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WINCHESTER CITY COUNCIL – UPPER MEON VALLEY WARD

PARISH UPDATE – FEBRUARY 2024

Hampshire County Council (HCC) Consultation

HCC issued a consultation document in early January seeking views on a range of measures designed to achieve savings of £17.5M to contribute to buying out their currently predicted £132M deficit by April 2025.

The measures proposed cover a range of services that they currently provide but are not covered by their statutory duty to deliver. In some cases “statutory duty” has become so ill-defined over the years that it is now open to a degree of interpretation. Nonetheless, in common with a number of local authorities of all political colours across the country, the core duty of delivering social care has increasingly swallowed up the latitude that previously existed to deliver more discretionary services.

Within our Ward, the measures that would likely have greatest effect is the proposal to close the Household Waste Recycling Centres (the ‘tips’) at Bishops Waltham and Alresford. The reasoning behind this is that, as they serve relatively smaller populations, they are inevitably less efficient to maintain than the site at Bar End in Winchester. But, of course, the effect on this Ward would be dramatic, not least as their closure would almost certainly increase the amount of fly-tipping, already a very significant problem and, of which, more below.

Another measure would remove all HCC funding from local bus and community transport services that cannot be run commercially. This includes Bus 63 to Morestead and Owslebury, support for the Wednesday Meon Valley Community Bus service to Petersfield Market and Bus 67 serving Cheriton, Bramdean and West Meon. Since the 67 serves as school transport for Perins at Alresford and The Petersfield School the school journeys would continue to operate, but they may be restricted to school pupils only. All other journeys would be withdrawn.

Other proposals could affect gritting of roads in the winter, filling of potholes and introducing fees for car parks at countryside sites. As with the Hospital consultation we covered last month, the important thing is to read the consultation document

(<https://documents.hants.gov.uk/consultation/future-services-consultation-full.pdf>)

and have your say, both as a Parish Council and as individuals, encouraging others to do so. There are no “done deals” as yet so all contributions have the potential to affect the decision-makers. The consultation closes at 2359 on 31 Mar 24.

Fly Tipping

There appear to be an increasing number of anti-social individuals prepared to dump their rubbish in our beautiful countryside, sometimes seeing it as a business opportunity. The statistics show that the number of recorded incidents in the District as a whole has reduced since Covid – but our lived experience suggests that there has been an increase in the rural areas. Whilst the City Council’s contractor is set targets for the clearance of tips once reported, clear-ups seem to be taking significantly longer. Both of us are working hard to secure an improvement in the monitoring of the contract and will continue to do so. You can help us by prompt and, if necessary, repeated reporting of fly-tips in your parishes, and encouraging others to do so through the ‘Your Winchester’ portal:

https://iweb.itouchvision.com/portal/f?p=customer:category_link:::::CUID,LANG:ACD0BCE67C4A043D378E50531407B1AF8C09DB25,EN&P_LANG=en

When apprehended, fly-tippers can either be given a fixed penalty notice (FPN) of up to £400 or prosecuted. Winchester has decided to target its limited resource on prosecuting fly-tippers where there is evidence to support the case over issuing FPNs. Consequently, it has issued relatively few FPNs. There have been two successful prosecutions in the past two months resulting in fines of £1900 and £2245 respectively with, in each case, the offender receiving a criminal conviction. There is an argument that the more 'professional' fly-tipper who receives an FPN simply prices its cost into their 'business plan' but a criminal conviction hurts – or would a higher risk of an FPN deter more 'one-off' tips? We would welcome your views on which route should be preferred.

Neil Bolton
Jerry Pett
Ward Members for Upper Meon Valley



GROWS report 24th January 2024

The group is getting bigger with more attendees than before also helped by the fact that the meeting was set for 7pm a much more desirable time for attendees.

Set up and structure of GrOws under the working Group term.

The first topic of discussion was the set up of the group under the term "Working Group". The group is gaining interest with projects on the horizon such as regular repair cafes in the village and therefore a deeper understanding of the set up of the group is needed with discussions of the option to become independent.

Since the group is currently a Working Group of the PC the chair suggested she investigate further the pros, cons and requirements of this.

As such the chair intends to propose to the group at the next meeting on 19/02 that they stay as a Working Group since it has the added benefits of for example: they can apply for funding in the name of the PC, the PC can give them an annual budget, they can use the PC's bank account and they are also linked into a local democratic body.

Terms of Reference for the Working Party are attached as appendix to this report and the chair would like the PC to approve these terms of reference before they are presented at the next meeting.

One final matter concerning the chair is that there should be at least one member of the PC on the working group, as currently there is only one councillor on the group the Chair is recruiting for further councillors to join the group.

Newsletter

The GrOws article in the village newsletter will be reduced to a circulation of once a month instead of bi-weekly, this is mainly due to the fact that the articles are mainly being written by the same 3 people, more volunteers were called for and came forward. Funding for future Newsletter articles can come out of the GrOws budget.

Air Ambulance Bin

The Parish Hall Committee had not yet met so no response was expected, the PC continue to chase.

Repair Café Update

The inaugural café is due to operate on the 16th of March the banner has gone out to be printed.





Setup will start at 12.30 there will be a need for cake donations, if you can bake please bake us a cake. There will be 2 PAT testers and they will be trained between now and then.

There will also be an opportunity for recycling of batteries and other items yet to be determined at the Repair Café.

A singular repair café volunteer meeting will be held on the 7th of February.

The future dates for repair cafes have been booked for 18th May, 20th July and the 19th Oct.

Budget Update

The PC applied for a grant for the Repair Café, Infra Red Camera and Apple Press, and have allocated a budget of £1000 for the group funds for financial year 2024 to 2025.

OMCA Grant

A grant of £250 was applied for to OMCA to help with the immediate start up costs for the Repair Café. This has been granted and bank details for the PC given to OMCA treasurer.

Other items

Local green initiatives were discussed including sourcing British flowers, cat food and dog food.

Date of next meeting

Set for 7pm on Monday 19th of Feb in the Church.



Owslebury & Morestead Parish Council

GrOws (Green Owslebury Climate Action)

Working Group – Terms of Reference

Purpose of the Working Group

The Working Group is a group of members of the public from Owslebury parish and at least one council member to organise activities to help lower the carbon footprint of Owslebury and Morestead.

Terms of Reference

1. The working group will consist of 1 council member in an advisory capacity determined by the parish council. Membership is determined at the annual meeting of the council, or at a full council or committee meeting.
2. The working group may invite members of the public from Owslebury and Morestead parishes to join the efforts of the group and to attend meetings.
3. At the next meeting of the working group, members shall:
 - a. Review these terms of reference.
 - b. Appoint a member as Lead Member/Chair who will act as the primary contact to the council.
 - c. Appoint 2 deputy chairs.
4. In line with the purpose set by the council, the remit of the working group is to:
 - i. Offer information and guidance to encourage the community of Owslebury and Morestead to adopt the positive changes needed to reduce the carbon footprint of the villages.
 - ii. Organise projects to promote sustainable living.
 - iii. Promote protection of our local environment and increase its biodiversity.
 - iv. Liasie, learn and connect with other individuals, organisations and groups in our community to enable positive changes to reduce our impact on the environment.
5. The working group does not have any delegated powers to make decisions for or on behalf of the council and must not exceed its purpose or remit without the council's permission.
6. The working group reports to the council and should provide monthly reports to keep the council informed.
7. Meetings of the working group are informal and therefore do not need to be held in public and may be held remotely.
8. Meetings of the working group do not need to be minuted, but minutes are considered best practice to allow for accurate reporting to the council.
9. Once the purpose of the working party has been fulfilled, the group will be disbanded.

The working group is an informal advisory group and any decisions made by the group cannot bind the council. The council will consider the advice provided by the working group but are under no obligation to accept the advice as a basis for any decisions made by full council/committee.

Ms J Madgwick
PO BOX 783
WINCHESTER
SO23 3RD

Your Ref:
Our ref: ACV 38
Contact: Mark Maitland
Direct Line: 01962 848 518
Email: mmaitland@winchester.gov.uk

8th January 2024

LOCALISM ACT 2011 SECTION 95
ASSETS OF COMMUNITY VALUE

**Owslebury Parish Hall
Main Road, Owslebury, Winchester, SO21 1LP**

Dear Ms Madjwick,

I am writing to inform you that the listing of the above property as an Asset of Community Value expired on 7th January 2024. This happens after a period of five years and, in accordance with the provisions of the Localism Act 2011, Owslebury parish hall has been removed from the List of Assets of Community Value.

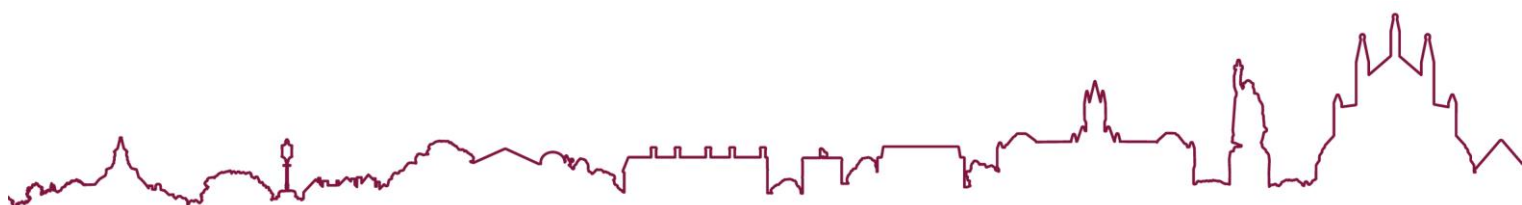
If you have any questions please contact me on the details above or visit our website:

<https://www.winchester.gov.uk/community-recreation/crtb>

Yours sincerely,



Mark Maitland
Community Engagement Officer



Juanita Madgwick
Clerk to Owslebury Parish Council
58a Priors Dean Road
Harestock
Winchester
SO22 6JU

Your Ref:
Our ref: ACV 11(A)
Contact: Mark Maitland
Direct Line: 01962 848 518
Email: mmaitland@winchester.gov.uk

16th January 2024

LOCALISM ACT 2011 SECTION 95
ASSETS OF COMMUNITY VALUE

**The Ship Inn
Whites Hill, Owslebury, Winchester, SO21 1LT**

Dear Ms Madgwick,

I am writing to inform you that the listing of the above property as an Asset of Community Value expired on 17th December 2023. This happens after a period of five years and, in accordance with the provisions of the Localism Act 2011, The Ship Inn has been removed from the List of Assets of Community Value.

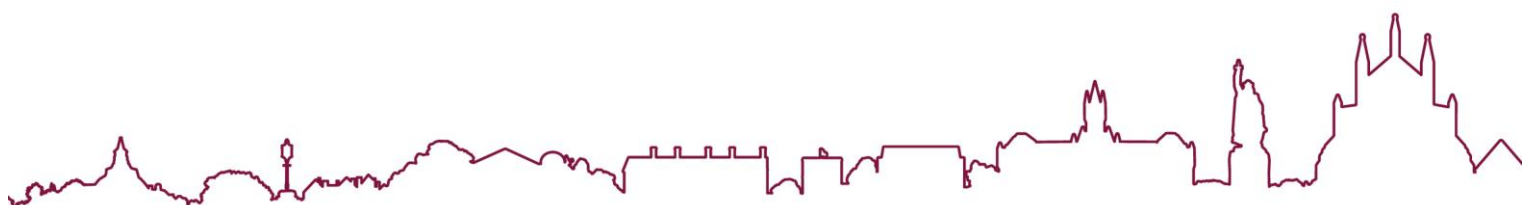
If you have any questions please contact me on the details above or visit our website:

<https://www.winchester.gov.uk/community-recreation/crtb>

Yours sincerely,



Mark Maitland
Community Engagement Officer



What is an Asset of Community Value

Assets of Community Value (ACV) form a part of the Community Right to Bid.

It acts as the first stage in identifying and nominating buildings or other assets such as land that have a main use or purpose of furthering the social wellbeing or social interests of the local community, and could do so into the future.

Once listed as Assets of Community Value with the local authority, the local community will be informed if they are listed for sale within the five year listing period. The community can then enact the Community Right to Bid, which gives them a moratorium period of six months to determine if they can raise the finance to purchase the asset.

What defines an Asset of Community Value?

An Asset of Community Value is defined as: A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests.

The regulations list a number of situations where land or buildings are exempted from inclusion on the list or operation of the moratorium. These include:

- homes
- hotels
- assets being transferred between kindred businesses
- Church of England land holdings.

How do you nominate an Asset of Community Value?

A number of community organisations can nominate land and buildings for inclusion on the list:

- parish councils
- neighbourhood forums (as defined in Neighbourhood Planning regulations)
- Unincorporated community groups of at least 21 members which do not distribute profits to members (this could include community groups with constitutions)
- not-for-private-profit organisations (e.g. charities).
- Community organisations also have to have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area.

Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the local authority must include the asset on its list.

Assets will remain on the list for at least five years. If the council decides that the nomination doesn't meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least five years. Landowners can ask local authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal.

Moratorium Periods

The Community Right to Bid does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. What it does do is give time for them to put together the funding necessary to bid to buy the asset on the open market. If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell. The first is the **interim moratorium period**, which is six weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a **full moratorium period**, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset. The regulations list some situations where the Moratorium will not be applied, even when it is an Asset of Community Value on the list. These include:

- If the disposal is a gift
- If the disposal is made between members of the same family
- If the land or building being disposed of is part of a bigger estate
- If the disposal is of a building or piece of land on which going-concern business is operating, provided that the sale is to a new owner to continue the same business (for example if an owner of a pub wants to sell the pub to a new owner, to continue running it as a pub).

During a moratorium, the owner of the asset cannot conclude the sale.

Why are Assets of Community Value and the Community Right to Bid important?

In neighbourhoods across the country there are buildings and amenities that are integral to the communities that use them. This could be a village shop, a pub, a community centre or a library for example. Many provide a base from which to deliver public services to the local community. The closure or sale of such buildings and amenities can create lasting damage in communities and threaten the provision of services.

Assets of Community Value and the Community Right to Bid offers greater opportunity for communities to keep such buildings in public use and ensure they remain a social hub for the community.



Guidance Notes

Assets of Community Value

This document is to help Parish Councils, community and voluntary bodies understand whether a piece of land and/or building would meet the criteria and therefore qualify as an Asset of Community Value.

An Asset of Community Value is where the primary use of land and/or building(s) is considered to **further the social wellbeing or social interests of the local community**. Social interests include cultural, recreational and sporting interests. The table below illustrates examples:

The provision of public services directly to the public for the purposes of education, health & wellbeing, or community safety	<ul style="list-style-type: none">• Nurseries and schools• Children's centres• Health centres, surgeries and hospitals• Day care centres, residential care homes
Sport, recreation and culture	<ul style="list-style-type: none">• Parks and open green spaces• Sports / leisure centres• Libraries• Theatres• Museums or heritage sites
Community services	<ul style="list-style-type: none">• Community centres• Youth centres
Local democracy	<ul style="list-style-type: none">• Town halls• Civic halls
Any economic use, which also provides an important local social benefit.*	<ul style="list-style-type: none">• Village pub• Village shop

* In these cases, it is the **social value** of the business that counts, not just the nature of the business. The Council will consider whether the social benefit provided would be easily available elsewhere if the business service ceased.

Assessment Criteria:

The land and/or building(s) must meet the following criteria in order to qualify as an Asset of Community Value. This is based on the Localism Act 2011, Part 5, and in particular Section 88.

1. The land and/or building(s) do not fall within the exemptions set out in Schedule 1 of the Regulations.

If there is evidence that a nomination falls within one of the exemptions it is automatically excluded from listing, and the remaining criteria does not have to be considered.

Exemptions include:

- Land and buildings which are primarily residential, including associated gardens and outbuildings. The exception to this is where a residence is a building only partly used as a residence, and but for that residential use of the building, the land would be eligible for listing (e.g. accommodation as part of a pub).
- Licensed (and some unlicensed) caravan sites
- 'Operational land' owned by 'statutory undertakers' as defined in s263 Town & Country Planning Act 1990 (e.g. Post Office, Civil Aviation Authority, transport providers, utility companies, etc.)

2. The land and/or building(s) are in current use, (or there was a use in the recent past), which furthers the social wellbeing or social interests of the local community. The use of the land and/or building(s) must not be deemed ancillary i.e. of secondary purpose (Localism Act S.88).

Local Authorities are left to interpret and define 'recent past' themselves and Winchester City Council will consider each nomination on a case by case basis. Those nominating a building or piece of land are advised to include examples of how the community uses the space. For instance, '...the youth centre is used by many community groups including; a weekly Scouts group, morning crèche sessions; fitness classes...' etc.

3. It is realistic to think that the land and/or building(s) will continue to further the social wellbeing or social interests of the local community (Localism Act S.88).

a). Where the land and/or building(s) is *presently* in social use there is a presumption of continued viability, unless clear evidence suggests otherwise.

b). For a social use which has *lapsed* and needs to be re-established, the Council will take a view on the realism of re-establishing this within the next five years.

NB: The *type* of social use of the land and/or building(s) is allowed to change at any time.

Other Considerations:

Where the land and/or building(s) are publicly owned another avenue to consider is Community Asset Transfer (CAT). This is the transfer of management and/or ownership of land/buildings from a Local Authority to a community based organisation at less than full market value.

MEETING REPORT: Beech Grove

DATE: 12 February 2024

WRITTEN BY: The Clerk

AGENDA ITEM: 130 (a)

I have applied for £20,000.00 from the SDNP CIL funding for the third year in a row, for the Beech Grove improvements. Hopefully this year will be our year, however the Council will not know if they are successful until December 2024.

I have received the Agreement Proforma form from Hampshire Highways to complete. I have completed it to the best of my knowledge.

Hampshire Highways have explained that the Council will need to pay a cash deposit as a method of surety, worked out as estimated cost of the works plus 10%. This payment is due to be paid upon the signing of the legal agreement and is paid back in chunks as each certificate is granted for the work.

Hampshire legal services has started drafting the legal agreement.

Hampshire Highways have now finished the S278 Minor Works Design Audit Report, which now needs to go back be completed by Havant Highways. I have sent them the report to complete.

MEETING REPORT: Telephone Box Refurbishment

DATE: 12 February 2024

WRITTEN BY: The Clerk

AGENDA ITEM: 131 (b)

At the January meeting the Council went through the Action Plan and within the action plan it stated that the Telephone Box should be repainted.

I contacted some companies but the only one that I felt knew what they are doing is The Men's Shed based in Bishops Waltham, which was a recommendation from a resident.

There is £300.00 in the budget for this painting.

They visited the Telephone Box, and they noticed that one of the panes of glass is plastic and the signage still reads "Telephone". They can replace the plastic for toughened glass and provide signage. All items are sourced from bona fide stockists. They ask for payment for the materials on completion of works they don't charge for their time but a donation for their efforts would be much appreciated if the Council is happy with the results.

The Men's Shed has quoted the following:

Prepare, undercoat & topcoat - £300
4 x Book Exchange signs - £144
1 x K6 steel frame for glass - £10
1 x K6 large toughened glass pane - £6

A total of £460 for the materials.

They have asked what the Council would want the sign to read.

They can do:
Book Exchange
Book Swap
Library

As these are made bespoke, they can get anything that suits manufactured for the standard price.

Owslebury Parish Council
2023/24

PAYMENTS	Amount (£)	Payee	Payment Type
124	7.00	3 Phone	DD
125	100.00	Grant (Life Education Wessex)	
126	3.60	IONOS - Webhosting	DD
127	195.00	WCC (Dog Bin Emptying)	
128	2.40	IONOS Hosting Start Basic Fee	DD
129	192.86	Raven about Wood - Final Payment	
130	90.00	Parish Online	
131	870.97	Swamore (ACSO)	
132	31.57	OPHMC - Jan Meetings	
133	126.00	HMRC	
134	504.00	Clerks Salary - Jan	
135	21.78	HMRC - Employers NI Dec 23	
136	148.32	Microsoft	CC

Voucher	Amount (£)	Payee	
RECEIPTS			
14	111.92	CCLA - Investment Interest	

Chairman:

Date:

RFO:

Date:

Bank and short term deposit balances/bank reconciliaton

1. BANK BALANCES

31/01/2024

CASH BOOK BALANCE		£	£
	Balances 1st April 2023		70,502.91
	income		44,403.44
	expenses		-64,004.00
	CASH BOOK BALANCE		50,902.35
	add u/p cheques		2,289.90
	less o/s receipts		0.00
	Control total		53,192.25
BANK STATEMENTS			
	Treasurers account	53,192.25	
	Business 30 Day notice	0.00	
	Credit Card	0.00	
	Per bank statements		53,192.25
	Difference		-0.00

2. SHORT TERM DEPOSIT

25,000.00

3. TOTAL OF BANK AND SHORT TERM DEPOSITS

75,902.35

Owslebury Parish Council
Estimated outcome for 2022/23 and
Budget for Financial Year April 2023 - March 2024

<u>Income</u>	Actual Receipts 19/20	Actual Receipts 20/21	Actual Receipts to Nov 21/22	Budget Receipts 2022/23	Actual Receipts 2022/23	Budget Receipts 2023/24	Actual Receipts 2023/24		Comments
	£	£	£	£	£	£			
Precept	22,316	23,816	28,579	29,722	29,722	40,125	0		Money ringfenced
Council Tax Support									
CIL Money		3,951							
Ring fenced Xmas lights		685	250		975				
Ring fenced other									
Ring fenced Eastleigh	3,890								
General donations	333		50		69	50	0		
Sports Club	305	310	45		1,053				
Play Area Income	171								
Sub Station Rent	100	100	100	100	100	100	0		
Insurance Refund			55		1,275				
SSE Refund					532				
GrOws (Ring Fenced)							0		
Interest Received									
Fixed deposit Interest	301	316	50	150	25	50	0		
Fixed assets sale									
VAT Refund	1,160	1,091	3,893		4,297		0		
Total Receipts	28,576	30,269	33,022	29,972	38,048	40,325	0		

<u>Expenditure</u>	Actual Expenses 19/20	Actual Expenses 20/21	Actual Expenses 21/22	Budget Expenses 2022/2023	Actual Expense 2022/2023	Budget Expenses 2023/2024	Actual Expenses 2023/24	%	
Staff Costs									Paid in full in April Paid Internal Auditor and External Auditor Have been paying for exteneded support but cancelled this on 3 October
Clerk's Net Salary	4,994	4,821	5,085	5,750	5,302	5,800	4,933	85	
Income Tax	1,198	1,205	1,271	1,440	1,325	1,500	1,243	83	
Clerk's travel	134	16	103	150	73	150	46	31	
ACSO	1,574	8,414	9,248	8,900	9,858	11,000	9,238	84	
Administration / General Expenditure									
Chairman's Expenses	80	80	80	100	80	80	0	0	
Councillors Expenses	20			50		50	0	0	
Clerk & Councillors Training	200		95	350	947	400	196	49	
Publications	112	120		50		50	0	0	
Postage	33		12	30	13	30	0	0	
Clerk's Broadband Allowances	196	152	242	120	135	150	84	56	
Clerk's Working from Home Allowances	125	125	125	125	125	125	94	75	
Telephone				160	161	180	68	38	
Stationary	215	135	114	250	127	250	70	28	
Meeting Expenses	318	141	370	400	378	450	308	68	
Insurances	740	750	782	1,000	583	700	549	78	
Audit	405	415	420	500	435	500	470	94	
Office Equipment	94		670	700	358	350	367	105	
Website	306	299	359	360	349	400	340	85	

Credit Card	32	32	32	32	32	32	32	100	Paid in full in June
PO Box	285	294	300	325	315	400	330	83	Paid in full in September
Street Lighting	118	82	274	100	266				
Land Registry					3	20	265	1,325	Paid for registry of sports field at Longwood Road
Election Costs				50					
Shredding						60			
General Maintenance									
Grass Cutting	1,620	1,860	2,615	3,500	1,495	5,000	1,935	39	
Dog Waste Collections	660	885	660	700	585	800	585	73	
Play Area Repairs & Inspections	667	2,185	79	1,000	1,079	5,000	6,312	126	Resurfacing work
General Maintenance / Repairs	216	265	261	500	316	500	411	82	
Tree Works			2,150	500	320	500	0	0	
Lengthsman scheme		56	56	60	0				
Community Assets Maintenance			1,012		1,240	1,500	0	0	
Playarea Works				2,500					
Subscriptions									
Hampshire Association of Local Councils (HALC)	280	270	294	300	296	320	301	94	Paid in full in April
Society of Local Council Clerks (SLCC)				250	230	250	139	56	Paid in full in August
Winch. District Ass'n o Local Councils									
Hants. Playing Fields Association	40								
Council for Protection of Rural England (CPRE)	36	36	36	40	36	40	36	90	Paid in full in October
Information Commissioner	35	35	35	40	35	40	35	88	Paid in full in July
Parish Online	75	75	75	75		75	0	0	
Survey Monkey			320						
Grants				1,500		2,000		82	
St Andrew's Church	400	525			400		1,000		
Morestead Church	200	200	200				200		
St Andrew's Church					100		150		
Christmas Lights									
Winchester CAB	250	250	250		250		250		
OMCA		240			500				
Christmas Lights									
Hampshire Archive			200						
OMPHC			850						
ADD	3,890								
OSCC	100				200				
Hampshire & Isle of Wight Trust	100								
Winchester Villages Trust							32		
Community Projects				5,000					
Speed Sign	3,200	58							
Bollard for Footpath31		292							
Red Lane Re surfacing		850							
Notice Board					1,357				
Play Area Painting						1,000		0	
Benches (Glebe Field) x 3						2,000	279	14	
Footpath Improvement (Beech Grove)			2,289			15,000	3,764	25	
Coronation						500	409	82	Paid for mug for children at school - Paid in full
Repainting of Telephone Box						300		0	
Affordable Housing Survey					300				
Christmas Lights							678		Paid for new bulbs from Xmas lights ringfenced fund

GrOws							97		Paid from ringfenced money from swishing event
Pavilion									
Water				100					
Electricity				100					
Maintenance				100					
Pavilion Costs					8,006				
VAT Paid	1,164	2,414	3,209		3,876		3,560		
Total Expenses	24,110	27,577	34,172	37,207	41,486	57,502	38,807		
Net Surplus/(Deficit)	4,465	2,692	-1,150	-7,235	-3,438	-17,177	-38,807		

MEETING REPORT: Budget Monitoring Report

DATE: 12 February 2024

WRITTEN BY: The Clerk

AGENDA ITEM: 131 (c)

After reviewing the actual to budget expenditure up to 31 December 2023, below is a statement showing an explanation of material variances (Financial Regulations talk of material variances being in excess of £100 or 15% of the budget). At this point of the financial year, you would expect the budget to be at 75%.

Budget heading

Explanation

Admin Costs

Audit (+15%)

Internal Auditor paid in full in Apr and
External Auditor in September

Credit Card Fee (+15%)

Paid in full in June

PO Box (+15%)

Paid in full in September

Land Registry (+£100)

The Council received the bill for registering the sports field this has taken several years to complete and the Council were unsure when this would complete.

General Maintenance

Play area repairs (+£100)

The Council agreed to having all the resurfacing works completed at the same time instead of over 1 to 2 years.

Subscriptions

HALC (+15%)

Subscription paid in full in April

CPRE (+15%)

Paid in full in October

Information Commissioner (+15%)

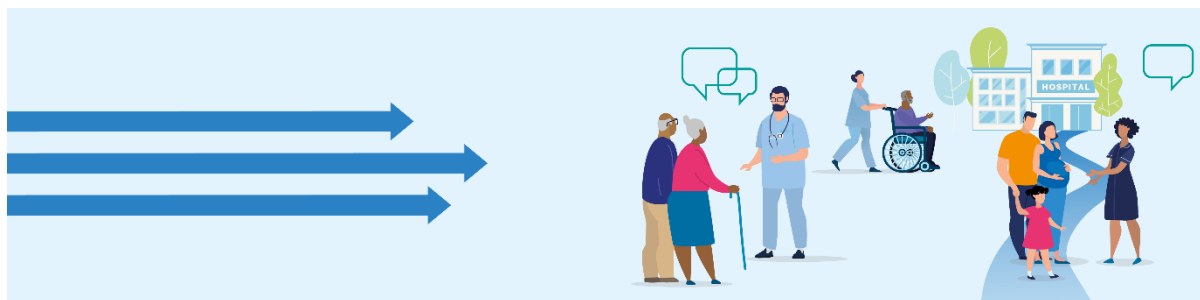
Paid in full in July

Community Projects

Coronation (+15%)

Mugs brought in May for Kings coronation

A new hospital for Hampshire: proposed changes to acute hospital services in and around Basingstoke and Winchester



We are delighted to be included in the government's national New Hospital Programme. It is a once-in-a-generation opportunity to invest between £700 million and £900 million to improve our hospital facilities and hospital services for decades to come.

The money will help transform the care and treatment patients receive. It will enable us to meet the changing needs of our growing and ageing population, attract and retain the best staff, provide better and more consistent care, help people stay healthy for longer, and – crucially – provide safe, sustainable, high-quality services for the future.

We want to do this by creating two excellent acute hospitals; with significant investment in refurbishing the Royal Hampshire County Hospital in Winchester, and by building a brand-new specialist acute hospital on either the existing Basingstoke and North Hampshire Hospital site, or at a new location near Junction 7 of the M3.

We have worked together with patients, local communities, and health and care staff to develop proposals for how we might best use this significant investment.

We are now undertaking a public consultation on the proposed options. The consultation runs from 11 December 2023 for 14 weeks until midnight 17 March 2024.

Consultation documents

Our consultation document explains the proposals in more detail. It is also available as summary and easy read versions. A plain text version is available which may be helpful if you use a screen reader. This plain text version is also in large print. Please contact us if you would like a version of the consultation document translated into a different language or need any other accessible format.

Our consultation runs from 11 December 2023 for 14 weeks until midnight 17 March 2024.

<https://www.hampshiretogether.nhs.uk/consultation-document>

Hampshire Minerals and Waste Plan consultation start

The Regulation 19 Proposed Submission Consultation on the Hampshire Minerals and Waste Plan has begun.

The consultation will last for **8 weeks** and representations need to be received between **9am 9th January 2024 and 11:59pm 5th March 2024**.

The Statement of Representation procedure is attached.

All the documents and the response form can be found on our website – <https://www.hants.gov.uk/minerals-waste-update>

As the responses will be collected and passed on to the Planning Inspectorate, use of the online form is encouraged. This will help ensure that all of the correct information has been collected and your response complies with the regulations.

Next steps

The responses gathered through the consultation will be submitted to the Planning Inspectorate for scrutiny, together with the Submission version of the Hampshire Minerals and Waste Plan 2040. This is intended for July 2024, subject to any necessary democratic approvals.

Having considered the consultation responses, a Planning Inspector will determine whether further changes need to be made to the Plan before it is “sound” (i.e. it complies with national policy and legal requirements) and can be adopted by the five authorities.

Hampshire County Council Future Services Consultation

The County Council has recently launched a public consultation (8 January) to understand people's views across Hampshire on proposals to change and reduce some local services and help the Authority address a £132 million budget shortfall faced by April 2025.

The Future Services Consultation runs from 8 January to 31 March 2024, and signals the next stage in the County Council's plans to ensure it can focus support to the most vulnerable people in Hampshire – such as protecting children from harm, social care for older people, and supporting adults and children with disabilities and additional needs - while meeting its legal duty to deliver a balanced budget in 2025/26.

Hampshire is in a better position than many other councils, but in the absence of a national funding solution to address the higher costs and demand pressures facing the whole of local government, tougher decisions and deeper savings are needed in Hampshire to ensure the local authority can keep providing critical services after April 2025 for those people who need its help the most.

Read more about why the County Council is asking for the public's views in this consultation by visiting www.hants.gov.uk/future-services-consultation

Covering various local services, the consultation sets out 13 detailed options to help lower costs in future – by doing things differently and moving towards providing only those services that the County Council is legally required to deliver.

The options within the consultation include:

1. **Adult social care charges:** Proposals to change the way contributions towards non-residential social care costs are calculated, so that the amount someone pays towards their non-residential care and support increases from 95% to 100% of any assessable income remaining, once standard outgoings are paid for and an allowance is made for general living costs such as food, utility bills and clothing.
2. **Adult social care grant schemes:** To withdraw funding for three Adult Social Care grant programmes that assist voluntary, community, and social enterprise organisations in Hampshire; namely the Council for Voluntary Services Infrastructure Grant, the Citizens Advice Infrastructure Grant and the Local Solutions Grant.
3. **Competitive (one-off) grant schemes:** To withdraw three competitive grant schemes which provide one-off grants to a range of community groups and organisations; namely the Leader's Community Grants, the Rural Communities Fund (including country shows) and the Parish and Town Council Investment Fund.
4. **Hampshire Cultural Trust grant:** To reduce the amount of grant given to Hampshire Cultural Trust to manage and deliver arts and museums services.
5. **Highways maintenance:** To reduce planned highways maintenance activities, incorporating larger-scale structural repairs, surface treatments on roads, and drainage improvements.
6. **Highways winter service:** To comprehensively review and revise the criteria used to determine which roads should be treated as part of the Priority One

network to better align with current national guidance and reflect changes in travelling and commuting patterns, and to update the routes accordingly.

7. **Homelessness Support Services:** To stop funding services that the County Council does not have a legal requirement to provide, that support people who are homeless or at risk of homelessness.
8. **Household Waste Recycling Centres (HWRCs):** To provide a sustainable, cost-effective and fit for purpose Household Waste Recycling service within a reduced budget. This might involve introducing charging for discretionary services, implementing alternative delivery models, reducing opening days and/or hours or reducing the number of HWRCs.
9. **Library stock:** To reduce how much is spent on new library stock, such as books and digital resources, each year.
10. **Passenger transport:** To reduce the amount of money spent on passenger transport by withdrawing all remaining funding that the County Council is not legally required to provide. This includes funding for community transport services (incorporating Dial-a-Ride, Call and Go, Taxi Shares, Group Hire Services, and Wheels to Work) subsidies for bus routes that are not commercially viable, additional funding to extend the Concessionary Travel Scheme (older and disabled persons bus passes) and a review of potential impact of reductions on the school transport service and social care budgets.
11. **Rural countryside parking:** To introduce car parking charges at rural countryside car parks (such as nature reserves and conservation sites) that the County Council manages, where it is expected that doing so would be commercially viable.
12. **School Crossing Patrols:** To review the School Crossing Patrols (SCP) service by looking at each SCP site to decide if alternative safety measures exist or could be put in place that would enable the SCP to be safely withdrawn or be funded by other organisations.
13. **Street lighting:** To reduce the brightness of streetlights further and to extend the periods that streetlights are switched off during the night (by 2 hours) – where it is considered safe and appropriate to do so.

How to have your say

The consultation runs from midday on 8 January to 11:59pm on 31 March 2024.

Views can be provided on some or all of the 13 service change proposals presented in the consultation.

Feedback can be provided by using the consultation Response Form, available online via the consultation webpage: www.hants.gov.uk/future-services-consultation

Responses can also be emailed directly to Hampshire County Council via: insight@hants.gov.uk or write to Freepost HAMPSHIRE. (Please also write PandO, IEU, FM09 on the back of the envelope).



GRIEVANCE AND DISCIPLINARY POLICY

Adopted by the Council on 13 February 2023

[Reviewed on 12 February 2024](#)



Disciplinary Procedure 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. 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

No disciplinary action will be taken against an employee until the case has been fully investigated. At every stage in the procedure the employee will be advised of the nature of the complaint against ~~them~~ ~~him or her~~ and will be given the opportunity to state ~~their~~ ~~his or her~~ case before any decision is made.

At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.

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.

An employee will have the right to appeal against any disciplinary penalty imposed.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

THE PROCEDURE FOR MISCONDUCT and GROSS MISCONDUCT

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
- 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.

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
- Serious breach of the council's, Health & Safety Policy
- 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 cause significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Society 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.

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 the Chairman and Vice Chairman 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:

FORMAL ACTION

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.

Disciplinary Letters

If there is a concern about an employee's conduct or behaviour, then a letter will be given to the employee advising them 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.

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 manager (or in the case of the Clerk being disciplined, the Chairman) 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.



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. They 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
- their 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 Chairman) 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 Society reasonably believes Gross Misconduct has occurred, DISMISSAL may result. Only the appropriately convened hearing panel can take the decision to dismiss an employee. The employee will be given a written statement of allegations against them, 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.

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 appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. 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.

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 Chairman 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.

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. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g. partner, parent, solicitor etc. 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 them to or prevent the employee explaining their case.

HEARING PANELS

The SLCC advise that councils establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

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.

GRIEVANCES RAISED DURING DISCIPLINARIES

In some circumstances when a disciplinary process has commenced an employee chooses to exercise their 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.

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.

GETTING IT WRONG

Failure to follow the ACAS Code of Practice (available at 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.



GRIEVANCE PROCEDURE

Introduction

1. This policy is based on and complies with the ACAS Code of Practice 2015. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for their grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
 - any changes to specified time limits must be agreed by the employee and the Council.
 - an employee has the right to appeal against the decision about their grievance. The appeal decision is final.
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
 - recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
 - if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
 - if a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
 - the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.



- employees can use all stages of the grievance procedure if the complaint is not a Code of Conduct complaint about a Councillor. Employees can use the informal stage of the Council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a Councillor. Employees cannot use the formal stages of the Council's grievance procedure for a Code of Conduct complaint about a Councillor. If the complaint about a Councillor is not resolved at the informal stage, the employee can contact the Disciplinary and Grievance Monitoring Officer of Winchester City Council who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the employee can make a formal complaint under the Council's Grievance Procedure.
- if the grievance is a Code of Conduct Complaint against a Councillor, the employee cannot proceed with it beyond the informal stage of the Council's Grievance Procedure. However, whatever the complaint, the Council has a duty of care to its employees. It must take all reasonable steps to ensure that employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and Councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- if an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a Councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example Health and Safety Policy or Dignity at Work Policy) and in accordance with the Code of Conduct regime.

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their manager (for example, because it concerns the manager), the employee should contact the Chairman. If the employee's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employee's and the Councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman.
6. The Council will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a Chairman from one of its members. No Councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate (e.g. if the grievance is complex), it may appoint an Investigator to carry out an investigation before the grievance



meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, Councillors or members of the public).

8. The Investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chairman and other members.
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be held within 25 working days of when the Council received the grievance.
- the employee's right to be accompanied by a workplace colleague, a trade union representative or trade union official.
- a copy of the Council's grievance policy.
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
- findings of the investigation if there has been an investigation.
- an invitation for the employee to request any adjustments to be made for the hearing (for example, where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee.
- the employee (or companion) will set out the grievance and present the evidence.
- the Chairman will ask the employee questions about the information presented and will want to understand what action he/she wants the Council to take.
- any member of the sub-committee and the employee (or the companion) may question any witness.
- the employee (or companion) will have the opportunity to sum up the case.
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal



12. If an employee decides that their grievance has not been satisfactorily resolved by the subcommittee, they may submit a written appeal to the Council. An appeal must be received by the Council within five working days of the employee receiving the subcommittee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance procedure.
- the decision was not supported by the evidence.
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.
- _____

14. The appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. The appeal panel will appoint a Chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

16. At the appeal meeting, the Chairman will:

- introduce the panel members to the employee.
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the sub-committee.
- explain the action that the appeal panel may take.

17. The employee (or companion) will be asked to explain the grounds of his/her appeal.

18. The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

19. The appeal panel may decide to uphold the decision of the sub-committee or substitute its own decision.

20. The decision of the appeal panel is final.



PRESS & MEDIA POLICY

Adopted by the Council on 9 June 2014

Reconfirmed on 18 October 2021

Reconfirmed 13 February 2023

Reviewed 12 February 2024



1 INTRODUCTION

1.1 The purpose of this policy is to define the roles and responsibilities within Owslebury Parish Council (known as “the Council”) for working with the press and media (known as “the media”) and deals with the day-to-day relationship between the Council and the media.

1.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, the intention is to establish a framework for achieving an effective working relationship with the media. The Council welcomes the opportunity to talk to the media and, through them, to debate issues in the public arena.

2 KEYS AIMS

2.1 The Council is accountable to the local community for its actions and this can only be achieved through effective two-way communications. The media – press, radio, TV, internet – are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.

2.2 The media themselves have a vital role to play on behalf of the local community in holding the Council to account for its policies and actions. It is important that they have access to Officers and Councillors and to background information to assist them in this role. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

3 THE LEGAL FRAMEWORK

3.1 The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the Government’s Code of Recommended Practice on Local Authority Publicity. Some aspects of the Code are relevant to this policy:-

- “Any publicity describing the Council’s policies and aims [and the provision of services] should be as objective as possible, concentrating on facts or explanation or both.”
- “Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although councils should not oversimplify facts, issues or arguments.”
- “Publicity should not attack, nor appear to undermine, generally accepted moral standards.”
- “Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.”

3.2 In particular, Officers and Councillors should always have due regard for the long-term reputation of the Council in all their dealings with the media.

3.3 Confidential documents, exempt Minutes, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who was responsible and take appropriate action in accordance with the Standing Orders and Code of Conduct adopted by the Council.



3.4 When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from the Council's solicitor before any response is made.

3.5 There are a number of personal privacy issues for Officers and Councillors that must be handled carefully and sensitively in accordance with the Council's policies on Freedom of Information and Data Protection. These issues include the release of personal information, such as home address and telephone number (although Councillor contact details are in the public domain), disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Parish Clerk before any response is made to the media.

4.0 CONTACT WITH THE MEDIA

4.1 When responding to approaches from the media, the Chairman of the Council should be the authorised contact with the media in consultation with the Parish Clerk. However, if the subject of an enquiry relates to the work of one of the Council's Committees, the Chairman of the Council may delegate the authorised contact role to the Chairman of that Committee.

4.2 Statements made must reflect the Council's opinion.

4.3 Other Councillors can talk to the media but must ensure that it is clear that the opinions given were their own and not necessarily those of the Council.

4.4 Caution should be exercised when submitting letters to the editor for publication in newspapers. There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. However, such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks.

4.5 Letters representing the views of the Council should only be issued by the Parish Clerk following agreement by the Council or relevant Committee. If individual Councillors choose to send letters to express their own opinions on Council policies, they are strongly advised to check their facts first with the Parish Clerk. It should always be made absolutely clear whether the views put forward are those of the Council or of an individual Councillor.

4.6 At all times consideration should be given as to how the correspondence may affect the reputation of the Council.

5 ATTENDANCE OF MEDIA AT COUNCIL OR COMMITTEE MEETINGS

5.1 Agendas and minutes of meetings will be supplied to media outlets together with dates of meetings being available on the Council's website.

5.2 The Local Government Act 1972 requires that all agendas, reports and minutes are sent to the media on request, prior to the meeting.

5.3 The media are encouraged to attend Council and Committee meetings and seating and workspace will be made available.

5.4 Filming, photographing, recording, broadcasting or transmitting the proceedings of any meeting of the Council, or a committee or subcommittee should be conducted in



accordance with the Council's protocol for reporting at meetings and should not disrupt the normal proceedings of these meetings in any way.

6 ELECTIONS

6.1 The Code of Recommended Practice on Local Authority Publicity contains guidance for providing publicity for Members and for publicity around elections. The code makes it clear that Council resources should not be used on publicising individual Members unless it is relevant to the particular position they hold in the Council. These extracts from the Code illustrate the main points:-

- "Publicity about individual councillors may include the contact details, the positions they hold in the council (for example, Chairman of a committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and personalisation of issues or personal images making should be avoided."
- "Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to their position and responsibilities within the council, and to put forward their justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular party or directly attacking policies and opinions of other parties, groups or individuals."
- "The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election."

6.2 In line with practice elsewhere in the country, the Council will not quote any Councillor in a news release or involve them in proactive publicity events during the election period, regardless of whether or not they are standing for election. The only exception to this (as laid down in the Code of Recommended Practice on Local Authority Publicity) is during an emergency or where there is a genuine need for a member level response to an important event outside the control of the Council. In this situation, Councillors holding key civic positions should be able to comment.

7 PRESS RELEASES

7.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of all Officers and Councillors to look for opportunities where the issuing of a press release may be beneficial.

7.2 Any Officer or Councillor may draft a press release, however they must all be issued by the Parish Clerk following agreement by the Council or relevant Committee in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.

8 NOTICES

8.1 The Council website will be used to convey information on matters of interest and latest news and will be updated regularly by the Parish Clerk.



8.2 The Council notice boards will be used for the advertising of agendas, minutes and other council information.

9 URGENT SITUATIONS

9.1 In the case of an urgent letter or press release being required in advance of a Council or Committee meeting, this may be issued by the Parish Clerk with the agreement of the Chairman of the Council or relevant Committee following circulation of a draft version to other Councillors for comment.

9.2 In the case of urgent actions being required in the absence of the Councillors and Officers with specific roles and responsibilities under this policy, the following delegations shall apply:

- a) the Vice Chairman of the Council may act in the absence of the Chairman;
- b) the Vice Chairman of a Committee may act in the absence of the Chairman;
- c) the Parish Clerk may act in the absence of the Vice Chairman of the Council or a Committee

Dealing with Abusive, Persistent or Vexatious Complaints Policy

Adopted by the Parish Council on 26 July 2021

Reviewed 13 February 2023

[Reviewed 12 February 2024](#)

1. Introduction

1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

1.2 Owslebury Parish Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

1.3 We will not normally limit the contact which complainants have with council staff or offices.

1.4 We do not expect Councillors or staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone, face-to-face, by letter, Fax, email, text, etc
- Any form of intimidating or threatening behaviour
- Sending multiple emails
- Leaving multiple voicemails

1.5 We will take action to protect staff and Councillors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled unreasonably persistent.

2. Aim of this policy

2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how the Parish Council will decide which complaints will be treated as vexatious or unreasonably persistent, and what the Parish Council will do in those circumstances. The policy is for the information of staff, Councillors and residents.

3. Definitions

3.1 We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"

3.2 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder the Parish Councils consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.

3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of the Parish Council's decision about the complaint.

3.4 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- there are no specified grounds for the complaint
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair)
- there appears to be groundless complaints about the staff or Councillors dealing with the complaints, and an attempt to have them dismissed or replaced
- there is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls, texts, emails, etc)
- attempts to harass, verbally abuse or otherwise seek to intimidate staff or Councillors dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- the complainant denies statements they made at an earlier stage in the complaint process
- the complainant electronically records meetings and conversations without the prior knowledge and consent of others involved
- the complaint is the subject of an excessively "scattergun" approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Monitoring Officer ~~or Standards Committee~~, the police, solicitors, and/or the Local Government Ombudsman or local groups in the village
- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the

minor differences make these 'new' complaints which should be put through the full complaints procedure

- the complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on a historic and irreversible decision or incident
- the complaint combines some or all of these features

4. Imposing restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the complaints procedure.

4.2 In the first instance the Clerk investigating the complaint will consult with their Chair or the Vice Chair in their absence, prior to issuing a warning to the complainant. The Clerk will contact the complainant either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Parish Council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, an extraordinary meeting will be convened to discuss the case and the complainants behaviour. The Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter or email. The Clerk can consult with the Monitoring Officer, HALC, SLACC or other member of the Parish Council's legal team if they so wish.

4.4 Any restriction that is imposed on the complainant's contact with the Parish Council will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Banning the complainant from sending emails to individual Councillors and/or all council officers and insisting they only correspond by letter
- Requiring contact to take place with the Clerk only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence)
- Informing the complainant that any further complaints from them will only be considered if a Clerk agrees that it warrants investigation

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the Parish Council has taken the decision,
- what action the Parish Council is taking,
- the duration of that action,
- the review process of this policy, and the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.

4.7 The Clerk will enclose a copy of this policy in the letter or email to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into their complaint.

4.9 Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff or Councillors, the Parish Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Parish Council may not give the complainant prior warning of that action.

4.10 The Parish Council does not have a legal duty to respond to those members of the public who are not Owslebury and Morestead parishioners. Owslebury Parish Council will consider this fact when receiving complaints or communications as described in policy in terms of whether they are or are not a parishioner of Owslebury and Morestead.

5. New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Parish Council does not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6 Record keeping

6.1 Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:

- The name and address of each customer who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the customer and departments were advised

6.2 The complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations.