

# **PEACEHAVEN TOWN COUNCIL**

Tony Allen  
ACTING TOWN CLERK  
TELEPHONE: (01273) 585493 OPTION 6  
FAX: 01273 583560  
E-MAIL: [Townmanager@peacehaventowncouncil.gov.uk](mailto:Townmanager@peacehaventowncouncil.gov.uk)

TOWN COUNCIL OFFICE  
MERIDIAN CENTRE  
MERIDIAN WAY  
PEACEHAVEN

## **Councillors on this Committee: EX OFFICIO**


Cllr. C Cheta (Chair of Council), Cllr. J Harris (Vice Chair of Council),

Cllr. C Collier (Chair of Committee), Cllr. C Gallagher, Cllr. I Sharkey, Cllr. A Goble, Cllr. S Griffiths,  
Cllr. A Seabrook, Cllr. B Walters

21<sup>st</sup> May 2019

Dear Committee Member,

You are summoned to a meeting of the **POLICY & FINANCE COMMITTEE** to be held in the **ANZAC ROOM** Community House, Meridian Centre, Peacehaven on **Tuesday 28<sup>th</sup> May 2019 at 7:30pm**



Tony Allen  
Acting Town Clerk

## **A G E N D A**

### **GENERAL BUSINESS**

- 1 PF356 CHAIR ANNOUNCEMENTS
- 2 PF357 PUBLIC QUESTIONS

There will now be a 15 minute period whereby members of the public may ask questions, on any relevant **POLICY & FINANCE** matters. It would be preferred if these are submitted in writing by 12 noon on the day of the meeting. Each speaker is restricted to 3 minutes. Copies of any non-confidential reports listed below may be obtained by contacting the Town Council Office.

- 3 PF358 TO CONSIDER APOLOGIES FOR ABSENCE & SUBSTITUTIONS
- 4 PF359 TO RECEIVE DECLARATIONS OF INTEREST FROM COMMITTEE MEMBERS
- 5 PF360 TO ELECT A VICE-CHAIRMAN OF THE COMMITTEE
- 6 PF361 TO APPROVE & SIGN THE MINUTES OF 23<sup>rd</sup> APRIL 2019
- 7 PF362 MATTERS ARISING FROM THESE MINUTES (Not elsewhere on the Agenda)
- 8 PF363 GENERAL DATA PROTECTION REGULATIONS (GDPR) – CURRENT POSITION & ACTION PLAN
- 9 PF364 DEVELOPMENT OF A BUSINESS PLAN FOR THE COUNCIL
- 10 PF365 REPAIRS TO THE HUB BUILDING
- 11 PF366 REVIEW OF COMPLAINTS POLICY (FROM COUNCIL)
- 12 PF367 REVIEW OF FREEDOM OF INFORMATION POLICY (FROM COUNCIL)
- 13 PF368 REVIEW OF DATA PROTECTION POLICY (FROM COUNCIL)
- 14 PF369 REVIEW OF MEDIA & COMMUNICATIONS POLICY (FROM COUNCIL)
- 15 PF370 REVIEW OF COUNCILLOR CO-OPTION POLICY (FROM COUNCIL)
- 16 PF371 REVIEW OF ASSET REGISTER TO INCLUDE THE HUB (FROM COUNCIL)
- 17 PF372 MONITORING THE CHAIRMAN'S ALLOWANCE (FROM COUNCIL)

- 18 PF373 AGED DEBT ANALYSIS RECOMMENDATION THAT THE REPORTED DEBT TOTALLING £1,890.72 IS WRITTEN OFF (FROM COUNCIL)
- 19 PF374 REVIEW/UPGRADE OF OFFICE IT & COMMUNICATIONS
- 20 PF375 ANNUAL REVIEW OF GROUND LEASES, RENTS, ETC.
- 21 PF376 TO NOTE REPORT OF INTERNAL AUDITOR AND CONSIDER ACTIONS
- 22 PF377 TO NOTE YEAR-END ANNUAL RETURN FIGURES (TO BE SIGNED OFF AT COUNCIL IN JUNE)
  
- 23 PF376 DATE OF NEXT MEETING – TUESDAY 17<sup>th</sup> September 2019 at 7.30pm



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## **Minutes of the meeting of the Policy & Finance Committee held in Community House, Meridian Centre at 7.35pm on Tuesday 23<sup>rd</sup> April 2019**

Present – Cllr Robbie Robertson (Meeting Chair), Cllr Lynda Duhigg, Cllr Ann Harrison, Cllr Rachael Coles, Cllr Claude Cheta, Cllr Sue Griffiths, Cllr Ian Buchanan, A/Town Clerk Tony Allen, A/RFO Andy Beams.

### **PF338 CHAIR ANNOUNCEMENTS**

The Chairman welcomed everyone to the meeting and thanked the Councillors and staff for their support. It was noted with sadness that the editor and publisher of the Council's E-News, Mr Christopher Chandler, had recently suddenly passed away.

### **PF339 PUBLIC QUESTIONS**

Mr Seabrook asked why the public papers for this meeting had not been posted on the Council's web site along with the Agenda. The Chairman stated that a response in writing will be provided.

Mr Edmunds asked about the Council's strategy for recovering its financial reserves to an acceptable level. The A/RFO explained that, despite the higher than average increase in precept, the current budget was not designed to claw back any reserves, noting that, whilst this is good practice, it was not a legal requirement. The A/RFO noted that the current budget had taken the Council out of deficit and balanced its accounts and that it is for the 'new' Council to consider reserve levels going forward.

Mr Seed noted that, at the January 2019 meeting of Council, it was agreed that the Council would go paperless. The Chairman stated that a response in writing will be provided.

### **PF340 TO CONSIDER APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies had been received from Cllr Harrison-Hicks (Ill health), Cllr Harris (medical matter) and Cllr Simmons (Ill health).

### **PF341 TO RECEIVE DECLARATIONS OF INTEREST FROM COMMITTEE MEMBERS**

There were no declarations of interests.

### **PF342 TO APPROVE & SIGN THE NON CONFIDENTIAL MINUTES OF 15<sup>th</sup> JANUARY 2019, CONFIDENTIAL MINUTES OF 22<sup>nd</sup> MARCH 2019 & CONFIDENTIAL MINUTES OF 5<sup>th</sup> APRIL 2019**

The minutes of the meetings of the 15<sup>th</sup> January 2019 and the 5<sup>th</sup> April 2019 were amended to record Cllr Buchanan's apologies for absence. **It was resolved** to adopt these minutes, as amended, as a true record.

### **PF343 MATTERS ARISING FROM THESE MINUTES (Not elsewhere on the Agenda)**

No matters were raised.

### **PF344 CO-OPTION OF COUNCILLORS**

**It was resolved** that the Council should be asked to adopt an updated policy for the co-option of Councillors. **ACTION:** A/Town Clerk to review the Council's current policy in line with the SSALC model policy.



**PF345 REVIEW UPDATED CODE OF CONDUCT (FOR REVIEW AT ANNUAL MEETING)**

The paper and draft Code produced by the A/RFO were noted and discussed. **It was resolved** to put the updated Members' Code-of-Conduct, as drafted by the A/RFO, to the Annual meeting of Council for adoption.

**PF346 REVIEW OF INSURANCE QUOTES AND SELECT PROVIDER FOR NEXT YEAR**

The paper produced by the A/RFO was noted and discussed. **It was resolved** to secure a three-year insurance policy with the Council's current provider, at a fixed cost of £9574.67 p.a., to include subsidence insurance.

**PF347 NOTE YEAR END UNAUDITED ACCOUNTS**

The paper and financial reports produced by the A/RFO were discussed. The Council's year-end position and audit dates were noted.

Councillors thanked the A/RFO for his hard work in starting to bring the Council's accounts back into line, noting that it was a shame that expenditure had been underestimated in the past.

The A/RFO answered specific questions relating to some of the budget headings and gave a report on clearance of outstanding debt.

**PF348 CIL REPORT**

The paper produced by the A/RFO was noted and discussed. **It was resolved** to transfer the amount of £15357.75 to the CIL earmarked reserve for use on future agreed infrastructure projects. **It was resolved** that the general principle for future years should be to transfer any CIL receipts received to the CIL earmarked reserve, at the end of each financial year.

**PF349 REVISION OF COUNCIL'S COMMITTEES STRUCTURE**

The paper produced by the A/Town Clerk was noted and discussed. **It was resolved** to propose that Council adopts the following revised Committee structure:-

- Full Council.
- Planning & Highways Committee.
- Policy & Finance Committee.
- Leisure, Amenities & Environment Committee.
- Personnel Committee.
- Civic & Events Committee.

**It was resolved** that the A/Town Clerk should produce draft Terms of Reference to give delegated authority to Committees.

**PF350 REPAIRS TO THE HUB BUILDING**

It was noted that repairs and improvements are required to the roof, boilers, access and security at The Hub. The A/Town Clerk stated that one quote had been received for roof repairs. **ACTION:** A/Town Clerk to obtain quotes for all repairs in line with the Council's Financial Regulations.

**PF351 UPDATES TO THE TOWN MAYORS HANDBOOK**

A number of proposed amendments to the Mayor's Handbook were discussed and agreed. **It was resolved** that the updated Mayor's Handbook, as amended, be recommended for adoption by Council at its Annual Meeting.

**ACTION:** A/RFO to produce an updated version.

**PF352 UPDATES TO STANDING ORDERS AND FINANCIAL REGULATIONS**

The paper and draft Orders produced by the A/RFO and related matters were noted and discussed in detail.

**It was resolved** that the updated Standing Orders, as amended, be recommended for adoption by Council at its Annual Meeting.

**ACTION:** A/RFO to produce an updated version.

**It was resolved** that the Council should be asked to adopt an updated policy for dealing with the press. **ACTION:** A/Town Clerk to review the Council's current policy in line with the SSALC model policy.

**It was resolved** that in accordance with Standing Order No. 11 and the Public Bodies (Admission to Meetings) Act 1960, Section 1, in view of the confidential nature of the business to be transacted, the public and press be excluded from the discussion on following items:

**PF353 UPDATE OF CURRENT EMPLOYMENT/STAFFING MATTERS**

No matters were brought forward for discussion.

**PF354 AGED DEBT ANALYSIS**

The paper produced by the A/RFO was noted and discussed. **It was resolved** to recommend to Council that the reported debt totaling £1890.72 is written off.

**It was resolved** that a copy of the aged debt report is provided by the RFO for discussion at all future meetings of the Committee.

The Chairman thanked the A/RFO for this and the other detailed reports that he had produced for the meeting.

**PF355 DATE OF NEXT MEETING – TUESDAY 28<sup>th</sup> MAY at 7.30pm.**

*There being no further business, the meeting closed at 21:18*





# QUOTE

Kevin Bray

<b>Date</b> 18 Mar 2019	Complete Roofing Solutions
<b>Expiry</b> 18 May 2019	Attention: Josh Feldman
<b>Quote Number</b> QU-0109	1st Floor
<b>Reference</b> Roofing works	The Roller Mill
<b>VAT Number</b> 184414309	Mill Lane
	Uckfield
	East Sussex
	TN22 5AA

## Proposed Roofing works to The HUB, Centenary Park, Piddinghoe avenue, Peacehaven, BN10 8RJ

With reference to the above property, thank you for inviting us to price for the works (as listed overleaf). Please find enclosed our quotation which provides our best assessment of the requirements based upon a site visit

We would seek permission to use power and water while working onsite and adequate parking. We predict all works to take 1 day (weather permitting) to complete

In order to proceed, We will require an upfront 20% deposit to secure materials and lock in your time slot by bank transfer to:

Account Name: Complete Build Solutions Ltd  
Account No: 63153408  
Sort Code: 60-22-05

We will then subsequently invoice in accordance with a supplied payment schedule agreed upon by both parties

Description	Quantity	Unit Price	VAT	Amount GBP
Replace all missing or broken tech fixings on all pitched sheeted elevations. Fit in accordance with manufacturers specification (an allowance of up to 500 fixings allocated. Anymore will be charged at an extra rate)	1.00	775.00	20%	775.00
Preliminaries including insurance, carting away rubbish and all health and safety requirements	1.00	150.00	20%	150.00
Subtotal				925.00
TOTAL VAT 20%				185.00
TOTAL GBP				1,110.00

## Terms

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1. This contract is subject to materials & labour being available when required
2. Samples, if submitted to approval, to be accepted showing substance & general character only. Equality of bulk in colour, size or shape can not be guaranteed.
3. All materials delivered to the site by us, or to our order are to remain our property until fixed by our staff on our instructions or until paid for.
4. No responsibility will be taken for any delay, loss or damages caused by strikes, labour disputes, or inclement weather, changes of design or specification or any other circumstances beyond our control.
5. Care will be taken when working on roofs above existing ceilings, but no responsibility will be taken where damage is caused to ceilings during the progress of the work.
6. The company shall not be responsible for damages to ceilings, walls, gutters or building fabric, if such items are found to be defective before or during commencement of work or where damage is caused by unavoidable vibration.
7. For contract work on new buildings, lime, cement & scaffolding are not included in this estimate.
8. This estimate does not include work of other crafts or trades or making good after it unless specifically mentioned overleaf or unless an item for the same is included in the bills of quantities where provided.
9. Payment shall become forthwith upon submission of our account. Where the period of the work exceeds one month, arrangements shall be made for interim stage payments. Payments not forthcoming within the month period will attract an interest payment at the current bank base rate level.
10. This Estimate does not include any work to timbers and substrate materials found necessary once roofs open up unless mentioned in our estimate.
11. This estimate is open for acceptance for a period of one month from the date hereof, after which it will be subjected to confirmation or adjustment.
12. This estimate is an offer to carry out the work detailed, for the figure quoted, & does not include value added tax, which shall be payable by the customer at the appropriate rate from time to time applying.
13. No Responsibility for ponding of water on flat roofs will be taken following re-roofing works.
14. Special condition where customer is a trade customer or contractor. Where a contract is based on priced bills of quantities and measurements, the Royal Institute of Chartered Surveyors shall in accordance with the current standard method adopt these, unless specified to the contrary in the bills of quantities. Upon completion the works will be re-measured in accordance with the standard method of measurement and any price adjustments made accordingly.
15. Unless otherwise agreed in writing between the company and the customer any materials stripped by the company in re-roofing contracts shall become the company's property.
16. The employer shall supply a safe connection to suitable electricity mains supply & provide water when required.
17. This estimate is based on works being executed during normal working hours.
18. The client has a 14 day "cooling-off period" in which to exercise the right to cancel the contract, starting from the date of receipt of the "notice of right to cancel".
19. Any guarantee given for work does not include damage from storm conditions



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## **COMPLAINTS PROCEDURE**

### **1. Introduction and duties**

- 1.1 It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 has issued guidance (February 2013) for local councils.

### **2. Guidelines**

- 2.1 It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult with their auditor / audit commission.
Criminal activity	The police
Councillor conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to Catherine Knight District Council, Monitoring Officer
Employee conduct	Dealt with by internal disciplinary procedure

- 2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.
- 2.3 The code of practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk.

### **3. The code of practice**

- 3.1 The aims of the code of practice are:
- To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the council from other bodies.
  - To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
  - To make the process reasonable, accessible and transparent.

- At all times, the rules of natural justice will apply and all parties shall be treated fairly.
- All complaints shall be heard by the council's complaints panel, which shall consist of 3 Councillors, and shall report its findings to Peacehaven Town Council.

#### **4. Before the meeting**

- 4.1 The complainant shall be asked to put the complaint about the council's procedures in writing to the Clerk.
- 4.2 If the complainant does not wish to put the complaint to the Clerk (as it may relate directly to the Clerk), they may be advised to put it to the Mayor in writing, marked private and confidential.
- 4.3 The Clerk/Mayor shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the complaints panel.
- 4.4 The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
- 4.5 Seven (7) clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the council with copies of any documentation or other evidence, which they intend to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

#### **5. At the meeting**

- 5.1 The complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next Council meeting in open session.
- 5.2 The panel chairman to introduce everyone.
- 5.3 The panel chairman to explain the procedure.
- 5.4 Complainant (or representative) to outline grounds for complaint.
- 5.5 Panel members to ask questions of the complainant.
- 5.6 If relevant, the Clerk or other nominated officer, to explain the council's position.
- 5.7 Panel members to ask questions of the Clerk or other nominated officer.
- 5.8 The Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Town Clerk/officer followed by complainant).

5.9 The Clerk or other nominated officer and complainant to be asked to leave the room while the panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.

5.10 The Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

**6. After the meeting**

6.1 Decision confirmed in writing within seven (7) working days together with details of any action to be taken.







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## **Data Protection Policy**

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Addendum 1- Page 8 – Subject Access Request Procedure

Adopted:  
Review Date:

### **1. INTRODUCTION**

Peacehaven Town Council (the Council) supports the objectives of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA) and seeks to ensure compliance with this data protection legislation.

The processing of data by the Council is essential to services and functions, at times involving the use of personal data, and compliance with the data protection legislation will ensure that such processing is carried out fairly and lawfully.

The Council is open and transparent about its operations and works closely with the community. In the case of information that is not personal or confidential, the Council is prepared to make information available to the public as per the Council's Publication Scheme.

## 2. SCOPE

This Data Protection Policy applies to all Council employees, Councillors, volunteers and contractors. See the 'Roles & Responsibilities' section of this policy for more information.

This policy governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information.

This policy provides a framework within which the Town Council will ensure compliance with the data protection legislation and will underpin any operational procedures and activities connected with the implementation of the legislation.

## 3. POLICY STATEMENT

The Town Council is committed to ensuring that personal information is handled in a secure and confidential manner in accordance with its obligations under data protection legislation. The Council will use all appropriate and necessary means at its disposal to comply with data protection legislation through this adopted Data Protection Policy.

## 4. DATA PROTECTION LEGISLATION

The GDPR and DPA govern the rights of individuals regarding their personal data and the way in which this data is controlled and processed by those with legitimate reasons for using the personal information. It provides a mechanism by which individuals about whom the data is held ('data subjects') can have a certain amount of control over the way in which it is handled.

### 4.1. Core Principles

The regulations are based on six core principles with a new principle of accountability meaning the Council must ensure compliance. This is achieved through the Council producing and maintaining documents that demonstrate what actions have been taken to achieve compliance, such as privacy notices and consent forms clearly showing for what purpose the data is being used and demonstrating that data subjects have 'opted in'.

- 4.1.1. **Lawfulness, Fairness & Transparency** – processed lawfully, fairly and in a transparent manner in relation to the data subject.
- 4.1.2. **Purpose** – Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- 4.1.3. **Data Minimisation** – Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 4.1.4. **Accuracy** – Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- 4.1.5. **Storage Limitation** – Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.



- 4.1.6. ***Integrity and Confidentiality*** – Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In addition to the above principles, the data protection legislation sets out specific strengthened sanctions over sharing data outside the European Economic Area. This requires councils to ensure appropriate privacy safeguards are in place when using cloud-based services. The Council's data is backed up by Schools ICT (computer networks) in the United Kingdom and Microsoft Office (email services) in three separate locations within the United Kingdom to ensure the safety of data.

## **4.2. Lawfulness of Processing**

The data protection legislation sets out six lawful bases for processing personal data.

Unless an exemption applies, at least one of these will apply in all cases where personal data is processed by the Council; often a number of different lawful bases will apply at the same time. For example, the Council may be performing a task in the public interest, under a legal obligation e.g. processing data in the exercise of a statutory power, and sometimes as a result of contractual necessity.

In addition to the lawful bases below, the Council will ensure additional conditions are met, in accordance with the legislation, with regards to the processing of any sensitive personal information.

### **4.2.1. *Consent***

- i. A controller must be able to demonstrate that consent was given. Transparency is key: consents given in written declarations which also cover other matters must be clearly distinguishable, and must be intelligible, easily accessible and in clear and plain language.
- ii. Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes – either by a statement or by a clear affirmative action.

### **4.2.2. *Legitimate interests***

- i. This involves a balancing test between the controller (or a third party's) legitimate interests and the interests or fundamental rights of and freedoms of the data subject – in particular where the data subject is a child. The privacy policy of a controller must inform data subjects about the legitimate interests that are the basis for the balancing of interests.
- ii. Please note, councils and parish meetings are public authorities and under the GDPR public authorities cannot rely on legitimate interests as a legal basis for processing personal data.

### **4.2.3. *Contractual necessity***

- i. Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject (or to take steps prior to entering into a contract).

### **4.2.4. *Compliance with legal obligation***

- i. Personal data may be processed if the controller is legally required to perform such processing e.g. complying with the requirements of legislation.

#### 4.2.5. *Vital Interests*

- i. Personal data may be processed to protect the 'vital interests' of the data subject e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information without their consent.

#### 4.2.6. *Public Interest*

- i. Personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest.

### 4.3. Individual Rights

The Council will ensure that individuals on whom personal information is kept are aware of their rights under data protection legislation and have access to that information on request. Subject to some legal exceptions, individuals will have the rights below:

- 4.3.1. ***Right to access personal data the Council holds on you*** – At any point you can contact the Council to request the personal data held on you, as well as why the Council has that personal data, who has access to the personal data and where the data was obtained from.
- 4.3.2. ***Right to correct and update the personal data the Council holds on you*** – If the data the Council holds on you is out of date, incomplete or incorrect, you can inform the Council and your data will be updated.
- 4.3.3. ***Right to have your personal data erased*** – If you feel that the Council should no longer be using your personal data or that the Council is unlawfully using your personal data, you can request that the Council erase the personal data it holds.
- 4.3.4. ***Right to object to processing of your personal data or to restrict it to certain purposes only*** – you have the right to request that the Council stop processing your personal data or ask the Council to restrict processing.
- 4.3.5. ***Right to data portability (personal data transferred from one data controller to another)*** – You have the right to request that the Council transfer some of your data to another controller.
- 4.3.6. ***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.
- 4.3.7. ***Right to lodge a complaint with the Information Commissioner's Office*** – You can contact the Information Commissioner's Office via contact details on their website at <https://ico.org.uk/global/contact-us/>

The process for making a request for personal data the Council holds on you (a 'Subject Access Request') or any similar requests as above is set out as an addendum to this policy.



## **5. ROLES & RESPONSIBILITIES**

### **5.1. Data Protection Officer**

Within DPA 2018 it was agreed that Town and Parish Councils are not required to appoint an external Data Protection Officer as is required by other 'public authorities'.

The Council does however have an internally appointed Data Protection Officer, the Executive Support Officer, who is responsible for the following tasks:

- 5.1.1. Informing and advising the Council, any processor engaged by the Council as data controller, and any employee of the Council who carries out processing of personal data, of that person's obligations under the legislation.
- 5.1.2. Providing advice and monitoring for the carrying out of data protection impact assessments.
- 5.1.3. Co-operating with the Information Commissioner's Office, acting as the contact point for the Information Commissioner's Office.
- 5.1.4. Assigning responsibilities under the Council's data protection policies, raising awareness of the policies, training staff involved in processing operations and conducting audits required under those policies.

The Council will provide the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

### **5.2. Town Council**

The Town Council will be responsible for ensuring that the organisations comply with its responsibilities under the data protection legislation through monitoring of activities and incidents via reporting by the Data Protection Officer.

### **5.3. All Staff & Councillors**

All staff and councillors will ensure that:

- 5.3.1. Personal information is treated in a confidential manner in accordance with this and any associated policies.
- 5.3.2. The rights of data subjects are respected at all times.
- 5.3.3. Privacy notices will be made available to inform individuals how their data is being processed.
- 5.3.4. Personal information is only used for the stated purpose, unless explicit consent has been given by the data subject to use their information for a different purpose.
- 5.3.5. Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- 5.3.6. Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- 5.3.7. Personal information is recorded accurately and is kept up to date.



- 5.3.8. Records they are responsible for retaining are disposed of in accordance with the Council's Data Retention Policy, by shredding or other confidential method where required.
- 5.3.9. They refer any subject access requests and/or requests in relation to the rights of individuals to the Data Protection Officer.
- 5.3.10. They raise actual or potential breaches of the DPA to the Data Protection Officer as soon as the breach is discovered.

It is the responsibility of all staff and councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

#### **5.4. Contractors and Employment Agencies**

Where contractors are used, the contracts between the Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as Town Council members of staff and councillors in relation to data protection legislation.

#### **5.5. Volunteers**

All volunteers are bound by the same code of behaviour as Town Council members of staff and councillors in relation to data protection legislation. It is the staff member's responsibility that is arranging volunteer work to ensure that the volunteers are aware of the responsibilities on them under this policy.

### **6. DATA RETENTION**

Good records management plays a vital role in ensuring that the Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meeting the requirements of the data protection legislation. Data must only be used for the purpose it was gathered for and should be deleted when it is no longer needed for that purpose.

All records will be retained and disposed of in accordance with the Council's Document Retention Policy. Sensitive or confidential documents are disposed of by shredding or other means to ensure that the material can no longer be read or interpreted.

No document list can be exhaustive. Questions regarding the retention period for any specific document or class of document not in the Council's Document Retention Policy should be addressed to the Data Protection Officer.

### **7. INFORMATION REQUESTS**

#### **7.1. Personal Data**

Requests from data subjects for copies of personal data the Council holds about them ('Subject Access Requests') or any other requests for information under the individual rights of data protection legislation should ideally be made in writing but can also be made verbally. The Subject Access Request procedure, covering submitting subject access requests and the Council responding, is provided as an addendum to this policy.

## **7.2. Non-Personal Data**

The Council's Publication Scheme is a means by which the Council can make a significant amount of information routinely available without waiting for someone to specifically request it.

In accordance with the Freedom of Information Act 2000, this scheme specifies the classes of information which the Council published or intends to publish, as well as an information guide giving greater detail of what the Council will make available. This aims to make it easier for public to access information.

Requests for information that is not personal data can be made verbally or in writing and will be dealt with in accordance with the Council's Freedom of Information Request Policy.

Much of the Council's information is however available on its website at [www.peacehaventowncouncil.gov.uk](http://www.peacehaventowncouncil.gov.uk) and individuals are encouraged to first look on the website for the information they seek.

## **8. COMPLAINTS**

Any expression of dissatisfaction from an individual with reference to the Council's handling of personal information will be treated as a complaint and handled under the Council's Complaints Procedure. The Data Protection Officer will be involved in responding to the complaint.

Should the complainant remain dissatisfied with the outcome of their complaint to the Council, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

The contact details for the Information Commissioner Office can be found online at <https://ico.org.uk/global/contact-us/>



## **Subject Access Request Procedure**

### **1. What is a Subject Access Request?**

A Subject Access Request (SAR) is a written request made by or on behalf of an individual for personal data held on said individual which he or she is entitled to ask for under data protection legislation.

### **2. How do I submit a SAR?**

A SAR must be made either verbally or in writing and can be in any form; it does not have to include certain phrases such as 'subject access' or 'data protection legislation'.

It is recommended that a SAR be submitted in writing to the Council either via post or via email to [admin@peacehaventowncouncil.gov.uk](mailto:admin@peacehaventowncouncil.gov.uk), requests may however also be submitted via social media, the Council's website or any other written means of contact.

Due to the nature of SARs and the communication required, a request submitted via social media or the website will often need to be supplemented with another form of communication; ideally email.

It is recommended that, for the ease of identifying the exact request, the written request clearly set out:

- a. The individual the request is regarding (the 'data subject')
- b. The information/data you are requesting (the 'personal data')
- c. How you would like to receive the data e.g. electronically via email, posted paper copies etc. The default format will be electronic, wherever possible.

### **3. What process will the Council follow to respond?**

Upon receipt of a SAR, this will be passed to the Town Clerk (or in their absence, the Deputy Town Clerk) to undertake the following process:

#### Upon Receipt of a SAR

- a. Verify that the Council is the controller of the data subject's personal data that is being requested. If the Council is not the controller, but merely a processor, you will be informed so and referred to the data controller.
- b. Verify the identity of the data subject; if needed, the Council may request further evidence that you are the data subject (the Council will provide a list of example identification that will be accepted). If you are making the request on behalf of the data subject, the Council will need to satisfy itself that you are entitled to act on behalf of the individual. The Council does have the right to send the response direct to the data subject rather than through a third party, where it feels relevant.
- c. Verify the access request; is it sufficiently substantiated? Is it clear what data you are requesting? If not, the Clerk will contact you for further information.
- d. Verify whether requests are unfounded or excessive (in particular if in a repetitive character); if so, the Council may refuse to act on the request or charge a reasonable fee.



- c. Promptly acknowledge receipt of the SAR and inform you of any costs involved in processing the SAR. Where a cost is to be incurred, the Clerk will await your agreement with the cost before proceeding with a response to your request.
- f. Verify whether the Council processes any data requested by carrying out a full exhaustive search of all records. If no data is processed, the Clerk will inform you accordingly.
- g. Verify whether the data requested also involves other data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, the Council will first have to ensure that other data subjects have consented to the supply of their data as part of the SAR.

#### Responding to a SAR

- h. Respond to a SAR within one month after receipt of the request:
  - (i) If more time is needed to respond to a complex request, an extension of another two months is permissible, provided this is communicated to you in a timely manner within the first month
  - (ii) If the Council cannot provide the information requested it will inform you on this decision within one month of receipt of the request.
- i. Where possible, the Council will include the following in its response:
  - (i) The purpose for processing this data;
  - (ii) The categories of personal data concerned;
  - (iii) The recipients or categories of recipients to who the personal data has been or will be disclosed;
  - (iv) Where possible, the envisaged period for which the personal data will be stored or, if not possible, the criteria used to determine that period;
  - (v) The existence of the right to request rectification or erasure of personal data or restriction of processing personal data concerning the data subject or to object to such processing;
  - (vi) The right to lodge a complaint with the Information Commissioner's Office;
  - (vii) If the data has not been collected from the data subject, the source of such data;
- j. Provide a copy of all the personal data requested that the Council processes, unless an exemption applies.
- k. The Council will ensure the data is in an 'intelligible form', which includes giving an explanation of any codes, acronyms and complex terms, where relevant.
- l. The Council will not erase any data or change any data prior to a response to a SAR, unless this would have been done regardless of the SAR being received or not; under data protection legislation, the Council is not allowed to erase data to prevent it being released.

- m. If the data cannot be supplied in a permanent form i.e. electronic or hard copies, the Council may request that you come and inspect any data on screen or files on its premises. This will need to be arranged at a mutually agreeable time.
- n. The Council will maintain a record of all SARs received, the outcomes and showing compliance against the statutory timescales.

**4. How will I receive the information?**

Wherever possible, the Council will provide you with any personal data electronically, except where a request has been made otherwise or the data is not available electronically.

The Council may decline to supply information via social media if technological constraints make it impractical or if information security considerations make it inappropriate to do so. In these circumstances, the Council will ask you for an alternative delivery method for the response.

**5. Will there be a cost?**

SAR's will be undertaken free of charge to you unless the legislation permits reasonable fees be charged; this could be an administrative cost of complying with the request where the request is considered unfounded or excessive or where an individual requests further copies of their data following an original request.

**6. Can the Council refuse to comply with a request?**

If the Council believes the request is manifestly unfounded or excessive it can either request a 'reasonable fee' from you to deal with the request (an administration fee for locating and producing the data) or refuse to deal with the request. In either case, the Council will justify its decision.

If the request is refused or you are quoted a fee to produce the data, you will be informed of your right to make a complaint to the Information Commissioner's Office.

**7. What data is exempt from a SAR?**

Each SAR will be assessed on its own merits upon receipt and careful consideration given to whether or not an exemption applies. If any exemption applies the Council may refuse the release of that data or may be able to redact the data being disclosing it to the individual.

Any example of an exemption is where the personal data is 'legally privileged' because it is contained within legal advice provided to the Council or relevant to ongoing or preparation for litigation.

If an exemption is considered to apply, the Council will clearly set this out in its response to you.

The Council may seek external professional advice if it is felt necessary to determine whether an exemption applies and the best course of action.

**8. What if I am unhappy with the response received?**

If you are unhappy with the response received, you should inform the Council; this will then be dealt with as a complaint in accordance with the Council's Complaints Procedure.

If, once the complaint has been considered and decided upon by the Council, you are still unhappy with the outcome, you have a right to make a complaint to the Information Commissioner's Office.

The contact details for the Information Commissioner Office can be found online at <https://ico.org.uk/global/contact-us/>





# **PEACEHAVEN TOWN COUNCIL**

Tony Allen  
ACTING TOWN CLERK  
TELEPHONE: (01273) 585493 OPTION 6  
FAX: 01273 583560  
E-MAIL: [Townmanager@peacehaventowncouncil.gov.uk](mailto:Townmanager@peacehaventowncouncil.gov.uk)

TOWN COUNCIL OFFICE  
MERIDIAN CENTRE  
MERIDIAN WAY  
PEACEHAVEN  
EAST SUSSEX

## **FREEDOM OF INFORMATION POLICY**

### **1. Introduction**

1.1 The Freedom of Information Act 2000 is intended to promote a culture of openness and accountability amongst public authorities by providing people with rights of access to the information held by them.

1.2 The council will comply with the requirements of the act, and in particular will:

- Make as much information as possible available via the publication scheme
- Respond to requests for information as quickly as possible, and in any event, within the statutory timescales
- Where, exceptionally, we believe it is not going to be possible to respond fully within the statutory timescale (for example, where we have to consider the public interest tests), we will:
  - Advise you why, and give an estimated date by which the information will be provided, and
  - Provide as much of the information as possible within the earlier timescale
- Apply exemptions appropriately and consistently
- Ensure that any fees charged are calculated appropriately and consistently

### **2. How to make a request**

2.1 A large amount of information is freely available on the council's website, which can be found at [www.peacehaventowncouncil.gov.uk](http://www.peacehaventowncouncil.gov.uk)

2.2 If you are unable to find the information you are looking for, you can request the information directly from the council.

2.3 The preferred method for requesting information from the council is in writing; either email or letter, to ensure the request is clearly understood. Requests should be made to the Clerk at the above address

2.4 The request should provide as full a description as possible of the information you require, and your preferred method for receiving the information.

### 3. Complaints

- 3.1 The council would normally expect the Clerk or other named officer to understand what information you have asked for and be able to tell you where you can find it. If the information you received is not what you asked for or need, you should contact the Clerk or named officer to clarify your requirements.
- 3.2 If you believe that the council has not dealt with your request fairly and it cannot be resolved on an informal basis, you should follow our complaints procedure.
- 3.3 If you have followed our complaints procedure and are still not happy with how we have dealt with your request, you may also contact the Information Commissioner's Office to ask them to investigate further. They can be contacted at:

Postal address: The Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow, Cheshire  
SK9 5AF

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Telephone: 0303 123 1113

### 4. Charges

- 4.1 Charges made by the council in relation to the publication scheme will be justified, transparent and kept to a minimum.
- 4.2 Information which is published and accessed on the council's website is provided free of charge.
- 4.3 Charges will be made for actual disbursements incurred as detailed below:

#### Information available from Peacehaven Town Council under the FOI model publication scheme

Information to be published	How the information can be obtained	Cost
<b>Class 1 – Who we are and what we do</b> (Organisational information, structures, locations and contacts)		
Who's who on the council and its committees	Hard copy Website	Disbursement cost
Contact details for the Clerk and council members	Hard copy Website	Disbursement cost
Location of main council office and accessibility details	Hard copy Website	Disbursement cost
Staffing structure	Hard copy Website	Disbursement cost



<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)		
Full accounts and audit report	Hard copy Website	Disbursement cost
Finalised budget	Hard copy Website	Disbursement cost
Precept	Hard copy Website	Disbursement cost
Borrowing Approval letter	Hard copy Website	Disbursement cost
Financial Standing Orders and Regulations	Hard copy Website	Disbursement cost
Grants given and received	Hard copy Website	Disbursement cost
List of current contracts awarded and value of contract	Hard copy Website	Disbursement cost
Members' allowances and expenses	Hard copy Website	Disbursement cost
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Business Plan / Vision Document	Hard copy Website	Disbursement cost
Annual report to Town Conference / Parish Assembly	Hard copy Website	Disbursement cost
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Hard copy Web site	Disbursement cost
Agendas of meetings (as above)	Hard copy Web site	Disbursement cost
Minutes of meetings (as above) – <i>n.b. this will exclude information that is properly regarded as private to the meeting</i>	Hard copy Web site	Disbursement cost
Reports presented to council meetings – <i>n.b. this will exclude information that is properly regarded as private to the meeting</i>	Hard copy Web site	Disbursement cost
Responses to consultation papers	Hard copy Web site	Disbursement cost
Responses to planning applications	Hard copy Web site	Disbursement cost
Bye-laws	Hard copy	Disbursement cost
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)		

<u>Policies and procedures for the conduct of council business:</u> Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Hard copy Web site	Disbursement cost
<u>Policies and procedures about the employment of staff:</u> Equal Opportunities Statement Health and Safety Policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy Web site	Disbursement cost
Record management policies (records retention, destruction and archive)	Hard copy Web site	Disbursement cost
Schedule of charges (for the publication of information)	Hard copy Web site	Disbursement cost
<b>Class 6 – Lists and Registers</b> (Currently maintained lists and registers)		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Hard copy – some information may be available for inspection only	Disbursement cost
Asset Register	Hard copy Web site	Disbursement cost
Register of members' interests	Hard copy Web site	Disbursement cost
Register of gifts and hospitality	Hard copy Web site	Disbursement cost
<b>Class 7 – The services we offer</b> (information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Allotments	Available for inspection	Free of charge
Burial grounds and closed churchyards	Available for inspection	Free of charge
Community centres and village halls	Hard copy booking form	Free of charge
Parks, playing fields and recreational facilities	Hard copy booking form	Free of charge
Seating, litter bins, clocks, memorials and lighting	Available for inspection	Free of charge

Bus shelters	Available for inspection	Free of charge
Newsletters	Delivered to all properties in the parish	Free of charge
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard copy Web site	Disbursement cost





# **PEACEHAVEN TOWN COUNCIL**

Tony Allen  
ACTING TOWN CLERK  
TELEPHONE: (01273) 585493 OPTION 6  
FAX: 01273 583560  
E-MAIL: [Townmanager@peacehaventowncouncil.gov.uk](mailto:Townmanager@peacehaventowncouncil.gov.uk)

TOWN COUNCIL OFFICE  
MERIDIAN CENTRE  
MERIDIAN WAY  
PEACEHAVEN  
EAST SUSSEX

## **MEDIA AND COMMUNICATIONS POLICY**

### **1. Introduction**

1.1 This policy is advised by the Code of Recommended Practice on Local Authority Publicity, as issued by the Department for Communities and Local Government (DCLG). The code is statutory guidance and therefore councils must have regard to it and follow its provisions.

1.2 Failure to follow the council's Media and Communications Policy could lead to a breach of the statutory code and the risk of adverse publicity, which could damage the council's reputation. It is important that all Councillor and officers understand the implications of this code which this policy explains within a local context.

1.3 This policy should be read in conjunction with the Members' Code of Conduct.

### **2. Approach to publicity**

2.1 The council welcomes enquiries from the press and media, and recognises that a good relationship with the press helps communicate effectively with residents.

2.2 Equally, the council recognises that taking a proactive approach to communication ensures information is made available to residents in a timely manner, and is accessible via as many media sources as possible including emerging social media platforms.

### **3. Principles of communication**

3.1 The Code of Recommended Practice on Local Authority Publicity identifies key principles regarding publicity, and the council will ensure any publicity:

- Is lawful
- Is cost effective
- Is objective
- Is even-handed
- Is appropriate
- Has regard to equality and diversity
- Is issued with care during periods of heightened sensitivity

### **4. Official council press releases**

4.1 The council recognises that the use of press releases is a key technique for publicising council activities, decisions and achievements.

- 4.2 An official council press release is made on behalf of the council as a whole. In certain circumstances, it may be appropriate for a Councillor (normally the Mayor, Deputy Mayor or committee Chairman) to draft the press release, but the Town Clerk (or other nominated officer) will be responsible for checking and subsequently issuing any official council press release.
- 4.3 All press releases will accurately reflect the corporate view of the council, contain relevant facts and may include an approved quotation from an appropriate Councillor. Releases will not promote the views of specific political groups, publicise the activities of individual Councillors, identify a Councillor's political party or persuade the general public to hold a particular view.
- 4.4 Press releases will be issued to local newspapers and copies will be made available on the council's website. An edited version may be available via the council's social media platforms, with a link to the full story available.

## **5. Requests for interview**

- 5.1 Any request for an interview with a Councillor or officer should be referred to the Town Clerk (or other nominated officer) in the first instance. The Town Clerk, in liaison with the Mayor, will determine the most appropriate Councillor or officer to be put forward for interview.
- 5.2 Where a Councillor is authorised to speak on behalf of the council, it is their responsibility to ensure they are clear on the corporate position of the council, and that their responses to questions accurately reflect this.
- 5.3 Where an officer is authorised to speak on behalf of the council, they must never give their opinion on specific council policy and must remember their role is to provide expertise and factual knowledge in support of the council's agreed policies.
- 5.4 If a Councillor has not been specifically authorised by the council to speak to the media on a particular issue, a Councillor who is asked for a comment should make it clear that it is a personal view and ask that it be clearly reported as such.

## **6. Publicity during elections**

- 6.1 There are specific rules governing publicity when an election has been announced. In the period between the notice of an election and the election itself (purdah), all proactive publicity about candidates is halted.
- 6.2 During the purdah period, all council publicity shall be managed by the Town Clerk (or other nominated officer), and any quotes provided in support of press releases will be given by authorised officers.



## **7. Social media**

- 7.1 The council recognises that for some residents, accessing information via social media platforms is their preferred method. While there are too many social media sites to include all of them, the council will endeavour to use those which are most widely used, and regularly review the type and number of social media sites used.
- 7.2 Social media sites will be used to support other communications issued by the council, and will help provide a consistent message across all media formats. To help achieve this, all social media releases will be approved by the Town Clerk (or other nominated officer).
- 7.3 Where officers use social media in a professional capacity to represent the council, the council's corporate identity will be used and not that of any individual officer.
- 7.4 Officers using social media in this way must respect copyright, data protection, freedom of information and other laws, and be aware of the risks of action for defamation. Officers must not use insulting or offensive language, or engage in any conduct that would not be acceptable in the workplace or elsewhere.

## **8. General guidance for Councillors and officers**

- 8.1 Councillors and officers must ensure they do not disclose information that is of a confidential nature. This includes any discussion with the press or other media on any matter which has been discussed under confidential items on council or committee agendas or at any other private briefing.
- 8.2 Councillors and officers should act with integrity at all times when representing or acting on behalf of the council.
- 8.3 Councillors should not use the prefix 'Councillor' when writing to the press as an individual. This implies you are stating council policy, which is not necessarily consistent with your personal opinion.
- 8.4 Any Councillor failing to follow the guidelines set out in this policy may find themselves in breach of the Members' Code of Conduct and subject to a complaint to the Monitoring Officer.
- 8.5 Any officer failing to follow the guidance set out in this policy could face disciplinary action.



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Tony Allen  
ACTING TOWN CLERK  
TELEPHONE: (01273) 585493 OPTION 6  
FAX: 01273 583560  
E-MAIL: [Townmanager@peacehaventowncouncil.gov.uk](mailto:Townmanager@peacehaventowncouncil.gov.uk)

TOWN COUNCIL OFFICE  
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MERIDIAN WAY  
PEACEHAVEN  
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## **Councillor Co-option Policy**

### **1. Introduction**

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to Peacehaven Town Council (PTC). The Co-option procedure is entirely managed by the Town Clerk and this policy will ensure that a fair and equitable process is carried out.

### **2. Co-option Post Elections ('35days dispensation' rule)**

There are two ways to fill these vacancies; co-option under a 'special dispensation' arrangement and the normal 'casual vacancy' process.

Under the 'special dispensation' arrangement, the Council has 35 days from the date of the elections in which it can directly co-opt to fill its remaining vacancies at a meeting of Council; the associated costs and more lengthy 'casual vacancy' process are avoided. This is allowed so that Councils can, if possible, get up to full complement as quickly as possible after the elections. It could be considered implicit that this arrangement is to allow any of those who stood for election, and were unsuccessful, a second chance to serve the Council. It could also be thought that anyone interested in becoming a PTC Councillor would have put themselves up for election.

### **3. Co-option Casual Vacancy**

The Co-option of a Town Councillor normally occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. A casual vacancy occurs when:

- A Councillor fails to make his declaration of acceptance of office at the proper time;
- A Councillor resigns;
- A Councillor dies;
- A Councillor becomes disqualified;
- A Councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body.

The Town Clerk has to notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors notify the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council and the electors will be asked to vote for candidates who will have put themselves forward by way of nomination paper. PTC will pay the costs of the election. The electors have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election but the Electoral Officer will advise the Town Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advertised by the District Council, PTC is able to co-opt a volunteer.



#### 4. Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of the District Council the casual vacancy can be filled by means of Co-option. The Town Clerk will:

- Advertise the vacancy for four weeks on the council notice boards and website;
- Advise PTC that the Co-option Policy has been instigated.

PTC is not obliged to fill any vacancy. Even if the council invites applications for co-option it is not obliged to select anyone from the candidates that apply.

However, despite this it is not desirable that electors be left underrepresented for a significant length of time, neither does it contribute to effective and efficient working of the council if there are insufficient councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty. Councillors elected by co-option are full members of PTC.

#### 5. Eligibility of Candidates

PTC is able to consider any person to fill a vacancy provided that:

- He/she is an elector of the Town; or
- Has resided in the Town for the past twelve months or rented/tenanted land or other premises in the Town; or
- Had his/her principal place of work in the Town; or
- Has lived within three miles (direct) of the Town.

There are certain disqualifications for election, of which the main are:

- Holding a paid office under the Local Authority;
- Bankruptcy;
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election; and
- Being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

#### 6. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

Although there is no Statutory Requirement to do so candidates will be requested to:

- Submit information about themselves by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B)

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the application will be circulated to all Councillors by the Clerk at least three clear days before the meeting of the full Council when the Co-option will be considered. All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of PTC. Candidates will also be informed that they will be invited to speak about their application at the meeting.

## 7. At the Co-option Meeting

At the Co-option meeting candidates will be given five minutes maximum to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of PTC. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and their personal attributes, the Council will resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions the Council will proceed to vote on the acceptability of each candidate utilising the Person Specification criteria as set out in Appendix C and any personal statements provided by the candidate(s), with each candidate being proposed and seconded by the Councillors in attendance and a vote by show of hands. The vote will be recorded.

In order for a candidate to be elected to PTC it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes the Chairman of the meeting has a casting vote.

After the vote has been concluded the Chairman will declare the successful candidate duly elected and, after signing their Declaration of Acceptance of Office, he/she make take their seat immediately.

The Clerk will notify Electoral Services of the new appointment. The successful candidate(s) must complete their 'Registration of Interests' within 28 days of being elected. The form should be handed to the Town Clerk for forwarding to the Monitoring officer.

If insufficient candidates come forward for co-option the process should continue, whereby the vacancies are again advertised.

## **APPENDIX A**

### **Application for Co-option**

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.

<b>Full name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>Which Ward are you Applying For?</b>	

#### **About You**

Please provide the council with some background information about yourself.

--



**Reasons for Applying**

Please provide the council with your reasons for wanting to become a Parish Councillor.

**Signature**

Your application also requires signatures of 2 registered electors (known as a proposer and seconder) from the Town area:

	<b>Proposer</b>	<b>Seconder</b>
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Town Clerk. Your application will be considered at the next available Council meeting where a vote will be held to decide whether the Council agrees to co-opt you onto Peacehaven Town Council.

**Data Protection Act:** The information provided on this application will remain private and confidential and will only be used for the purpose intended.

**Peacehaven Town Council** is duty bound to treat this information as strictly confidential.

**APPENDIX B**  
**Co-option Eligibility Form**

1. In order to be eligible for co-option as a Peacehaven Town Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll, the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:

- a) I am registered as a local government elector for the Town; or ☐
- b) I have, during the whole of the twelve months preceding the date of my co-option occupied as owner or tenant land or other premises in the Town; or ☐
- c) My principal or only place of work during those twelve months has been within the Town; or ☐
- d) I have during the whole twelve months resided in the Town or within 3 miles of it. ☐

2. Please note that under Section 80 of the Local Government Act a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:

- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- i. If the bankruptcy is annulled on the grounds that either person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, it ceases on the expiry of five years from the date of discharge.

**Declaration**

I.....hereby confirm that I am eligible for the vacancy of Peacehaven Town Councillor, and the information given on this form is true and accurate record.

Signature.....

## APPENDIX C

### **C0-OPTED COUNCILLOR PERSON SPECIFICATION**

<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Personal Attributes</b>	<p>Sound knowledge and understanding of local affairs and the local community</p> <p>Forward thinking</p>	<p>Can bring a new skill, expertise or key local knowledge to the Council</p>
<b>Experience, Skills, Knowledge and Ability</b>	<p>Ability to listen constructively</p> <p>A good team player</p> <p>Ability to pick up and run with a variety of projects</p> <p>Solid interest in local matters</p> <p>Ability and willingness to represent the Council and their community</p> <p>Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions</p> <p>Ability to communicate succinctly and clearly</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff</p> <p>Ability and willingness to work with Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities)</p> <p>Ability and willingness to undertake induction training and other relevant training</p>	<p>Experience of working or being a member in a local authority or other public body</p> <p>Experience of working with voluntary and or local community/interest groups</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities</p> <p>Experience of delivering presentations</p>
<b>Circumstances</b>	<p>Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends</p>	







## MULBERRY & CO

Chartered Certified Accountants

Registered Auditors

& Chartered Tax Advisors

9 Pound Lane

Godalming

Surrey, GU7 1BX

t + 44(0)1483 423054

e [office@mulberryandco.co.uk](mailto:office@mulberryandco.co.uk)

w [www.mulberryandco.co.uk](http://www.mulberryandco.co.uk)

Our Ref: MARK/PEA001

Mr T Allen  
Peacehaven Town Council  
Community House  
Meridian Centre  
Meridian Way  
Peacehaven  
East Sussex  
BN10 8BB

13<sup>th</sup> May 2019

Dear Tony

**Re: Peacehaven Town Council**  
**Internal Audit Year Ended 31<sup>st</sup> March 2019**

Following completion of our interim internal audit on the 5<sup>th</sup> February 2019 and our final audit on the 13<sup>th</sup> May 2019 we enclose our report for your kind attention and presentation to the Council. The audit was conducted in accordance with current practices and guidelines and testing was risk based. Whilst we have not tested all transactions, our samples have where appropriate covered the entire year to date. Where appropriate recommendations for future action are shown in bold text and summarised in the tables at the end of the report. The recommendations from the interim visit have been answered in the table at the end of the report.

The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement in accordance with proper practices in relation to accounts. The internal audit reports should therefore be made available to all members to support and inform them when they considering the authority's approval of the annual governance statement.

**Interim Audit – Summary Findings**

At the interim visit we reviewed and performed tests on the following areas:

- Review of the Financial Regulations & Standing Orders
- Review of the Risk Assessments
- Review of the Budgeting Process
- Proper Bookkeeping – review of the use of the accounts package.
- Review of salaries
- Review of fixed asset register

It is our opinion that the systems and internal procedures at Peacehaven Town Council are in the main followed but are also, as indicated in our report in need of updating.

I would like to thank Tony and his team for their assistance and whilst my report contains recommendations to change these are not indicative of any significant failings, but rather are pointers to improving upon the system currently in place.

### Final Audit – Summary Finding

At the final visit we reviewed and performed tests on the following areas:

- Review of annual accounts & AGAR
- Review of bank reconciliation
- Review of income
- Review of salaries
- Review of Information for external auditor

I am of the opinion that the annual accounts and AGAR are ready to be signed off by council and the external auditor and that the AGAR is a true and fair reflection of the financial transaction of that of the council for the year ended 31st March 2019. Accordingly, I have signed off the AGAR.

I have some comments regarding future reserves that council needs to be aware of.

### A. BOOKS OF ACCOUNT (INTERIM AUDIT)

The Council continues to use RBS Omega as a day to day accounting package together with the linked bookings system, this is a tried and tested industry specific package and I make no recommendation to change.

The system is used at least weekly to report on and record the financial transactions of that of the Council. There are two users with their own individual logons.

- Information Officer – Invoicing
- Interim RFO – Day to day processing, bank reconciliation etc
- Interim Town manager – budgeting and oversight

Every month, a month end hard close down is performed, various hard copy reports are printed and filed in month order, these include but are not limited to; Income and expenditure against budget, bank reconciliations and other reports as fit. The month end reporting is then taken to finance committee.

This is a clear and easy to follow system and a review of the cashbook shows that all data fields are being entered, the hard copy reports are easy to read and logically filed. My audit testing showed that supporting documentation could be easily located from records. I make no recommendation to change in this system.

It was noted that a new RBS file had been created and opening balances entered by way of a journal. When testing the opening balances, we noted the initial bank opening position was different to the closing position; however, this had been corrected in year and when I tested opening balances on the annual return report as at 1.4.18 I confirmed they could be agreed back to the audited accounts for 2017-18. No further adjustment or work is needed to be carried out.

The Council is VAT registered and the last VAT return was for the quarter ended 31<sup>st</sup> December 2018, which showed a refund position, this will be received in February 2019. This also indicates that the council is up to date with its postings on the financial package.

Overall, I have the impression that the accounting systems are routinely maintained and reconciled and as such I make no recommendation to change. **I would recommend however that an internal step by step process is written to ensure that continuity is maintained on hand over to a new RFO.**

I am of the opinion that the control assertion of "Appropriate accounting records have been properly kept throughout the financial year" has been met.



## **B. FINANCIAL REGULATIONS, GOVERNANCE & PAYMENTS (INTERIM & FINAL AUDIT)**

### **Interim Audit**

*Check the publication & minuting of the prior year audited AGAR and notice of conclusion of audit.*

The external auditor's report was not qualified in 2017/18. This was reported to Finance Committee but not full council. **This needs to be reported at full council at the next available opportunity.**

*Confirm by sample testing that councillors sign statutory office forms*

I was able to confirm that Councillors sign "Acceptance of Office" forms and we did locate the register of members interests. However, we could not prove that councillors have signed an acceptance to receive information by electronic means. **I recommend All councillors sign a new acceptance to receive information by electronic means.** I have provided some sample wording below for council consideration.

*"As per Schedule 12 of the Local Government Act 1972, I consent to the receipt of all council meeting papers by electronic methods. I understand I may withdraw this consent at any time."*

**Further, I recommend that acceptance of office forms, registers of interest and notice to receive information by electronic means are all filed together in councillor order.**

*Confirm that the Council is compliant with the relevant transparency code.*

I note that the Council is required by law to follow the 2015 Transparency Code, a review of the web site has shown that whilst some information is available not all of the code is being followed. **I remind council it is a mandatory requirement to follow the code and I recommend that over the course of the council year the website is updated to reflect this.**

*Confirm that the Council is compliant with the GDPR.*

As council is aware of the GDPR. It was noted the Council has common email addresses internally, this is recommended because it gives a natural segregation so it is clear beyond doubt in what capacity a councillor is acting, gives control to the council, adds a degree of professionalism and in the event of a FOI request limits access to personal computers.

*Confirm that the Council meets regularly throughout the year*

The council has the following committees:

- Full Council; meets circa bi monthly
- Policy & Finance; meets circa bi monthly
- Leisure and Amenities; meets circa bi monthly
- Planning & Highways; 3 weekly

There are also a number of working parties and groups which meets as and when necessary to cover specific tasks each committee has spending powers.

*Check that agendas for meetings are published giving 3 clear days' notice.*

The Town Manager was able to demonstrate that at least 3 clear days' notice is given on both web site and hard copy agendas. Whilst we have not tested every single committee and council meeting there was no evidence of non-compliance in giving three clear days' notice of the meeting.

*Check the draft minutes of the last meeting(s) are on the council's website*

Draft and final minutes are uploaded to the council website; however, it was clear some minutes are missing. **I recommend these are posted up as soon as possible.**

*Confirm that the Parish Council's Standing Orders have been reviewed within the last 12 months.*

The standing orders are based on the NALC model and were reviewed in September 2018

***Confirm that the Parish Council has adopted and recently reviewed Financial Regulations.***

Financial regulations are based on the NALC model. The regulations being based on the NALC model contain provisions for the approval of spending, setting of budgets, reconciliation of the bank and reporting to council. These were last reviewed in September 2018.

***Check that the council's Financial Regulations are being routinely followed.***

Financial regulation 2.2 deals with bank reconciliations, the council is performing a monthly bank reconciliation for all accounts and this is minuted in accordance with regulations.

The de-minimis limit recorded in the Financial Regulations for the competitive purchase of items and services is as listed below.

- £25,000 + Tender Process
- £3,000 - £25,000 3 quotations are required.
- £1,000 - £3,000 – strive to get 3 estimates
- 0 - £1,000 – power to spend

Financial regulation 4 deals with budgetary control and authority to spend. The council has thresholds in place at which authorisations to spend must be obtained prior to ordering of goods and services.

- £30,000 Approval required by Full council
- £3,000 - £30,000 Approval by Delegated Committee
- £0 - £3k Approval by Town manager with committee or council chair

These limits are very restrictive and I would suggest either a scheme of delegation is implemented or additional band to allow spending up to a level within budget without the need for prior approval. **I would recommend the thresholds for ordering approval are reviewed.**

Financial Regulation 5 deals with authorisation of payments. The minutes show authorisation of payments lists in accordance with regulations.

Financial regulation 6 deals with making payments. The council makes payments by cheque, direct debit, credit card (In personal name). Cheques must be signed by two individuals. The mandate has been recently updated.

I discussed the purchasing system with the RFO vis-à-vis financial regulations 4, 5 & 6 and ascertained the following:

1. Regular and recurring expenditure (rent, rates, wages, light & heat, contractual spend etc.) is known and authorised in advance (budget setting or tender process). These are, in the main, paid via direct debit, standing order or on-line banking.
2. An ad hoc expenditure requirement is identified and noted to the clerk/RFO – this can be from a number of sources and depending on the financial amount will be discussed in advance with council, committee or chair. If required, this is approved in advance by council committee before the expenditure incurred.

**My audit testing was unable to show this regulation is being followed council needs to decide if regulations are being changed to reflect current practice or if current practice is changed to match regulation.**

3. The order is made via the office – councillors are not allowed or permitted to place amend or vary orders.



4. The supplier invoice, when received, is reviewed by the Town Manager and stamped. This is then batched ready for processing. My audit testing showed that supplier invoices are all stamped.
5. The batch of supplier invoices is given to RFO for review and processing on the financial reporting package. At the same time cheques are prepared and processed on the financial reporting package.
6. Councillors are then invited to attend to the office to sign off the supplier invoices & cheques for payment.
7. A payments list print is taken from the system to accompany the invoices and cheques for payment.
8. The payments list is reported to full council monthly.

Financial regulation 7 deals with approval and authorisation of salaries, the minutes and files show evidence of authorisation of changes and of wages generally.

*Confirm all section 137 expenditure meets the guidelines & does not exceed the annual per elector limit of £7.86 per elector.*

The council has no S.137 expenditure.

*Confirm that checks of the accounts are made by a councillor.*

The system noted above details internal review takes place at councillor, committee and council level. I am under no doubt that council properly approves expenditure.

#### **Final Audit**

All other payments £438,791 (2018: £405,433).

I reviewed the nominal ledger for evidence of netting off – there were no errors. The nature and type of expenditure was posted to the correct heading. The year on year movement of £33,358 is less than 15% and does not need to be explained to the external auditor. We found no evidence of breaches of financial regulations in the sample testing completed.

I selected a further sample of expenditure transactions; again I was able to confirm the:

- Nominal ledger entry could be agreed back to an invoice from the supplier
- Approval for the payment was recorded in a minute of a council meeting. I also confirmed that the individual transaction was included in the transaction pack provided for review by councillors, and that clear minuting of amounts being approved is occurring

The Year End creditors were £2,584 of which

- Accruals £1,808 – agreed to schedule
- Income in advance £775 – this is rents received in advance and was proved to underlying workings and journal entries.

I am of the opinion the council is in the main following its own regulations. I am therefore of the opinion that the control assertion "This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for", has been met.



### **C. RISK MANAGEMENT & INSURANCE (INTERIM & FINAL AUDIT)**

#### **Interim Audit**

The Council undertakes a full risk assessment that covers operational risks, however we were not able to locate a financial risk assessment that covers items such as loss of assets, theft of cash etc. **I recommend that a financial risk assessment be drawn up before the year end.**

I have confirmed that the Council has a valid insurance certificate. The Council reviews its insurance requirements as part of the renewal process. Asset and money cover appear adequate.

**In respect of motor insurance, I would recommend that council introduce a checklist of driver details to comply with insurance requirements on an annual basis.**

#### **Final Audit**

We discussed assertion 8 of the AGAR and whether or not this had any impact on the council. We concluded that as at 31<sup>st</sup> March no reliable estimate could be made and as such a provision for a potential future liability cannot be recognised.

*"We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements."*

It was noted that the external auditor has asked for the Agenda and Minutes for the risk assessment to be sent in. This was also noted at the interim audit stage. Unfortunately these were not taken to council prior to 31<sup>st</sup> March and as such the external auditor may well comment on this.

I am of the opinion that the control objective of "This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.", has been met

### **D. BUDGET, PRECEPT & RESERVES (INTERIM & FINAL AUDIT)**

#### **Interim Audit**

I confirmed that the 2018-19 budget and precept setting process was completed at the time of our interim audit, with all precepting authority deadlines met. A review of the minutes shows discussion and agreement of the same.

As at 31<sup>st</sup> January 2019 total reportable income was £681,923 (Annual Budget £680,229), and expenditure £712,872 (annual budget £671,229). There has been additional expenditure on a water leak; however, it is clear that the original budget was too low. Council is aware there is significant overspend and the 2019/20 budget has been amended to reflect a more realistic expenditure profile.

At the end of January, the council had £363k in combined bank balances and £90k in debtors, totalling £453k by the end of the year this will reduce to circa £390k of which £304k is earmarked leaving a projected general fund balance of circa £86k.

At a precept level of £543k, rule of thumb calculations would indicate that a general reserves balance of circa £270k as adjusted for local conditions would be reasonable. A general reserve of circa £86k is too low and in danger of putting the council in financial distress. **I recommend that council consider its earmarked reserves in the light of its general reserve in readiness for the year end.**

#### **Final Audit**

Reserves Carried Forward £289,780 (2018: £442,150)

The council has £204k of earmarked reserves and £86k of general reserves. In respect of general reserves, rule of thumb calculations would suggest that 50% of precept as adjusted for local conditions would be reasonable being circa £215k.

The general reserve is far too low for a council of this size and whilst it is noted that the 2019/20 budget has been increased it is a breakeven budget, which means the council may well end the new year as it started with no overall improvement in its reserve position.

It is clear that over the last few years' reserves have decreased dramatically due to under budgeting and one off expenditure items. This begs the question as to whether the correct procedures were actually employed in the past and whether or not council was fully aware of the position? A review of previous audit reports shows that reserves have always been a concern and have been reported on in the past.

I am also at pains to point out that the capital reserves of circa £140k (CIL & Big Park) are ring-fenced and they cannot by law be used for day to day running expenditure. This means that when Council looks at bank balances not all these funds are available for daily use.

It is therefore essential that actual versus budget reporting is robust sufficient that Council can be under no doubt the position of reserves each month and Council needs to be seen to be monitoring this going forward with a view to improving the accuracy of budgets and ensuring the reserves are over time replenished.

Finally, I would point out that Council must consider and accept that the precept will need to be increased annually to put the council back into a position where it is financially secure.

I have signed off the AGAR assertion positively to state I am of the opinion that the control objective of "The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.", has been met. However, I stress council MUST improve in this area.

## **E. INCOME (INTERIM & FINAL AUDIT)**

### **Interim Audit**

The council has various streams of income:

- Precept (circa 90% of all income)
- Grants
- Allotments
- Rentals – rooms, etc.
- Interest

The precept was received in together with grant. The precept is correctly shown in the accounts.

**I remind council to ensure annual charges are reviewed and minuted on an annual basis even if there is no change.**

Bad & aged debts are monitored on a regular basis, statements are issued using the finance package and a report is made to council/committee. At the audit date there was circa £59,945.27 of aged debts. There is a small discrepancy on the sales ledger control. **I recommend this is reviewed with RBS.**

Cash receipt and invoicing are in the main dealt with by separate individuals. There is segregation of duties in the system. There were about 4 or 5 days of cash takings to bank. This is not excessive.

### **Final Audit**



Precept income £428,340 (2018: £403,417)

Other income £264,714 was [£274,897] (2018: £320,626)

The precept as tested to third party government website is shown in box 2 and the local tax support grant has been correctly shown in box 3 of the AGAR. There are no errors to report.

Other income comprises, grants, CIL income, rental and hall hires. Other income and other debtors were tested to remittance advice notes, and after date payment, together with a nominal ledger analysis. There is some evidence of netting off but this was insignificant and will not affect the reading of the accounts. The process of recording has been change for the 2019/20 council year.

In total, other income has decreased by £45,729 this is less than 15% and as such does not need to be reported to the external auditor on the report of significant variances.

At the year-end date the council has £62,151 of debtors and £33,841 of VAT outstanding. The VAT refund was received on the 16<sup>th</sup> April. The debtors are further broken down into:

- Sales Ledger £45,359.16 – There was a small variance of £504 to the aged report that is due to timing, this will be cleared naturally in April. There are a £1,890 of bad debts to be reported to council.
- Sundry Debtors (were) £10,183.31 – these were double count errors created by posting both a cashbook and sales ledger entry and need to be written back to income & expenditure.
- VAT control £4,021.01 – Agrees to VAT return. It is noted that the VAT return is late.

I am of the opinion that the control objective of "Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.", has been met.

#### **F. PETTY CASH (INTERIM AUDIT)**

The council has a float of £410. This was reviewed at the audit date, there were no errors evident. This is cashed nightly.

I am of the opinion the control objective of "Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.", has been met.

#### **G. PAYROLL (INTERIM & FINAL AUDIT)**

##### **Interim Audit**

The council uses an external firm to calculate the tax and national insurance. The council has fulfilled its obligations in respect of auto-enrolment and uses LGPS.

Monthly PAYE and NI deductions and returns have been submitted online, on time to HMRC. There were no errors recorded or late payments to HMRC during the financial year under review. The PAYE and NI liability for January 2019 is ready to be paid.

All Council employees are paid through the payroll for all Council work undertaken. No employees are paid separately for any other Council work undertaken. Councillors were paid allowances via the payroll.

##### **Final Audit**

Salaries £406,633 (2018: £409,546)



The amounts shown on the AGAR, were reconcilable to the payroll records, there were no errors.

Monthly and year-end PAYE and NI deductions and returns have been submitted online, on time to HMRC. There were no errors recorded or late payments to HMRC during the financial year under review. The PAYE and NI liability for March 2019 was paid after date.

I am of the opinion that salaries are correctly stated on the AGAR and that the control object of "Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.", has been met.

#### **H. ASSETS AND INVESTMENTS (INTERIM & FINAL AUDIT)**

The Council has a fixed asset list. **The register needs to be completed before the year end.**

##### **Final Audit**

Fixed Assets and Investments £3,247,765 (2018: £3,221,640)

The Council does not hold any long term investments i.e. over 1 year. Any addition to the asset register is normally with a cost value greater than £1,000.

The fixed asset register has been maintained in an Excel spreadsheet and agreed to the AGAR. The asset register was up to date with all relevant assets as at the current financial year end.

I am of the opinion that the control objective of "Asset and investments registers were complete and accurate and properly maintained.", has been met.

#### **I. BANK & CASH (INTERIM & FINAL AUDIT)**

##### **Interim Audit**

The council is preparing a monthly bank reconciliation in accordance with regulations.

##### **Final Audit**

Bank & Cash Balances £242,934 (2018: £455,124)

At the year-end date the council had a reconciled bank position. I have reviewed the reconciliation and tested the cut off and can confirm the payments and lodgements are shown in the correct year.

The council has three bank accounts, together with petty cash. None of the accounts are long term investments and as such do not need to be disclosed in box 9 of the AGAR.

The decrease in bank and cash balances of £212,190 year on year is due to in the main to the water leak costing circa £150 and under budgeting.

I am of the opinion that bank and cash balances are properly shown on the AGAR and that the control objective of "Periodic and year-end bank account reconciliations were properly carried out.", has been met.

#### **J. YEAR END ACCOUNTS (FINAL AUDIT)**

The year-end accounts have been correctly prepared on the income & expenditure basis with the box 7 & 8 reconciliation properly completed.

The AGAR correctly casts and cross casts and the comparatives have been correctly copied over from the 2017/18 AGAR.

The variance analysis is required because there are variances greater than 15% and £500. This has been prepared on a summary table basis.

I am of the opinion the AGAR will be ready for submission to the external auditor within statutory time scales and that the control objective of "Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.", has been met.

#### **K. TRUSTEESHIP (INTERIM AUDIT)**

No trusts.

#### **L: EXERCISE OF PUBLIC RIGHTS - INSPECTION OF ACCOUNTS (FINAL AUDIT)**

This new internal control objective is not active for 2018-19 financial year. However, I confirmed with the RFO that arrangements are in place at this Council to ensure proper exercise of public rights. Relevant dates are set out in the table below.

Inspection - Key date	2017-18 Actual	2018-19 Proposed
Accounts approved at full council	19 <sup>th</sup> June	18 <sup>th</sup> June
Date Inspection Notice Issued and how published	20 <sup>th</sup> June	19 <sup>th</sup> June
Inspection period begins	21 <sup>st</sup> June	24 <sup>th</sup> June
Inspection period ends	1 <sup>st</sup> August	2 <sup>nd</sup> August
Correct length	Yes	yes
Common period included?	Yes	yes
Summary of rights document on website?	Attached to inspection announcement	Attached to inspection announcement

I am satisfied the requirements of this control objective were met for 2017-18, and assertion 4 on the annual governance statement can therefore be signed off by the Council. Plans are also in place to allow for inspection periods to be published and set correctly for 2018-19 accounts – the Council is planning to follow dates suggested by external audit.

Should you have any queries please do not hesitate to contact me, attention.

Kind regards  
Yours sincerely



**Mark Mulberry**



## Interim Audit Action Plan

Audit Point	Internal Auditor Findings	Council Action	Completion Date
Books of Account	<i>I would recommend however that an internal step by step process is written to ensure that continuity is maintained on hand over to a new RFO</i>	A set of financial procedures are in the process of being drawn up to support the Financial Regulations. These will also assist future RFO's/Finance Administrators to follow correct procedures and provide continuity for the council.	To be completed prior to appointment of new RFO
Governance	<i>The external auditors report must be taken to full council and this noted in the minutes</i>	External auditors report to be included as an agenda item for Full Council on 5 <sup>th</sup> March (next available meeting)	5 March 2019
Governance	<i>I recommend all Councillors sign a new acceptance to receive information by electronic means</i>	Acceptance to receive information by electronic means forms prepared for completion by new councillors taking office after the elections in May 2019	Post-election in May 2019
Governance	<i>I recommend that acceptance of office forms, registers of interest and notice to receive information by electronic means are all filed together in councillor order</i>	Hard copy file set up to contain acceptance of office, register of interests and notice to receive information by electronic means for all councillors taking office after the elections in May 2019	Post-election in May 2019
Transparency	<i>I remind council it is a mandatory requirement to follow the code and I recommend that over the course of the council year the website is reflected to update this</i>	All Information relating to the Local Government Transparency Code 2015 is now on the town council website	25 March 2019
Governance – Minutes	<i>I recommend a review of the website is undertaken and missing minutes and agendas (where applicable) are posted as soon as possible</i>	A review has been completed and missing documentation has been loaded onto the website as far as possible	29 April 2019
Financial Regulation 4	<i>The ordering thresholds are very restrictive. I would suggest either a scheme of delegation is implemented or additional band to allow spending up to a level within budget without the need for prior</i>	A new scheme of delegation is being prepared for adoption by the council, following the recommendations of the monitoring officer at Lewes District Council. This will specify spending limits and authorisation requirements	For adoption at Council meeting 14 May 2019



	<i>approval. I would recommend the thresholds for ordering approval are reviewed</i>		
Financial Regulation 4	<i>My audit testing was unable to show this regulation is being followed council needs to decide if regulations are being changed to reflect current practice or if current practice is changed to match regulations. A decision must be made prior to 31-03-19 and evidence noted to be able to sign off the annual return</i>	The council now follows Financial Regulation 4, in particular with respect to authorisation levels of payments which is: <ul style="list-style-type: none"> <li>• The council for all items over £30,000;</li> <li>• a duly delegated committee of the council for items over £3,000; or</li> <li>• The Town Manager, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £3,000.</li> </ul>	29 March 2019
Risk Assessment	<i>I have recommended that a financial risk assessment be drawn up before the year end</i>	New financial risk assessment completed 13 February for Policy and Finance Committee to approve at the next meeting on 25 April	13 February 2019
Insurance	<i>In respect of motor insurance, I would recommend that council introduce a checklist of driver details to comply with insurance requirements on an annual basis</i>	Following a meeting with Jonathan Meiseles of Zurich Municipal (existing insurers) on 26 February, he has confirmed that the only requirement of the insurance company is to check that no driver is disqualified. This may need to be reviewed and alternate arrangements made in the event of changing to a different insurance company	26 February 2019
Reserves	<i>I recommend that council consider its earmarked reserves in the light of its general reserve in readiness for the year end</i>	The council now regularly receives detailed information on all aspects of the council's financial position. The reserve position is under constant review, including the relevance of the earmarked reserves	29 March 2019
Income	<i>I remind council to ensure annual charges are reviewed and minuted on an annual basis even if there is no change</i>	The recommendation has been noted. A full review of the current charges will be completed by the RFO with recommendations to be put to committees (and subsequently recorded in the minutes) in September as part of the budget setting process	For completion in September 2019
Sales Ledger	<i>We noted a minor</i>	This related to an incorrectly dated	13 Feb 2019

Control	<i>variance between the aged debtors report and the sales ledger control. I recommend this is reviewed with RBS</i>	invoice, and has now been resolved with support from RBS	
Fixed Asset Register	<i>The council had a list of assets but no register. The register needs to be completed before the year end if this is to be signed off positively</i>	The information held has been compiled into a single register and used for completing box 9 on the accounting statement	29 March 2019

#### Final Audit - Points Forward

Audit Point	Audit Findings	Council comments
Budget & reserves reporting	The council must improve the transparency of reporting so that there can be no doubt each month council is aware of the general reserve position.	





## LOCAL COUNCILS IN ENGLAND AND WALES

## ANNUAL RETURN

FOR THE YEAR ENDED 31 March 2019

Peacehaven Town Council 2018/19

## SECTION 1 - THE STATEMENT OF ACCOUNTS

I certify that the accounts contained in this return present fairly the financial position of the council, are consistent with the underlying financial records and have been prepared on the basis of Income and Expenditure.

Responsible Financial Officer

Date

I confirm that these accounts are approved by the Council and recorded as council minute reference

Dated

Signed on behalf of the above Council (Chair)

Date

Last Year £This Year £General Notes for Guidance

1	Balances brought forward	0	442,150	Total balances & reserves at the beginning of the year as recorded in the Council Financial Records
2	Annual Precept	0	428,340	Total amount of Precept income received in the year
3	Total other receipts	0	264,713	Total income or receipts as recorded in the cashbook minus the Precept
4	Staff costs	0	406,633	Total expenditure or payments made to and on behalf of all council employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and expenses
5	Loan interest/Capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the Council borrowings
6	Total other payments	0	438,790	Total expenditure or payments as recorded in the cashbook minus employment costs (Line 4) and loan / interest expenditure / payments (Line 5)
7	Balances carried forward	0	289,780	Total balances and reserves at the end of the year. [Must equal (1+2+3)-(4+5+6)]
8	Total Cash & Investments	0	242,934	The sum of all current and deposit bank accounts, cash holdings and investments held as at 31 March
9	Total Fixed Assets	3,221,640	3,247,765	The recorded current book value at 31 March of all tangible fixed assets owned by the Council as recorded in the asset register
10	Total Borrowings	0	0	The outstanding capital balances as at 31 March of all loans from third parties (usually PWLB)

The following documents should accompany the accounts when submitted to the auditor:

- \* A brief explanation of significant variations from last year to this year in Section 1;
- \* Bank Reconciliation as at 31 March

31/03/18			31/03/19
	<b>Current Assets</b>		
0	Debtors Control	45,359	
0	VAT Control A/c	4,021	
0	Deposit Aqua	50	
0	Current Bank A/c	12,925	
0	Reserve Account	229,488	
0	Petty Cash	520	
0			292,364
	<b>0 Total Assets</b>		<b>292,364</b>
	<b>Current Liabilities</b>		
0	Accruals	1,809	
0	Deposits Received	775	
0			2,584
	<b>0 Total Assets Less Current Liabilities</b>		<b>289,780</b>
	<b>Represented By</b>		
0	General Reserves		86,131
0	Elections		8,000
0	Purchase Reserve		20,000
0	P/H Youth Task Group		4,000
0	CIL		33,924
0	Big Park		69,080
0	Pavillion Roof & Boiler		7,000
0	Neighbourhood Plan		3,806
0	Capital Receipts Reserve		57,839
0			289,780

The above statement represents fairly the financial position of the authority as at 31/03/19 and reflects its Income and Expenditure during the year.

Signed :  
Chairman \_\_\_\_\_ Date : \_\_\_\_\_

Signed :  
Responsible  
Financial  
Officer \_\_\_\_\_ Date : \_\_\_\_\_

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Peacehaven Town Council 2018/19

Bank - Cash and Investment Reconciliation as at 31 March 2019

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Confirmed Bank & Investment Balances

Bank Statement Balances

Current A/c 10701173	50,000.00
Saver Account	14,653.00
Business Premium Account	229,488.31
Petty Cash	520.00
	<hr/>
	294,661.31

Other Bank & Cash Balances

0.00

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294,661.31

Unpresented Payments

52,692.39

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241,968.92

Receipts not on Bank Statement

964.70

Closing Balance

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242,933.62

All Cash & Bank Accounts

Current Bank A/c	12,925.31
Reserve Account	229,488.31
War Memorial Account	0.00
Petty Cash	520.00

Other Bank & Cash Balances 0.00

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Total Bank & Cash Balances 242,933.62

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