

ASTON, COTE, SHIFFORD & CHIMNEY PARISH COUNCIL



CLERK'S BRIEFING NOTES

PARISH COUNCIL MEETING ON 10 November 2022

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Prepared by Elaine Anstee
29 October 202

Aston, Cote, Shifford and Chimney Parish Council

Agenda Item 9

Correspondence

All correspondence by email

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Aston, Cote, Shifford and Chimney Parish Council

Agenda Item 11d – St James Church Grass Cutting Grant 2022

St James' Community Church Council

On behalf of St James Church, Aston, Oxfordshire.

Mrs Elaine Anstey
Clerk to the Aston, Cote, Shifford & Chimney Parish Council
Foxwood
Aston
Bampton
Oxfordshire

20th October 2022

Dear Mrs Anstey

Re: St James' Church – Grant for the Maintenance of the Churchyard - 2021

I am writing to you in regard to the maintenance of the churchyard of St James' in Aston, and to ask whether the grant, which the Parish Council has very kindly made available in the past, will be available for the costs which were incurred during 2021.

As with previous years we continue to suffer from higher running costs. This has resulted in there being a fine balancing act between our income and expenditure.

We have continued with our contractor, and he is providing us with an excellent and reliable service, charging a pay per cut fee. During 2021 we spent £704 (see accounts page 2) This cost has increased due to the increase per cut. With this figure in mind I would like to ask if the Parish Council would continue with a grant. Last year's grant was £616.

I am sure you will agree that keeping the graveyard tidy has an important role in the overall appearance of the Village and is important to those who have relatives buried in the graveyard.

I have included a copy of our accounts and highlighted our expenditure on the churchyard for 2021 and hope that the Parish Council will be able to continue its support for which we are very grateful.

Yours sincerely

John Ordish
Honorary Treasurer

Please address all correspondence to :
15 Woodbridge Close, Aston, Nr Bampton, Oxfordshire. OX18 2DB Tel: 01993 850 923

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ANNUAL ACCOUNTS FOR ST JAMES' CHURCH, ASTON - 2021

INCOME	£	£
Collections	£1,262.02	
Direct Debits	£7,348.00	
Donations	£1,576.24	
Funerals, Headstones & Ashes	£1,187.00	
HMRC Gift Aid	£2,384.62	
Easter	£431.50	
Southern Electric	£750.00	
Grass Grant	£616.00	
Trf from Bell Fund	£78.00	
Bin Rebate	£30.00	
TOTAL		£15,663.38

EXPENDITURE		
Childrens Society	£88.00	
Parish Share	£7,971.00	
Insurance	£2,342.70	
Southern Electric	£840.00	
Sundry	£185.78	
Bells	£78.00	
Organist	£218.00	
Bin Refund	£65.00	
Grass	£704.00	
Fire Service	£235.75	
ODBF	£287.00	
School Bibles	£179.85	
CLLI	£79.66	
TOTAL		£13,274.74

Surplus	<u>£2,388.64</u>
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BANK ACCOUNTS	
Current Account	£7,179.29
Bell Fund	£2,202.35
Amenity Fund	£1,157.40

Agenda Item 11e – Footpaths

From the Ramblers Association – available at:

<https://www.ramblers.org.uk/advice/paths-in-england-and-wales/changes-to-the-path-network/creating-a-right-of-way.aspx>

Creating a right of way

Public rights of way can come into existence through creation (either by legal order or by an agreement made with the landowner) or dedication by the landowner (either expressly or by presumption or by “deemed dedication” following 20 years’ public use).

- [Creation orders](#)
- [Creation agreements](#)
- [Express dedication](#)
- [Presumed dedication](#)

Creation orders

Highway authorities (county councils and unitary authorities), the Secretary of State at Defra (Department for Environment, Food and Rural Affairs) and the Welsh Government have the power to make an order creating any type of right of way over a piece of land where they think it would add to the public’s convenience or enjoyment.

A creation order may create a new right of way or establish ‘higher’ rights over an existing right of way (turning a footpath into a bridleway, for example). The procedure for making a creation order is the same as for any other [public path order](#), in that there’s a right to object to what’s being proposed.

Creation agreements

Highway authorities can enter into agreements with landowners to create footpaths, bridleways or restricted byways. They’re simply drawn up and signed by the two parties, and the right of way comes into existence on the date given in the agreement.

Unlike the procedure for creation orders, there’s no period set aside for objections to creation agreements but notice of a creation agreement must be published by the highway authority in at least one local paper.

Express dedication

A landowner may expressly dedicate a right of way over his or her land, but this is rare. Express dedication is an act on the part of the landowner alone. There’s no agreement with the relevant highway authority, although the highway authority may subsequently agree to take on liability for maintenance of the right of way.

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Whether express dedication has taken place depends on whether there is evidence of the landowner's intention to dedicate a right of way (only the freeholder of a parcel of land can do so), and whether the public has accepted the dedication by starting to use the path.

Presumed dedication

Most public rights of way have come into existence by way of presumed dedication. Presumed dedication refers to a long-established principle that long use by the public without challenge can constitute evidence that the landowner intended to dedicate the used route as a public right of way.

Presumed dedication can take place under either common law or statute law, which provide slightly different frameworks. Anyone who has evidence that a right of way has come into existence by statute or common law can **apply for a Definitive Map Modification Order (DMMO)** to have the right of way recorded on the **definitive map**.

Common law

Common law is made up of custom and decisions of the courts over time. Over the centuries the principle of presumed dedication has evolved so that a person claiming a right of way by common law must be able to demonstrate that public use took place openly and freely for a sufficient period for their claim to succeed.

No rule has been established about what constitutes a 'sufficient period', so each common law claim is decided on the facts of the case. The onus is on the person claiming a right of way to show that by the landowner's conduct, or the absence of any action by the landowner to prevent the public from using the claimed route, it can be inferred that the landowner intended to dedicate the path to the public. Find out more about **common law dedication**.

Statute law

The lack of clarity in common law as to what constitutes a 'sufficient period' of public use led Parliament to enact a law about presumed dedication. The law is now set out in section 31 of the Highways Act 1980, which says that if a route is enjoyed by the public for 20 years or more, as of right and without interruption, the path is "to be deemed to have been dedicated as a highway", unless there is sufficient evidence that there was no intention during that period to dedicate it.

The 20-year period is counted back from the date when the right of the public to use the path was brought into question. This often happens when a new landowner moves in and challenges the public use of a path not yet shown on the definitive map. So, where section 31 says "to be deemed to have been dedicated as a highway" what this really means is that the path is to be declared to be a highway. As a result, dedication does not actually take place under statute.

The statute did not supplant the common law, so it's possible to claim a right of way by either statute law or common law.

Paths – a simple 'how to' guide

for parish councils, individual volunteers and interested people

The Oxfordshire Countryside Access Forum has asked us to provide a simple guide about a range of scenarios common on the public rights of way network and which local people can do something about.

Local communities and individuals have always been involved in their local public rights of way (paths). They recognise the value of these paths and already do much work to keep them open. The Covid-19 lockdown made it even clearer that a good network of paths is vital in maintaining physical and mental health.

Normally, a path network can support our health through walking and riding, the local economy through tourism and keeping leisure spending local, provide opportunities for socialising, and contribute towards a more sustainable transport system where paths are used for journeys to school, work or the shops.

Thank you for your support in caring for this amazing resource

Scenarios:

1. Surface vegetation
2. Hedges growing over paths
3. Boggy paths
4. Unusable stiles
5. Locked gates
6. Barbed wire
7. Waymarking
8. Broken bridges
9. Fallen trees and branches
10. Paths through arable fields

Glossary of Terms

Published by:
Oxfordshire County Council Public Rights of Way Strategy
Planning & Growth Directorate
www.oxfordshire.gov.uk/countrysideaccess
May 2020

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Scenario 1: Excessive vegetation growing from the surface of a path	
<i>What is the standard?</i>	Paths should be reasonably easy to use – ideally with any vegetation below knee height, with an acceptable height depending on whether it's grass or nettles, etc.
<i>Who is responsible?</i>	OCC is usually responsible for natural vegetation growing out of the surface of the path, but not crops. See scenario 10 for crops.
<i>What can local councils do?</i>	Include priority paths in your open space/play areas mowing/strimming contracts. Report impassable paths to OCC using photos where possible.
<i>What can local people do?</i>	Some people clear paths at the end of their gardens using home mowers and trimmers. This benefits users but householders choosing to do this should note that they will not have public liability insurance for this and so could be liable for damages if anyone was injured as a result.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that keep paths clear and easy to use. These can be organised by parish councils or the local Ramblers
<i>Things to consider</i>	Glass, stones and other debris hidden by vegetation can become injurious when struck by mower/trimmer. Long vegetation may obscure holes and other hazards. Avoid damaging fencing especially when strimming.

Scenario 2: Overgrowth – trees and shrubs growing from the side or above the path	
<i>What is the standard?</i>	Vegetation should not narrow the path or restrict access
<i>Who is responsible?</i>	Landowner - sometimes there can be more than one, e.g. a path on the boundary of two fields.
<i>What can local councils do?</i>	Include priority paths in your open space/play areas hedge-cutting contracts. Contact the farmer directly and request that they cut the hedge back. Report impassable paths to OCC using photos where possible.
<i>What can local people do?</i>	Path users may carry secateurs to trim small items of overgrowth they encounter on their journey. Some people choose to use saws or powered tools which benefits users, but they should not do this as they carry no public liability insurance and could be liable for damages if anyone was injured or property was damaged as a result of their actions.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that keep paths clear and easy to use.
<i>Things to consider</i>	Wasps may nest in path hedges. Trees and shrubs at the side of paths should not be cut back in bird-breeding season (March to October). Thorny cuttings especially blackthorn can cause injuries and punctures if left on the surface of the path.

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Scenario 3: Boggy sections of path – short sections of deeper mud and mires	
<i>What is the standard?</i>	Users should dress for the weather and environment, including appropriate footwear. Muddy sections over 8"/20cm deep are not adequate.
<i>Who is responsible?</i>	OCC looks after the surface, but drainage ditches are normally the responsibility of the landowner.
<i>What can local councils do?</i>	Contact the farmer directly to clear ditches. Report impassable paths to OCC using photos where possible.
<i>What can local people do?</i>	You can take a small diversion around an impassable section of path. Do not put woodchip, branches or stones into the bog section as they can develop into greater problems. Use secateurs to trim short bypass route.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that can clear ditches and dig grips, or bring in some stone for surfacing. If material is brought onto the path this normally needs landowner or OCC involvement in order to check suitability or arrange storage and access.
<i>Things to consider</i>	Boggy paths are usually caused by drainage failure and lack of sun and wind drying. Removing overgrowth will speed up drying out. Adding woodchip and other materials often makes the problem worse. Stone containing flint or other sharp material should never be used on paths used by horses. Paths cannot normally be widened outside of the legal width (recorded in Definitive Map and Statement) without agreement.

Scenario 4: Unusable stile	
<i>What is the standard?</i>	Stiles should be steady, firm and easy to step over. There shouldn't be barbed wire on any part. Hedges should not encroach.
<i>Who is responsible?</i>	Landowners. They provide and maintain stiles as these are part of the fence which retains their livestock.
<i>What can local councils do?</i>	Contact the farmer directly to ask her/him to fix stiles. Report unusable stiles to OCC using photos where possible.
<i>What can local people do?</i>	If a very wobbly/broken step presents an immediate hazard you may remove part of the step to leave a hurdle if it makes the thing temporarily safer - but you cannot remove the rest of the structure as it is there to prevent livestock escaping. In all cases take before/after photos or videos and report the problem.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that can replace stiles with gates and make access easier.
<i>Things to consider</i>	A hammer and nails shouldn't normally be carried on paths so if the stile is really loose and unsafe it is better to report it as a hazard. Often the wobble is caused by ground settlement and poor construction so simply re-nailing the tread will not fix it.

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Scenario 5: Locked gate – padlocked or even just hard tied or hard to open	
<i>What is the standard?</i>	Gates for path users must not be locked or otherwise secured so that it is impossible/very hard to open them. This includes dropped hinges.
<i>Who is responsible?</i>	Landowners. They provide and maintain gates as these are part of the fence which retains their livestock.
<i>What can local councils do?</i>	Contact the farmer directly to unlock, re-hang or replace gates. Report problem gates to OCC using photos where possible.
<i>What can local people do?</i>	You can try to negotiate a problem gate - for example by climbing over it, and you can also abate the nuisance - for example by untying the thing which is fastening the gate. However, the gate must not be left open and your action should be reported soonest. If you have to climb over a locked gate try and climb at the hinge end, not the catch end.
<i>What can local workgroups do?</i>	As farm gates are the landowner or farmer's responsibility this isn't really something for local work groups.
<i>Things to consider</i>	Make sure the gate is the legal route for the path and not the farmer's bypass structure that is lawful and necessary for them to secure.

Scenario 6: Barbed wire – alongside and close to path or across path	
<i>What is the standard?</i>	No barbed wire should run across a path. Where it crosses or connects to stiles the barbs should be removed or the barbs sheathed. Along the path side, users should not be able/likely to come in contact with the barbs - so either plain wire should be used, or the barbed wire should run on the field side of the fence with plain wire on the path side.
<i>Who is responsible?</i>	Landowners are responsible for all aspects of fencing.
<i>What can local councils do?</i>	Contact the farmer directly to remove or replace fencing. Report problem barbed wire to OCC using photos where possible.
<i>What can local people do?</i>	You can take a small diversion around the obstructed section. You can also abate the nuisance – for example by covering the barbed wire with hosepipe, tubing or plastic sheeting. You cannot cut the wire if it will leave the field unenclosed/insecure, but you may remove the barbs.
<i>What can local workgroups do?</i>	Local groups will often only re-attach fencing to new gates they install, and barbed wire will not normally be used.
<i>Things to consider</i>	Some barbed wire is installed under very high tension and there is a risk of severe injury if this type of fence is cut.

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Scenario 7: Waymarking – showing the route that a path takes	
<i>What is the standard?</i>	Paths should be indicated by plastic discs or painted arrows where the route isn't obvious. Waymarks may be nailed onto freestanding posts, gates or stiles, and in some areas may be painted on trees.
<i>Who is responsible?</i>	OCC should sign all paths from roadside and waymark where needed. Local communities, farmers and volunteer groups often waymark paths in their areas of interest.
<i>What can local councils do?</i>	Identify paths that would benefit from waymarking and discuss this with OCC.
<i>What can local people do?</i>	Use secateurs and hand tools to clear around signs and posts so they are visible through the season. Clean sign faces as needed.
<i>What can local workgroups do?</i>	Local groups can often replace waymarking discs or painted arrows when doing other work nearby. Installing waymarker posts can be done where there's no suitable structure, with prior OCC approval.
<i>Things to consider</i>	Waymarker discs shouldn't be fixed into trees or attached to structures like signs or buildings etc., where permission hasn't been given. Don't use wet wipes for sign cleaning as they contain plastic – use a damp cloth instead.

Scenario 8: Broken bridge – handrails, treads missing or damaged, or whole bridge loose or rotten	
<i>What is the standard?</i>	Bridges and other crossings should be solid, stable and suitable for all users.
<i>Who is responsible?</i>	OCC is responsible for bridging natural watercourses. Landowners are responsible for bridging paths over drainage ditches and other artificial watercourses.
<i>What can local councils do?</i>	Contact the farmer directly to fix farm bridges. Report bridge problems to OCC using photos where possible.
<i>What can local people do?</i>	You can take a small diversion around an impassable section. Tree branches, an unsecured plank or large stones put into the watercourse do not provide safe crossing solutions.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that can, along with specialist OCC officers, replace smaller bridge structures like sleeper and kit bridges.
<i>Things to consider</i>	Often visible damage may be an indication of a greater underlying problem or that the bridge's lifespan has been exceeded. This needs to be assessed so reporting with photos is the best route to a solution.

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Scenario 9: Trees and branches – fallen or low-hanging over all or part of a path	
<i>What is the standard?</i>	Paths should be unobstructed by fallen trees and branches. There should be a minimum of 2.5m (8ft) headroom on footpaths and 3m (10ft) on bridleways.
<i>Who is responsible?</i>	Landowners are responsible for trees growing over paths from their land. The highway authority manages trees on roads and paths.
<i>What can local councils do?</i>	Contact the farmer directly to remove fallen or potentially hazardous trees and branches. Report problem trees to OCC using photos.
<i>What can local people do?</i>	You can take a small diversion around a fallen tree. Branches and smaller fallen trees may be moved to the side of a path to maintain some level of passage. Small hand tools can be used to trim up the larger fallen trees to allow passage when the trees are too large to move.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that can work on larger trees and branches.
<i>Things to consider</i>	Fallen trees and large branches held up by neighbouring trees, fences etc. (hung up) should not be tackled – report the issue with photos.

Scenario 10: Field edge and cross-field paths through arable land	
<i>What is the standard?</i>	Paths should not have growing crops on them. When ploughed/drilled or when crops grow on the path they need to be reinstated. At all times the path should be distinct and reasonably level.
<i>Who is responsible?</i>	Farmers are responsible for all arable cultivations and cropping operations.
<i>What can local councils do?</i>	Photo-record all field edge paths and undisturbed cross field paths to establish a baseline condition. Contact the farmer directly to request reinstatement. Report impassable paths to OCC using photos.
<i>What can local people do?</i>	You can take a small diversion around a non-reinstated field. If an alternative route is signed this is permissive and the right to cross the field remains. Do not use other field edge margins as these are usually provided as wildlife habitats or chemical buffers as a condition of farm payments.
<i>Things to consider</i>	Widths may vary across a field and along a headland (field edge). Headland paths should not be disturbed and all restricted byway and byways whether cross field or headland must normally not be ploughed.

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Finding out more and taking next steps using these links

- The full version of the [Parish Path Guide to Improving Rights of Way](#)
- The Oxfordshire Ramblers work with OCC public rights of way and organise [Parish Path Wardens](#) who are local volunteers who check and report on their local paths – and also undertake some minor works. Here you can also find out about work parties.
- Other groups include the [Chilterns Society Path Maintenance Volunteers](#) and the [Cotswolds Volunteer Wardens](#)
- The Oxfordshire County Council [path issue reporting tool](#) can be found at All issues are assessed by the OCC Countryside Access Team
- Oxfordshire County Council is [working together with local communities](#) to manage highway matters. Find out more from the Highways Volunteer Coordination Team and in the guidance at_
- Oxfordshire Countryside Access Forum's webpages can be found at www.oxfordshire.gov.uk/ocaf

Grant funding for access improvement projects



The Trust for Oxfordshire's Environment has supported a large number of community-led access projects for many years with grants of up to £5,000, with more sometimes available for exceptional schemes. Full details of eligibility and example projects available from:

<https://www.trustforoxfordshire.org.uk>

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Glossary of terms

Types of public right of way	
Footpath - Public Footpath	A highway over which the right of way is on foot only. Normally waymarked with yellow arrows.
Bridleway - Public Bridleway	A highway over which the public have a right of way on foot and a right of way on horseback or leading a horse, but with or without a right to drive animals of any description along it. Bicycles may also be ridden on bridleways. Normally waymarked with blue arrows.
Restricted Byway	A highway open to all traffic except mechanically propelled vehicles. Normally waymarked with purple arrows.
BOAT - Byway Open to All Traffic	A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used. Normally waymarked with red arrows.
Other terms	
Finger post	A signpost placed where a public right of way leaves a metalled road. Shows the status, direction, and where appropriate the destination and distance.
Green lane	A common term with no legal meaning. A physical description of an unsurfaced track, often enclosed by hedges. The land may be a public right of way or may carry no public rights at all.
Highway Authority	The body responsible for the maintaining of highways and keeping them free of obstructions. In Oxfordshire it is the County Council.
Legal width	Some paths have their lawful width recorded within the Definitive Map and Statement (DMS) if created under a specific piece of legislation. Paths without a recorded width may have an historic width much greater than the walked line. OCC may be able to assist if there are questions about width and the DMS has not yielded any information.
Livestock	Any animal known to be aggressive, and dairy bulls over 10 months old must not be kept in a field crossed by a path. The following can normally be kept in a field crossed by a path: Beef bulls over 10 months old, provided it is running with heifers or cows; and cows, heifers, steers and calves. Caution needs to be exercised in fields where there are cows with calves at foot as they may react defensively when they detect dogs. If needed, users should release dogs from leads if approached.
LAF Local Access Forum	The countryside access advisory body established by the County Council under the CROW Act 2000. Comprised of volunteers including land managers, users and other relevant interested parties. Oxfordshire's LAF is known as the Oxfordshire Countryside Access Forum (OCAF).
ORPA - Other Route with Public Access	A non-statutory designation route shown by the Ordnance Survey (OS) on Landranger and Explorer maps. It normally includes unsurfaced unclassified roads.

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Path	In this document a shorthand term for all public rights of way and other linear access routes.
Permissive path	A path made available through the goodwill of the landowner. It may be withdrawn at any time and the public have no permanent rights over it. Permissive Paths are not usually shown on the Definitive Map and Statement or Ordnance Survey maps.
Priority path	In this document a term for paths that the community or parish council may consider important. These could include paths used to get to local shops and services, paths to other villages, circular dog walking routes, paths to the best viewpoints, or paths forming part of a promoted route etc.
Private right of way	A right of way for an individual or any group other than the public at large.
PRoW - Public right of way	A right of passage by the public over the highway for the purpose of passing and re-passing and for incidental reasonable purposes.
Reinstatement timings (of path through arable field)	Where a path is lawfully disturbed, the line of the path and a reasonable path surface should be restored within 14 days of the first cultivation and within 24 hours of subsequent cultivations. Farmers are encouraged to carry out this work at the end of a field's cultivation whilst the machinery is on site in order to minimise impacts on users and follow-up action by OCC.
RoWIP - Rights of Way Improvement Plan	A statutory plan that assesses access and sets out an authority's ambitions to manage and improve this access. Find Oxfordshire's at www.oxfordshire.gov.uk/rowip .
Waymark	A means of showing the route of a public right of way. Oxfordshire uses round plastic discs with the status of the route and an arrow to show direction. Usually mounted on a wooden post or attached to stiles, gates and bridges. In the Chilterns Area of Outstanding Natural Beauty most waymarking takes the form of white painted arrows.

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Agenda Item 12 - Governance

CIVILITY AND RESPECT PROJECT

ABOUT

Throughout the sector, there are growing concerns about the impact bullying, harassment, and intimidation are having on local (parish and town) councils, councillors, clerks and council staff and the resulting effectiveness of local councils.

The National Association of Local Councils (NALC), One Voice Wales, the Society of Local Council Clerks (SLCC) and county associations have responded to this by setting up a Civility and Respect Working Group to oversee the Civility and Respect Project.

CIVILITY AND RESPECT PLEDGE

NALC, SLCC, and OVW believe now is the time to put civility and respect at the top of the agenda and start a culture change for the local council sector.

The Civility and Respect Pledge is being introduced because there is no place for bullying, harassment and intimidation within our sector. The pledge is easy for councils to sign up for and it will enable councils to demonstrate that they are committed to standing up to poor behaviour across our sector and to driving through positive changes which support civil and respectful conduct.

We invite all councils to take the Civility and Respect Pledge.

By signing the Pledge, your council is agreeing that the council will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles and that it:

- Has put in place a training programme for councillors and staff
- Has signed up to the Code of Conduct for councillors
- Has good governance arrangements in place including staff contracts and a dignity at work policy
- Will seek professional help at the early stages should civility and respect issues arise
- Will commit to calling out bullying and harassment if and when it happens
- Will continue to learn from best practices in the sector and aspire to be a role model/champion council through for example the local [Local Council Award Scheme](#)
- Supports the continued lobbying for change in legislation to support the Civility and Respect Pledge including sanctions for elected members where appropriate

MISSION STATEMENT

Civility and respect should be at the heart of public life, and good governance is fundamental to ensuring an effective and well-functioning democracy at all levels.

The intimidation, abuse, bullying and harassment of councillors, clerks and council staff, in person or online, is unacceptable, whether by councillors, clerks, council staff, or public members.

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This can prevent councils from functioning effectively, councillors from representing local people, discourage people from getting involved, including standing for election, and undermine public confidence and trust in local democracy.

NALC, county associations and OVW, as the membership organisations representing the first tier of local government in England and Wales, and the SLCC, as the professional body for clerks, are committed to working together to promote civility and respect in public life, good governance, positive debate and supporting the well-being of councillors, professional officers and staff.

To that end, the Civility and Respect Working Group will be working to deliver tangible resources, actions and interventions in four main areas: providing councils with the tools to support good governance; lobbying to strengthen the standards regime and encouraging more people to get involved; training; and processes to intervene to provide support to struggling councils.

BULLYING AND HARASSMENT STATEMENT

We treat everyone with courtesy and respect and ask for the same in return. We ask that you treat your councillors and council staff courteously without violence, abuse, or harassment.

Councillors and council staff have the right to carry out their civic duties and work without fear of being attacked or abused. Any behaviour whether that be verbal, physical or in writing, which causes either councillors or council staff to feel uncomfortable, embarrassed, or threatened, is totally unacceptable.

The zero-tolerance policy includes abuse, aggression or threats made in person, over the telephone or in written communication, including on social media. The council considers threatening behaviour to be:

Attempted or actual aggressive, or physical actions made towards any councillor or member of staff.

The use of aggressive, or abusive language, (including raising of the voice, swearing, shouting or in writing) which threatens or intimidates councillors or council staff".

This policy applies throughout all Council Meetings, but it also applies to any Councillor or Council Staff away from Council Meetings



STOP BULLYING



IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS



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Aston, Cote, Shifford and Chimney Parish Council



DIGNITY AT WORK POLICY

[Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

[Council] is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

[Optional – for Councils who have committed to the pledge] In support of this objective, **[Council]** has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC & SLCC](#)

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by **clerks/chief officers** and all employees engaged to work at **[Council]**. Should agency staff, or contractors have a complaint connected to their engagement with **[Council]** this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the **deputy chair / council's personnel / staffing committee**.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

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The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. [Council] will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, [civility and respect pledge], equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

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What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due

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to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

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The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

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Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

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The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Councils that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

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Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals' dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

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Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged

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by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

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Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how to deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council

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agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

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Agenda Item 15a

Financial Matters

Cash Balances

£

UNITY TRUST CURRENT ACCOUNT

Balance at 30 September 2022	43,378.77
October payments	(3,284.15)

Balance at 31 October 2022	<u>£40,094.62</u>
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CCLA INVESTMENT ACCOUNT

Balance at 31 August 2022	48,890.81
Transactions in month of September	67.09

Balance at 30 September 2022	<u>48,957.90</u>
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TOTAL CASH HOLDING AT 31 October 2022	<u>£89,052.52</u>
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Agenda Item 15b Monthly (Year to Date) Financial Report – For Information

	£	31/10/2022	Performance Against Budget	%	Commentary
2022-23 Budget					
RECEIPTS					
Precept	29715	29715	0	0%	Complete
WODC Grant CTSG	0	0	0	0%	No longer paid
OCC grass cutting grant	1049	1049	0	0%	Recieved in Full against Grass Cutting Verges and WM
Interest	50	230	-180	-360%	CCLA Investment Account
VAT Refund	0	1538	-1538	0%	
INVESTMENTS IN	0	0	0	0%	
Sundry	0	0	0	0%	
Total Receipts	30814	32532	-1718	-6%	
EXPENDITURE					
Clerk's salary	4,404	3321	1083	-75%	Add Hours Paid in May
Working from home allowance	216	126	90	-58%	
HMRC	1,155	904	251	-78%	Add Hours Paid in May
Bank charges	72	36	36	-50%	£6 per month due quarterly.
Office equipment	150	0	150	0%	
Office running costs	650	399	251	-61%	Photocopying/Printing/Stamps plus sundries/Norton/Microsoft
Website costs	150	190	-40	-127%	Renewal due for 2 years in 2022
Insurance	364	341	23	-94%	
Audit	240	200	40	-83%	
Election Costs	0	0	0	0%	
Annual Parish Meeting expenses	40	0	40	0%	
Subscriptions	506	70	436	-14%	
Chairman's Allowance	100	15	85	-15%	
Grass Cutting - verges & WS	5000	2332	2668	-47%	
Grass Cutting - playing field & WM	3000	1472	1528	-49%	
Grants paid under statute	5435	1209	4226	-22%	
Dog & Litter Bin Emptying	420	245	175	-58%	
Fete Bins	0	0	0	0%	
Training & Travel	527	222	305	-42%	
Clock Maintenance	229	0	229	0%	New contract with Derby's from March 2020 for 3 years
Bus Shelter Cleaning	550	280	270	-51%	Bus Shelter cleaning due for Renewal - Nov 202
Defibrillator pads/batteries	200	0	200	0%	
Repairs	0	0	0	0%	Included in VMB
VAT Paid	0	1690	-1690	0%	
Village maintenance (Lengthsman)	1500	987	513	-66%	
Small Grants	1115	650	465	-58%	
Total Expenditure	26023	14690	11333	-56%	
Projects					
Aston History Project (£5K)	1000	0	1000	0%	History Boards
Cote Noticeboard	1000	910	90	0%	
					Proposed - so funding available to support
New Reserve - North Farm	3800	0	3800	0%	any consultations
New Reserve - Office Equipment	1000	0	1000	0%	Proposed
Chimney Defibrillator	6105	2960	3145	0%	Awaiting Installation Invoice - ID
Total Project Spend	12905	910	11995	0%	
Contingency Budget	5000	0	5000	0%	
			0		
OVERALL EXPENDITURE	37916	18560	19356	-49%	
SURPLUS/(DEFICIT) FOR THE YEAR	-7102	17842	-24944	0%	
Reserves					
Opening at 1 April	74580	0	74580	0%	
Closing at 31 March	67478	0	67478	0%	
Closing reserves analysis:					
Working day to day balance	18323	0	18323	0%	
Contingency reserve	5000	0	5000	0%	
Recreation Reserve	33476	0	33476	0%	
Traffic Calming	4876	0	4876	0%	
Defibrillator Maintenance	0	0	0	0%	To be populated with remaining from Chimney Defib project once complete.
Office Equipment	1000	0	1000	0%	
	62675	0	62675	0%	

Aston, Cote, Shifford and Chimney Parish Council

Agenda Item 15c -Draft Budget 2023-24

ASTON, COTE, SHIFFORD AND CHIMNEY PARISH COUNCIL DRAFT BUDGET 2023/24 – VERSION 1

1.0 Overview

1.1 A first draft of the budget for 2023/24 is below. The precept for the year needs to be agreed at the January meeting at the latest as it must be submitted to the District Council shortly thereafter. This draft budget is in a new format at the request of Council to make it more transparent. The Clerk will ask for feedback on this.

1.2 The District Council has not yet provided information on the council tax base for 2023/24. The council tax base (the number of households across which the precept is split) was 597.45 in 2022/23. For this version of the budget, it has been assumed that these figures will be unchanged in 2023/24.

1.3 The first draft budget shows expenditure of £30,927.21. The total expenditure is reduced to a net of £26,977.21 when the non-precept income budgeted is offset against it (the grass cutting grant from Oxfordshire County Council and interest on the deposit accounts).

1.4 Built into the precept requirement is a revised general contingency sum of £8,500 to cover 3 months running costs, insurance excess and unexpected expenditure. A working day-to-day balance of cash funds required to carry forward at the end of the year of £6,306.92. Holding a reserve of £10,000 has previously been agreed to be sufficient to give the council financial security, given its limited assets and unavoidable commitments.

1.5 In 2015/16 the Parish Council resolved to increase the precept by an additional £6,850 for three years to build up a recreation reserve of £32,000.00. 2017/18 was the last year of that increase. At, 31 March 2018, this reserve totalled £34,476 (having been inflated by the transfer of an excess day-to-day surplus from a previous year). This has been reduced to £33,476 in 20/21 as the Community Trust has started work on the MUGA and requested funds.

1.6 In September 2017 the Parish Council carried out a public consultation on whether the precept should be returned to the level prior to the increase referred to in 1.4 above, or whether the precept should be maintained at the higher level, with the surpluses generated to be spent on identified projects in the parish.

1.7 The “traditional” precept (the precept for tax setting purposes) in 2022/23 was £29,715.

2.0 Reserves

2.1 The forecast out-turn for 2022/23 is a deficit of £611.21. This is partially due to the creation of the 3 new reserves in 2021/22.

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2.2 The forecast reserves at 31 March 2023 are £87,378.92.

RESERVED FUNDS	
General Contingency fund (For example: 3 months running costs/insurance excess)	£ 8,500.00
Working Day to Day Balance	£ 6,306.92
Traffic Calming	£ 7,901.00
Aston History Boards (£1,000 per board)	£ 3,500.00
North Farm	£ 3,800.00
Office Equipment (Colour Printer/Laptop replacement 2024)	£ 1,250.00
Defibrillator Maintenance	£ 3,145.00
Recreation Reserve	£ 33,476.00
War Memorial	£ 2,000.00
Community Trust (50% match funding pot)	£ 10,000.00
Allotments (Legal Fees for review of ownership)	£ 2,500.00
Coronation (St James Church Tower Gate/Celebrations/Footpath)	£ 5,000.00
TOTAL	£ 87,378.92

2.3 These additional reserves have arisen from surpluses in both 2015/16 and 2016/17 and 20/21 plus the £10,000 S106 funding in 2020/21 for traffic calming.

2.4 Parish Councils are not permitted to hold reserves above planned basic levels unless they are for a designated purpose. The Parish Council therefore decided in 2018/19 budget cycle to ring-fence for another purpose –to set aside funding for traffic calming to match the funds expected from the housing development(s) so that an effective measure can be installed. In 21/22 revised budget new reserves were established for Office Equipment, North Farm and War Memorial. With the new budget format project spend has been moved under reserves and the items in red are for debate and resolution.

3.0 Detail

3.1 Where expenditure is expected to be subject to an inflationary rise this has been allowed for at between 2% and 4% depending on the nature of the expenditure/supplier.

3.2 Explanations for many of the changes made to the budget when compared to the expected out-turn and budget for 2023/24 are provided on the below spreadsheet.

3.3 The areas where greater clarity for the rationale behind the budget is required, or where further decisions by the Parish Council are required are covered below:

3.4 Clerk's Salary

Included at the existing level plus 3% pay award still under negotiation by JPAG and NALC.

3.5 General Grass Cutting

The contract was renewed with WODC in 2021 and runs to 2023. With the extension of the 30 mph signs in Aston and new traffic calming measures there is increase meterage to cut so an indicative sum has been included for grass cutting. The contract covers 14 + 2 extra cuts per year.

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3.6 Playing Field Grass Cutting

The contract with Des Johnston was renewed for 2021 to 2023. The contract covers a maximum number of cuts of 18 (base of 15 + 3 extra if required). It also includes the War Memorial planting.

3.7 Grants/Small Grant Pot and Subscriptions

The main grant budget was reviewed in detail and updated for 2020/21. Since then, the Aston Minibus has ceased. The proposed budget of £5,435 has been included at the same level as for 2022/23 and covers the following maximum grants:

Grants		
CAB	£	150.00
Voices	£	1,250.00
Community Trust - playground maintenance	£	750.00
Aston Community Shop	£	700.00
Aston Fete (Insurance/Toilets)	£	500.00
British Legion	£	150.00
Volunteer Link-up	£	135.00
Cleanslate	£	100.00
MyVision Oxfordshire	£	100.00
<u>Churchyard Maintenance</u>		
Cote Chapel	£	600.00
St Mary's, Shifford	£	300.00
St James', Aston	£	700.00
TOTAL BUDGETED GRANTS	£	5,435.00
Small Grants	£	1,115.00
SUBSCRIPTIONS		
CPRE	£	38.00
CFO	£	73.00
OALC	£	212.00
Community First Oxford	£	70.00
Other - SLCC - Clerk Membership	£	92.00
ICO	£	35.00
TOTAL SUBS	£	520.00
Total Small Grants and Subs	£	1,635.00
TOTAL GRANT BUDGET	£	7,070.00

The grants highlighted in red are suggested based on previous years requests.

The Section 137(4)(a) LGA 1972 for local councils in England for 2022/23 was £8.82 per elector. The parish has an electoral base of 1134 as of May 2022 and this would give a S137 amount of £10,001.88.

Though the Parish Council has the General Power of Competence and therefore does not use the S137 power for grants the amount given under this calculation is a good benchmark for grants and donations.

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3.8 Village Maintenance

The budget includes a round sum allowance of £1,500, payable either to a dedicated Lengthsman or for specific individual contracts for pieces of work (such as weed spraying). In 2022-23 this was used for the Jubilee trees and Christmas Tree.

3.9 Village Hall

The budget does not include any funds to be spent on work at the village hall (beyond the routine playground maintenance grant and the cutting of the playing field). There are some significant projects, solar panels and guttering to name two, that are being put together. This budget a new reserve of £10,000 is being suggested so that the Parish Council has funds set aside to support the Community Trust with matched funding for any grant applications.

3.11 One-off Projects – Has changed to Reserved funds

It would demonstrate good practice in financial management if the Parish Council were to identify and set aside budgets for one-off projects during the budget setting process. However, to make the budget more transparent the clerk is suggesting that this is done under 'Reserved Funds'. The clerk has included some possible options for specific activities in 2023/24 and these are highlighted in red. Councillors are therefore asked to consider potential projects for 2022/23 before the budget is finalised.

4 Precept

4.1 The net expenditure in the budget as presented is £30,927. The Parish Council would need to raise £29,715 from the precept to create a break-even budget. This would equate to £49.74 per Band D household (using the 2022/23 council tax base). This keeps the precept at the same level as 2022/23.

4.2 As noted in 2.4 above, Parish Councils are not permitted to hold excess reserves for unplanned purposes.

5 Recommendations

5.1 That the Parish Council considers the draft budget as presented, considers the format and reviews the proposed changes highlighted.

5.2 Specific areas for discussion

- Format of budget
- Grants, Small Grants and Subscriptions
- Review of specific reserves, with agreed total target reserve(s) and expected timescale for the expenditure.
- Considers a strategy for the next 3 years for frame-working the reserves

5.3 That the Parish Council discusses the provisional level of the precept for 2022/23.

5.6 That the Parish Council resolves to consider a second draft of the budget at the December meeting once the council tax base is confirmed by WODC, delaying a final resolution on the precept for 2023/24 until that meeting at the earliest.

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ASTON, COTE, SHIFFORD & CHIMNEY PARISH COUNCIL		
Budget 2023-24		
2022-23		2023-24
Forecast Spend		Budget
	EXPENDITURE	
	Staff Costs	
£ 5,301.80	Clerk's Salary - includes potential 3% payrise if PC resolves to follow the NALC/JPAG guidance.	£ 4,568.27
£ 216.00	Working from home allowance. Currently being £18 per month = £216. Maximum that can be claimed is £312. For discussion and resolution if PC wish to update.	£ 312.00
£ 1,060.36	HMRC	£ 1,142.07
£ -	Clerk sickness/Overtime contingency	£ 500.00
£ 527.00	Travel and Training (Review for Clerk and Councillor training - industry standard 2.5% budget (£742.87))	£ 742.87
	Office and General Expenses	
£ -	APM and meeting Hall Hire	£ 100.00
£ 189.79	Website Costs including domain registration and renewal	£ 190.00
£ 200.00	External Audit	£ 200.00
£ 341.40	Insurance	£ 369.00
£ 72.00	Bank Charges	£ 72.00
£ 579.05	Office running costs	£ 650.00
£ -	Office Equipment (transfer to reserve if unspent at year end	£ 150.00
£ -	Professional Fees	£ 1,000.00
£ 35.00	ICO Fee (DD)	£ 35.00
£ 506.00	Subscriptions (CPRE, CFO, SLCC, OALC)	£ 515.00
£ -	Election Expenses (estimated until WODC issue tax base.	£ 80.00
	General and Ground Maintenance	
£ 3,000.00	Grass Cutting - verges & weed killing	£ 5,000.00
£ 1,528.00	Grass Cutting - playing field and WM	£ 1,500.00
£ 420.00	Dog & Litter Bin Emptying	£ 2,171.00
£ -	Clock Maintenance	£ 229.00
£ 560.00	Bus Shelter Cleaning	£ 600.00
£ -	Defibrillator pads/batteries	£ 200.00
£ 1,072.00	Village maintenance	£ 1,500.00

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ASTON, COTE, SHIFFORD & CHIMNEY PARISH COUNCIL		
Budget 2023-24		
2022-23		2023-24
Forecast Spend		Budget
	GRANTS	
£ 1,115.00	Small Grants	£ 1,115.00
£ 5,435.00	General Grants	£ 5,435.00
£ 1,362.00	VAT Paid	£ 2,551.00
£ 23,520.40	TOTAL	£ 30,927.21
	INCOME	
£ 29,715.00	Precept	£ 29,715.00
£ 1,049.00	OCC Grass cutting Grant	£ 1,049.00
£ 300.00	Interest on CCLA Investment account	£ 350.00
£ 2,000.00	VAT reclaimed	£ 2,551.00
£ 33,064.00	TOTAL	£ 33,665.00
	RESERVED FUNDS	
	General Contingency fund (For example: 3 months running costs/insurance excess)	£ 8,500.00
	Working Day to Day Balance	£ 6,306.92
	Traffic Calming	£ 7,901.00
	Aston History Boards (£1,000 per board)	£ 3,500.00
	North Farm	£ 3,800.00
	Office Equipment (Colour Printer/Laptop replacement 2024)	£ 1,250.00
£ 2,960.00	Defibrillator Maintenance	£ 3,145.00
	Recreation Reserve	£ 33,476.00
	War Memorial	£ 2,000.00
	Community Trust (50% match funding pot)	£ 10,000.00
	Allotments (Legal Fees for review of ownership)	£ 2,500.00
	Coronation (St James Church Tower Gate/Celebrations/Footpath)	£ 5,000.00
£ 2,960.00	TOTAL	£ 87,378.92
	Forecast Current Account Balance as at 31 March	£ 35,563.00
	Forecast CCLA Investment account balance as at 31 March	£ 49,078.13
	Forecast Total in bank accounts at year end 31 March	£ 84,641.13
	Forecast Total left after Reserves are taken into account	-£ 2,737.79
	Total expected income (not Precept)	£ 3,950.00
	Total left including expected income	£ 1,212.21
	Total in proposed budget	£ 30,927.21
	Total Precept needed	£ 29,715.00

Aston, Cote, Shifford and Chimney Parish Council**ASTON, COTE, SHIFFORD & CHIMNEY PARISH COUNCIL****FINANCIAL YEAR 2023/24****Revised - Yr End 2022/23****CALCULATION OF PRECEPT REQUIREMENT**

	Ref	Calculation	
Recurrent Expenditure	A	A	30,927
Special Projects	B	B	<u>0</u>
TOTAL EXPENDITURE	C	A + B	30,927
Other Income	D		<u>3,950</u>
NET EXPENDITURE	E	C-D	26,977
Contingency Sum	F		8,500
Working Day to Day Balance	G		6,307
Less: Expected balance at 1 April 2023	H		(84,641)
Add back: All reserves at 1/4/2023	I		72,572
Add: Precept increase for traffic calming reserve			0
INCOME REQUIRED	K	E+F+G+H+I+J	<u>29,715</u>
2022/23 COUNCIL TAX GRANT	L		
2022/23 PRECEPT	M	K-L	<u>29,715</u>
2022/23 TOTAL TRADITIONAL PRECEPT	N	L+M	<u>29,715</u>
Council Tax Base (2021 base)	O		597.45
Precept per Band D property	P	M/O	£49.74
2021/22 Precept per Band D Property	Q		£49.74
Increase in Precept £ per annum	R	P-Q	£0.00
Increase in Precept £ per month	S	R/12	£0.00
Increase in Precept £ per week	T	R/52	£0.00
Increase in Precept %	U	R/Q	0.0%