ Any use of personal data **must be** justified using at least one of the **lawful and legitimate bases conditions** for processing ~~and this will be specifically documented~~. All staff who are responsible for processing personal data will be aware of the **bases conditions** for processing **personal data**. The **lawful bases** for processing **personal data** are ~~will be~~ available to data subjects in the ~~form of a~~ privacy ~~notice~~ **policy**.

## JUSTIFICATION FOR PERSONAL DATA

~~We will process~~ Personal data **will be processed** in compliance with **all** the six data protection principles. **The data protection principles require that personal data are:**

1. **processed lawfully, fairly and in a transparent way;**
2. **processed only for a specific explicit and legitimate purpose and not used in any way that is incompatible with that purpose;**
3. **relevant, adequate and limited to the purposes for which they are processed;**
4. **accurate and kept up to date;**
5. **kept for no longer that is necessary for the purposes for which they were processed;**
6. **kept in a manner that ensures appropriate security of the data and that the data are protected from unauthorised or unlawful processing and accidental loss or damage.**

~~We will document~~ The additional justification for the processing of sensitive **personal** data will be documented and it will **be ensured that** any biometric and genetic data are considered **to be sensitive data**.

## CONSENT

The data that we collect **is** **may be** subject to active consent by the data subject. **This** **Such a** consent can be revoked at any time.

## CRIMINAL RECORD CHECKS

~~Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.~~

## DATA PORTABILITY

Upon request, a data subject ~~should have~~ **has** the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another **system controller**. This must be done for free.

## RIGHT TO BE FORGOTTEN



A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an **appropriate** exemption applies.

## **PRIVACY BY DESIGN AND DEFAULT PRIVACY IMPACT ASSESSMENTS**

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting **any** Privacy Impact Assessments and ensuring **that all any relevant IT** projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

## **DATA AUDIT AND REGISTER**

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

## **REPORTING BREACHES**

All members of staff have an obligation to report actual or potential data protection compliance failures **to the Town Clerk**. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- **Make any report to the Information Commissioner's office where necessary on any data protection breach. Any report that is required to be submitted will have to be made in 72 hours.**

## **MONITORING**

Everyone must observe this policy. The DPO has overall responsibility for this policy. **They** **The DPO** will monitor **it the policy** regularly to make sure it is being adhered to.

## **CONSEQUENCES OF FAILING TO COMPLY**

**We take compliance with this policy very seriously. Any failure to comply with this policy will put the Council at risk and may lead to action by the Information Commissioner's Office. puts both you and the organisation at risk.**

The importance of this policy means that **a failure to comply with any requirement by an employee** may lead to disciplinary action under our procedures which may result in dismissal. **A solicitor in breach of Data Protection responsibility under the law or the Code of Conduct may be struck off.**

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR  
Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## **RECORD MANAGEMENT & RETENTION POLICY**

## 1. OVERVIEW

The purpose of this policy is to ensure the appropriate identification, management, destruction and the archiving of Council documents and records.

- Penrith Town Council will implement a system of paper and electronic records management and will include those records retained for audit purposes which are reviewed annually by **the** Council's internal auditor.
- Such systems will ensure the storage and security of access to and disposal of, both paper and electronic records.
- This system and the procedure relating to record management will include an annual review of the records themselves.

## 2. INTRODUCTION

This policy guides the management and timely disposal of correspondence files and other Town Council documents. Penrith Town Council is required to retain paper and electronic data for a variety of reasons. There is a clear need to retain documentation for audit purposes, staff management, tax liabilities, and the eventuality of legal disputes and legal proceedings.

Subject to these reasons for retaining documents, and as a basic starting point, papers and records will be destroyed if they are no longer of use, are without a context or **no longer** relevant. Such documents will be destroyed after 12 months. Current papers are normally kept in files by subject in a fire proof filing cabinet or cupboard. Where there are many files an index is maintained to facilitate the location of papers.

## 3. SCOPE

This procedure applies to all documents produced by the Town Council and all documents received in the Town Council office. **The** reviewing and **the** disposal of **any** **all such** documents will take place on an annual basis. Documents produced by and readily available from other sources will be destroyed when they are no longer required.

## 4. IDENTIFICATION

All electronic files shall be identified as follows:

- **Year** – 22
- **Month** – 07
- **Date** – 21
- **WD** – Working document prior to being either finished or moving to Draft for Council approval
- **Final** – Finished document that does not require Council approval
- **Draft** – applies to documents that are finished and have been put forward for Council approval,
- **Approved** – The draft document has been considered at Full Council and a resolution has been passed to resolve and approve the document.

## 5. RETENTION OF INTERNAL DOCUMENTS

- a. Working documents and drafts should not be retained. These should be destroyed on completion and/or approval.
- b. Final and Approved documents should be saved as a PDF for multi-source publication and a word copy retained for when the document requires reviewing and updating.
- c. Both electronic and paper records should be retained in chronological order and be "live" with a context.
- d. "Live" documents are records or documents that are used regularly or are **still required or relevant** ~~and are less than 2 years old~~.
- e. The Shared on Server electronic files will be the up to date source for enquiries or tracking. Hard copies **will only** ~~may~~ be printed and retained in the subject's hard folder **as required and locked in the fire safe or filing cabinets.** ~~if the folder is in regular use or is a current project.~~
- f. Wherever possible all paper documents received by the office will be scanned and saved to the server.

## 6. PLANNING PAPERS

- a. Where planning permission is granted, the planning application, any plans and the decision will be retained until the development has been completed so that, if required, the Council can check that the development proceeds in accordance with the terms and conditions of the permission.
- b. Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision notice will be retained against further applications relating to the same site.
- c. **A Copy** of the Local Plan, **Core Strategy** and **similar** ~~any related~~ documents will be retained as long as they are in force.

## 7. INSURANCE POLICIES

- a. All insurance policies will be kept for as long as required.
- b. Irrespective of how long policies and correspondence are retained, the Town Council will keep a permanent record of insurance company names and policy numbers for all insured risks.
- c. **Article Paragraph** 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753) requires local Councils, as employers, to retain certificates of insurance against liability for injury or disease to their employees arising out of their employment (this insurance is mandatory pursuant to the Employers' Liability (Compulsory Insurance) Act 1969) for a period of 40 years from the date on which the insurance is commenced or renewed

## 8. CORRESPONDENCE

- a. If related to audit matters, correspondence will be kept for the period specified in **Annex A paragraph 14 of this policy.**
- b. **On** planning matters, correspondence will be retained whilst still relevant.

## 9. MAGAZINES, JOURNALS AND OTHER PUBLICATIONS

- a. Publications (e.g. newsletters) authored by the Council, and Journals published by others (e.g. local government news journals and magazines) should be retained for as long as they are useful and relevant.
- b. The Legal Deposit Libraries Act 2003 (the 2003 Act) and the Legal Deposit Libraries (Non-Print Works) Regulations 2013 (2013 Regulations) require any body which after 1 February 2004 has published works in print or after 6 April 2013 has published electronic works off line, to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). (Off line publication includes documents on CD, USB drive, and similar).
- c. Electronic works published on line after 6 April 2013 only must be delivered to the British Library if requested.
- d. The British Library holds books, periodicals, manuscripts and other publications for reference, study and information. Printed and electronic works as defined by the 2003 Act include those published by a local Council (or a parish or community meeting without a separate parish or community Council) including a pamphlet, magazine, newspaper, map, plan, chart or tab

## 10. DOCUMENTATION RELATING TO STAFF

- a. Documents containing personal data will be kept securely and in accordance with the Data Protection Regulations 2018 and the Data Protection Act 1998 **and having regard to the guidance issued by the Information Commissioner.**
- b. **The principles provide that** Personal data in relation to staff should not be kept for longer than is necessary **for the purpose it was held**. However, even after an employment relationship has ended, the Town Council will **need to** retain and access records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the Council.

- c. The time limits within which a claim (and any appeal) may be lodged against an employer at an employment tribunal are set out in the legislation that contains the employment right in question or failing that by reference to the Limitation Act 1980 (as amended) considered below. The time for lodging a claim at an employment tribunal is usually measured from the date that the employment relationship ended, or the date of the act complained of.
- d. Subject to where the Limitation Act 1980 applies, the most common time limit for lodging a claim at an employment tribunal is 3 months (for example a claim for unfair dismissal must, ~~by virtue of s.111 of the Employment Rights Act 1996~~, be lodged at an employment tribunal within 3 months of the date of the termination of the employment contract) although 6 months applies in redundancy and equal pay claims.

## 11. LOCAL/HISTORICAL INFORMATION

The Local Government (Records) Act 1962 provides that Parish Councils may acquire records of local interest and accept gifts or records of general and local interest to promote the use of such records (defined as materials in written or other form setting out facts or events or otherwise recording information).

**Records of local interest and gifts of such records should be kept indefinitely and in accordance with the terms of any gift or acquisition.**

## 12. ARRANGEMENTS FOR THE DEPOSIT, STORAGE AND MANAGEMENT OF DOCUMENTS

Documents of local and or historical importance, if not retained and stored by the Town Council, will be offered first to the Cumbria ~~County Record Office~~ **Archives which is hosted by Cumberland Council** in accordance with s. 227 of the Local Government Act 1972 (the 1972 Act).

## 13. RETENTION OF DOCUMENTS FOR LEGAL **PROCEEDINGS** and PURPOSES

- a. **The commencement of** ~~Most~~ legal proceedings **is** governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period.
- b. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.
- c. ~~Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories (depending on the circumstances):~~

- ~~• contract (6 years) — because all tenancies and leases are contracts;~~
- ~~• leases (12 years) — if the arrears are due under a lease; and~~
- ~~• rent (6 years) — if the arrears are due under a tenancy (and not a lease).~~

- d. In **such** circumstances the **relevant** documentation **should** be kept for the longest of the **three** limitation periods. ~~The same principles apply~~ In the case of debts, **for example**, if the debt arises under a simple contract the limitation period will be 6 years but if the debt arises under **a contract under seal or** a lease the limitation period will be 12 years ~~(unless it relates to rent in which case the limitation period will be 6 years).~~

CATEGORY	LIMITATION PERIOD
Negligence (and other 'Torts')	6 years
Defamation	1 year
<b>Simple</b> Contract	6 years
<b>Contract under seal</b>	<b>12 years</b>
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
<b>Action</b> To Recover Land	12 years
<b>Recovery of</b> Rent	6 years
<b>Fraudulent</b> Breach of Trust	None

- e. ~~The same principles apply in the case of debts. If the debt arises under a simple contract the limitation period will be six years but if the debt arises under a lease the limitation period will be 12 years (unless it relates to rent in which case the limitation period will be six years). A final complication relates to sums due under leases which are 'reserved as rent'. Sometimes, for example, service charges are expressed to be payable as 'additional rent'. The limitation period for service charges in those circumstances will be six years—even though the sums are due under a lease.~~ As there is no limitation period in respect of trusts, the Council should never destroy trust deeds and schemes and other similar documentation.
- f. ~~For the sake of completeness, it should be noted that~~ In some **cases** the limitation periods can be extended **such as** . ~~Examples include:~~
- where individuals do not become aware of damage until a later date (**e.g. in the case of disease**);
  - where damage is hidden **or latent** (e.g. to a building);
  - where a person is a child or suffers from a mental incapacity;
  - where there has been a mistake by both parties or
  - where one party has defrauded another or concealed facts.



- g. The Council will need to weigh
- (i) the costs of storing relevant documents
  - and
  - (ii) the risks of:
    - claims being made;
    - the value of the claims; and
    - the inability to defend any claims made should relevant documentation be destroyed.
- ~~who makes such a judgement and when~~

DEEDS and contracts should be retained in their original form indefinitely for the former and at least for any limitation period for the latter. Deeds catalogued and retained in a fire proof safe or locker. Legal records, deeds etc. should be recovered from external solicitors who may lose or mislay them and have limited retention policies.

## 14. RETENTION POLICY

This policy details the minimum retention time required for Council documents before disposal for the Penrith Town Council to comply with the Freedom of Information Act 2000 Publication Scheme. Where variable times are indicated the Council will review storage after the minimum period has elapsed. The following documents will be retained for the periods stated and the reasons given:

DOCUMENT	MINIMUM PERIOD OF RETENTION	REASON
<b>MINUTES</b>		
Minute books	Indefinite	Historical Archive
Draft/rough/notes of minutes taken at meetings	Until minutes are approved	Management
<b>FINANCE</b>		
Receipt and Payment Accounts	Indefinite	Archive
Scale of fees and charges	6 years	Management
Annual audited accounts	Indefinite	Historical Archive
Receipt books	6 years	VAT
All bank statements	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
General quotations/tenders	12 years	Limitations Act 1980 as amended
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitations Act 1980 as amended
Sundry debtor	6 years	VAT
VAT records	6 years	VAT
Petty cash	6 years	Tax, VAT, Limitations Act 1980 as amended
Timesheets	Last completed audit year	Audit and Working Time Regulations
Salaries/wages records	12 years	Superannuation

DOCUMENT	MINIMUM PERIOD OF RETENTION	REASON
<b>INSURANCE</b>		
Employers Liability Insurance	Indefinite	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
<b>OTHER</b>		
Health and Safety Records	21 years	Management and Limitations Act 1980 as amended
Investment Records	Indefinite	Audit, Management
Title Deeds, Leases, Agreements, Contracts, Legal documents	Indefinite	Audit, Management
Members allowances registers	6 years	Tax, Limitations Act 1980 as amended
For all Town Council premises and facilities, booking schedules and invoices to hirers	6 years	VAT
Relating to Allotments	Indefinite	Audit
Special Town Council Projects	Indefinite	Indefinite
Digital Records	Retain as such and may be indefinite.	

At the end of the stated periods, the files will be destroyed, subject to any review.

**Approved originally: May 2015 and amended for GDPR 2018**

**Reviewed: Annually**

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# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR Tel:  
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## PRIVACY POLICY

## PRIVACY NOTICE

Penrith Town Council is committed to protecting your personal data and privacy and to complying with all of the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

This Policy explains how the Council uses the personal information it holds in order to deliver our services and what we do to protect it.

## YOUR PERSONAL DATA – WHAT IS IT?

“Personal data” is any information **that can identify** a living individual (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual ~~(e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data).~~ The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) **and the Data Protection Act, 2018.** ~~and other legislation relating to personal data and rights such as the Human Rights Act.~~

~~Penrith Town Council is the data controller for your data.~~

There are special categories of personal data which are also known as sensitive personal data. These categories include racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic, biometric and health data, sex life and sexual orientation.

### Other data controllers the Council works with:

The Council works with

- **Other** Local authorities
- Community groups
- Charities
- **Other** not for profit entities
- Contractors

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

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

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

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a Council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a meeting room, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- ~~The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.~~

## **HOW WE USE SENSITIVE PERSONAL DATA**

On occasions the personal data we process includes information that is sensitive personal data.

- We may process sensitive personal data including, as appropriate:
  - information about staff physical or mental health or condition to monitor sick leave and take decisions on **your** a person's fitness for work;
  - A job applicant's racial or ethnic origin, **sexual orientation** or religion **us** **or similar information** to monitor compliance with equal opportunities legislation;
  - to comply with legal requirements and obligations to third parties.
- ~~These types of data are described in the GDPR as "Special categories of data" and~~ require higher levels of protection. We need to have further justification for collecting, storing and using **these** types of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with the individual's explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest.
  - **Where it is needed to carry out our public tasks.**
- **Less commonly,** we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect a **person's** interests ~~(or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.~~

## **Do we need your consent to process your sensitive personal data?**

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we **need** **would like** and the reason we need it, so that you can carefully consider whether you wish to consent.

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

- Processed lawfully, fairly and in a transparent way.
- Processed only for a specified, explicit and legitimate purpose and valid purposes that we have clearly explained to you and not used in any way that is incompatible with that purpose.
- Relevant, adequate and limited to the purposes for which it is processed we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept for no longer than is necessary for the purposes for which it is processed. only if necessary for the purposes we have told you about.
- Kept in a manner that ensures appropriate security of the data and that the data are protected from unauthorised or unlawful processing and accidental loss or damage. and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure .

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

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



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

There are six lawful bases for processing personal data which are:

- >the processing is with the clear consent of an individual for a specific purpose.
- > the processing is necessary to comply with a contract.
- >the processing is necessary to comply with the law.
- > the processing is necessary to protect someone's life.
- >the processing is to perform a task in the public interest or to perform official functions.
- > the processing is in the legitimate interests of the processor.

The Council is a **local** authority and has certain powers, **functions** and obligations. Most of your personal data is processed **by the Council in order for it to perform its public tasks in carrying out its statutory functions and powers.** ~~for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers.~~ Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services. We will always consider your interests and rights. This Privacy Policy sets out your rights and the Council's obligations to you.

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

Sometimes the use of your personal data requires your consent. **In this circumstance we will first obtain your consent to that use and you will have the right to withdraw that consent.**

## Sharing your personal data

~~This section provides information about the third parties with whom the Council may share your personal data.~~ We only share personal information when it is lawful and necessary to do so and are satisfied that our contractor or partner has appropriate security measures in place to protect it. When sharing personal information externally we will aim to use encryption and access controls, information sharing agreements and data protection impact assessments.

These third parties **with whom we share information** have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all the following but only where **this is necessary and appropriate**:

- The data controllers listed above under the heading "Other data controllers the Council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

## How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information.

We may have legal obligations to retain some data in connection with our statutory obligations as a **local** authority.

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

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

You have the **certain** rights with respect to your personal data:

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

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

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

### The right to ~~correct and update~~ **have** the personal data we hold on you **rectified or corrected**

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

### The right to have your personal data erased

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

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

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

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

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

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

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

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

- You can contact the Information Commissioners Office on:

0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or

at the

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

### **Transfer of Data Abroad**

~~Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.~~

Normally, any personal data held and processed by the Council will be stored on servers based in the UK. If it is necessary to transfer data to other countries this will be undertaken in accordance with the GDPR and the Data Protection Act 2018 and any other relevant privacy law.

### **Further processing**

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

### **Changes to this notice**

This Privacy Notice is reviewed annually.

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

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# FINANCE COMMITTEE

**Date: 13 November 2023**

## **Public Report**

**Matter: New Seat Oak Road**

**Item no: 14**

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Shepherd, Chair of Finance Committee

### **Purpose of Report:**

To consider the purchase and installation of a new seat on Oak Road.

### **Recommendations:**

- i. Approve the purchase and installation of new seat on Oak Road, subject to receiving the approved consent from Westmorland and Furness Council including from the Highway and the Bus Services departments; and
- ii. Approve the budget provision for the purchase and installation of the seat.

### **Law and Legal Implications**

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

The provision of a new seat on the public highway would require the Council to enter into a Memorandum of Agreement with Westmorland and Furness Council. The Council has entered into similar agreements for the provision of existing seats on the highway.

### **1. Report Details**

- 1.1 A member of the public has enquired with the Council whether it would be minded to consider the provision of a new seat on Oak Road, Penrith. The proposed location for a new seat is on the footpath on Oak Road alongside Beckside (See Appendix A).
- 1.2 The resident outlines that there are no seats in this location and provision of a seat would assist residents who are accessing the local bus service and provide a space to rest.
- 1.3 The Council's Benches Policy does state that the Council will only provide new benches in existing locations. However, in this case there is insufficient provision for seats in this locality. The proposed seat would be of the approved corporate style.
- 1.4 Westmorland and Furness Council are responsible for the highway where the proposed seat would be installed, and they would need to provide consent. Should they provide consent the Council would be required to enter into a

Memorandum of Agreement with Westmorland and Furness Council. The Council has entered into similar agreements for the provision of seats on the highway.

- 1.5 It is further recommended that the Council liaises with the Westmorland and Furness Council Bus Services team to determine whether they have any comments or objections.

## **2. Options Analysis including risk assessment.**

### **a) Risk**

Reputational risk to the Council.

Financial risk to the Council.

Unauthorised installation of the seat on Westmorland and Furness highway.

### **b) Consequence**

Reputational – not providing a seat in this location may have a negative impact on the Council given the request came from a local resident.

Financial – should the cost be too great.

Unauthorised Installation – affects relationship with Westmorland and Furness Council.

### **c) Controls Required**

Reputational – mitigation is to give this request consideration.

Financial – to approve budget provision.

Unauthorised installation – requires consent from Westmorland and Furness Council and a Memorandum of Agreement signed.

## **3. Financial and Resource Implications**

The cost for a new seat of corporate style including installation would be £900.

The Benches budget is currently overspent and as such there is no budget provision for this request. Members are recommended to consider budget provision as part of this matter.

## **4. Equalities Implications**

There are no equalities implications associated with this report.

## **5. Climate Change and Environmental Implications**

The corporate style seat is manufactured from recycled materials.

## **Appendices**

Appendix A- Proposed location of new seat

## **Background Documents:**

Benches Policy.

## Appendix A – Proposed Location of new seat

