



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DATE: 14 November 2023

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **20 November 2023**, at **6.00pm** 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 Unit 2, 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

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Knaggs	East Ward
Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Donald	North Ward	Cllr. Rudhall	East Ward
Cllr. Holden	Carleton Ward	Cllr. Shepherd	East Ward
Cllr. Jackson	North Ward	Cllr. Smith	South Ward
Cllr. B. Jayson	West Ward	Cllr. Snell	West Ward
Cllr. D. Jayson	North Ward	Cllr. Thomson	West 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 ORDINARY MEETING OF FULL COUNCIL 20 NOVEMBER 2023

PART I

1. Apologies for Absence

Receive apologies from Members.

2. Minutes

a) Committee Minutes

Note that the minutes from the following committees have been circulated and published on the Council website since the previous ordinary meeting:

- i. Planning Committee: 2 October and 6 November 2023
- ii. Finance Committee: 13 November 2023
- iii. Communities Committee: 9 October 2023

b) Confirmation of Full Council Minutes

Authorise the Chair to sign, as a correct record, the minutes of the meetings of Full Council held on:

- i. Full Council Monday 25 September 2023
- ii. Extra Ordinary Full Council Wednesday 18 October 2023

and agree they be signed as such by the Chair.

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 that 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 that 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

- a) Receive any questions or representations that 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.
- b) Receive reports from Westmorland & Furness Councillors

ADVICE NOTE:

Members of the public may make representations, answer questions and give evidence at a meeting that 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, in order to facilitate a response from the Council. The request may be given by delivering it in writing or by electronic mail to the Town Clerk no later than midday one clear working day (that is not counting the day of the meeting or the day of delivery) before the day of the meeting. 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 item/s 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. Motion on Notice – Communications Committee

To consider the motion on notice from Councillor Thomson.

7. Motion on Notice – Rural Fuel Duty Relief

To consider the motion on notice from Councillor Lawson to call for Government to extend Rural Fuel Duty Relief to cover Penrith and Neighbouring Communities as requested by Clifton Community Council.

8. Penrith Lottery

To receive a report on the Penrith Lottery.

9. Report from the Council Chair

Note the duties undertaken by or on behalf of the Town Mayor.

10. Reports from Members

Receive and note oral reports from Councillors regarding meetings that they have attended as representatives of the Town Council and an opportunity for members to bring matters of interest to the attention of the council for information or future discussion.

11. Resolutions Report

Receive and note the written report.

12. Neighbourhood Plan

Receive an oral report from the Lead Member.

13. Grants

Note the grants report.

14. Biodiversity Statement

To receive the report on the duties of the Natural Environment and Rural Communities Act 2006 as updated by the Environment Act 2021 and to consider the recommendations within the report.

15. Code of Conduct

To consider and approve the Westmorland and Furness Council Code of Conduct.

16. A66 Northern TransPennine Project Update

Note the content of the letter received from National Highways.

17. Standing Orders

To consider an amendment to the Standing Orders.

18. Matters from Finance Committee

Ratify items a and b following approved recommendations from the Council's Finance Committee from their meeting held on Monday 13 November 2023 and to note item bii.

Note that these matters have been considered and approved by the members of the Council's Finance Committee, and the Committee Chair, Cllr. Shepherd has requested that these matters be brought to the Full Council for ratification.

a. Budgetary Control Statement

Ratify the budgetary control statement for the period 31 October 2023.

b. Policy review

- i. Ratify the following reviewed policies:
 - 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

Matters from Finance Committee, continued

- ii Note that 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 such the Council has an approved internal procedure for dealing with such request.

19. Next Meeting

Note the next meeting of the Full Council is scheduled for Monday 29 January 2024 at 6.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

PART II Private Section

There are no items in this part of the Agenda.

**FOR THE ATTENTION OF ALL
MEMBERS OF THE TOWN COUNCIL**

Access to Information

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Background Papers

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DRAFT Minutes of the Ordinary Meeting of Penrith Town Council held on Monday 25 September 2023, at 6.00pm at Unit 2, Church House, Friargate, Penrith CA11 7XR.

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Kenyon	North Ward
Cllr. Burgin	South Ward	Cllr. Knaggs	East Ward
Cllr. Donald	North Ward	Cllr. Lawson	Carleton Ward
Cllr. Holden	Carleton Ward	Cllr. Rudhall	East Ward
Cllr. Jackson	North Ward	Cllr. Shepherd	East Ward
Cllr. B. Jayson	West Ward	Cllr. Smith	South Ward
Cllr. D. Jayson	North Ward	Cllr. Thomson	West Ward

Acting Town Clerk
Deputy Town Clerk
Economic Development Officer
Solicitor

Draft MINUTES FOR THE ORDINARY MEETING OF FULL COUNCIL 25 SEPTEMBER 2023

PTC23/47 Apologies for Absence

Apologies for absence were received from Councillor Snell.

PTC23/48 Minutes

a. Committee Minutes

Members noted the minutes from the following committees had been circulated and published on the Council website since the previous ordinary meeting:

- i. Planning Committee: 4 September 2023
- ii. Finance Committee: 18 September 2023

b. Confirmation of Full Council Minutes

Members were asked to authorise the Chair to sign, as a correct record, the minutes of Full Council held on Monday 17 July 2023 and agree they be signed as such by the Chair.

RESOLVED THAT:

The minutes be approved, and the Chair be authorised to sign, as a correct record, the minutes of the meeting of the Town Council held on Monday 17 July 2023.

PTC23/49 Declaration of Interest and Requests for Dispensations

Members were invited to provide declarations 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.

There were no declarations of interest made.

PTC23/50 Public Participation

a) Public Representations

Members noted that no questions or representations had been received from members of the public.

b) Reports from Westmorland and Furness Councillors

Members received the following reports:

Councillor Taylor reported that a compact between Cumbria Association of Local Councils (CALC) and Westmorland and Furness had been co-produced following the survey undertaken in November 2022 which set out a clear and comprehensible way forward. The document would be considered by W&F Cabinet on 18 October.

Members were also advised that W&F had approved the Asset Disposal Policy and Community Asset Transfer Policy on 12 September.

Reports from Westmorland and Furness Councillors, continued

Councillor Bell explained that W&F had agreed a 20mph policy and had set aside money to progress it further. She also reported that Climate and Biodiversity were high on the W&F agenda and that they were looking at the possibility of extending the Town Bus service and looking at the possibility of funding gaps in the service.

The Deputy Town Clerk informed Councillors that any consultations on speed limits would be presented to Planning Committee for consideration.

PTC23/51 Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

Members considered 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.

RESOLVED THAT:

- i. Item 16 relating to the A66 Dualling and the land at Thacka Beck be considered in Part Two, private session without the presence of the press and public as the item of business includes financial information and proposed terms for a land transaction and information relating to negotiations for the disposal of land.
- ii. Item 17 relating to Staffing be considered in Part Two, private session without the presence of the press and public as the item of business relates to the financial affairs and personal and sensitive information relating to individual members of staff.

PTC23/52 DVLA Services at Post Offices.

Motion by Councillor Bowen

Seconded by Councillor Knaggs

On the 9 June 2023 the National Federation of Sub Postmasters reported that The Driver and Vehicle Licensing Agency (DVLA) will end its contract with the Post Office on the 31 March 2024.

Members were requested to consider writing to DVLA and Mark Harper, Minister for Transport, to express the Council's concern at the removal of DVLA services from Post Offices.

RESOLVED THAT:

The Chair of Council writes a strong letter of protest to the DVLA and to Mark Harper, Minister of Transport, urging them to reconsider their decision not to renew the contract for DVLA services with the Post Office and asking them to explain how digitally excluded residents are expected to meet their legal obligations with regard to driving licences and road tax.

PTC23/53 Operation of the Penrith Lottery

Motion by Councillor Knaggs

Seconded by Councillor Jackson

After an informal discussion between Councillor Knaggs and the Chair of the Penrith Lottery, it is understood that the Lottery committee has recently been reviewing its operations and has expressed its openness to collaborate with the Council in exploring the potential advantages and benefits of bringing the Penrith Lottery under the governance of the Council.

Members were requested to approve the opening of discussions with the Penrith Lottery Committee to investigate the Penrith Lottery becoming organised under the governance of the Penrith Town Council and to report on the findings and make recommendations to Full Council at a later date.

Councillors Bowen and Donald declared registrable interests as they were members of Penrith Lottery as members of groups to make them eligible for grants.

RESOLVED THAT:

- i. a scoping document be prepared, which would be circulated to all Councillors for consideration, and discussions opened with the Penrith Lottery Committee to investigate the Penrith Lottery becoming organised under the governance of Penrith Town Council; and
- ii. a report on the findings and recommendations be brought back to Full Council at a later date.

Councillor Thomson left the meeting.

PTC23/54 Review of Climate and Biodiversity Strategy

Motion by Councillor Lawson

Seconded by Councillor Smith

In May 2019 Penrith Town Council declared a Climate & Ecological Emergency and resolved to make a difference by choosing a carbon neutral future. A plan was presented which covered several key activities for the Council. Covid and other factors have severely impeded this work and the situation has changed dramatically.

The Council developed its first strategy which is based on the vision that by 2030 Penrith will be carbon neutral. A copy of the Council's Strategy can be found on the following website link [Strategy - \(penrithtowncouncil.gov.uk\)](https://penrithtowncouncil.gov.uk).

Bringing together an informal Climate Strategy Task and Finish Group presents an opportunity for a wider group of Members to review the original Council Strategy document and to propose recommendations to

Review of Climate and Biodiversity Strategy, continued

Full Council on the Council's future strategy to meet the aim of Penrith being carbon neutral by 2030

Members were asked to:

- i. Reinvigorate Penrith Town Council's response to a rapidly moving Climate and Biodiversity Crisis by reviewing and renewing plans and activities that move the town towards carbon neutrality; and
- ii. Approve the terms of reference for a new Climate Strategy Task and Finish Group.

RESOLVED THAT:

- i. The Council's original Climate Strategy document be reviewed and recommendations on the Council's future strategy be brought back to Full Council.
- ii. The terms of reference for the Climate Strategy Task and Finish Group be approved; and
- iii. Councillors Jackson, Knaggs, Rudhall and Smith be appointed to the group along with the Council Chair and Acting Town Clerk.

PTC23/55 Reports from Members

Members received and noted the following oral reports from Councillors:

Cllr Lawson reported that as Mayor he had attended the launch of Talking Tables and presented awards at UCC to their Mental Health Champions. He also said that he had been to a meeting of Cumbria Wildlife Trust Coldsprings Group and was excited about the plans they would be bringing forward

Cllr Kenyon reported that he had met residents about the Town Bus Service, reported trees overhanging a footway, asked Cumbria Police to consider better signage at Hunter Lane advertising their opening hours, attended the opening of the tennis courts at Castle Park and had assisted officers by photographing listed buildings as part of a heritage project.

Cllr Burgin reported that he had attended an on-line meeting of the Rural Services Network and had spoken to a member of the public about the closure of the cut through the Two Lions building.

Councillor B Jayson reported that she and Councillor Snell had walked round Castletown to gather views of residents. There would be support for 20mph in the area and a SID on the road past Newton House.

Councillor Knaggs reported that he had attended a meeting of Scaws Residents Association and the opening of the tennis courts at Castle Park. He also reported that there were a number of road markings that were heavily worn.

Reports from Members, continued

Councillor Jackson reported that he had attended a meeting of the Eden Valley Rural Transport Group and that the 563 bus would be continuing until April although it was close to being financially viable.

Councillor Donald reported that he had attended meetings of the Recovery College who provide mental health support.

Councillor Holden report that she had reported the closed cut through at the Two Lions to W&F after seeing the articles in the Herald.

Councillor D Jayon reported that he had attended a meeting of PACT and had been speaking to supermarkets about the installation of PV panels, solar canopies and fast charging points in their car parks. He also reported that he and Councillor Shepherd were still waiting to attend a meeting with Omega about technical operating issues.

The Deputy Town Clerk explained that poor road markings had been reported and discussed with the appropriate officer in W&F Council as had the closure of the cut through at the Two Lions. She was awaiting further information regarding the closure which would be reported to members.

PTC23/56 Resolutions Report

Members noted the report.

PTC23/57 Finance Committee

Members considered the approved recommendations from the Council's Finance Committee from their meeting held on Monday 18 September 2023. The Committee Chair had requested that these matters be brought to the Full Council for ratification:

a) Budgetary Control Statement 2023/24: 31 May 2023

Ratify the budgetary control statement for the two-month period to 31 August 2023.

RESOLVED THAT:

The budgetary control statement to 31 August 2023 be ratified.

b) Risk Assessments

Ratify 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

Finance Committee, 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 ratified.

c) Internal Audit 2023-24

Ratify the scope of Internal Audit for 2023-24.

RESOLVED THAT:

The scope of Internal Audit for 2023-24 be ratified.

d) Policy Review

Ratify the following reviewed policies:

- i. Procurement Policy
- ii. Bandstand Hire Policy
- iii. Risk Management Policy

RESOLVED THAT:

The reviewed Procurement Policy, Bandstand Hire Policy and Risk Management Policy be ratified.

e) Banking and Account Signatories

Ratify the Council's banking arrangements and bank account signatories.

RESOLVED THAT:

- i. The closure of the Lloyds Bank account and retaining the HSBC bank account be ratified.
- ii. The Services and Contracts Manager be added as a new account administrator on the HSBC account be ratified.
- iii. A Business Debit Card application be made for the Services and Contracts Manager on the HSBC Account be ratified.
- iv. Cllrs Burgin, Jackson, Kenyon, Shepherd be ratified as the 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 ratified 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 be noted and be implemented as soon as practicable.

Finance Committee, continued

f) External Audit

Members received and considered the external auditors report noting that the Council's external auditors, Moore, had signed off the accounts ending 31 March 2023 with no qualifications.

RESOLVED THAT:

The external auditors report be approved for the accounts ending 31 March 2023.

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 Section 3.

PTC23/58 Planning Committee

Members received nominations and considered the appointment of two Members to serve on the Planning Committee.

RESOLVED THAT:

Councillors Knaggs and Lawson be appointed to the Planning Committee for the remainder of the municipal year.

PTC23/59 Grants

a) Members noted the Grants awarded since the last meeting of Council.

b) Members were asked to ratify the award of Signature Event Grants.

RESOLVED THAT:

- i. The recommendation of officers to award a Signature Event Grant of £5,000 to Eden Arts towards the Winter Droving 2023 and approve the principle of an annual grant for the same value for the same event over the term of this Council subject to meeting the terms of a Service Level Agreement be ratified.
- ii. The recommendation of officers to award an in principle Signature Event Grant of £5,000 to the Penrith Business Improvement District towards the Christmas Light Switch On event scheduled for Saturday 18 November 2023, subject to the applicant submitting all the required information to the satisfaction of officers, and to approve the principle of an annual grant for the same value for the same event over the term of this Council subject to meeting the terms of a Service Level Agreement be ratified.

PTC23/60 Borderlands Update

Members received and noted the Wayfinding and Interpretation Research and Assessment Report.

Members were asked to give delegated authority to the Economic Development Officer to invite quotations for a contractor to prepare a design of a new Interpretation and Wayfinding Scheme and appoint a preferred contractor.

RESOLVED THAT:

The Economic Development Officer be given delegated authority and approval to invite quotations for a contractor to prepare a design of a new Interpretation and Wayfinding Scheme and appoint a preferred contractor.

PTC23/61 Next Meeting

Members noted the next meeting of Council was scheduled for Monday 20 November 2023 at 6.00pm, Unit 2, Church House, Friargate, Penrith.

PART II – PRIVATE SECTION

The following items were exempt as the reports included financial information related to the proposed terms for a land transaction and information relating to negotiations for the disposal of land the financial; and the business affairs of any particular person (including the authority holding that information) and personal and sensitive information relating to individual members of staff.

PTC23/62 A66 Dualling and the Land at Thacka Beck

Members considered the update report on the disposal of land required for the dualling of the A66 and to seek further instructions.

RESOLVED THAT:

- i. The Acting Town Clerk and the Solicitor be authorised to negotiate with Highways England on the land matters at Thacka Beck field in connection with the A66 highway scheme.
- ii. The Acting Town Clerk and the Solicitor report back to Council on the outcome of the negotiations with Highways England and any other further developments.

PTC23/63 Staffing Matter

Members considered and approved the recommendations contained within the written report subject to the Employment Contract matters being verified.

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CHAIR:

DATE:



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DRAFT Minutes of the Extra Ordinary Meeting of Penrith Town Council held on Wednesday 18 October 2023, at 6.00pm at Unit 2, Church House, Friargate, Penrith CA11 7XR.

FULL COUNCIL MEMBERSHIP

Cllr. Donald
Cllr. Holden
Cllr. Jackson

North Ward
Carleton Ward
North Ward

Cllr. Knaggs
Cllr. Lawson
Cllr. Smith

East Ward
Carleton Ward
South Ward

Acting Town Clerk

**Draft MINUTES FOR THE
EXTRA ORDINARY MEETING OF FULL COUNCIL
18 OCTOBER 2023**

PTC23/64 Apologies for Absence

Apologies for absence were received from Councillors Bowen, Burgin, B. Jayson, D. Jayson, Kenyon, Rudhall, Shepherd, Snell, Thomson.

PTC23/65 Declaration of Interest and Requests for Dispensations

Members were invited to provide declarations 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. The following declarations were made:

- i. Councillor Smith declared a registrable interest in item 5 Expansion of Places at Beaconside CE Primary School Consultation as he is a resident on the Carleton Estate.
- ii. Councillors Donald, Holden, Smith, Jackson and Lawson declared a registrable interest in item 5 Expansion of Places at Beaconside CE Primary School Consultation as the consultation affects their wards.

PTC23/66 Public Participation

a) Public Representations

Members noted that no questions or representations had been received from members of the public.

b) Reports from Westmorland and Furness Councillors

Members noted that no questions or representations had been received from Westmorland and Furness Councillors.

PTC23/67 Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

Members noted that there were no items to be considered without the press and public.

PTC23/68 Expansion of Places at Beaconside CE Primary School Consultation

Members considered the Westmorland and Furness Council Consultation Proposal on the Expansion of Places at Beaconside CE Primary School.

RESOLVED THAT:

A corporate response to the Expansion of Places at Beaconside CE Primary School consultation be prepared and circulated to Councillors for additional comments to be then signed by the Chair and submitted to Westmorland and Furness Council.

PTC23/69 Statement of Licensing Policy 2024-2029

Members noted that Westmorland and Furness Council are undertaking a 12-week consultation on its draft statement of Licensing Policy 2024-2029 and considered a corporate response.

RESOLVED THAT:

A response of no recommended amendments to the Statement of Licensing Policy 2024-29 be submitted to Westmorland and Furness Council but they be asked to clarify if Hackney Fees are going to be consistent throughout the Westmorland and Furness area.

PTC23/70 Statement of Gambling Policy 2024-2027

Members noted that Westmorland and Furness Council are undertaking a 12-week consultation on its draft statement of Gambling Policy 2024-2027 and considered a corporate response.

RESOLVED THAT:

A response of no recommended amendments to the Statement of Gambling Policy 2024-2027 be submitted to Westmorland and Furness Council.

PTC23/71 Local Cycling and Walking Infrastructure Plan (LCWIP)

Members were requested to reconfirm support for the Penrith Core Walking Zone identified in the Penrith Local Cycling and Walking Infrastructure Plan.

RESOLVED THAT:

- i. The Council reconfirmed its support for the Penrith Core Walking Zone identified in the Penrith Local Cycling and Walking Infrastructure Plan.
- ii. Delegated authority be given to the Economic Development Officer and the Deputy Town Clerk to work with Westmorland and Furness Council to support future LCWIP scheme development.

PTC23/72 Next Meeting

Members noted the next meeting of Council was scheduled for Monday 20 November 2023 at 6.00pm, Unit 2, Church House, Friargate, Penrith.

PART II – PRIVATE SECTION

There were no items in this part of the agenda.

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CHAIR:

DATE:



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Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

Mary Oghani
Assistant Development Management Officer
Westmorland and Furness Council

BY EMAIL: school.organisation@cumbria.gov.uk

25 October 2023

Dear Mary,

The Council considered the Expansion of Places at Beaconside CE Primary School consultation at its meeting of Full Council on the 18 October 2023.

Firstly, the Council wishes to state on record how it values the contribution the school makes to the local community and compliments all the teaching and non-teaching staff at Beaconside School for their tireless work educating and supporting local children.

In respect of the consultation the Council resolved that it is **not in favour of the proposal** as set out in the consultation document. Council believed the information as presented, setting out just the one proposal read more like a process than a consultation.

When the housing development at Carleton was progressed, the clear indication was that there would be a new primary school on the estate. The proposed school appeared on a plan of the housing development and in documentation provided to new homeowners. This consultation proposal abandons this scheme proposal instead to increase the classroom places at Beaconside School.

Council considers this inappropriate given the current and proposed expansion of residential properties in Penrith. The Council are aware that several planning approvals for the development of new homes around Carleton have been approved including provision for 894 new homes, with a current live application for a proposed 105 dwellings yet to be determined. There are also further approvals in the north end of town providing a further 499 dwellings. It is fully anticipated that these properties will be occupied by families with young children. Irrespective of who forms future governments, all political parties are pledging substantial increases in housing stock, particularly affordable homes. Penrith's further future expansion is highly probable and clearly there will be a need for school places.

The distance that some families will have to travel to enable their children to get to school is significant, without there being available public transport, and as such the result could be an increase in pupils travelling to school by motor vehicle on roads and junctions that are already considered to be congested. This proposal will exacerbate further the traffic congestion and parking issues, increasing harmful pollutants from vehicles, that can be particularly detrimental to young children. While schools always try to encourage sensible behaviour, school-related traffic can be a significant problem. With plans for 119 more pupils, there will potentially be up to 119 more parents dropping them, off at school.

As such, a primary school situated near the area experiencing the most expansion would allow children a shorter walk to school from their homes. This fosters a sense of community with a shared focus on their local school.

With 480 pupils Beaconside is classed by Ofsted as larger than average for a primary school and this proposal aims to increase this even further, rising to 599 pupils.

While accommodating 119 more pupils in additional classrooms may be feasible, we would request that consideration be given to evaluate the overall infrastructure of the school to determine whether these are sufficient to meet the proposed increase in school size for instance, toilets, outdoor green space and recreational facilities, indoor space for lunch, sport and assembly; all of which contributes to the whole school experience and which provides holistic provision which is vital for a school's long-term success. As well there needs to be consideration for the additional parking requirements for staff.

It is felt that continuing to add capacity to existing schools is not sustainable. The result being oversized, overcrowded schools. This short-term solution is not sustainable in the long term. Overcrowding can lead to negative long-term consequences. Therefore, the establishment of a new primary school is imperative to ensure the education provision remains viable in the years to come.

Council believed smaller schools often excel in nurturing close-knit, supportive communities among students, parents, and teachers. This, in turn, promotes an inclusive and nurturing environment for children's growth and learning.

A new school could provide scope to keep children of the same family at the same school whilst also creating more spaces to provide stable and longer-term places for Special Educational Needs and Disabilities (SEND) pupils. It is noted however, that current SEND provision for complex needs is split between North Lakes School and Beaconside School resulting in pupils having to move to schools midway through primary. Also, it is considered that for parents of SEND pupils travelling further distances to school is impractical, uncomfortable and may often require use of the car to transport children to school. For many children, steps to make the school experience more comfortable by proximity to homes is more inclusive. It was felt that SEND pupils were being used as a focus in this consultation as opposed to the wider number of children in the area.

It is unknown whether other primary schools in and around Penrith have had an opportunity to review the consultation. It is likely that in some way this proposal will have an impact on them and their school admissions in the future. It is known that many Penrith children enrol at rural primary schools and whilst there

may be many reasons for this, it should be taken into consideration in the school place numbers should, for any reason, the rural settlements themselves increase in size in the future reducing the intake from out of catchment.

Council was concerned that this consultation was not comprehensive. It was felt that the timescale was too tight, and the consultation document lacked detail. It was felt that the very fact that the consultation cover sheet presented children in a uniform not recognisable as being Beaconside would potentially not attract local people to the consultation. Beaconside, to their credit, sent emails to all parents and children to keep them up to date.

The Council consider that residents and stakeholders should be given a comprehensive explanation of the circumstances that have led to this proposal, including reference to the provisions in the Section 106 agreements associated with approved housing developments.

The stringent timeframes for this process and failure to present any other options for consideration does not provide the public with the opportunity to understand the alternative solutions which could or already may have been explored. It is therefore disheartening to find ourselves in a position where we are being asked to endorse a single proposed option without the opportunity for a comprehensive and meaningful consultation.

It is crucial to consider these concerns comprehensively as we move forward with the expansion of school places. It is the duty of Westmorland & Furness Council to ensure that this expansion aligns with the best interests of the community, particularly its children and their families, and that we fully explore all viable options before proceeding.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'DL' followed by a long horizontal stroke.

Doug Lawson, Chair of Council

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FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Motion on Notice – Communications Committee

Item no: 06

Author: Councillor Thomson / Acting Town Clerk

Supporting Member: Councillor Thomson

Purpose of Report:

To consider the motion on notice from Cllr. Thomson that Penrith Town Council members resolve to set-up a communications committee with overall responsibility for the Council's pr, marketing, communications & engagement, with all its audiences.

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. Motion on Notice from Cllr Thomson

Cllr Thomson has proposed a motion on notice that reads:

Penrith Town Council resolves to set-up a Communications Committee with overall responsibility for the Council's pr, marketing, communications & engagement, with all its audiences.

The evidence of May 2023 elections only three of the town's six council wards contested, two with 22.2% turnout shows a disconnect between the Council and its residents. The Council's main social media presence, its Facebook page, has only around 500 likes/600 followers, in a town with a population of approximately 15,000. This clearly shows the majority of Penrith residents are either unaware or aren't bothered about their own town council.

The growth of social media; the potential of additional assets being devolved to the Council from Westmorland & Furness Council; the precept residents pay higher than ever are all reasons, Penrith Town Council needs to be more transparent, more open, more engaged, try harder.

Penrith Town Council needs to communicate effectively with its local community i.e., engage with residents, improve its profile, build its image, gain confidence and trust, and show it 'represents' and is working for, and on the behalf of, the town's people.

Penrith Town Council needs to listen more, have two-way communications systems in place where the local community, residents and businesses, can 'impact on' and 'feed into' the council's overall strategies and decision making e.g., planning.

Penrith Town Council needs to engage better with other stakeholders' local authorities, MP, police, health, environment & other organisations to ensure the town and its residents benefit and are not left behind.

Penrith Town Council needs effective communications to reach and listen to all its audiences for the betterment of the town.

Penrith Town Council should aim to be open and transparent, positively engage with, and listen to, its community and stakeholders, take every opportunity to promote itself and the town.

Other town and parish councils have established communications committees, examples including Buckingham, Ashby Woulds, Wantage, Moulton.

Committee membership of six councillors would be supported by existing council staff (officers) who would meet monthly and on 'as of need' basis at the council offices.

Minutes/reports presented to next full council meeting.

The Committee would receive a delegated budget to be agreed by Full Council.

The proposed Communications Committee would:

- Increase, improve, engagement between the town council, its officers, its councillors and ALL its stakeholders, particularly residents/local community.
- Increase engagement by audiences, particularly residents through higher numbers following and interacting with the council's social media interfaces.
- Create a better understanding of what the Town Council and its Councillors do, are responsible for and the positive impact they have on the town.
- Improve, enhance, grow a positive profile for the Town Council and Penrith as a whole.
- Present a consistent, correct, professional image of the town council through all its communications e.g.: marketing, pr, newsletters, press releases, social media, advertising.

2. Acting Town Clerk Comments

- 2.1 Given that the Council currently has arrangements in place for the management of its communications then it is important that Members are informed of these arrangements in order to fully consider the proposed motion on notice.
- 2.2 The Council has an approved Communications Policy which is supported by the Communication Protocol, Community Engagement Strategy, Consultation Policy, Petitions Policy and the Publication Scheme. These policies can be viewed on the Council's website [Penrith Council's Policies, Procedures, Protocols Directory \(penrithtowncouncil.gov.uk\)](https://penrithtowncouncil.gov.uk).
- 2.3 The Town Clerk is the Proper Officer of the Town Council and is responsible for all formal communication between the Council, the press and members of the public.
- 2.4 The Council has an established Communities Committee. The Councils Scheme of Delegation sets out that the Communities Committee has responsibility for Community Engagement.
- 2.5 The Communities Committee currently has budget responsibility for Corporate Communications.
- 2.6 The Council currently communicates via a range of methods as set out in the Communications Policy including:

Activity	Method of Communication
Newsletter	Website
Approved minutes	Website/library
Agenda	Website/library/Noticeboard/Council Office
Council policies/procedures	Website
Annual Report	Website
Press release	Press/radio/website
Annual external audit	Website
Adopted Annual Accounts	Website
Councillor vacancies	Website/press
Financial Information	Website

- 2.7 In addition to the list above the Council also publishes additional information to the public via the Council's Social Media pages including Facebook and Instagram. Councillors are reminded to note that whilst the followers may appear be low on the Council Facebook page (498 likes, 613 followers), it did have to relaunch its Facebook account from scratch on 10 October 2022 following a hacking incident on the previous page. The Council has 821 followers on Instagram.
- 2.8 The Council has subscribed to GovDelivery which is an email distribution platform which allows the Council to send electronic newsletters to subscribers. Communications are published biweekly. An example of a recent publication is <https://content.govdelivery.com/accounts/UKPENRITH/bulletins/3747da9>
- 2.9 Current news, media stories are in the main related to previous Council decisions. In the preparation of these various communications the Town Clerk authorises the content prior to publication, and in many cases includes the Chair and Deputy Chair of Council. Should there be occasions where all

Members need to be aware of a media release in advance of its publication it is circulated for their attention.

- 2.10 Communities Committee resolved at its meeting on the 09 October 2023, Minute CC23/25 that the Council will be advertising quarterly in the Cumberland and Westmorland Herald and that delegated authority is given to Council officers to provide relevant content for each edition.
- 2.11 The motion refers to public input into Council decision making such as Planning. Members are reminded to note that there is public participation at the start of each meeting, public involvement is stated on the Council website which allows the public to attend and address Planning Committee and the same rules apply to other Committees and Full Council.
- 2.12 The motion as proposed includes no costs to the Council. Should this motion be approved then there would be an increase in costs in relation to preparation of the agenda papers including printing and postage.
- 2.13 The proposal for a monthly meeting would have a direct implication on staff resources including the attendance at up to 12 additional evening meetings, meeting preparation including the time for preparing meeting reports, attendance at meetings, clerking and follow up actions. Members are advised that when considering this motion that they consider staffing implications to ensure that the demands of the Committee can be met.
- 2.14 Council resolved at its meeting on 25 September that (some) officers attending Full Council outside their normal working day be remunerated by payment at time and a half their contract rate, and such a resolution to extend this arrangement to Committee meetings may need to be implemented to ensure there is sufficient staff resource to clerk further out of hours meetings. As such there would be an additional cost to the Council.
- 2.15 Cllr Thomson proposing the Motion on Notice has submitted proposed Terms of Reference for the Communications Committee as set out in Appendix A.
- 2.16 The motion states that meetings be convened 'on a need's basis'. This would not be normal practice as meetings are agreed for the year at the Annual Town Council Meeting and published to the public. Officers plan work schedules around the key statutory deadlines leading up to meetings. Not holding meetings in line with statutory timescales would mean that meetings are not legal and that decisions could be challenged and not holding them as scheduled may in turn lead to a delay in corporate communications being distributed, some of which are time critical.
- 2.17 Should the Committee be required to approve any Council communication prior to its publication, then this would be considered impractical and result in delays of up to a month and in some instances more in the publishing of news and information. This would result in news being outdated by the time it reaches the public.
- 2.18 Members are advised to note that there may be a need to amend a number of the Council's current approved policies and working arrangements should this motion be approved, and these should be considered.

- 2.19 It is of course important that the Council continues to seek to improve its communications methods where it can; and as such members may wish to consider whether an alternative proposal may be to submit a communications report to each meeting of the Communities Committee setting out the communications published between meetings and that Members note the report. This being similar to how Councillors receive the Resolutions report. This would allow all Councillors to see in one report all the communications sent out by the Council over a given period of time.

Appendices

- A. Proposed Terms of Reference – Communications Committee submitted by Cllr Thomson.

Background Documents:

Communication Policies

Scheme of Delegation

Previous Committee Resolutions

Appendix A

Proposed Terms of Reference for the Communications Committee as submitted with the Motion on Notice by Councillor Thomson.

Penrith Town Council communications committee

membership, up to six members of council.

responsible for implementing communications.

includes printed publications, content of website, social media posts, pr, press releases.

terms of membership to be decided upon its creation.

membership of committee to be appointed by full council.

meetings convened monthly and on as need basis within the terms of the Local Government Act 1972, schedule 12, para 10 and the Public Bodies (admission to meetings) Act 1860, para 1, meetings open to press and public.

minutes to be presented to next full council meeting.

town clerk, deputy town clerk and/or communications officer will normally support the committee.

only members of the town council may be members although specialist officers or advisors may be invited to provide guidance.

quorum 3.

code of conduct and attendant regulations apply.

committee has delegated budget to be agreed by full council.

CLIFTON COMMUNITY COUNCIL

Clerk: Becx Carter. 40 Windebrowe Avenue, Keswick, CA12 4JA

Email: cliftonpc@outlook.com Tel: [07786678283](tel:07786678283)

Copies sent to:

- Prime Minister Rt Hon Rishi Sunak MP
- Chancellor of the Exchequer Rt Hon Jeremy Hunt MP
- MP Neil Hudson
- WaF Leader of the Council Jonathan Brook
- WaF Cabinet Member for Highways & Assets Peter Thornton
- WaF Cabinet Member for Sustainable Communities & localities Virginia Taylor
- Mrs M Bradley CALC Chairperson
- Mr D Lawson Chair of Penrith Town Council
- Mr C Battersby Chair of Yanwath and Eamont Bridge Parish Council
- Mrs Jean Jackson Chair of Shap Parish Council

24th October 2023

Dear Sir or Madam,

Please find below from Clifton Community Council

Motion: Clifton Community Council calls for Government to act to Extend Rural Fuel Duty Relief to cover Clifton and Neighbouring Communities.

Clifton Community Council recognises that, because of its rural nature, residents in Clifton as well as our neighbouring communities are disproportionately affected by the substantial rise in fuel prices over the past year. Car journeys in the local rural area around Clifton and across the Eden area are in general longer, and public transport services less frequent if available at all, than urban areas.

Research by the Countryside Alliance found that rural households spend an average of £2440 a year on filling up their car, £800 more than households in urban areas.

Clifton Community Council believes that more should be done to support residents in Clifton and our neighbouring communities across Eden and indeed Cumbria with rising fuel prices.

Clifton Community Council notes that the Government operates a Fuel Duty Relief scheme for rural areas, but at present this relief only applies in a limited number of remote parts of Britain such as Orkney, Shetland, the Outer & Inner Hebrides, the Isles of Scilly and now also covers Hawes in North Yorkshire, and post code districts in: Scotland — IV14, IV21, IV22, IV26, IV27, IV54, KW12, PA38, PA80, PH19, PH23, PH36, PH41 along with post code districts in England of EX35, NE48, LA17 that covers a rural area in the south of the new Westmorland and Furness Council district around Kirkby In Furness.

CLIFTON COMMUNITY COUNCIL

Clerk: Becx Carter. 40 Windebrowe Avenue, Keswick, CA12 4JA
Email: cliftonpc@outlook.com Tel: [07786678283](tel:07786678283)

Clifton Community Council calls on the UK Government to extend fuel duty relief to more rural areas, including The CA10 CA11, CA7, CA9, CA12, CA16 and CA17 with consideration to extending to cover all of Cumbria as a rural community that faces disproportionate fuel costs compared to most of the rest of the UK due to the highly rural nature and dispersed communities.

Clifton Community Council calls on the Chancellor of the Exchequer to immediately extend rural fuel duty relief to help residents and businesses within our local community of Clifton and our neighbouring communities who right now face real term higher costs for fuel compared to other parts of Cumbria and the UK.

Clifton Community Council also call on neighbouring town and Parish Councils along with Westmorland and Furness Council and Cumberland Council along with our MP's to support this call to extend rural fuel duty to support our rural local communities.

Sincerely,

Ms B Carter
Clerk & RFO of Clifton Community Council

FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Penrith Lottery

Item no: 08

Author: Acting Town Clerk

Supporting Member: Councillor Knaggs

Purpose of Report:

To receive an update on the Penrith Lottery being under the governance of the Council.

Recommendations:

- i. Note that the Penrith Lottery Committee has informed the Council in writing that as part of its ongoing review into its operations it has agreed not to proceed with the option for the Penrith Lottery to be managed under the governance of the Town Council and;
- ii. Agree that no further work be undertaken.

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 Full Council, 25 September 2023 considered a motion on notice from Councillor Knaggs to explore bringing the Penrith Lottery under the governance of the Town Council. Members were informed that the Penrith Lottery Committee was reviewing its operations and had expressed its openness to collaborate with the Council in exploring the potential advantages and benefits of bringing the Penrith Lottery under the governance of the Council.
- 1.2 Full Council, Minute PTC23/53 resolved:
 - i. a scoping document be prepared, which would be circulated to all Councillors for consideration, and discussions opened with the Penrith Lottery Committee to investigate the Penrith Lottery becoming organised under the governance of Penrith Town Council; and
 - ii. a report on the findings and recommendations be brought back to Full Council at a later date.
- 1.3 A draft scoping document was prepared and circulated to all Councillors for comments on the 04 October 2023, with the deadline of 09 October 2023 set for comments and amendments, at which time thereafter the scoping document become the live document.

- 1.4 Discussions with the Penrith Lottery Committee were opened up and a meeting was convened and attended by Cllr Knaggs, the Acting Town Clerk, Council Solicitor and a representative of the Penrith Lottery Committee.
- 1.5 Following this meeting the Penrith Lottery Committee were meeting and were considering a range of options. The Penrith Lottery Committee subsequently informed the Council in writing that as part of its ongoing review into its operations it had agreed not to proceed with the option for the Penrith Lottery to be managed under the governance of the Town Council.
- 1.6 Members are asked to agree that as a result of the Council receiving the Penrith Lottery Committee's written position that any further work to progress the Scoping Document has ceased.
- 1.7 Members may wish to note that Cllr Knaggs had undertaken a large amount of research with particular reference to other Town Council operated models in particular Faversham, addressed matters such as the licensing arrangements and investigated the services offered by external lottery management companies. This work is now being used by the Penrith Lottery Committee itself as part of their review into their operations with the aim to secure a positive future for the lottery and the groups it supports.

2. Options Analysis including risk assessment

a) Risk

That the resolution was not progressed.

b) Consequence

No update provided to Council and position of Penrith Lottery unknown.

c) Controls Required

Note the written position of the Penrith Lottery Committee and that no further action is required.

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

None

Background Documents:

Motion on Notice, Full Council 25 September 2023, and Minutes

Lottery Scoping Document.

FULL COUNCIL 20 November 2023 ITEM:11

STATUS KEY:

On hold - Not commenced

Completed

In progress - Started and ongoing

Note the progress on resolutions from previous Full Council meetings.

Reference	Activity	Status
Full Council, 17 July 2023		
PTC23/42	St Andrews War Memorial, Plinth Project	
Full Council, 25 September 2023		
PTC23/52	Letter from Chair - DVLA/Minister for Transport	
PTC23/53	Penrith Lottery Scoping document to Councillors - Report to Council	
PTC23/54	Establish Climate Strategy Task and Finish Group	
PTC23/57d	Reviewed Policies on to the website	
PTC23/57e	Lloyds Bank Closed	
PTC23/57e	SCM Administrator on HSBC account	
PTC23/57e	Business Debit Card application for SCM at HSBC	
PTC23/57e	Account Signatories updated at PBS, HSBC, CCLA	
PTC23/57e	HSBC Daily Payment Limit increased to £20k	
PTC23/59	Grant letters and SLA to Signature Grant Applicants	
PTC23/60	Quotations for Design of Interpretation and Wayfinding scheme	
PTC23/62	Liaison with Highways England re: A66 Thacka	
PTC23/63	Confirmation on Employment Contract matters	
Extra Ordinary Council, 18 October 2023		
PTC23/68	Expansion of Places at Beaconside School Consultation response	
PTC23/69	Statement of Licensing Policy Consultation response	
PTC23/60	Statement of Gambling Policy Consultation response	
PTC23/61	LCWIP confirmation of Penrith CWZ with W&F Council	

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FULL COUNCIL

Date: 20 November 2023

Public Report

Item no: 13

Matter: Grants

Author: Acting Town Clerk

Supporting Member: Council Chair

Purpose of Report:

Note the grants awarded since the last meeting of the Council.

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

- a. The Council makes an annual budget provision for grants to help meet its aims. Grants come from the Council's council tax income and a key principle of this Scheme is to ensure that grant expenditure is open and transparent.
- b. The Council has a policy for awarding grants to organisations and has an approved budget to support this.
- c. The Council resolved at the Full Council, 27 March 2023, Minute PTC22/122v a new grant scheme which was simplified from the previous policy. The aim being to make the application process more user friendly and to aim to invite an increase in applications.
- d. Grant applications will be considered providing sufficient funds remain in the budget i.e., the budget will be allocated on a "first come, first served" basis.
- e. Officers are responsible for receiving, reviewing, and awarding all grants.
- f. Officers of the Council have authority for expenditure and decide on applications without approval of a committee or Full Council assuming that there is no conflict of interest.
- g. On receipt of an application, it is scrutinised by Officers including the Responsible Finance Officer using the criteria within this Scheme and records are maintained.
- h. All the Council work is within the GDPR 2018 framework and respects the confidentiality of individuals, personal data, and sensitive personal data.
- i. This report outlines the grants awarded since the last grant report to Full Council.

2. Risk Assessment

The Council must guard against the risk that there is insufficient monitoring of grants once awarded which may lead to grants not being used for their intended purpose.

To mitigate this risk the Council where required enters into a Service Level Agreement with successful grant applicants to ensure that grants are managed in accordance with the terms and conditions of the grant scheme.

3. Financial Implications

Prior to this meeting the Council have supported five funding applications from the Grants budget totalling £8,495. Three further grant applications have been received and members are asked to note that officers have awarded the following grants:

- i. **Penrith Rotary Club:**
£372 towards the costs of planting a wildflower garden at the Rotary Garden in St Andrews Churchyard.
- ii. **Riverside Group:**
£895.94 towards the costs of facilitating a Winter Warmth Club at Eden Rural Foyer.
- iii. **Friends of North Lakes School:**
£2,000 towards the provision of transport for pupils from North Lakes school to enable pupils to travel home safely.

Annual Budget	£15,000
Grants Awarded	<u>£11,762.94</u>
Balance Remaining	£3,237.06

4. Legal Implications

Grants awarded by the Council are discretionary. Any award of grant will be subject to conditions relating to the proper and effective use of the grant for the approved purpose, with conditions set out in a Service Level Agreement for grants in excess of £1,000.

5. Background Papers

- Grants Scheme
- Grant Applications

FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Conserving Biodiversity

Item no: 14

Author: Deputy Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To update the Town Council on the duties of the Natural Environment and Rural Communities Act 2006 as updated by the Environment Act 2021.

Recommendations:

- i. That the Climate Strategy Review Group be asked to consider to update the Biodiversity Statement and produce a Biodiversity Policy and Action Plan.
- ii. That a Biodiversity Statement, Policy and Action Plan be brought back to a future meeting of Council for approval.

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 Section 40 of the Natural Environment and Rural Communities Act 2006, updated by Section 102 of the Environment Act 2021, public authorities (including town and parish councils) who operate in England must consider what they can do to conserve and enhance biodiversity in England. The act means that parish and town councils can spend funds in conserving biodiversity.
- 1.2 Government guidance published on 17th May 2023 clarifies that, as a public authority, town and parish councils must:
 - Consider what they can do to conserve and enhance biodiversity;
 - Agree policies and specific objectives based on their consideration;
 - Act to deliver their policies and achieve their objectives.
- 1.3 Town and parish councils, unlike other authorities, are not obliged to publish a report on their actions, but the Government guidance requires all public authorities to complete their first consideration of what action to take for biodiversity by 1 January 2024. They must agree their policies and objectives as soon as possible after this and may reconsider the selected actions within 5 years of completing their previous consideration, or more frequently if they choose.

- 1.4 The National Planning Policy Framework (NPPF) published in 2012 and updated in 2021 provides guidance for local planning authorities on the content of their Local Plans, but it is also a material consideration in determining planning applications. The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development and that this gives rise to the need for the planning system to perform a number of roles such as contributing to protecting and enhancing the natural, built and historic environment and helping to improve biodiversity.
- 1.5 Penrith Town Council approved a Biodiversity Statement in 2017, attached at Appendix A which now needs to be reviewed in line with current regulations.
- 1.6 The Town Council has a Climate Strategy Review Group and it is recommended that this group review the statement, policy and action plan which should be brought back to a future meeting of Council.

2. Options Analysis including risk assessment

a) Risk

That biodiversity within the parish of Penrith is compromised due to no consideration about how to conserve and enhance biodiversity.

b) Consequence

Not considering a way forward would mean that the Town Council was not complying with Government Guidance to complete the first consideration of what action to take for biodiversity by 1 January 2024.

c) Controls Required

Report to be produced for the Climate Change Action Group for consideration.

3. Financial and Resource Implications

None at this time.

4. Equalities Implications

None.

5. Climate Change and Environmental Implications

To work towards conserving and enhancing the biodiversity of the parish of Penrith

Appendices

- A. Biodiversity Statement.

Background Documents:

Natural Environment and Rural Communities Act 2006
Environment Act 2021



Penrith Town Council

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

BIODIVERSITY STATEMENT

As of 1 October 2006 every public authority must, in exercising its functions, have regard so far as it is consistent with the proper exercise of those functions to the purpose of conserving biodiversity under the Natural Environment and Rural Communities Act 2006. This Act means that parish and town councils can spend funds in conserving biodiversity.

The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way Act 2000 (CROW).

The aim of the biodiversity duty is to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities.

The National Planning Policy Framework (NPPF) published in 2012 provides guidance for local planning authorities on the content of their Local Plans, but is also a material consideration in determining planning applications. The NPPF has replaced much existing planning policy guidance.

The NPPF emphasises that the purposes of the planning system is to contribute to the achievement of sustainable development and that this gives rise to the need for the planning system to perform a number of roles, such as contributing to protecting and enhancing the natural, built and historic environment and helping to improve biodiversity. The NPPF also states that the planning system should provide a net gain for biodiversity wherever possible, and contribute to the Government's commitment to halt the loss of biodiversity.

Objective:

The objective of this statement is to work towards enhancing and protecting the biodiversity of Penrith. The Council will aim to improve the biodiversity of the area in the following ways:

- Manage its land and assets using environmentally-friendly practices that will promote biodiversity
- Support local businesses in the adoption of low impact practices
- Support residents and local organisations activities that enhance and promote biodiversity
- Develop a Neighbourhood Plan that incorporates biodiversity themes

Specific actions:

- The Council will consider sustainability, environmental impact and biodiversity when commenting on planning applications
- The Council, within its Neighbourhood Plan, will consider promoting and monitoring outcomes of appropriate sustainable development
- The Council will, whenever possible, consider the conservation and promotion of local biodiversity in all its activities, particularly with regard to the management of open spaces and woodlands
- The Council will aim to work in partnership with the development of environmentally friendly areas created by residents, local organisations and businesses
- The Council will raise awareness of environment and promote conservation projects in conjunction with its partners.

In May 2019 Penrith Town Council (PTC19/26) made a Declaration of a Climate Emergency. The Council resolved to make Penrith carbon neutral by 2030, considering both production and consumption emissions (scope 1, 2 and 3) by working with partners across the parish, district, and county to help deliver this goal through relevant strategies, plans and shared resources via a constituted Climate Change Partnership (Zero Carbon Cumbria Partnership), led by the larger authorities.

Adopted: May 2017

Review: 2024

FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Code of Conduct

Item no: 15

Author: Acting Town Clerk / Deputy Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To receive and adopt the updated Code of Conduct.

Recommendations:

To approve the adoption of the principal authority which is Westmorland and Furness Council's Code of Conduct as the Council's own Code of Conduct.

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 has been notified that the principal authority, Westmorland and Furness Council has recently replaced the three district Code of Conducts with one Code of Conduct.
- 1.2 Penrith Town Council last approved its Code of Conduct at Council, 27 March 2023, Minute pTC22/122fi which was the same as the districts Code of Conduct.
- 1.3 This new Code of Conduct provides some amendments to the wording and the ordering of the information. For ease of reference attached at Appendix A is the Council's current Code of Conduct with the new changes highlighted. Deletions are in yellow and new wording in red. The text in green adds clarity where required. Attached at Appendix B is a copy of the new Code of Conduct as it would read as a 'clean' copy.
- 1.4 It is recommended that the Council should adopt the new model Code of Conduct as attached to this report (Appendix B) as it is the one which has been approved by the Westmorland and Furness Council and is intended to apply and provide a consistent approach on ethical standards across Westmorland and Furness and Penrith Town Council.

Background

- 1.5 The Local Government Association issued a new Model Code of Conduct for members in December 2020 which was updated in January and May 2021. This being developed after extensive consultation within the sector.
- 1.6 In November 2021 the principal authorities in Cumbria adopted the model code and in April 2022 the shadow authorities adopted the new model code.
- 1.7 Westmorland and Furness Council has recently replaced the three district Codes of Conduct with one Code of Conduct.
- 1.8 The model code incorporated from the Committee on Standards in Public Life's their recommendations on Local Government Ethical Standards.
- 1.9 The aim of the code is to be concise, written in plain English and understandable to members, officers and the public. The code seeks to model the behaviours and high standards that were expected from a person holding public office. It also articulated behaviour that fell below the standards that would be expected of council members.
- 1.10 It was designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.
- 1.11 It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a complaint and a sanction being applied by the unitary authority.
- 1.12 The Code is intended to be consistent with the seven principles of Public Life and applies whenever a person is acting in his/her/their capacity as a member of the Town Council or acting as a representative of the Town Council.
- 1.13 The Officer responsible for the Code in relation to the Town Council is the Monitoring Officer at Westmorland and Furness Council.

2. Options Analysis including risk assessment

a) Risk

Not having an approved Code of Conduct

b) Consequence

Not having defined standards of behaviour for Councillors

Not having arrangements in place to create and maintain public confidence in the role of Councillor in Local Government.

c) Controls Required

Approve the adoption of the Westmorland and Furness Council Code of Conduct

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 Change and Environmental Implications associated with this report.

Appendices

- A. Code of Conduct (current Council version showing new amendments)
- B. New Code of Conduct (clean version)

Background Documents:

Council, 27 March 2023, Code of Conduct.



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

CODE OF CONDUCT

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

~~The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town Councillors are encouraged to seek advice from the Town Clerk, who may refer matters to the Monitoring Officer.~~ Moved to later in the document.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. ~~and~~ It sets out general principles of

conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the **Seven Principles of Public Life**, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty.
- I act lawfully.
- I treat all persons fairly and with respect.
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community.
- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence.
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest. (Changed position – after application previously).

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor. and

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- You misuse your position as a councillor.
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- At face-to-face meetings.
- At online or telephone meetings.
- In written communication.
- In verbal communication.
- In non-verbal communication.
- In electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town Councillors are encouraged to seek advice from the Town Clerk, who may refer matters to the Monitoring Officer.

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- I avoid conflicts of interest.
- I exercise reasonable care and diligence.

- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

NAME:

WARD:

SIGNATURE:

DATE:

Moved to later in the document

Standards of Councillor conduct OBLIGATIONS

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. RESPECT

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Council's Councillor- officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying

might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviours in the past.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL AS A COUNCILLOR **As a councillor:**

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the

content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION AS A COUNCILLOR

As a councillor:

4.1 I do not disclose information:

4.11 Given to me in confidence by anyone.

4.12 Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- a) I have received the consent of a person authorised to give it.
- b) I am required by law to do so.
- c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person.
- d) The disclosure is:
 - A. Reasonable and in the public interest; and
 - B. Made in good faith and in compliance with the reasonable requirements of the local authority; and
 - C. I have consulted the Monitoring Officer prior to its release.

4.13 **I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

4.14 **I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5 Disrepute

As a councillor:

5.11 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your Council and may lower the public's confidence in you or your Council's ability to discharge your/ its functions. For

example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6 Use of position

As a councillor:

6.11 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Council resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. Act in accordance with the local authority's requirements; and**
- b. Ensure that such resources are not used for political purposes.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Stationery
- Equipment such as phones, and computers
- Transport
- Access and use of Council buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain.

They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

8. Complying with the Code of Conduct

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer

Protecting your reputation and the reputation of the local authority.
No longer part of numbering

9. INTERESTS

9. ~~Protecting your reputation and the reputation of the local authority~~ Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix **B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

NAME:

WARD:

SIGNATURE:

DATE: New place to sign

The Seven Principles of Public Life

The principles are:

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

"Standard Dispensation" means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in Table 3 below.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just

that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

~~5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it~~

The Council Solicitor has reviewed the proposed change and concluded that this paragraph does not apply to Parish Councils.

Disclosure of Other Registrable Interests

6. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registrable Interests (as set out in **Table 2**), you must disclose the interest. If you have such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non- Registrable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which ***affects*** –
- your own financial interest or well-being;
 - a financial interest or well-being of a friend, relative, close associate; or
 - a financial interest or wellbeing of a body included under Other Registrable Interests set out in Table 1
 - ~~• a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**~~

You must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interests

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	<p>Any tenancy where (to the councilors' knowledge)-</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest in securities* of a body where-</p> <ul style="list-style-type: none"> (a) that body (to the councilor's knowledge) has a place of business or land in the area of the council; and (b) either - <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) Any unpaid directorships
- b) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

The requirement to disclose an Other Registrable Interest and not participate in a decision directly relating to or affecting it, shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in a discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to bias in exceptional circumstances.

Table 3: Standard Dispensations

1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registrable Interest:
 - (a) where that business relates to:
 - (i) another local authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the Committee meeting;

- (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
- (v) your role as a member of a National Health Service board or governing body;
- (b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003).

2. You will not be regarded as having a prejudicial interest in any business where that business relates to:

- (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Childrens Act 1989) of a child in full time unless it relates particularly to the school which that child attends;
- (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- (e) any ceremonial honour given to one or more Members; or
- (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence)



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

CODE OF CONDUCT

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code.

The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor.
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. RESPECT

As a Councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor- officer protocol.

2. BULLYING, HARASSMENT AND DISCRIMINATION

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL AS A COUNCILLOR

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION AS A COUNCILLOR:

4.1 I do not disclose information:

- 4.1.1 given to me in confidence by anyone
- 4.1.2 acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - a) I have received the consent of a person authorised to give it;
 - b) I am required by law to do so;
 - c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - d) the disclosure is:
 - i) reasonable and in the public interest; and
 - ii) made in good faith and in compliance with the reasonable requirements of the local authority; and
 - iii) I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. DISREPUTE

As a Councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. USE OF POSITION

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

7.2.1 act in accordance with the local authority's requirements; and

7.2.2 ensure that such resources are not used for political purposes.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority.

9. INTERESTS

As a Councillor:

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. GIFTS AND HOSPITALITY

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

NAME:

WARD:

SIGNATURE:

DATE:

APPENDIX A- THE SEVEN PRINCIPLES OF PUBLIC LIFE

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX B - REGISTERING INTERESTS

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

- 1 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 2 A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
- 3 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

"Standard Dispensation" means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

Non participation in case of disclosable pecuniary interest

- 4 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registrable Interests

- 5 Where a matter arises at a meeting which ***directly relates*** to one of your Other Registrable Interests (as set out in Table 2), you must disclose the interest. If you have such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest

Disclosure of Non-Registrable Interests

- 6 Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- 7 Where a matter arises at a meeting which ***affects*** -

8.1 your own financial interest or well-being;

8.2 a financial interest or well-being of a friend, relative, close associate; or

8.3 a financial interest or wellbeing of a body included under Other Registrable Interests set out in Table 1

you must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:

- 8 Where a matter ***affects*** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- 9 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
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Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councilors' knowledge)- (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where- (a) that body (to the councilor's knowledge) has a place of business or land in the area of the council; and (b) either - (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) Any unpaid directorships
- b) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

The requirement to disclose an Other Registerable Interest and not participate in a decision directly relating to or affecting it, shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in a discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to bias in exceptional circumstances.

Table 3: Standard Dispensations

1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:

(a) where that business relates to:

- (i) another local authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the Committee meeting;
- (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or
- (v) your role as a member of a National Health Service board or governing body;

(b) except that no dispensation described in sub-paragraph (a)

above will apply where the business to be transacted at the meeting is the determination of any regulatory approval, consent, licence, permission or registration (for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003).

2. You will not be regarded as having a prejudicial interest in any business where that business relates to:
 - (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Childrens Act 1989) of a child in full time unless it relates particularly to the school which that child attends;
 - (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
 - (e) any ceremonial honour given to one or more Members; or
 - (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence)

Approved: November 2023 - TBC

Reviewed: Annually

[REDACTED]
Project Director
A66 Northern Trans-Pennine project
National Highways
5th Floor
3 Piccadilly Place
Manchester
M1 3BN

08 November 2023

Dear colleague,

I wanted to write to you to inform you of the Secretary of State for Transport's decision on the Development Consent Order (DCO) for the A66 Northern Trans-Pennine project.

The decision has been made to extend the DCO deadline until 7 March 2024.

We remain confident in our proposals and we stand ready to deliver these improvements, subject to receiving a positive decision on the DCO and authorisation to proceed to construction.

More about the Secretary of State's decision will be available on the [Planning Inspectorate's website](#).

For more updates on the A66 Northern Trans-Pennine project, you can follow us on Twitter, Facebook or log on to our web page <https://nationalhighways.co.uk/our-roads/a66-northern-trans-pennine/>

If you have any queries, do not hesitate to contact me on A66NTP@nationalhighways.co.uk.

Yours sincerely,

[REDACTED]

[REDACTED]
Project Director
A66 Northern Trans-Pennine project
Email: A66NTP@nationalhighways.co.uk

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FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Standing Orders

Item no: 17

Author: Acting Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To consider an amendment to the Standing Orders.

Recommendations:

Standing Orders 3ei and 3eii be amended to:

- 3ei. Members of the public may make representations, ask questions, and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- 3eii. A member of the public who wishes to make a representation, ask a question or give evidence must make a request to do so in writing to the Town Clerk PRIOR to the meeting in order to facilitate a response from the Council. The request may be given by delivering it in writing or by electronic mail to the Town Clerk no later than midday one clear working day (that is not counting the day of the meeting or the day of delivery) before the day of the meeting.

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 Full Council, 15 May 2023 considered a motion on notice regarding an amendment to the Council Standing Orders in relation to 'Questions', 3ei and 3eii and resolved, Minute PTC23/15:
 - 3.ei Members of the public may make representations, ask questions, and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. It is preferred that a member of the public make a request in writing to the Town Clerk PRIOR to the meeting to facilitate a full response from the Council to the questioner.
 - 3.eii A question should only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk no later than midday

one clear working day (that is not counting the day of the meeting or the day of delivery) before the day of the meeting.

1.2 Upon a review of the Standing Orders then Standing Order 3ei and 3eii as resolved are not clear and contradict each other in respect of the procedure for a member of the public wishing to ask a question. (see highlighted above)

1.3 It is recommended that the Standing Orders be amended as follows to provide clarity:

3ei. Members of the public may make representations, ask questions, and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

3eii. A member of the public who wishes to make a representation, ask a question or give evidence must make a request to do so in writing to the Town Clerk PRIOR to the meeting in order to facilitate a response from the Council. The request may be given by delivering it in writing or by electronic mail to the Town Clerk no later than midday one clear working day (that is not counting the day of the meeting or the day of delivery) before the day of the meeting.

2. Options Analysis including risk assessment

a) Risk

The Standing Orders have conflicting or misleading information.

b) Consequence

Members of the public seeking to make representation to the Council are unclear of the Council's arrangements.

c) Controls Required

Agree an update to the Standing Orders.

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

None

Background Documents:

Motion on Notice, Full Council 15 May 2023, and Minute PTC23/15

Standing Orders 3ei and 3eii

FULL COUNCIL

Date: 20 November 2023

Public Report

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

Item no: 18

Author: Responsible Finance Officer

Supporting Member: Cllr. Shepherd, Chair of Finance Committee

Purpose of Report:

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

Recommendations:

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

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
£	£		£	£	£
		INCOME			
		Precept:			
455,209	468,295	Council Tax	273,172	273,172	0
7,388	7,642	CTRS Grant	4,458	4,458	0
		Other Income:			
13,577	15,750	Investment Income	9,188	19,180	9,992
0	10	Miscellaneous Income	6	0	(6)
476,174	491,697	TOTAL INCOME	286,824	296,810	9,986
		EXPENDITURE			
		PLANNING COMMITTEE:			
		Planning:			
2,118	10,000	Planning Consultancy	5,833	116	5,717
2,118	10,000		5,833	116	5,717
		Climate Change:			
2,910	8,300	Climate Efficiency	4,842	0	4,842
2,910	8,300		4,842	0	4,842
5,028	18,300	Planning Committee Total	10,675	116	10,559
		COMMUNITIES COMMITTEE:			
		Town Projects:			
4,689	47,000	Town Projects	27,417	20,280	7,137
4,689	47,000		27,417	20,280	7,137
		Arts & Entertainment:			
21,474	10,000	Arts & Culture Development	5,833	4,222	1,611
21,474	10,000		5,833	4,222	1,611
		Grants:			
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)
		Corporate Communications:			
4,839	15,000	Communications	8,750	5,757	2,993
4,839	15,000		8,750	5,757	2,993
51,285	107,000	Communities Committee Total	62,417	52,022	10,395

Actual 2022-23	Approved Budget 2023-24	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		FINANCE COMMITTEE:			
		Staffing:			
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)
		Accommodation:			
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
		Civic Functions:			
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
		Cost of Democracy:			
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	IT	11,667	10,517	1,150
340	2,050	Website	1,196	0	1,196
		Devolved Services:			
(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	Local Government Re-organisation	2,917	0	2,917
		Other Overheads:			
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	Repairs & Renewals	1,167	76	1,091
369,066	442,365	Finance Committee Total	255,215	256,922	(1,707)

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

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

FULL COUNCIL

Date: 20 November 2023

Public Report

Matter: Policy Review

Item no: 18b

Author: Services and Contracts Manager

Supporting Member: Cllr. Shepherd, Chair of Finance Committee

Purpose of Report:

To ratify the reviewed policies and recommended amendments.

Recommendations:

- i. Ratify the following reviewed policies and recommended amendments:
 - 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 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:
 - Social 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.
- 1.5 Members are reminded to note that the policies have been considered and approved by the members of the Council's Finance Committee, and the Committee Chair, Cllr. Shepherd has requested that these matters be brought to the Full Council for ratification.

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

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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.

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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.

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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.

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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

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).

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

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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:

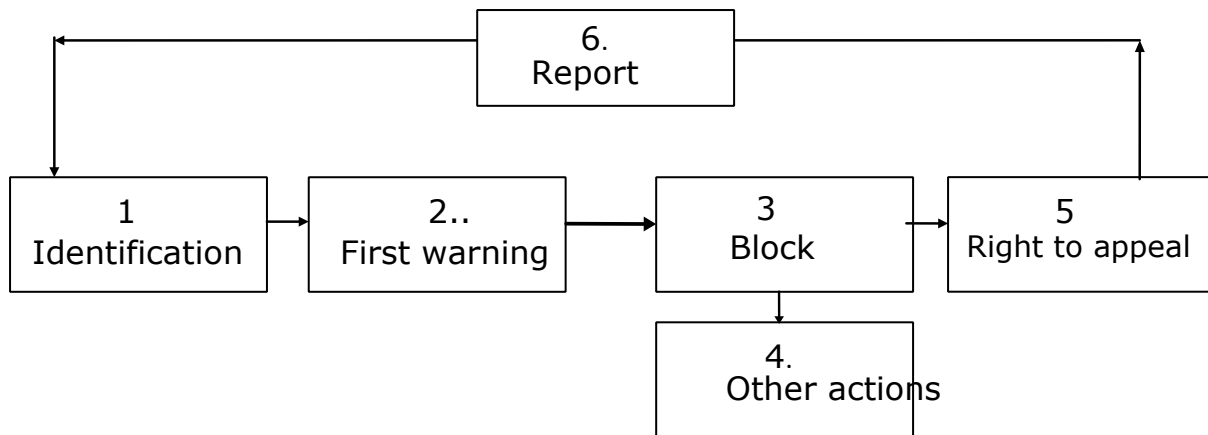
- i. Are abusive, offensive, or use provocative language - including swearing, rude or indecent comments.
- ii. Are harassing, contain abuse directed at an individual, group, other organisations, or page administrators.
- iii. Are threatening.
- iv. Promote any product, service, or publication not relevant 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 in 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.

Queries relating to the application of this policy should be addressed, in writing, to 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

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

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

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

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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



Penrith Town Council

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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.



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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

IT CONTRACTOR:	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	
DATA CONTROLLER:	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 12 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



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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

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

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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
Simple Contract	6 years
Contract under seal	12 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
Action To Recover Land	12 years
Recovery of Rent	6 years
Fraudulent 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
MINUTES		
Minute books	Indefinite	Historical Archive
Draft/rough/notes of minutes taken at meetings	Until minutes are approved	Management
FINANCE		
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
INSURANCE		
Employers Liability Insurance	Indefinite	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
OTHER		
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	Audit, Management
Digital Records	Retain as such and may be indefinite.	Audit, Management

At the end of the stated periods, the files will be destroyed, subject to any review, by the Town Clerk. All files will be destroyed by secure means.

Approved originally: May 2015 and amended for GDPR 2018

Reviewed: Annually

INTENTIONALLY BLANK



Penrith Town Council

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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, gender 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.