



Meeting Papers

Paulton Parish Council

19th July 2022

AGENDA ITEM 8

Internal audit

The Council need to approve an auditor for the forthcoming year.

3 Quotations have been sought in preparation for an internal auditor as follows:

Do the Numbers Ltd (current auditor)

Proposal: £750 net

There would be a full day visit in the autumn and a second full day visit after the year end. In addition, some checks would be done remotely using the website and officers have unlimited email support throughout the year.

There is a fee of £75 for any aborted visit or for any visit cancelled at less than one week notice. It is likely that no council will ever have to pay this as our systems include a clear schedule of documentation and actions to have been completed prior to the visit.

Auditing Solutions Ltd.

Proposal: £720 net

As requested this would be for a days visit in the Autumn and a second day after the year end.

We consider it essential that we remain available to offer advice and guidance throughout the year and, unless any excessive additional information is sought or extensive research and / or work required, the above fee covers the full year. However, should the Council request additional work over and above the basic level of cover, our fees would be chargeable at £60 per hour and be agreed in advance before commencement of any such work.

We understand that there are 4 separate charities in place for which the Council is sole trustee in each case. Any work on these would be subject to separate agreement with separate fees charged accordingly following agreement by the Council / Trustees.

Lightatouch: Declined to quote

Have advised that they are not in a position to bid on this occasion.

Conclusion:

The choice of auditor will depend on whether Council would prefer to stay with the existing auditor or move to Auditing solutions. Either will satisfy the audit requirements and ensure everything is in order for year end.

Agenda Item 10

PAULTON SWIMMING POOL

Background

We have become aware through an audit of the Paulton Pool and the initial advice taken from a solicitor that both the Charity and the Council need to amend/implement improved governance for the pool. Both the Trustees and the Council have been made aware of this at previous meetings.

The following is required:

Deed of Variation – this is a variation of the lease between BANES and the Council as the lease holder. The Deed of Variation will overcome the alienation clause within our lease and enable the pool to occupy the premises, the current lease does not permit this. BANES have drawn up a Deed of Variation however, it needs approval by the Council following advice from a solicitor.

Management Contract – this is a contract between the Council and Paulton Pool which sets out clear guidelines of the responsibility of each party. Currently the Council have nothing in place, therefore there is no clear guidelines for who has financial responsibility for what. This is urgently required, it will also provide clarity in respect of the planned extension that is desperately needed.

Constitution – this is the governing document for the Charity that sets out your charity's aims or purposes and rules for how it must operate. We have been made aware that the constitution is incorrect as it states that the Trustees of the charity are the Councillors of PPC, the Trustee should be the Council as a corporate body and not the Councillors.

Current situation

The Management Committee have worked through the initial advice and are looking to amend the constitution, with the Council becoming the sole managing trustee. Within the constitution we will look to set up a new management committee with increased delegated powers and also made up with a number of non-councillors (yet to be decided if elected, co-opted, appointed) therefore reducing the possible conflict of interest that can occur with having dual hatted Trustees and Councillors.

I have been in touch with BANES and we now have a draft Deed of Variation to enable the pool to occupy the premises, however we need to work with the solicitor to ensure this suits the needs of the Council.

We have asked Stone King solicitors based in Bath to support us with our requirement. They specialise in charity work. They are happy to help however have pointed out that they cannot act on behalf of both the pool and the Council despite that the trustees of the charity and the councillors are the same individual. In terms of due diligence they can only act on behalf of one party, it has also been recommended that we try to create some separation during this process to ensure we are objective and acting in the best interests of both the Council and the Charity.

The current Management Committee is a committee of the Charity Trustees and does not represent the interests of the Council, therefore cannot/should not be making recommendations to the Council on behalf of the trustees.

Morgers Solicitors of Bath will work with the Council on the Management contract and the deed of variation.

Recommendation

To minimise the potential conflict of interest and create a separation of duties to best represent both the Council and the Charity I recommend the following:

- The Management Committee take responsibility for the reframing of the constitution, they will work with Stone King to put together the constitution which will then be approved by the Trustees
- A working party is set up on behalf of the Council to take responsibility for the management contract and the deed of variation, they will work with Morgers Solicitors. Once the documents are complete they will go to the full Council for approval.
- The working party would be made up of 3 - 5 Councillors, members of the Management committee would not be members of the working party to ensure a clear separation of duties.

Please note that the existing Management Committee and the proposed Working Party will only have the power to prepare the required documents. The full Council will be required to approve the final deed of variation and the management contract. The Trustees would be required to approve the reframed constitution.

Suggested Terms of Reference for the proposed Working Party

NAME OF WORKING PARTY	Paulton Swimming Pool
MEMBERSHIP	At least x members of the Parish Council (to be agreed, recommended 3-5)
TERMS OF REFERENCE	I. To prepare a draft of the Deed of Variation between the Paulton Swimming Pool and the Council. II. To prepare a Management Contract between the Council and Paulton Swimming Pool.
DELEGATED POWERS	To work with the Clerk and seek advice from the Solicitor to drafts copies of the above to be prepared in readiness for approval by the Full Council.
REFERRED BUSINESS	The final draft of both the Deed of Variation and the Management Contract for approval by the Full Council.
QUORUM	3 members of the working party
FREQUENCY OF MEETINGS	Ad hoc basis

Paulton Memorial Park Charity (PMPC)

CCTV Installation – Guiding Principles

Definitions

SYSTEM OPERATOR

The body that takes a decision to deploy a surveillance system is responsible for defining the purpose, the control of its use and the processing of personal data. The system operator of the PMPC CCTV System is Paulton Parish Council, the corporate Trustee of the Charity. The Parish Council will operate the system on behalf of PMPC.

SYSTEM USERS

The persons employed by the System Operator with access to live or recorded images. The System Users of the PMPC CCTV System are the Officers of Paulton Parish Council.

GUIDING PRINCIPLES

12 principles which must be used to guide the use of the system (see Part 2).

THE PMPC CCTV SYSTEM

The ten cameras, DVR, cabling and internet switch located at Paulton Memorial Park, Village Hall and the Council office located in the village hall. (See Appendix 1).

PRIVACY IMPACT ASSESSMENT

Privacy impact assessments (PIAs) are a tool that used to identify and reduce the privacy risks of a project with regard to personal data. A PIA can reduce the risks of harm to individuals through the misuse of their personal information. It can also help organisations design more efficient and effective processes for handling personal data.

PERSONAL DATA

Data that can identify an individual and/or that can be used to inform actions or decisions that affect them.

Part 1 - Background

Following a number of incidents at Paulton Memorial Park the security and safety of users and property has become a concern for Paulton Parish Council as the Trustee. The PMPC Trust put forward a proposal to the Parish Council who are the Trustees and it was subsequently agreed that the Parish Council would fund the installation and operate of the system on their behalf.

Installing a CCTV system requires the System Operator to do a number of things which are set out in the Home Office Surveillance Camera Code of Practice (June 2013) and the Information Commissioner's Data Protection Code of Practice for Surveillance Cameras and Personal Information.(May 2015):

Determine that the system is in pursuit of a legitimate aim and that it is meeting a pressing need – both must be articulated clearly and documented in the stated purpose.

Adopt 12 guiding principles as set out in the Home Office Surveillance Camera Code of Practice (June 2013).

Carry out a Privacy Impact Assessment.

Notify the Information Commissioner of the system and ensure that the entry on the Register of Data Controllers reflects the use of the system.

Release data to authorised persons only.

Ensure that the System Users are trained to use the system.

Define an appropriate storage period.

Carry out an annual review of the deployment, use and operation of the system in order to ensure that its use remains justified.

Ensure that the area under surveillance is identified by the use of clear signage which must identify who the System Operator is.

Ensure that there are clear rules, policies and procedures in place for the use of the system.

Part 2 - Compliance with the two Codes of Practice Requirements by Paulton Parish Council (requirements in italics)

Determine that the system is in pursuit of a legitimate aim and that it is meeting a pressing need – both must be articulated clearly and documented in the stated purpose.

Paulton Parish Council, as the Trustee of the Paulton Memorial Park has a legitimate aim to ensure the safety of all users of the park and buildings and to prevent crime on the premises. The purpose of the PMPC System is to record images in a defined area of the Park in the interests of crime prevention and public safety.

Adopt 12 guiding principles as set out in the Home Office Surveillance Camera Code of Practice (June 2013) Responses in bold

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need. **The purpose and aim have been articulated and will be kept under review.**

2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified. **The system is set up to record data only on the premises of the Park and will only be used for the detection of crime.**

3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints. **There is clear signage at the site (5 signs) which shows a contact point.**

4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used. **The Officers of the Council are responsible, as the System Users, for the collection of images and their use.**

5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them. **There are clear rules for the use of the system and these have been communicated to the tenants of the Park and to other interested stakeholders (the Police).**

6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged. **The system is designed to record images and hold them until the storage is full at which time the system will overwrite previous images. The period of retention is commensurate with the length of time it may take for possible offences to come to light.**

7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes. **Only the System Users are able to access image information and will only disclose images for law enforcement purposes. The contractor is able to provide a backup service in the event of an extended period of non-availability of the System Users.**

8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards. **This principle does not apply in this case as the system is a single stand-alone system operated by the Parish Council.**

9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use. **The system is stored in a locked cupboard and in a locked room. Access to the system is protected by password protocols.**

10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. **An annual review and audit will be carried out by the System Users which will be submitted to the System Operator for approval.**

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value. **The system will be inspected monthly to ensure that images are of evidential value and that time and date stamps are working.**

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date. **No reference database is to be used for matching purposes.**

Carry out a Privacy Impact Assessment.

A Privacy Impact Assessment has been carried out.

Notify the Information Commissioner of the system and ensure that the entry on the Register of Data Controllers reflects the use of the system.

The ICO has been notified.

Release data to authorised persons only.

Under the system policies and procedures (Appendix 4), the System Users are only authorised to release data to the Police unless a subject access request is received.

Ensure that the System Users are trained to use the system.

Training has been provided by the contractor and refresher sessions are planned.

Define an appropriate storage period.

Data will be stored until it is over-written by virtue of the loop recording system.

Carry out an annual review of the deployment, use and operation of the system in order to ensure that its use remains justified.

An annual review will be carried out in April 2018 and yearly thereafter.

Ensure that the area under surveillance is identified by the use of clear signage which must identify who the System Operator is.

There is clear and adequate signage which states the system operator.

Ensure that there are clear rules, policies and procedures in place for the use of the system.

Reviewed 20/07/2021 by full PPC

Paulton Memorial Park Charity (PMPC)

CCTV Installation – Policies and Procedures

Definitions

SYSTEM OPERATOR

The body that takes a decision to deploy a surveillance system is responsible for defining the purpose, the control of its use and the processing of personal data. The system operator of the PMPC CCTV System is Paulton Parish Council, the corporate Trustee of the Charity. The Parish Council will operate the system on behalf of PMPC.

SYSTEM USERS

The persons employed by the System Operator with access to live or recorded images. The System Users of the PMPC CCTV System are the Officers of the Council.

THE CONTRACTOR

Apollo Technology Limited.

GUIDING PRINCIPLES

12 principles which must be used to guide the use of the system (see Part 2).

THE PMPC CCTV SYSTEM

The ten cameras, DVR, cabling and internet switch located at Paulton Memorial Park, Village Hall and the Council office located in the village hall. (See Appendix 1).

PRIVACY IMPACT ASSESSMENT

Privacy impact assessments (PIAs) are a tool that used to identify and reduce the privacy risks of a project with regard to personal data. A PIA can reduce the risks of harm to individuals through the misuse of their personal information. It can also help organisations design more efficient and effective processes for handling personal data.

PERSONAL DATA

Data that can identify an individual and/or that can be used to inform actions or decisions that affect them.

CCTV POLICY

The aim and purpose of the CCTV system and the guiding principles to be applied to it.

CCTV PROCEDURES

The detailed procedures assigned to the System Users which are to be followed in operating the system.

CCTV Policy

Purpose of the CCTV System

Paulton Parish Council, as the Trustee of the PMPC has a legitimate aim to ensure the safety of all users of the park and to prevent crime on the premises. The purpose of the PMPC CCTV System is to record images in a defined area of the park and buildings in the interests of crime prevention and public safety.

Guiding Principles

This policy has been developed to ensure that the guiding principles set out in the Home Office Surveillance Camera Code of Practice (June 2013) are adhered to. The guiding principles are (responses in **bold**):

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need. **The purpose and aim have been articulated and will be kept under review.**
 2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified. **The system is set up to record data only on the premises of the Park and will only be used for the detection of crime.**
 3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints. **There is clear signage at the site (5 signs) which shows a contact point.**
 4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used. **The Parish Clerk is responsible, together with the Chairman and Vice-Chairman of the Parish Council, as the System Users, for the collection of images and their use.**
 5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them. **There are clear rules for the use of the system and these have been communicated to the tenants of the Park and to other interested stakeholders (the Police).**
 6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged. **The system is designed to record images and hold them until the storage is full at which time the system will overwrite previous images. The period of retention is commensurate with the length of time it may take for possible offences to come to light.**
 7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes. **Only the System Users are able to access image information and will only disclose images for law enforcement purposes. The contractor is able to provide a backup service in the event of an extended period of non-availability of the System Users.**
 8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards. **This principle does not apply in this case as the system is a single stand-alone system operated by the Parish Council.**
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9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use. **The system is stored in a locked cupboard and in a locked room. Access to the system is protected by password protocols.**

10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. **An annual review and audit will be carried out by the System Users which will be submitted to the System Operator for approval.**

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value. **The system will be inspected monthly to ensure that images are of evidential value and that time and date stamps are working.**

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date. **No reference database is to be used for matching purposes.**

Overarching Policy

The CCTV system is to be used to achieve the stated aim and purpose of the system. It is the policy of Paulton Parish Council, acting as the authorised System Operator, to comply with the aim and purpose and the guiding principles above.

The System Users are required to ensure that the CCTV Procedures are followed and that the CCTV Policy is kept under review.

CCTV Procedures

The Parish Clerk, together with the Officers of Parish Council, are the designated System Users.

Security

The CCTV system is to be kept under lock and key at all times and is only to be accessed by the System Users or the installing contractor – Apollo Technology.

Password protection is to be used to ensure unauthorised access is denied both at the site and from remote access.

Requests for Data

Requests for data are likely to come from two sources:

- The Police when investigating a potential crime

- An individual or individuals requesting information through a complaint or subject access request

These are the only reasons that data may be released and this must always be carried out by the System Users or, in cases of their absence, the contractor. The contractor may only be approved access to release data with the agreement of the Chairman of the PMPC Trustees.

Data will be saved to a removable disk and only that data which provides the information required is to be saved to a removable disk.

A log of information provided as a result of a request is to be maintained by the System Users. Removable disks are to be labelled clearly and a record kept of their whereabouts. Removable disks must be cleared of data when it is no longer required.

Data Reliability

The system is to be checked every month to ensure that:

- Data can be transferred to a removable disk.

- Data quality is suitable for the purposes of crime detection and cameras cover the area required and no additional areas.

- Time stamps are up to date

Data Controller Register

The ICO register of data controllers is to be kept up to date by the System Operator (the next review is due in December 2018).

Privacy Impact Assessment (PIA)

The PIA is to be reviewed annually with the first review due on 1st April 2018.

Policy and Procedures Review

This Policy is to be kept under annual review and the first review is due in April 2018.

Reviewed 20th July 2021 by full PPC

AGENDA ITEM 12



Equality and Diversity Policy

1. Introduction

Paulton Parish Council commit to ensure at all times that equality and diversity is reflected in everything they do – from employment, policy and decision making, service delivery, and working with partners. Employees, members of the council (whether they are elected or co-opted), volunteers, partners, residents and customers will also be treated fairly and equally. This document sets out a policy to ensure that Paulton Parish Council deliver equality and diversity to all staff, members, volunteers, residents, customers and partners.

2. Legal Position

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

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

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

3. Purpose

The purpose of this policy is to value equality and diversity to the people Paulton Parish Council serve including volunteers, residents, customers and partners, irrespective of their characteristics and provide equal opportunities to all employees and members of Paulton Parish Council (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken).

Paulton Parish Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimization or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

4. Scope

Paulton Parish Council (made up of both employees, elected or co-opted members and volunteers) will be expected to act in accordance with this policy in their treatment of employees, their colleagues, volunteers, residents, customers and partners.

5. Commitment

Paulton Parish Council is committed to ensuring that all members and staff adopt the principles set out in this policy and treat others with fairness, dignity and respect.

6. Employment

All employees whether permanent, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the council.

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

Employees are entitled to complain about discrimination or harassment or victimization through the council's Disciplinary and Grievance Arrangements procedure which are detailed in the Staff Handbook. Breaches of our Equality and Diversity Policy will be regarded as serious misconduct and could lead to disciplinary proceedings.

7. Policy and decision making

To ensure the effectiveness of this policy, the council will ensure that they give due consideration to the equal opportunities implications of all policy decisions they take.

The policy will be monitored and reviewed annually. Other personnel policies will be reviewed against the values stated in this main Equality and Diversity Policy to ensure that the council strives to remain an equal opportunities employer.

Uses of Policy – Staff Handbook / Induction of staff and members, decisions relating to recruitment and selection, training and development, promotion, remuneration, retirement, cross-referenced to the disciplinary and grievance policy.

8. Service delivery and working with partners

Paulton Parish Council provides services to the community both directly and working in partnership with other organisations. The council will provide accessible information about the services available to them and will deliver services that are appropriate to needs.

The council will promote equality of opportunity and value diversity when working with our partners and when delivering services to the public and the people we serve.

9. Implementation and the law

This policy is fully supported by all members of the council.

This policy will underpin all decisions taken by the council and all actions on its behalf taken by employees, elected or co-opted members, and all other associated individuals who are subject to council's policies and procedures.

Reviewed 20th July 2021

TRAINING POLICY

<p>1. Commitment to training</p>	<p>The Council is committed to providing employees and Councillors with the necessary training. The Council is committed to ensuring its employees and Councillors are trained to a high standard and accept that training is vital to its development for employees and for its Councillors.</p> <p>The Council recognises its responsibilities to provide adequate Health & Safety training to all employees</p> <p>The Council is committed to maintaining the standards expected of a quality Council through identifying appropriate training needs and providing sufficient resources for its provision.</p> <p>Training records for employees and members to be kept and updated regularly.</p> <p>Training will:</p> <ul style="list-style-type: none">• Enhance the performance of both employees and Councillors• Enhance skills and experience• Provide opportunities to network• Provide the skills to confront challenges• Encourage innovation• Improve service delivery• Raise the standards of the Council
<p>2. Training needs</p>	<p>Training will initially focus on specific topics and areas of work relevant to local government and enhancing the professional skills of employees and Councillors.</p> <p>It is not possible to list all training needs but the Council will expect the Clerk to obtain the CiLCA or higher and the grounds employees will have the necessary training certificates for the job role.</p> <p>All Councillors will receive on election, the Councillors Pack and be expected to attend Councillor training.</p> <p>The Chair and Vice Chair will be expected to attend Chairmanship training.</p> <p>Any other training, offered by professional organisations will be notified to Councillors for take up.</p> <p>Methods to be used include:</p>

	<ul style="list-style-type: none"> • Formal training courses • Briefings and seminars • In house training and sharing of information • Conferences • Professional Councillorships e.g. SLCC (Society of Local Council Clerks)
<p>3. Identifying training needs</p>	<p>Employee's training needs will be identified with the employee during the annual appraisal process.</p> <p>Training requirements for Councillors will usually be identified by the Clerk. New Councillors will be expected to undergo training. Other training for Councillors will be identified as appropriate.</p> <p>Other circumstances that may present the need for training:</p> <ul style="list-style-type: none"> • Legislative requirements – Fire safety, health and safety, manual handling. • Changes in legislation • Accidents • Errors • Introduction of new equipment • The need for specialist knowledge • New working methods and practices • Complaints to the Council • Changes in service delivery • Risk management • Matters relating to the well-being of young people.
<p>4. Resourcing Training</p>	<p>An allocation will be made in the budget each year to fund training, travel, and subsistence expenses. The amount will be reviewed annually. A record of all training completed will be maintained for each financial year.</p> <p>There will also be an allocation for the purchase of publications, manuals and technical literature.</p>
<p>5. Desired outcomes of appropriately trained Employees and Councillors</p>	<p>The impact of training will be measured through the Council's service delivery. Well trained Councillors and employees will see the benefits through its successes such as:</p> <ul style="list-style-type: none"> • Competent employees and Councillors in all areas of their roles • High levels of customer care • Well run Council meetings • Well documented policies and reports • Well managed projects • Professionally managed public finances • Well maintained grounds and properties • Heightened awareness of Health and Safety issues • Professional conduct of employees and Councillors

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| | <ul style="list-style-type: none">• Qualification for the use of the General Power of Competence• Employees morale and personal development• Professional responses are made to planning applications |
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Adopted on 12th July 2016

Reviewed 18th August 2021