

# IRTHINGTON PARISH COUNCIL

Clerk: Allison Riddell  
Unit 2  
The Old Brewery  
Craw Hall  
Brampton  
CA8 1TR  
Tel: 016977 3382

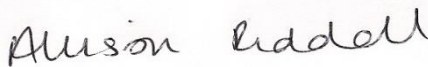
Email: [irthingtonpc@gmail.com](mailto:irthingtonpc@gmail.com)  
<https://irthingtonpc.org.uk>

26<sup>th</sup> March 2024

Dear Councillor,

You are summoned to attend a meeting of **IRTHINGTON PARISH COUNCIL** that will be held in **NEWTOWN VILLAGE HALL**, on **WEDNESDAY 3rd APRIL 2024**, at 7.30pm.

The meeting is open to the press and members of the public.  
Please do not attend the meeting if you have Covid-19 symptoms.



## AGENDA

1. **APOLOGIES FOR ABSENCE**  
To receive apologies for absence and accept reasons for absence.
2. **REQUESTS FOR DISPENSATIONS**  
The clerk to report any requests received since the previous meeting for dispensations to speak and/or vote on any matter where a member has a disclosable pecuniary interest.
3. **DECLARATIONS OF INTEREST**  
To receive declarations by elected and co-opted members of interests in respect of items on this agenda.
4. **MINUTES**  
To authorise the Chairman to sign, as a correct record, the minutes of the meeting held on 6th March 2024. (copy herewith)
5. **PUBLIC PARTICIPATION SESSION**
  - 5.1 **PUBLIC PARTICIPATION** - To receive comments and representations from members of the public in relation to any item on the Agenda. (*The session lasts for up to 15 minutes depending on participation. Those items not on the agenda will not be debated but referred, if appropriate, to the next meeting. Members of the public are not permitted to speak at any other time during the meeting unless invited to do so by the Chairman.*)
  - 5.2 **CUMBERLAND COUNCIL REPORT** – To receive a report from Councillor Mallinson including an update on the running water near Old Wall.
6. **REPRESENTATIVES' REPORTS**  
To receive reports by representatives on Outside Bodies.
7. **TOWN AND COUNTRY PLANNING APPLICATIONS**
  - 8.1 **OLD MOTHERS MEADOW, IRTHINGTON (24/0141)** – Variation of conditions 2 (resident dependants) and 5 (number of caravans) of previously approved planning appeal approval APP/E0915/W/20/3248748 (change of use of land for mixed use of 1 gypsy pitch for the stationing of 3 caravans, including 1 static caravan, amenity building, laying of hardstanding, erection of fence and access improvements (part retrospective)) to include 2 static caravans rather than 1 and to add additional residents to the occupation of the site.

(Information available on Cumberland Council website)

**8. NOTIFICATION OF DECISIONS**

To note the following decisions from Cumberland Council on applications the parish council has already made comment on:-

- **STONEWALLS FARM, LAVERSDALE (23/0642)** – Construction of below ground concrete panel slurry store with floating flexible cover and security fencing.  
**PERMISSION GRANTED**

**9. FINANCIAL MATTERS**

**9.1 BANK RECONCILIATION TO 31.03.24** – To receive a report by the Clerk. (Copy herewith)

**9.2 EXPENDITURE TO APPROVE** – To approve the following schedule of payments, and any additional payments received prior to the meeting:-

| Amount £ | Payee                | Detail              | Chq/DP |
|----------|----------------------|---------------------|--------|
| 362.88   | A Riddell            | Net wage to 5.03.24 | DP     |
| 272.00   | HMRC                 | PAYE                | DP     |
| 165.00   | Newtown Village Hall | Hall hire           | DP     |

**9.3 FINANCIAL ASSISTANCE**

To consider a request from Irthington PCC for a donation towards replacing the light in the clock tower and installing an auto winder. (No further information received at time of agenda publication).

**10. INTERNAL AUDITOR**

To consider the appointment of the internal auditor for 2024/25.

**11. D-DAY 80**

To consider the purchase of a flag to commemorate the event on 6<sup>th</sup> June 2024.  
Cost of 5ft x 3ft flag - £24 excl. VAT.

**12. POLICIES**

To review and consider adoption of the following policies:-

- Scheme of delegation
- Vexatious policy
- Safeguarding policy
- Disciplinary and grievance policy

**13. NEWTOWN VILLAGE GREEN**

**13.1 FALLEN TREE**

To receive an update from Councillor Beck.

**13.2 TREE PLANTING**

To make arrangements for planting replacement trees.

**14. DEFIBRILLATOR INSTALLATION AT NEWBY EAST**

To receive and consider information on the costs to purchase and install a defibrillator at Newby East.

**15. CLERK'S REPORT**

To receive a Report from the Clerk (copy herewith)

**16. CALC**

To note that all CALC emails have been circulated to members and none required a formal Decision.

**17. CORRESPONDENCE RECEIVED BY THE CLERK**

To note items of correspondence received since the last meeting have been circulated to members by email and the following required a formal decision:-

**17.1 ANGEL ADVOCATES** – To consider helping the charity by either a financial donation or publicity. (copy herewith)

**18. AGENDA ITEMS FOR NEXT MEETING**

To submit items for the next meeting and note that any further items for consideration should be submitted to the Clerk on or before 24th April 2024.

**19. DATE OF NEXT MEETING**

The next meetings, which include both the Annual Parish Meeting and the Annual Meeting of the Parish Council, are scheduled for Wednesday 1st May 2024, from 7.00pm, Newtown Village Hall. As the Clerk will be on annual leave, members are asked to consider rearranging the meeting or nominating a council member to take the minutes.

**IRTHINGTON PARISH COUNCIL**

**MINUTES of the MEETING of IRTHINGTON PARISH COUNCIL held in NEWTOWN VILLAGE HALL on WEDNESDAY 6th MARCH 2024 at 7.30pm.**

**PRESENT:** Cllrs A. Jordan (Chairman), R. Armstrong, G. Beck, M. Ridley, C. Robinson and H. Slack

**IN ATTENDANCE:** Clerk  
Cumberland Councillor J. Mallinson  
1 member of the public

**168/23 APOLOGIES FOR ABSENCE**

None.

**169/23 REQUESTS FOR DISPENSATION**

**RESOLVED** to note that no requests for dispensation were received.

**170/23 DECLARATIONS OF INTEREST**

**RESOLVED** to note there were no declarations of interest.

**171/23 MINUTES**

**RESOLVED** to authorise the Chairman to sign the minutes of the meeting held on 7th February 2024, confirmed as a true and accurate record.

**ACTION:** AJ

**172/23 PUBLIC PARTICIPATION POLICY**

Members considered a draft public participation policy submitted by the Clerk.

**RESOLVED** to adopt the policy with immediate effect.

**173/23 PUBLIC PARTICIPATION SESSION**

**RESOLVED** to note that the member of public in attendance was only observing and had no matters to raise.

**RESOLVED** to note Cumberland Councillor Mallinson reported on the following:-

- Budget agreed for 2024/25
- Meeting with residents in Irthington to hear concerns at road works and closures relating to the installation of fibre broadband. Will approach installers to seek improving communication with residents
- Running water at Old Wall still an issue, will contact highways again

**174/23 REPRESENTATIVES' REPORTS**

None to report.

**175/23 TOWN AND COUNTRY PLANNING -**

Applications for planning consent were considered.

**RESOLVED** to advise Cumberland Council of the Parish Council's comments as follows:-

**175/23.1 WHITE FLATT, NEWTOWN (24/0083) – Demolition of existing dwelling; erection of replacement dwelling.**

OBJECT.

1 - Members agreed that the design did not take into consideration the historic environment (Hadrian's Wall) and did not reinforce local architectural features, therefore did not comply with Policy SP6 of the Carlisle and District Local Plan 2015-30.

2 - As a replacement dwelling, members agreed that the scale of the proposed development was not appropriate to the size of the plot and did not reflect the identity of the local surroundings (with the design being too industrial in appearance) and therefore did not comply with Policy HO6 of the Carlisle and District Local Plan 2015-30.

**176/23 FINANCIAL MATTERS -****176/23.1 BANK RECONCILIATION to 29.02.24**

There was submitted a report by the Clerk on the reconciliation of the Council's financial records with its bank account statements.

**RESOLVED** to receive and note the bank reconciliation and balance to 29th February 2024 of £13,051.18, checked by Councillor Slack.

**176/23.2 EXPENDITURE TO APPROVE**

**RESOLVED** to authorise the following expenditure for payment:-

| Amount<br>£ | Payee                   | Detail                    | Chq/DP |
|-------------|-------------------------|---------------------------|--------|
| 362.68      | A Riddell               | Net wage to 5.03.24       | DP     |
| 311.28      | Brampton Parish Council | Copier, str'n'y, BB, SLCC | DP     |

**176/23.3 MONITORING REPORT**

The Clerk submitted a monitoring report detailing the income and expenditure against the budget to 29<sup>th</sup> February 2024.

**RESOLVED** to note the report.

**176/23.4 FINANCIAL ASSISTANCE**

A request from Irthington PCC for a donation towards replacing the light in the clock tower and the installation of an auto winder was considered.

**RESOLVED** to defer the item to the next meeting until information was received including copies of quotes, accounts etc.

**177/23 RISK ASSESSMENT**

Members considered the annual risk assessment submitted by the Clerk.

**RESOLVED** to approve the annual risk assessment.

**178/23 POLICIES**

Members reviewed information received from the SLCC (Society of Local Council Clerks) on a model document list for small parish councils.

**RESOLVED** that the Clerk would draft the following policies for review and adoption:-

- Scheme of delegation
- General reserves policy
- Vexatious policy
- Bullying and harassment policy
- Child protection policy
- Disciplinary and grievance policy

**179/23 NEWTOWN VILLAGE GREEN****179/23.1 REMOVAL OF TREE STUMPS**

Members considered removal of tree stumps.

**RESOLVED** to accept the quote of £60 per stump from Lowther Tree Services.

**ACTION:** Clerk

**179/23.2 TREE PLANTING**

The Clerk informed members that the trees agreed at the last meeting (Min.161/23) had been ordered with Whitesyke Garden Centre.

**RESOLVED** to defer a decision on planting until the trees had been delivered.

**RESOLVED** that Councillor Beck would investigate the fallen tree adjacent to the play area.

**ACTION:** Clerk/GB

**180/23 DEFIBRILLATOR INSTALLATION AT NEWBY EAST**

**RESOLVED** to defer the item to the next meeting in order for information on costs and installation to be submitted for consideration. Councillor Mallinson stated he would financially support the project.

**ACTION:** Clerk/MR

**181/23 DOG FOULING**

Consideration was given to the complaints received regarding dog fouling in Irthington.

**RESOLVED** that the Clerk would request additional signage to be installed and send a link, on reporting dog fouling online to Cumberland Council, to Councillor Robinson for circulation to residents.

**ACTION:** Clerk

**182/23 EV CHARGER AT THE SALLY**

**RESOLVED** to note the EV charger was available for use by anyone, not just patrons of The Sally.

**183/23 CLERK'S REPORT**

**RESOLVED** the Clerk's report was received and noted. (Appendix 1)

**184/23 CALC**

**RESOLVED** to note that all CALC emails had been circulated to members and the following required a formal decision:-

**184.23.1 CUMBRIA FIRE AND RESCUE COMMUNITY RISK MANAGEMENT PLAN CONSULTATION**

Members considered a request to take part in the consultation.

**RESOLVED** that members would respond individually.

**ACTION:** All

**184/23.2 GOV.UK DOMAIN NAMES**

Consideration was given to moving to a gov.uk domain name and associated email addresses.

**RESOLVED** to move from org.uk to gov.uk domain and emails.

**ACTION:** Clerk

**184/23.3 OFFICIAL PORTRAIT OF HM THE KING**

**RESOLVED** to apply for a free portrait.

**ACTION:** Clerk

**185/23 CORRESPONDENCE RECEIVED BY THE CLERK**

**RESOLVED** to note all correspondence had been circulated to members and the following required a formal decision:-

**185/23.1 FIBRUS**

**RESOLVED** to note the complaints about the installation of fibre broadband through Fibrus. Councillor Mallinson had already met with concerned residents and the Clerk was instructed to email the resident informing them that it was hoped that there would be an improvement in communication with residents.

**ACTION:** Clerk

**186/23 AGENDA ITEMS FOR NEXT MEETING**

- D-Day 80 flag – to consider purchase
- Defibrillator at Newby East – to consider costs and installation

Any further items for consideration should be submitted to the Clerk on or before 27th March 2024.

**187/23 DATE OF NEXT MEETING - Wednesday 3<sup>rd</sup> April 2024, Newtown Village Hall, 7.30pm.**

Meeting closed at 8.27pm.

## CLERK'S REPORT

### Members **NOTED** the following matters

**CLERKS FORUM** – Hosted by CALC, scheduled for 20<sup>th</sup> March 2024, Clerk will attend.

**FINANCIAL REGULATIONS** – Currently being updated by NALC. Should be completed by the end of March and available sometime in May.

**SPEED LIMIT THROUGH NEWTOWN** –The following correspondence had been received from Cumberland Highways regarding the recent request for a reduction in the speed limit through Newtown to 30mph - *Unfortunately, funding is fully allocated for this financial year, however this request will be scored and costed accordingly and added to the Highways Improvement List for consideration in the future years. Speed Limits are supported by a Traffic Regulation Order, which is required to be in place to enforce the limit. Cumberland Council reviews this document on a four yearly basis dependent on area to introduce new limits and make any alterations. The process is lengthy due to there being a requirement for assessment, consultation, advertisement and approval. The next review for the reported area of Newtown is due to take place in the financial year 2025/26. Your request has been added to the file to be assessed during this review.*

**HIGHWAYS ISSUES (Response from Highways or other agencies detailed if received)**–

1 –.Ref – 05215079 - Water running along the road from the airport to Laversdale reported to United Utilities. Notified on 31.1.24 that an engineer would attend to investigate. Nothing further received.

### **LIST OF CORRESPONDENCE RECEIVED TO BE NOTED** (Circulated to members by email)

CALC –

- Partnership Information
- Official D-Day 80 flag of peace
- Training courses
- Parish Support Officer for Cumberland – new details
- United Utilities Affordability Presentation and DWP update

OTHER CORRESPONDENCE -

- Cumberland Council e-newsletters
- Connecting Cumbria Newsletter –February 2024
- Rural Services Network –latest bulletins
- Police, Fire & Crime Commissioner – Winter Newsletter
- ACT update – January 2024
- Temporary road closure – U1095 Irthington
- Temporary road closure U1096 - Laversdale
- Telfords Coaches 680A



**IRTHINGTON PARISH COUNCIL**

**BANK RECONCILIATION AT 31st MARCH 2024**

**UNITY BANK ACCOUNT - 20451590**

|                         |                  |             |                  |
|-------------------------|------------------|-------------|------------------|
| Balance b/f at 29/02/24 | 13,051.18        | Expenditure | 691.96           |
| Income                  | 197.19           | Balance c/f | 12,556.41        |
|                         | <u>13,248.37</u> |             | <u>13,248.37</u> |

**Bank Reconciliation**

Balance per statement @ 31.03.24 12,556.41

Less o/s cheques

None

0.00

12,556.41

**Income**

| <u>Date</u> |                    | <u>£</u>      |
|-------------|--------------------|---------------|
| 12.3.24     | HMRC - VAT reclaim | 197.19        |
|             |                    | <u>197.19</u> |

**Expenditure**

| <u>Date</u> | <u>Detail</u> | <u>£</u>      |
|-------------|---------------|---------------|
| 7.3.24      | A Riddell     | 362.68        |
| 7.3.24      | Brampton PC   | 311.28        |
| 31.3.24     | Charges       | 18.00         |
|             |               | <u>691.96</u> |

Balance c/f - Unity 12,556.41  
 Total balance c/f 12,556.41

I certify that I have checked the above figures and am satisfied, to the best of my belief and knowledge, that they accurately represent the financial position of the Parish Council at the date indicated.

# IRTHINGTON PARISH COUNCIL

## SCHEME OF DELEGATION

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Council, including those delegated by the Council to its Internal Control Councillors and Working Parties. This element of the scheme incorporates all of the approved Terms of Reference.

**Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.**

### PRINCIPLES OF DELEGATION

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated.

Any delegation to the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### AUTHORITY TO ACT

It will be appropriate for the Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine.

The Clerk/RFO has the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

## **COUNCIL RESERVED POWERS**

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget
- To appoint committees and working groups
- To approve membership of committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year
- To determine matters involving expenditure for which budget provision is not made or is exceeded
- To set the Precept
- To make byelaws
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and relevant Grants Policy (to be drafted).
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation
- To assess, consider and approve recommendations from working groups

## **DELEGATION SAFEGUARDS**

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

## **DELEGATION TO CLERK/RFO**

- The Clerk/RFO is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit the Parish Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.

- As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations
- The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees/Councillors
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
- Power to release urgent press statements on any activities subject to prior consultation with the Chairman
- Power to act on own initiative to implement the Council's policies and objectives
- Power to manage all the Council's resources in accordance with the Council's policies
- Power to manage all open spaces within the Parish subject to budget.
- Power to engage with the community and stakeholders to raise the profile of the Parish Council and foster good working relationships.

### **Terms of Reference for All Working Parties**

Full Council may form or disband a working party. A working party will carry out tasks as defined by Full Council. Membership of a working party is approved by Full Council.

### **The role of a Working Party**

- To review or consider issues as directed by Full Council
- To examine an issue in detail, read reports and related materials, examine options, get advice for Full Council
- Act as experts for the Council and/or liaise with experts
- Make recommendations to Full Council
- To explain the recommendations, reasons, options to Full Council by way of written report
- To answer questions from Full Council
- Not to fund or commit to fund without prior agreement of Full Council.

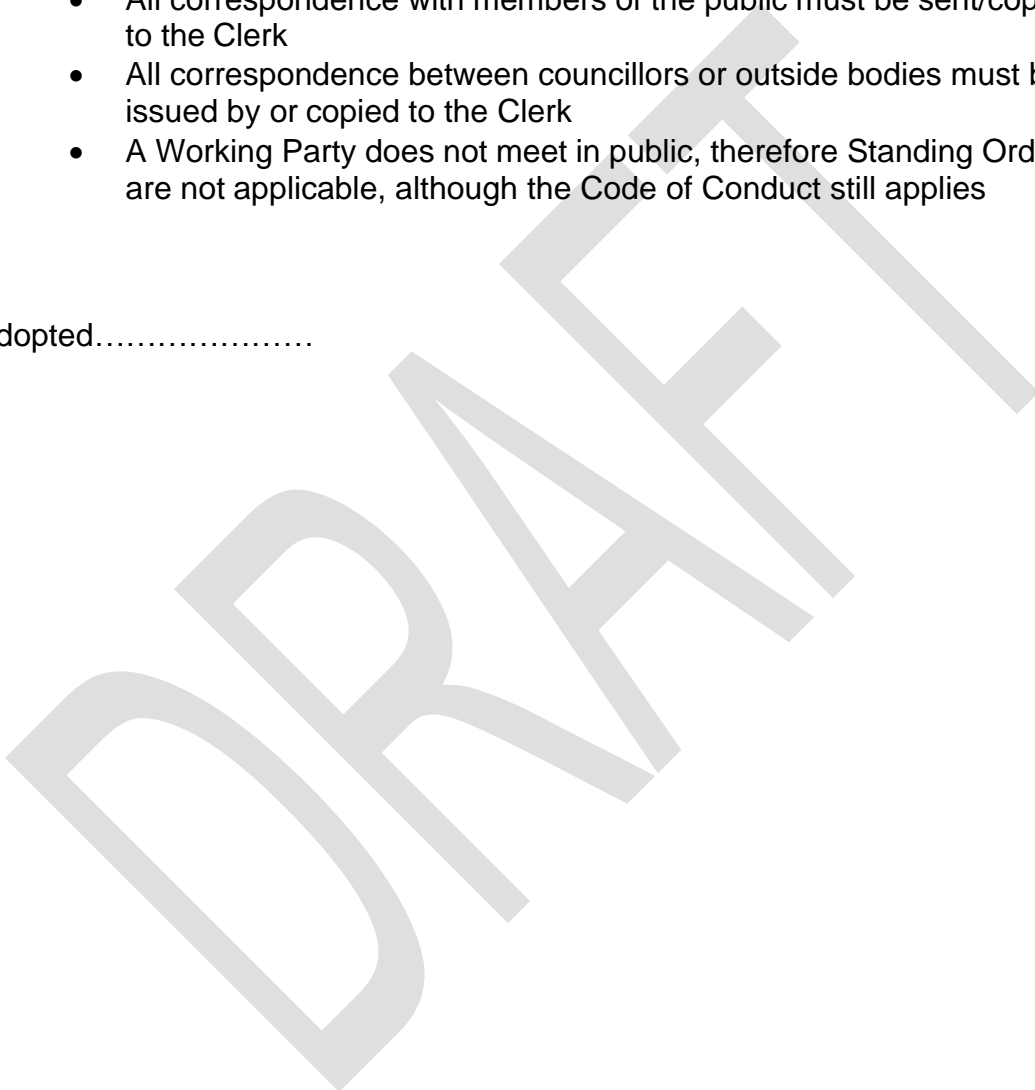
### **Working Party relationship**

- Full Council must direct the Working Party and set clear objectives
- The role of Full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Party must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations.

**Operation of the Working Party**

- The Working Party will not have a budget.
- The number of members on a Working Party will be decided on at the time of the Working Party appointment
- A Working Party will report to Full Council when decisions are required
- All correspondence received by a Working Party must be sent/copied to the Clerk
- All correspondence with members of the public must be sent/copied to the Clerk
- All correspondence between councillors or outside bodies must be issued by or copied to the Clerk
- A Working Party does not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies

Adopted.....



# IRTHINGTON PARISH COUNCIL

## VEXATIOUS COMPLAINTS POLICY

### POLICY FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

#### Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be 'habitual or vexatious' and ways of responding to these situations.

#### Definitions

In this policy the term HABITUAL means 'done repeatedly or as a habit'. The term VEXATIOUS is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant': in the Parish Council context it means acting to cause annoyance to the Council, individual members of the Council, members of staff or of a misogynist nature.

Definition of a habitual or vexatious complainant Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria, where complainants;

1. Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criterion.
6. Have, during addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter or e-mail. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
7. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.
8. Are known to have recorded meetings or face to face/ telephone conversations without the prior knowledge and the consent of other parties involved.

9. Make unreasonable demands on the customer/Council relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's Complaints Procedure or normal recognised practice.

### **Procedures for dealing with habitual or vexatious complainants**

If a complainant has threatened or used physical violence towards staff or members at any time – this will, cause personal contact with the complainant, and/or their representatives, to be discontinued and the complaint will, thereafter, only be continued through written communication. All such instances will be documented.

### **Courses of Action**

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chairman and Vice Chairman of the Council will, as appropriate, take one or more of the following courses of action: -

1. The complainant will be notified in writing why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
2. The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
3. The Council will decline further contact with the complainant, either in person, by telephone, by letter or by e-mail or by any other means.
4. The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
5. The Council will suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.
6. The Clerk and the Chairman of the Council may invite the complainant to meet with them to discuss the matter.
7. The complainant will be notified of the contact details of the local Government Ombudsman and invited to contact that office if they wish to take the matter further. The Council will be notified of vexatious or habitual complainants.

### **Withdrawing Habitual or Vexatious Status**

Once a complainant has been determined to be habitual and /or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or, if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

Adopted.....

# IRTHINGTON PARISH COUNCIL

## SAFEGUARDING POLICY

### SECTION 1

#### Introduction

Everyone has a duty to safeguard children, young people and vulnerable adults. This policy promotes good practice in safeguarding for those using Parish Council facilities. The Parish Council will review it annually.

#### Definitions

##### **Children and young people:**

Anyone under the age of 18 years

##### **Vulnerable Adult:**

Anyone over 18 who is:

- Unable to care for themselves
- Unable to protect themselves from significant harm or exploitation
- Or may be in need of community care services

#### To whom this policy applies

- This policy applies to anyone working for or on behalf of the Parish Council whether in a paid, voluntary or commissioned capacity, for example contracted to do a piece of work.
- It also applies to any individual using the Parish Council facilities for the purpose of delivering any service to children, young people or vulnerable adults.

### SECTION 2

#### Promoting a safe environment

In order to promote a safe environment for children, young people and vulnerable adults, the Parish Council will:

- Provide safe facilities and do regular safety assessments.
- Ensure that employees, councillors and leaders of activities in/on parish facilities, are aware of the safeguarding expectations
- Ensure that the policy for users of parish facilities includes a requirement that they are safe to work with children, young people and vulnerable adults. (e.g., any adults who have regular unsupervised contact with children, young people or vulnerable adults during the course of their duties should undergo appropriate Disclosure and Barring Service checks)
- Ensure that attendees at functions are aware that parents are responsible for their children's safety and the location of a dedicated safe place for lost children is clear.
- Display on notice boards the relevant safeguarding contacts for advice and help

#### Use of facilities by groups for use with children, young people or vulnerable adults

(e.g. clubs/organisations that may use the village green)

Parish Council will require the leaders to:

- Have public liability insurance
- Have a suitable safeguarding children, young people and vulnerable adult policy and/or agree to work to the Parish Council's policy and relevant guidance.
- Ensure leaders make their members aware of the Parish Council Policy and ensure that it is followed whilst using parish facilities
- Ensure leaders have valid enhanced DBS checks as appropriate and carry a first aid box
- Do risk assessments for individual activities.



## **SECTION 3**

### **Safe working practice**

All users of Parish Facilities must follow the safeguarding children, young people and vulnerable adult's policy and procedures at all times. For example they should:

- Never leave children, young people or vulnerable adults unattended with adults who have not been subject to a Disclosure and Barring Service (DBS) check.
- Plan activities to involve more than one person being present or at least in sight or hearing of others. Alternatively, record, or inform others of their whereabouts and intended action.
- Where possible, have male and female leaders working with a mixed group.
- Ensure registers are complete and attendees are marked in and signed out (under 8's must be collected by a parent/carer).
- Ensure that photos or videos of individuals are not taken without written permission from parents/ carers
- Ensure they have access to a first aid kit and telephone
- Ensure that where a child, young person or vulnerable adult needs assistance with toilet trips and when first aid is required, that this is carried out in pairs or in the latter case, that it is carried out where they can be seen.
- Ensure activities, breaks and clothing are suitable for the weather conditions and that shelter is available where possible.

### **Expectations of behaviour**

All users of Parish Facilities should:

- Ensure that communications, behaviour and interaction with users should be appropriate and professional
- Treat each other with respect and show consideration for other groups using the facilities.
- Refrain from any behaviour that involves racism, sexism and bullying and in addition to report any instances of such behaviour to group leaders, parish councillors, the parish clerk or parents and carers, as appropriate.

## **SECTION 4**

### **Allegations against staff and volunteers**

- All staff and volunteers should take care not to place themselves in a vulnerable position with a child or vulnerable adult
  - If an allegation is made against a member of staff or volunteer, the person receiving the allegation will immediately inform the Chair of the Parish Council.
  - The Parish council should follow the Cumbria SCP (Safeguarding Children Partnership) procedures for managing allegations against staff/volunteers on the Cumbria Safeguarding Children Partnership website. No attempt should be made to investigate or take action before consultation with the Local Authority Designated Officer. (LADO)

### **Whistleblowing**

All staff and volunteers should be aware of their duty to raise concerns about the attitude or actions of colleagues and appropriate advice will be sought from the LADO or Safeguarding Team.

### **What should be a cause for concern**

Staff and volunteers should be concerned by any action or inaction, which significantly harms the physical and/or emotional development of a child or vulnerable adult. Abuse falls into four main categories and can include child sexual exploitation and female genital mutilation:

1. Physical Abuse
2. Emotional Abuse
3. Sexual Abuse
4. Neglect

All staff and volunteers coming in to contact with children need to have an awareness of safeguarding. Information is available at: [www.cumbriasafeguardingchildren.co.uk](http://www.cumbriasafeguardingchildren.co.uk)  
All agencies working with children are recommended to follow the multi-agency procedures at: [www.cumbriasafeguardingchildren.co.uk](http://www.cumbriasafeguardingchildren.co.uk)

Adopted.....

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# IRTHINGTON PARISH COUNCIL

## DISCIPLINARY AND GRIEVANCE POLICY

### Disciplinary Procedure

This procedure is designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing the council. Currently Irthington Parish Council has one employee, the Clerk. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009

### PRINCIPLES

- a) No disciplinary action will be taken against an employee until the case has been fully investigated
- b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) At all formal stages the employee will have the right to be accompanied by a trade union representative, work colleague or independent person, during the disciplinary interview.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

### THE PROCEDURE FOR MISCONDUCT and GROSS MISCONDUCT

**3.1.1** The following list provides examples of **misconduct** which will normally give rise to formal disciplinary action:

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other Society rules or procedures
- Failure to perform your job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the council's facilities (e.g. telephones, computers, email or the internet)
- Refusal to carry out reasonable requests or instructions
- Failure to follow an agreed council Procedure

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated N.B. persistent or frequent absence on medical grounds and long term sickness absence will be dealt with using a procedure for Incapacity, which is described in the Absence Policy.

**3.1.2** The following list provides examples of offences which are normally regarded as **gross misconduct**:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the council, its workers or members
- Gross incompetence in the conduct of work
- Gross negligence which results in the council or employees being put at risk.
- Being under the influence of illegal drugs or excessive alcohol
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Serious acts of insubordination
- Serious breach of duty to keep information of the council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute
- Serious negligence which causes or might causes significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Council funds or credit
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

### **3.2 INFORMAL ACTION**

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by nominated members of the Council and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

### **3.3 FORMAL ACTION**

**3.3.1** The level of warning you may receive for misconduct/gross misconduct will depend on how serious the council considers the alleged actions to be and your previous conduct in all the circumstances. In the event of alleged gross misconduct the formal process may commence at Stage 4 –see 3.4 below.

### **3.3.2 Disciplinary Letters**

If there is a concern about an employee's conduct or behaviour then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of their right to be accompanied to the meeting. The letter will specify at which stage the disciplinary procedure is being invoked (see 4 stages below) and if invoked at Stage 4 for Gross Misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

### **3.3.3 Disciplinary Meetings**

The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case e.g. within 5 days of the letter being sent, where practically possible. At the meeting the nominated council member (usually the Chair) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses if advance notice has been given that they will do so.

If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g. illness) then the council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

## **3.4 OUTCOMES AND PENALTIES**

### **Stage 1 - Oral Warning**

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of;

- the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- the improvement that is required and the timescales for achieving this improvement,
- together with a review date and any support available (where applicable) and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

### **Stage 2 - Written Warning**

If the offence is a serious one, or if further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the Line Manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

### **Stage 3 – Final Written Warning**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the Line Manager (or in the case of the Clerk being disciplined by the Chair) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

### **Stage 4 – Dismissal or other sanctions**

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Council reasonably believes Gross Misconduct has occurred, DISMISSAL may result. Only the council can take the decision to dismiss an employee. The employee will be given a written statement of allegations against him/her, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e. without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.

Very exceptionally, if an offence of Gross Misconduct is extremely serious an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee offering the opportunity for an appeal hearing.

### **3.5 SUSPENSION**

If you are accused of an act of gross misconduct, you may be suspended from work on full pay while the council investigates the alleged offence. Only the council has the power to suspend. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the council will be maintained although access to premises, equipment or systems may be denied. The Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

### **3.6 APPEALS**

The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for Misconduct/Poor Performance or Gross Misconduct.

An employee who wishes to appeal against a disciplinary decision should inform the Chair within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

### **3.7 THE RIGHT TO BE ACCOMPANIED**

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. The Council will also make provision to have an external person accompany or represent an employee e.g. solicitor or other non-family member. The companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining their case.

### **NOTE-TAKING**

It is highly recommended that a note-taker be provided to every meeting/hearing which arises as a result of a disciplinary process as Employment Tribunals are particularly keen to view contemporaneous notes of events which have led to an employment dispute. Councils will need to give this requirement careful consideration in order to respect employee confidentiality.

### **3.8 GRIEVANCES RAISED DURING DISCIPLINARIES**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but SLCC would advise caution and specialist advice should be sought if this arises.

### **3.9 CRIMINAL CHARGES OR CONVICTIONS**

If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

#### **4. GETTING IT WRONG**

Failure to follow the ACAS Code of Practice (available at [www.acas.org.uk](http://www.acas.org.uk)) can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%. Tribunals dealing with unfair dismissal claims are particularly interested in whether the employer followed a procedure and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that procedure to staff and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

Adopted.....

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## **CLERK'S REPORT**

Members are **TO NOTE** the following matters

**PICTURE OF HM KING** – Ordered through Cubiquity Media, confirmed on 8<sup>th</sup> March 2024.

**WEBSITE** – AutoSSL certificate renewed and installed.

**NALC** – Joint Practitioners Guide, March 2024, received and circulated to members.

**DUMPED NO<sup>2</sup> CYLINDER NEAR BEANLANDS, IRTHINGTON** –Reported as fly tipping to Cumberland Council on 4<sup>th</sup> February 2024 by a resident. As Cumberland Council had not removed the cylinder by 1<sup>st</sup> March, resident removed it and took it to the Household Waste Recycling Centre at Brampton to be disposed of.

**HIGHWAYS ISSUES (Response from Highways or other agencies detailed if received)**–

1 –.Ref – 05215079 - Water running along the road from the airport to Laversdale reported to United Utilities. Notified on 31.1.24 that an engineer would attend to investigate. Nothing further received.

2 – Ref – EI/195933 – 9 potholes along the Via Verdi in Newtown reported on 13<sup>th</sup> March 2024. Assigned to a Highways Team.

**LIST OF CORRESPONDENCE RECEIVED TO BE NOTED** (Circulated to members by email)

CALC –

- Partnership Information
- NAL legal update February 2024
- Cumbria Local Nature Recovery Strategy Newsletter
- Cumbria Action for Sustainability newsletter
- CALC news – January/February 2024

OTHER CORRESPONDENCE -

- Cumberland Council e-newsletters
- Rural Services Network –latest bulletins
- Cumbria Police – March 2024
- Cumbria In Bloom – Spring Newsletter
- Connecting Cumbria Newsletter – March 2024

# Angel Advocates

'...For my angel is with you.' Bar 6:7

By email only.

19<sup>th</sup> March 2024.

Dear Councillors,

Angel Advocates is a Christian based independent and legal advocacy charity.

We are open, welcoming and inclusive of all, without judgement, for people of all faiths or none, regardless of beliefs, ethnicity or cultural background, sexuality, gender, gender identity, age, economic power, mental health, neurodiversity, or ability and exists for the purpose of empowering and enabling all clients to tell their truths to power.

Advocacy is there for the times when we need to say something but don't think we can because the situation is too daunting, a bit scary, too emotional or complicated and that's okay, we all have those times.

An advocate can give information, or signpost people to information and they can offer an opinion, but when it comes to what to do, it is really important that the client is the decision maker. An advocate is totally independent, there is no hidden agenda – ever.

The cost of providing these services, including legal advocacy, will be approximately £380,000 per year and this comes from fundraising alone, we receive no statutory funding.

We are writing to ask if you and your parishioners would consider helping us in any of the following ways:

- Making a donation/grant to our Charity
- Nominating Angel Advocates to benefit from local events ... Open Gardens, Scarecrow Festival, Village Show etc
- Publicising our charity in your Village Magazine/Parish Newsletter or on your Parish/Village website

Any help that you can give us will be very much appreciated.

If you require any further information or would like to discuss this further please do not hesitate to contact me on Tel: 07760 987908 you may also like to visit our website: <https://angeladvocates.co.uk/>

Yours faithfully

Paula Ward, Mrs.

CEO.