



PRESTATYN
TOWN COUNCIL

7 Nant Hall Road
Prestatyn
LL19 9LR

9th January 2024

Dear Councillor

You are SUMMONED to attend meeting of the POLICY REVIEW COMMITTEE to be held in The Chambers, Prestatyn Town Council, 7 Nant Hall Road, Prestatyn, LL19 9LR on Wednesday 17th January 2024 at 17:00.

If remote access is required, please contact the office.

On behalf of the Town Clerk

- 1 **WELCOME**
- 2 **APOLOGIES**
- 3 **DECLARATIONS OF INTEREST**
To receive notice of Councillors personal and/or prejudicial interest in today's proceedings as required by Code of Conduct legislation.
- 4 **PUBLIC PARTICIPATION**
- 5 **MINUTES**
Appendix i Meeting of Policy Review Committee 22.11.23
- 6 **URGENT MATTERS ARISING**
- 7 **GENERAL DATA PROTECTION POLICY 2024**
Appendix ii
- 8 **FINANCIAL PROCEDURES POLICY 2024**
Appendix iii

To: All Town Councillors
All County Councillors
Public Notice

CYNGOR
TREF PRESTATYN



7 Ffordd Llys Nant
Prestatyn
LL19 9LR

9^{fed} Ionawr 2024

Annwyl Gynghorydd

Fe'ch GELWIR i gyfarfod y PWYLLGOR ADOLYGU POLISI yn Y Siambrau, Cyngor Tref Prestatyn, 7 Ffordd Llys Nant, Prestatyn ar Ddydd Mercher 17^{eg} Ionawr 2024 am 17:00.

Os byddwch angen mynychu o bell, cysylltwch â'r swyddfa os gwelwch yn dda.

Ar ran Clerc y Dref

- 1 **CROESO**
- 2 **YMDDIHEURIADAU**
- 3 **DATGANIADAU O DDIDDORDEB**
Derbyn hysbysiad am ddiddordebau personol a/neu ragfarnus y Cynghorwyr yn nhrefodion y cyfarfod heno fel sy'n ofynnol o dan ddeddfwriaeth y Cod Ymddygiad.
- 4 **CYFRANOGAETH Y CYHOEDD**
- 5 **COFNODION**
Atodiad i Cyfarfod y Pwyllgor Adolygu Polisi 22.11.23
- 6 **MATERION BRYN YN CODI**
- 7 **POLISI DIOGELU DATA CYFFREDINOL 2024**
Atodiad ii
- 8 **POLISI GWEITHDREFNAU ARIANNOL 2024**
Atodiad iii

I'r: Cynghorwyr Tref i Gyd
Cynghorwyr Sir i Gyd
Hysbysiadau Cyhoeddus

POLICY REVIEW COMMITTEE

Minutes of Policy Review Committee Meeting on 22nd November 2023 17:05 – 17:15

PRESENT

Councillors: Cllr A. West (Chair & Deputy Mayor), Cllr C. Evans, and Cllr I. Lifford

IN ATTENDANCE

Mrs L. Fearn – Town Clerk & RFO, and Miss J. Owens – Administration Officer

APOLOGIES

Cllr A. Tomlin, and Cllr E. Heaton

153 DECLARATIONS OF INTEREST

Councillors were reminded of the need to declare personal and/or prejudicial interests in tonight's proceedings in accordance with the code of legislation.

IT WAS NOTED THAT ALL MEMBERS OF THE COMMITTEE ARE ACTIVE VOLUNTEERS (157) IN LOCAL GROUPS ALBEIT NO PERSONAL OR PREJEDCIAL INTEREST AS SUCH.

154 PUBLIC PARTICIPATION

Public not present, participation not received.

NONE RECEIVED

155 MEETING OF POLICY REVIEW COMMITTEE 11th OCTOBER 2023

Minutes recorded as a true record of the meeting.

PROPOSED: Cllr I. Lifford

SECONDED: Cllr C. Evans

ALL (3) AGREED UNANIMOUSLY

156 URGENT MATTERS ARISING

NONE RECEIVED

157 DRAFT VOLUNTEERING POLICY 2023

The Town Clerk presented the 2023 Draft Volunteering Policy, highlighting amendments from previously discussed policy, the addition of the appendices. Appendix 1 being an application form and Appendix 2 flow chart detailing the recruitment process including DBS checks.

Cllr C. Evans suggested a Volunteering Recruitment Day.

Town Clerk agreed to arrange one for February 2024 and invite all local groups to attend similar to a jobs fair, where they can promote their organisations to recruit new volunteers.

As local groups such as Walking Festival need more volunteers.
Town Clerk would like to involve young people who are taking their DoE awards as the criterion is to volunteer.

Councillors agreed to take Draft Volunteering Policy 2023 to Full Council Meeting.

PROPOSED: Cllr C. Evans

SECONDED: Cllr I. Lifford

ALL (3) AGREED UNANIMOUSLY

158 DRAFT FREEDOM OF INFORMATION POLICY 2023

The Town Clerk presented the 2023 Draft Freedom of Information Policy to Councillors.
Cllr I. Lifford queried whether the Policy includes Subject Access Requests, the Town Clerk said this would be included in the GDPR Policy.

Cllr C. Evans asked whether Prestatyn Town Council possesses personal information of any people. The town Clerk said that the Council do not request or collect any personal data.

Councillors agreed to take Draft Freedom of information Policy 2023 to Full Council Meeting.

PROPOSED: Cllr I. Lifford

SECONDED: Cllr C. Evans

ALL (3) AGREED UNANIMOUSLY

Deputy Mayor/Chair _____



Prestatyn Town Council
General Data Protection Regulation
(GDPR)
Policy & Procedures
2023

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COMMITMENT

PRESTATYN TOWN COUNCIL PROMISES THAT IT WILL:

- Value the personal information entrusted to us and make sure we respect that trust, making sure information is only shared where operationally necessary;
- Go further than just the letter of the law when it comes to handling personal information, and adopting and following good practice standards;
- Consider and address the privacy risks first when we are planning to use or hold personal information in new ways, such as when introducing new systems;
- Be open and transparent with individuals about how we use their information and who we give it to;
- Make it straightforward for individuals to access all their personal information;
- Keep personal information to the minimum necessary and delete it when we no longer need it;
- Have effective safeguards in place to make sure personal information is kept securely and only shared in line with the current policy and legislation;
- Provide training to staff who handle personal information and treat it as a disciplinary matter if they misuse or don't look after personal information properly;
- Put appropriate financial and human resources into looking after personal information to make sure we can live up to our promises; and
- Regularly check that we are meeting our obligations and our promises and report on how we are doing.

INTRODUCTION

Whilst the Policies and procedures outlined in this document refers to General Data Protection Regulation (UK GDPR), Prestatyn Town Council shall at all times comply with its duties under United Kingdom legislation regarding data protection. This includes, but is not limited to,

- The Data Protection Act 2018 (DPA) incorporating the General Data Protection Regulation (GDPR) legislation that places legal obligations on organisations who collect and use personal information, giving individuals certain rights of access. In addition, there are stricter requirements in the Act in respect of processing 'special category data'.
- The rights of privacy and respect for personal and family life, as set out in Article 8 of the Human Rights Act 1998 (HRA).
- The Freedom of Information Act 2000 (FOIA)
- Environmental Information Regulations 2004 (EIRs)

Personal information can be held in any format, for example, electronic, paper records, CCTV or photographic images and the legislation applies irrespective of how the information is held.

PRESTATYN TOWN COUNCIL'S RESPONSIBILITIES UNDER GDPR

Prestatyn Town Council is committed to ensuring all staff, including elected members, volunteers, and contractors comply with UK GDPR.

All staff must undertake Prestatyn Town Council's mandatory training on 'Data Protection - Understanding GDPR' as part of their induction. Refresher training must then be completed again each year by all staff. Prestatyn Town Council has appointed the Office Manager to act as the statutory Data Protection Officer (DPO) who is responsible for ensuring compliance with the Act.

Where a request is received under the FOIA or the EIRs, but in fact it falls within the Data Protection regime, Prestatyn Town Council will automatically channel it through the appropriate policy, as it is required to do, as different exemptions and therefore, different legal rights apply in the circumstances. In some circumstances, a request can fall into two or more of these regimes; and in this situation, some information may need to be withheld under one regime but released under the other. The public interest test, that is applicable to both DPA and FOIA, will be a key component of our decision making, to enable the public and citizens sharing their information or data with us, to have confidence that we are delivering our functions to the quality and standard required by law and the communities served by Prestatyn Town Council.

Prestatyn Town Council's elected members are data controllers in their own right in respect of processing data they collect relating to their wards and constituents. However, when they are processing Council information, Prestatyn Town Council is the responsible to discharge the legal duties of the data controller. Elected members will have the use of Prestatyn Town Council's email system for both town council and ward data processing and training is available to ensure they are able to understand their responsibilities and boundaries which will enable them to meet their obligations under UK GDPR.

UK GDPR SCOPE

This policy applies to all personal information held in any recorded format such as handwritten notes, email, paper, video or photographic images, [in line with the Information Commissioner's Office \(ICO\) definitions regarding GDPR](#) and applies to all officers, (including non-permanent staff), volunteers and elected members, who process personal data on behalf of Prestatyn Town Council. It is a criminal offence to destroy personal information when the purpose of the destruction is to avoid disclosure following a request. It may also be a disciplinary offence to refuse to disclose information where the advice is that this information should be released.

PRESTATYN TOWN COUNCIL SCOPING EXERCISE

In order to identify what personal data is held by Prestatyn Town Council, what it is used for and who it is disclosed to, Prestatyn Town Council undertook a scoping process was. The results of the [Personal Information Data Audit](#) have been included at [Appendix A](#).

PRINCIPLES OF THE DATA PROTECTION ACT 2018

The DPA is underpinned by six fundamental principles, which form a code for the proper processing of personal data.

In the DPA, Processing means anything that is done to or with personal data. This includes but is not limited to collecting, recording, organising, structuring, storing, adapting, altering, erasing or destroying. If we cannot comply with all six principles, Prestatyn town Council should not be processing the data.

The six principles of data protection are:

**Personal data must
be lawfully, fairly
and transparently
processed**

**Personal data shall
be adequate,
relevant and limited
to what is
necessary**

**Personal Data shall
be kept in a form
which permits
identification for no
longer than
necessary**

**Personal data shall
be collected for
specified, explicit
and legitimate
purposes**

**Personal data must
be accurate and up
to date**

**Personal data shall
be held ensuring
appropriate security**

Prestatyn Town Council commits to

- Having procedures in place to ensure compliance with all six principles.
- All new staff receiving appropriate data protection training during their induction training,
- All staff undertaking annual refresher training and reviewing guidance that provided in between this training, so that they understand their contractual obligations and responsible for complying with the relevant legislation and processing data and information in accordance with these six principles and Prestatyn Town Council policy and procedures.
- Where officers deal with data deemed by the Town Clerk (TC) as highly sensitive personal information, additional advanced level training will be provided where required (training needs mapping will be conducted to identify those officers who require regular advanced training on data protection and information sharing).
- The responsibility for compliance with this policy is both an individual and collective responsibility of all managing or handling personal information on behalf of Prestatyn Town Council.
- Any breaches of this policy will be investigated by the TC and/or their nominated council officer and may result in disciplinary action being taken and potentially a criminal prosecution, in instances deemed to be wilful or deliberate breaches.
- That individuals are informed of the purposes for which their data will be used and the legal ground for processing the information is applied.
- All staff are trained to recognise a subject access request and what to do; including following specialist advice from Prestatyn Town Council's Data Protection Officer (DPO).
- All appropriate, technical and organisational security measures to safeguard personal information will be put in place including encrypting or ensuring increased security settings of removable devices such as laptops or mobile phones and restricting the use of USB sticks in line with Prestatyn Town Council's Information Security Policy.
- All staff are required to report data security incidents, including 'near misses' to their line manager who shall inform the DPO.

CONSENT

Prestatyn Town Council, as Data Controller, must be able to demonstrate that consent, by a statement or a clear affirmative action, was freely given, specific, informed and unambiguous for each purpose that it is being processed.

Prior to giving consent, the individual shall be informed of their right to withdraw their consent at any time. In other words it should be as easy to withdraw consent as it is to give it (GDPR Articles 4 & 7).

SUBJECT ACCESS REQUESTS

All requests for information should be sent for the attention of Prestatyn Town Council; the request will be forwarded to the Data Protection Officer to action. People are able to make requests verbally, although Prestatyn Town Council would encourage applicants to use the standard application form in order to assist officers in retrieving the correct information and to avoid any confusion. The details can be found in the [Subject Access Requests – Procedures & Checklist](#) document ([Appendix B](#)).

The standard corporate procedures will apply to all services of Prestatyn Town Council. Article 15 of the GDPR provides the right for individuals to be told by the Data Controller (the organisation who determines the purposes for which and the manner in which personal information is processed):

- if we hold information about them;
- to ask what we use it for;
- to be given a copy of the information, whether council or third-party information;
- to be given details of other organisations or people we disclose it to;
- to ask for incorrect data to be corrected (GDPR Article 16);
- to ask us not to use personal information about them for direct marketing¹;
- to be compensated for damage or distress if we do not comply with the Act;
- to object to decisions made only by automatic means – for example where there is no human involvement;
- to ask the Information Commissioner's Office to investigate and assess whether we have breached the Act;
- to be notified by the Data Controller when a personal breach is likely to result in a high risk to a data subject's rights (GDPR Article 34);

Prestatyn Town Council will supply this information providing the request is made verbally or in writing; and sufficient information is given by the applicant to enable Prestatyn Town Council to locate the information requested.

All such requests must be logged and ensure compliance within legal timeframes and advice on disclosure of subject access requests, with support from legal services as required.

There is no fee applicable, and Prestatyn Town Council must respond within one month, unless the request is complex or multiple, in which case it may be extended by two further months. This one-month time limit includes situations where third-party comments are sought; Prestatyn Town Council must still comply with these time limits, and where comments or consent are not forthcoming, then the law allows Prestatyn Town Council to make a decision without such comments or consent.

Access to ones' personal information is the cornerstone of the legislation, and this is likely to be of greater weight than third parties' views, unless there is a genuine legal reason to refuse. Where the third-party refuses consent, this in itself is not a reason for Prestatyn Town Council to refuse to disclose the information. Neither should reliance on

¹ A Marketing consent form is detailed under [Appendix E](#).

obtaining third party consent be a reason to delay processing the request. The decision on disclosure is one for Prestatyn Town Council not the third party.

If Prestatyn Town Council is extending the time frame to enable compliance with a Subject Access Request, it shall write to the applicant advising of the circumstances and setting out the reasons as to why. Prestatyn Town Council will respond to such requests within one month, unless the request is voluminous, manifestly unfounded or excessive. There is no definition within the Act, but in respect of an 'excessive' request, it is generally taken to mean that the effort the organisation would have to expend in complying with the requirement to provide a copy, is disproportionate to the benefit to be derived by the individual in receiving it. In such circumstances the Data Protection Officer will consider a refusal of the request and may seek advice from the Information Commissioner's Office.

As the right of access to one's own information is fundamental to data protection law, the circumstances where disproportionate effort can be relied upon, will be rare. Prestatyn Town Council will provide the information in a permanent format that is understandable to the applicant, unless the supply of such a copy would involve disproportionate effort, or the applicant agrees otherwise. Prestatyn Town Council will, where possible, encourage electronic secure transfer, as this is more secure and more economical to the public purse.

WITHOLDING INFORMATION

There are some situations when organisations are allowed to withhold information, for example if the information is about:

- the prevention, detection or investigation of a crime
- national security or the armed forces
- the assessment or collection of tax
- judicial or ministerial appointments

An organisation does not have to say why they're withholding information.

COMPLAINTS

If a person believes their data has been misused or PTS has not kept it secure, they should contact Prestatyn Town Council and let them know.

If they are unhappy with Prestatyn Town Council's response, they can [make a complaint to the Information Commissioner's Office \(ICO\)](#) or get advice from the ICO.

ICO

Telephone: 0303 123 1113

Textphone: 01625 545860

Monday to Friday, 9am to 4:30pm

[Find out about call charges](#)

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

FEES

The GDPR only allows Prestatyn Town Council to make an administrative charge for requests which are manifestly unfounded or excessive. Prestatyn Town Council's policy is that it will refuse such requests and therefore there will be no requirement to raise a fee. Currently there is no legal power allowing Prestatyn Town Council to make any other charges; administrative or otherwise. This policy will be updated as and when any such Regulation is passed by Parliament.

OCCUPATIONAL HEALTH INFORMATION

Employees personal information processed by the Occupational Health Unit will be held under the Data Protection Act 2018 and the Access to Health Records Act 1990.

PRIVACY NOTICES

There is a legal requirement to provide individuals with a privacy notice at the point of collection of personal information. The privacy notice communication needs to be concise, intelligible, using clear and plain language, particularly where the information is addressed to a child.

These should include:

- The identity and contact details of the Data Controller (Prestatyn Town Council);
- The purpose of the processing;
- The categories of personal data concerned (general – name and identifying details, Special – more sensitive, racial or ethnic origins, religious or philosophical beliefs, trade union membership, health, sex life, sexual orientation, genetic data, biometric data);

- Details of who the information will be disclosed to, more particularly those recipients outside the country or international organisations.
- Where possible, the envisaged period of the data being maintained. If this is not possible Prestatyn Town Council must provide the criteria being used to determine the period of retention.
- The right to lodge a complaint with the Information Commissioner's Office;
- Clarification of the source of the data, where it is not from the data subject.

EMAIL USE AND DATA PROTECTION

Prestatyn Town Council staff should only use an authorised Prestatyn Town Council email account to communicate in respect of Council business and functions. Under no circumstances should staff (including fixed term, temporary, supply, agency or otherwise) use their personal email account to communicate personal information; in order to protect all individuals concerned.

In addition, staff shall not send council personal data to their own personal email address without authority and a business reason to do so. Any staff member communicating or transmitting data in breach of this policy may face disciplinary action and place Prestatyn Town Council in the position of self-reporting such breaches to the ICO. Highly sensitive information should be communicated via a secure email service such as egress or approved governmental secure email system.

If Prestatyn Town Council needs to carry out a type of processing of personal data that poses high risks, there will be a requirement to carry out a Data Protection Privacy Impact Assessment (DPPIA) before the processing takes place. The Information Commissioner's Office would provide guidance on this.

INFORMATION ASSET REGISTER

Prestatyn Town Council must keep their section of the corporate 'Information Asset Register' fully up to date. It is a legal requirement under GDPR for Prestatyn Town Council to maintain such a register, which should be reviewed periodically. Prestatyn Town Council is obliged to self assess its compliance levels and can only do this if it knows what data it holds, where it is, how it is held, how long its' retained, to whom is it disclosed and the lawfulness or powers to process in the first place. Any new processing or new systems or additional data collected, services should be considering if the Information Asset Register needs to be updated to reflect this change, together with consideration of completing a DPPIA.

CORPORATE RETENTION SCHEDULE

Prestatyn Town Council has a [Data Retention & Disposal Policy \(Appendix C\)](#) that relates to personal data in all formats. The policy outlines which information should be retained and for how long; indicating under what authority the information is held.

This is followed and regularly revised to meet changes in legislation where they occur.

DATA SECURITY BREACHES

All data security breaches, including both actual and potential incidents, may need to be reported to the Information Commissioner's Office. Prestatyn Town Council has a [GDPR Reporting and Next Steps Policy](#) (see [Appendix D](#)) that clarifies our procedures when identifying, investigating, recording and reporting such incidents. All reports to the ICO will be made within 72 hours of the breach being identified where there is a high risk to the rights and freedom of the individual(s) involved or risk of harm to the individual(s) themselves.

OVERSIGHT ARRANGEMENTS AND REVIEW OF POLICY

This policy will be reviewed annually, by the Data Protection Officer and the appropriate Committee, to ensure compliance with the legislation at that time and to continuously seek to improve our own procedures within the arena of data security; within the legislation and good practice recommendations.

GLOSSARY

- **"Personal Data"** is any information about a living person which can identify them. This is not just someone's name and address but any information which can identify them (directly or indirectly). For example a phone number or email address is personal data. Any other contact information or a person's employment history, or credit history are all personal data.
- **"Data controller"** is the person or organisation who determines the how and what of data processing.
- **"Data processor"** is the person or firm that processes the data on behalf of the controller.
- **"Data subject"** is the person about whom personal data is processed.
- **"Processing"** personal data means storing or deleting any personal data on a computer, database or some manual files (e.g. HR, allotment tenancy files or invoices with contractor payment details). The word 'processing' also covers selecting a name for a mailing list, or reading it off a screen during a call. It includes transferring and altering data. Indeed, practically anything done to personal data constitutes processing.
- **"Sensitive personal data or special categories of personal data"** are any of the following types of personal data about a data subject: racial or ethnic origin; political opinions; religious beliefs; trade union membership; physical or mental health or condition; sexual life or orientation; genetic data; and biometric data.

Appendix A Personal Information Data Audit

BACKGROUND

The Personal Information Data Audit has been prepared to support Prestatyn Town Council in meeting its obligations under the General Data Protection Regulations (GDPR).

The purpose of a Data Audit is to clarify the data that Prestatyn Town Council is obtaining, processing, storing and deleting; including how the data is managed, who has access to it and when it should no longer be held. The Data Audit is an important step in assessing if there are any risks with the way the data is obtained, used and handled.

PERSONAL INFORMATION DATA AUDIT GLOSSARY

- **"Personal Data"** is any information about a living person which can identify them. This is not just someone's name and address but any information which can identify them (directly or indirectly). For example a phone number or email address is personal data. Any other contact information or a person's employment history, or credit history are all personal data.
- **"Data controller"** is the person or organisation who determines the how and what of data processing.
"Data processor" is the person or firm that processes the data on behalf of the controller.
- **"Data subject"** is the person about whom personal data is processed.
- **"Processing"** personal data means storing or deleting any personal data on a computer, database or some manual files (e.g. HR, allotment tenancy files or invoices with contractor payment details). The word 'processing' also covers selecting a name for a mailing list, or reading it off a screen during a call. It includes transferring and altering data. Indeed, practically anything done to personal data constitutes processing.
- **"Sensitive personal data or special categories of personal data"** are any of the following types of personal data about a data subject: racial or ethnic origin; political opinions; religious beliefs; trade union membership; physical or mental health or condition; sexual life or orientation; genetic data; and biometric data.

Description of Data	Where obtained from	Where/How Stored Security in Place?	Who is it Disclosed to
Councillors Name Home Address Private Email Address ² Phone Number(s) Photos	Post election from each Councillor Updated as and when required	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software ³ On office laptop – password protection to prevent all access other than Town Clerk ⁴ Hard copy in Admin Files held in main office and TC's office at Prestatyn Town Council Details included, in part, on Prestatyn Town Council website, where agreed with each Councillor	Used to communicate and carry out Town Council functions
Councillors Declarations of interest Register	Disclosure & Registration of Interests Form completed by the Councillor	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copy in Admin Files held in main office at Prestatyn Town Council Details included, in part, on Prestatyn Town Council website	Required to meet Part III of the Code of Conduct for Members and whilst the details may contact sensitive information, it is permitted under the heading of 'substantial public interest'

² Prestatyn Town Council Emails to be provided once the correct domain obtained by Obsidian

³ Huntress Managed Endpoint Detection and Response System

⁴ Obsidian have installed virus security protection on the laptop

Description of Data	Where obtained from	Where/How Stored Security in Place?	Who is it Disclosed to
Employees Name Date of Birth Home Address Private Email Address Phone number(s) Bank Account Details National Insurance No. Salary Details Attendance Records Employment start and finish dates Tax codes Pension details Expense records Medical records DVLA & insurance Employments records Job applications, CVs and references	During recruitment and at time of appointment Employees are asked to provide current details if they change and are formally requested to confirm details annually	On Prestatyn Town Council office computer system password protection & , virus protection & security software Personnel software – Bright – uses Hard copy in personnel files for all members of the team expect TC, in the Office Manager's office	Used to communicate and carry out Town Council functions Pay details held by on the accounting system, protected by the Acronis Cyber Protect Cloud & through password and security card Pension details held by LGPS Employment records held to meet statutory employment laws
Recruitment Papers for Temporary Roles Name Adress Contact numbers Pay rates Completed application forms CVs Record of interviews Decision letters	Collated at time of application and throughout the interview process Request made in decision letter to keep details on file – no confirmation from recipient in file (may be held elsewhere)	Hard copy in file maintained in the main office	

Description of Data	Where obtained from	Where/How Stored Security in Place?	Who is it Disclosed to
Volunteers Name Address Email address Emergency Contact	Collected at point of contact and maintained for the duration of volunteering duties	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copy in Volunteer File held in main office at Prestatyn Town Council	Used to communicate and manage events
Vendors at Prestatyn Town Council Events Name Business Address Contact email Contact phone no.	Collected during negotiations of participation	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk	Used to communicate and manage events
Contractors & Suppliers Name Business Address Contact email Contact phone no.	Collected at point of contact and maintained for the duration of contract	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copies of quotes maintained in office files to meet documentation regulations	Data used to communicate with supplier during the tender process and if successful

Description of Data	Where obtained from	Where/How Stored Security in Place?	Who is it Disclosed to
Groups & Organisations Name of Committee members Email addresses of Committee members Contact phone numbers of Committee members	Collected during first contact and updated at subsequent contact Collected at grant application stage	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copies of details where grants applied for maintained in office files to meet documentation regulations	
Council Minutes Names of Members of the Public Names of debtors	Collected during the meeting Confirmed during preparation for the meeting	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copies of minutes for maintained in office files to meet documentation regulations Details included on Prestatyn Town Council website	

Description of Data	Where obtained from	Where/How Stored Security in Place?	Who is it Disclosed to
Outgoing Correspondence Name Address Email address Contact number	Hard copy taken at point of postage	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk Hard copy maintained in HR recruitment files	Held to support manual record of outgoing post – a list kept separately & maintained in office
Incoming Correspondence Name Address	Original copy forwarded to appropriate Department and filed after being processed	On Prestatyn Town Council office computer system – password protection to prevent external access, virus protection & security software On office laptop – password protection to prevent all access other than Town Clerk	

Notes:

- No personal data information is sent overseas – our IT management company, Obsidian, are UK based
- In the event of a potential or actual breach Prestatyn Town Council follows our process in our [Reporting & Next Steps GDPR \(Appendix D\)](#) which is line with the Information Commissioner's Office guidance (*once amended and agreed as final by TC*).

Appendix B Subject Access Requests – Procedures & Checklist

SUBJECT ACCESS REQUESTS

All requests for information should be sent for the attention of Prestatyn Town Council; the request will be forwarded to the Data Protection Officer to action. People are able to make requests verbally, although Prestatyn Town Council would encourage applicants to use the standard application form (Appendix A) in order to assist officers in retrieving the correct information and to avoid any confusion.

If the person making the request would prefer to ask verbally, Prestatyn Town Council will use the checklist at Appendix B to ensure we obtain as much information as possible to enable the correct information to be provided in a timely manner; although the person making the request will be advised to use the form and a copy would be provided for that purpose.

The standard corporate procedures will apply to all services of Prestatyn Town Council. Article 15 of the GDPR provides the right for individuals to be told by the Data Controller (the organisation who determines the purposes for which and the manner in which personal information is processed):

- if we hold information about them;
- to ask what we use it for;
- to be given a copy of the information, whether council or third party information;
- to be given details of other organisations or people we disclose it to;
- to ask for incorrect data to be corrected (Article 16);
- to ask us not to use personal information about them for direct marketing¹;
- to be compensated for damage or distress if we do not comply with the Act;
- to object to decisions made only by automatic means – for example where there is no human involvement;
- to ask the Information Commissioner's Office to investigate and assess whether we have breached the Act;
- to be notified by the Data Controller when a personal breach is likely to result in a high risk to a data subject's rights (Article 34);

Prestatyn Town Council will supply this information providing the request is made verbally or in writing; and sufficient information is given by the applicant to enable Prestatyn Town Council to locate the information requested.

All such requests must be logged and ensure compliance within legal timeframes and advice on disclosure of subject access requests, with support from legal services as required.

¹A Marketing consent form is detailed under [Appendix E](#).

There is no fee applicable and Prestatyn Town Council must respond within one month, unless the request is complex or multiple, in which case it may be extended by two further months. This one month time limit includes situations where third party comments are sought; Prestatyn Town Council must still comply with these time limits, and where comments or consent are not forthcoming, then the law allows Prestatyn Town Council to make a decision without such comments or consent.

Access to one's personal information is the cornerstone of the legislation, and this is likely to be of greater weight than third parties' views, unless there is a genuine legal reason to refuse. Where the third party refuses consent, this in itself is not a reason for Prestatyn Town Council to refuse to disclose the information. Neither should reliance on obtaining third party consent be a reason to delay processing the request. The decision on disclosure is one for Prestatyn Town Council not the third party.

If Prestatyn Town Council is extending the time frame to enable compliance with a Subject Access Request, it shall write to the applicant advising of the circumstances and setting out the reasons as to why. Prestatyn Town Council will respond to such requests within one month, unless the request is voluminous, manifestly unfounded or excessive. There is no definition within the Act, but in respect of an 'excessive' request, it is generally taken to mean that the effort the organisation would have to expend in complying with the requirement to provide a copy, is disproportionate to the benefit to be derived by the individual in receiving it. In such circumstances the Data Protection Officer will consider a refusal of the request and may seek advice from the Information Commissioner's Office. As the right of access to one's own information is fundamental to data protection law, the circumstances where disproportionate effort can be relied upon, will be rare. Prestatyn Town Council will provide the information in a permanent format that is understandable to the applicant, unless the supply of such a copy would involve disproportionate effort, or the applicant agrees otherwise. Prestatyn Town Council will, where possible, encourage electronic secure transfer, as this is more secure and more economical to the public purse.

WITHHOLDING INFORMATION

There are some situations when organisations are allowed to withhold information, for example if the information is about:

- the prevention, detection or investigation of a crime
- national security or the armed forces
- the assessment or collection of tax
- judicial or ministerial appointments

An organisation does not have to say why they're withholding information.

COMPLAINTS

If a person believes their data has been misused or PTS has not kept it secure, they should contact Prestatyn Town Council and let them know.

If they are unhappy with Prestatyn Town Council's response, they can [make a complaint to the Information Commissioner's Office \(ICO\)](#) or get advice from the ICO.

ICO

Telephone: 0303 123 1113

Textphone: 01625 545860

Monday to Friday, 9am to 4:30pm

[Find out about call charges](#)

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

FEES

The GDPR only allows Prestatyn Town Council to make an administrative charge for requests which are manifestly unfounded or excessive. Prestatyn Town Council's policy is that it will refuse such requests and therefore there will be no requirement to raise a fee. Currently there is no legal power allowing Prestatyn Town Council to make any other charges; administrative or otherwise. This policy will be updated as and when any such Regulation is passed by Parliament.

Frequently Asked Questions

More common questions have been identified through the office of the Information Commissioner and general responses provided as a guide to requesters. A copy of the Frequently Asked Questions (at [Appendix B3](#)) should always be provided with a request for a copy of the Subject Access Review – Application Form.

Appendix B1

SUBJECT ACCESS REQUEST – APPLICATION FORM

Full Name:

Any other name known by, relating to period of information requested:

.....

Any identifiers, such as account numbers or employee number:

.....

Address:

.....

Address during period of time information is being requested (if different from above):

.....

Home Telephone Number:

Mobile Telephone number:

Email address

How would prefer to be contacted?

☐ Letter

☐ Mobile telephone

☐ Email

☐ Home telephone

Details of personal data information requested:

From	To	Description of information required

How would you like to receive the information?

☐ By email

☐ By post

Signed:

Name:

Date:

For office use only:

Date received:

Date report due to ICO:

Forward details to Data Protection Officer and Town Clerk Immediately

Appendix B2

SUBJECT ACCESS REQUEST – CHECKLIST

Please use the list below to identify the criteria required to provide the information requested; either when a verbal request has been made or a written request where the formal Application Form has not been used (always advise the requester to use an Application Form, which can be sent via email or post).

We are asking for details that will help us to identify the information requested and ensure that all of the details are provided.

Full Name:

Any other name known by, relating to period of information requested:

.....

Any identifiers, such as account numbers or employee number:

.....

Address:

.....

Address during period of time information is being requested (if different from above):

.....

Home Telephone Number:

Mobile Telephone number:

Email address

How would prefer to be contacted?

☐ Letter

☐ Mobile telephone

☐ Email

☐ Home telephone

Details of personal data information requested (ask the requester to be as specific as possible and query details if you are unsure):

From	To	Description of information required

How would you like to receive the information?

☐ By email

☐ By post

Forward details to Data Protection Officer and Town Clerk Immediately

Appendix B3

FREQUENTLY ASKED QUESTIONS

Can I make a subject access request verbally?

Yes. You can make a subject access request verbally, but we recommend you put it in writing if possible because this gives you a record of your request.

If you are making a verbal request, try to:

- use straightforward, polite language;
- focus the conversation on your subject access request;
- discuss the reason for your request, if this is appropriate – work with Prestatyn Town Council to identify the type of information you need and where it can be found;
- ask Prestatyn Town Council to make written notes – especially if you are asking for very specific information; and
- check Prestatyn Town Council's understanding – ask them to briefly summarise your request and inform them if anything is incorrect or missing before finishing the conversation.

However, even if you make your request verbally, we recommend you follow it up in writing (eg by letter, email or using the standard form, which can be requested from Prestatyn Town Council).

Should I use the Prestatyn Town Council's standard Subject Access Request form?

Standard forms are not compulsory and are not always provided. However, Prestatyn Town Council does recommend you using theirs.

Standard forms can make it easier for Prestatyn Town Council to deal with your subject access request. The form may:

- structure your request;
- prompt you to include necessary details and supporting documents; and
- let you know the best contact point at the organisation.

However, you can still choose another method to submit your request.

Can someone else make a request on my behalf?

Yes, you can authorise someone else to make a subject access request for you. However, you should consider whether you want the other person to have access to some or all of your personal information.

Depending on the nature of your request, the other person could gain access to information that you may not want to share with them.

Examples of individuals making requests for other people include:

- someone with parental responsibility, or guardianship, asking for information about a child or young person (for further information, please read our guidance for organisations on requests for information about children);
- a person appointed by a court to manage someone else's affairs;
- a solicitor acting on their client's instructions; or
- a relative or friend that the individual feels comfortable asking for help.

Prestatyn Town Council would need to be satisfied that the other individual is allowed to represent you.

We may ask for formal supporting evidence to show this, such as:

- written authorisation from you; or
- a more general power of attorney.

It is the other person's responsibility to provide this when asked to do so.

Should I keep a record of my request?

Yes – whenever possible, we strongly recommend that:

- you keep a copy of any documents or written correspondence for your own records;
- you keep any proof of postage or delivery (such as a postal reference number), if available; and
- if using an online submission form, you take a screenshot before sending.

Where relevant documents are not available for you to copy, consider making a written log of your request. This should include key details, such as:

- the date and time of your request;
- the location (eg if your request was made in person);
- the contact number or submission form you used;
- the details of any contacts you have interacted with;
- notes about any personal information you asked for;

- any further information that the organisation may have asked you to provide;
- any reference numbers given to you; and
- any other relevant information.

This will provide helpful evidence if you wish to:

- follow up your request;
- raise complaints; or
- complain at a later stage.

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Appendix C Data Retention & Disposal Policy

BACKGROUND

In the course of carrying out its various functions and activities, the Town Council collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can be retained as hard paper records or in electronic form. However the period of retention must be no longer than is necessary for the purposes for which personal data are processed,

To ensure PTC meets those obligations, the data format, use and retention is considered on a regular basis.

DATA FORMAT

- Contact received from third parties:
- Invoices
- Completed application forms
- Planning Applications
- Financial Records
- Declarations of interest
- Registers
- Contract / Deeds
- e-mail communications
- Photographs

DATA USE

- Fulfil statutory or other regulatory requirement
- Evidence events/agreements in case of disputes
- Meet operational needs
- Ensure the preservation of documents of historic or other value

DATA RETENTION

The Data Protection Act 2018, which incorporates the General Data Protection Regulation (GDPR), places legal obligations on organisations who collect and use personal information and gives individuals certain rights of access. In addition, there are stricter requirements in the Act in respect of processing 'special category data'.

The permanent retention of all documents is unlawful and undesirable and a regular 'housekeeping' exercise of reviewing data held and the purpose, particularly where changes have been made to policy or procedures, is necessary to fulfil the obligations within the statute.

There are additional benefits:

- Storage space needs to be maximised in terms of efficiency
- Appropriate disposal of existing documents can free up space
- Reduction of fire risk – in the case of paper records in larger storage areas
- The risk of theft, misappropriation or misuse is not possible if the unnecessary data does not exist

Therefore, maintaining a relevant data storage facility reduces risk and improves efficiencies.

The following table clarifies the type of data record held, how long it should be kept and for what reason.

When we dispose of data it must be done with reference to the level of risk should that data become public at any time. The majority of information held within PTC is public, however we use a contract shredding company for all appropriate documents and have an IT Management Company to ensure computer files are disposed of effectively.

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
FINANCIAL RECORDS		
List of payments made	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Paid Invoices	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Bank Reconciliation	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Bank Statements	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Bank paying – in books	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Cheque book Stubs	Financial year + 6 years	HMRC Compliance Council Financial Regulations
VAT records	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Budget	Financial year + 6 years	HMRC Compliance Council Financial Regulations Reference Filed within minutes
Quotations and Tenders	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Audited Annual return	Indefinitely	HMRC Compliance Council Financial Regulations Audit
INSURANCE RECORDS		
Certificate of Employers Liability Insurance	Date of expiry of policy + 40 years	The Employers' Liability (Compulsory Insurance) Regulations 1998
Insurance Documentation including policies	Case concluded + 4 years	To cover any claims under Public Liability Insurance as per insurers guidance.
Insurance Claims	Permanent	Recorded Information and General Management

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
PAYROLL RECORDS		
Payslips / expenses	Financial year + 6 years	HMRC Compliance Council Financial Regulations
Payroll Forms	Financial year + 6 months after employment ended	HMRC Compliance Council Financial Regulations
Tax and NI Records	Not less than 3 years after the end of the tax year to which they relate	Income Tax (Pay as You Earn) Regulations 2003, Reg 97
Records relating to staff pension contributions	End of scheme + 6 years	The Retirement Benefits Schemes (Information Powers) Regulations 1995 s.15
MEMBER ADMINISTRATION (Personal information relating to Councillors)		
Register of Members addresses	Date of next election + 2 years	General Management
Allowance information (tax & NI)	Not less than 3 years after the end of the tax year to which they relate	Income Tax (Pay As You Earn) Regulations 2003, reg 97
DBS checks	Current year + 3 years (life of a DBS check)	General Management
Record of meeting attendance	Date of next election + 2 years	Local Government Act 1972, Sch 12 para 40
Register of Members interests, register of gifts and hospitality and register of third-party transactions	Date of next election + 6 years	Localism Act 2011 Section 29
Records relating to receipt of gifts	Financial year of receipt + 8 years	General Management
Records relating to Members Code of Conduct	Date of code of conduct + 6 years	Localism Act 2011 Section 28
Records relating to the investigation of complaints about breaches of the Members Code of Conduct	Date investigation completed + 1 year	Localism Act 2011 Section 28
Records relating to the creation and management of Member induction and Member training	Current year + 6 years	General Management

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
PERSONNEL ADMINISTRATION		
Records relating to employment, recruitment, and occupational health history	6 years after employment ceases	Limitation Act 1980 s.5
Employee Contract	6 years after employment ceases	Limitation Act 1980 s.5
Application & CV for unsuccessful candidates	6 months from date role filled or vacancy closed	ICO Employment Practices Code para 1.7
Appraisal documentation (inc. probationary interviews, promotions & demotions)	6 years after employment ceases	Limitation Act 1980 s.5
Timesheets	2 years from the date on which they were made	The Working Time Regulations 1998, Part II
Copies of identification documents	2 years after employment ceases	Immigration (Restrictions on Employment) Order 200, s.6
DBS checks	Current year + 3 years (life of a DBS check)	General Management
Right to work checks	2 years after employment ceases	Right to work checks (Home Office)
Salary information (tax & NI)	Not less than 3 years after the end of the tax year to which they relate	Income Tax (Pay As You Earn) Regulations 2003, reg 97
Redundancy records	6 years after employment ceases	Limitation Act 1980 s.5
Training records	6 years after employment ceases	Limitation Act 1980 s.5
Annual leave records inc unpaid leave	Financial year + 6 years	Limitation Act 1980 s.5
Parental leave	5 years from birth/adoption or 18 years if the child receives disability allowance	Limitation Act 1980 s.5
Maternity/paternity leave	Financial year + 3 years	The Statutory Maternity Pay (General) Regulations 1986 s.26
Sickness records including medical certificates	6 years after employment ceases	Limitation Act 1980 s.5
Statutory sick pay (SSP) records	Current tax year + 3 years	The Statutory Sick Pay (General) Regulations 1982, reg 13
Disciplinary matters - Written warning	Date of warning + 6 months	General Management
Disciplinary records	6 years after employment ceases	Limitation Act 1980 s.5

TYPE OF RECORD	MINIMUM RETENTION PERIOD	REASON
PLANNING DOCUMENTS		
Planning Applications (major or controversial developments)	After the County Council decision made or until there is no longer an administrative requirement	Reference
Planning Applications (minor works where application is refused)	6 years	Limitation Act 1980 s.5
Planning Decisions	Indefinitely	Included in minutes
LEGAL DOCUMENTS		
Deeds, conveyances, and other legal documentation relating to ownership i.e. Title Deeds and leases	Indefinitely	Audit, Management
Contracts not executed as a Deed	6 years	Audit, Management
ADMINISTRATIVE RECORDS		
Approved Minutes	Indefinitely	Archive
Asset Register Current and last completed audit version Audit and management e-mails	Delete routine / trivial e-mails	Management
Historical Records	Indefinitely	Public Records Act 1958 Archive
Personal data kept for no longer than is necessary for the purpose for which it is held	To be considered in line with particular areas included within this review and with consideration to GDPR guidelines where it is a new scenario	
Register of Members	Whilst a Member	Publication Scheme
Complaints	3 years	Interest

Appendix D GDPR Reporting and Next Steps Policy

REPORTING REQUIREMENTS

If it is believed that a personal data breach has taken place the details must be recorded and a determination made as to whether the report should be submitted to the Information Commissioner's Office (ICO). This policy document complies with GDPR Article 33(5).

Time is critical, as by law **all appropriate reports must be submitted with 72 hours** of the breach being identified, without undue delay. Be aware that not all breaches have to be reported and this document will ensure that appropriate action is taken.

The ICO's main aim is to provide help to organisations to prevent future incidents.

STEP ONE – DON'T PANIC

Not every breach needs to be formally reported, but we do record all potential and low risk cases locally; to improve procedures. The ICO is there to help, support and advise, so that we can understand what has happened and prevent it happening again.

STEP TWO – START THE TIMER

As soon as you are aware a breach may have taken place, advise the Town Clerk (TC) and/or the Data Protection Officer (DPO). This should be carried out both verbally, as a starting point, and by email, to clarify the timing and ensure the appropriate people are aware.

STEP THREE – FIND OUT WHAT'S HAPPENED

The TC and or DPO will pull the facts together and start the Internal Data Breach Report Log. Consideration will be made of the facts; how the incident happened, why the incident happened, how many people were involved, a timeline of events and what actions have been taken so far.

STEP FOUR – TRY TO CONTAIN THE BREACH

The TC and/or DPO will, if possible, take steps recover the data. They will also do whatever they can to protect those who will be most impacted.

STEP FIVE – ASSESS THE RISK

An assessment will be made by the TC/DPO as to what risk of harm there is to those affected; customers, members of staff or service users. This refers to any potential, or actual, harm or detriment it may cause to people.

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STEP SIX – IF NECESSARY, ACT TO PROTECT THOSE AFFECTED

Where possible the TC/DPO will give specific and clear advice to people at each stage so they can protect themselves, and also clarify what the TC/DPO can do to help them. If the risk is not high, there is no mandatory reason to let people know about the incident.

If the risk is high, then by law, they must be advised without undue delay.

STEP SEVEN – SUBMIT THE REPORT, IF NEEDED

If the breach is reportable access the ICO reporting page [report-a-personal-data-breach-form.doc \(live.com\)](#)

The priority is to let ICO know the details that you have within 72 hours – even if the investigation/resolution is not complete.

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INTERNAL DATA BREACH REPORT LOG



Date/time of potential/actual breach	Date:	Time:
Date/time potential/actual breach identified	Date:	Time:
Deadline for reporting details to ICO if required (within 72 hours of breach being identified)	Date:	
Has a personal data breach occurred – has PTC had a security incident that has affected the confidentiality, integrity or availability of personal data?		Y/N
Does the breach involve personal data of living individuals?		Y/N
Who identified the breach?	Name: Employee of PTC? Councillor? Member of the Community: Other (please specify)	Y/N Y/N Y/N
How was the breach identified?	Reported by person affected? Reported by third party? Other (please specify)	Y/N Y/N
What happened? Provide a description of the facts, using a timeline where appropriate:		
Why did it happen (if known)		
Can PTC recover the data where possible?	Y/N	

(if it has been sent to someone in error, can it be recalled, sent back, collected or an email deleted and returned securely. If PTC is not sure where the data is, can steps be retraced. If data has been stolen, for example on a lap top, can it be wiped remotely? Does PTC need to change passwords to prevent further access?)	If YES, what steps are being taken to recover the data? Was the retrieval successful? Y/N
Is there a high risk to rights and freedom of the individual; potential or actual? To identify the risk level, is there chance of harm, or potential harm or detriment to people; safeguarding issues, identify theft or significant distress?	Y/N
Is there a risk to individuals; potential and/or actual?	Y/N
Can we protect those affected? Have the individuals been advised of the incident? If not, please clarify why not PTC is able to let the people affected know, advise them to use strong passwords, look out for phishing emails or fraudulent activity on their accounts. There needs to be a balance between telling people about the incident and not causing unnecessary worry. If there is a high risk of harm, PTC must advise the individual, by law, without delay.	Y/N Y/N
Steps for prevention of reoccurrence - What could/should PTC have done differently - Does PTC need to update any processes or procedures to prevent repeat incident?, - If so which details need to be amended - Confirm date revisions made	Date:
Is report required to Information Commissioner's Office - Is there high risk to individuals right to freedom or to the individual's themselves? - Do we believe the ICO may receive complaint about the incident (if so, the report will prepare ICO) Date/time report made Attach screen print from ICO to confirm report made	Y/N Y/N Date: Time: Y/N
Reassess where necessary, particularly if new information comes to light,	

Appendix E Consent Form



GDPR Marketing

PRESTATYN TOWN COUNCIL GENERAL DATA PROTECTION REGULATION (GDPR) CONSENT FORM

The GDPR guidelines clarify that Prestatyn Town Council must disclose to individuals when we are collecting and using personal data. Such information consists of name, address, telephone number(s) and email address if you have provided them. This information will usually be solely for the purpose of Town Council communicating with you.

You may ask that Prestatyn Town Council deletes any incorrect information or information that it no longer requires.

Within the terms specified by the GDPR legislation, we need you to complete the form below to give your consent to us to collect, use and store your personal data and to use it as part of our events and marketing campaigns that may benefit you and your business or interests.

Please consider the statements below and (✓) your chosen option:

1. I can confirm that I understand how you use and store data, and I give my permission to Prestatyn Town Council to collect, use and store my personal data for purposes in accordance with the GDPR guidelines
☐ **YES** ☐ **NO**

2. I agree that you can contact me for marketing purposes, via post, email, telephone and/or text.

☐ **YES**

☐ **NO**

3. I agree that you can store and use photographs or video taken of my business on your website and social media platforms, such as website, Instagram, Facebook and Twitter, that is constructive and positive, to support my business

☐ **YES**

☐ **NO**

4. I would like to sign up to the Local Directory

☐ **YES**

☐ **NO**

5. I agree that Prestatyn Town Council can use my business pictures on social media and the website and the Local Directory

☐ **YES**

☐ **NO**

If you are happy for Prestatyn Town Council to promote your business, what would you like them to include?

--

Owner's Name: _____

Business name: _____

Business Address: _____

Business Category: _____

Contact Number: _____

Email Address: _____

Social Media Addresses:

Facebook-

Twitter-

Website-

Instagram-

Signed:.....**Date**

Please return this form by email to events@prestatyntc.co.uk or return to
Prestatyn Town Council Offices, 7 Nant Hall Road, Prestatyn LL19 9LR,

01745 857185.

VERSION UPDATES

Version	Date	Section	Details of change
V1D2	21/12/2023	Whole of Document	New document

APPROVALS AND DISTRIBUTION

Version	Date	Meeting	Reference



FINANCIAL REGULATIONS

**REVIEWED AND APPROVED BY
PRESTATYN TOWN COUNCIL
ON 03/05/2023**

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1. GENERAL

1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders¹ and any individual financial regulations relating to contracts.

1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.

1.3. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Town Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the Council;
- administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the Council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the Council up to date in accordance with proper practices;
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the Council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the

¹ Model standing orders for Councils 2019 Edition are available from NALC (© NALC 2019)

Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the Council; and
- wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are submitted to the Council for approval to be written off following the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.

1.14. In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £5,000 and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils in Wales - A Practitioners' Guide issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit (Wales) Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chair/Vice Chair of the Finance and Management Committee shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit (Wales) Regulations.

2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- have no involvement in the financial decision making, management or control of the Council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the Council;
- initiate or approve accounting transactions; or
- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. If deemed necessary, the Council shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of January each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than January prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Council.

3.3. The Council shall consider annual budget proposals in relation to the Council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the Council for all items over £5,000.
- a duly delegated committee of the Council for items over £1,000; or
- the Town Clerk/RFO, in conjunction with Mayor/Chair of Council or Mayor/Chair of the of the Finance and Management Committee, for any items below £1,000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Town Clerk/RFO, and where necessary also by the appropriate Mayor/Chair.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement'). Earmarked reserves may be carried forward to a subsequent year, subject to clause 4.3.

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.4. The salary budgets are to be reviewed at least annually in line with the NJC Green Book

4.5. In cases of extreme risk to the delivery of Council services, the Town Clerk/RFO may authorise revenue expenditure on behalf of the Council which in the Town Clerk/RFO's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,500.00. The Town Clerk/RFO shall report such action to the Mayor/Chair as soon as possible and to the Council as soon as practicable thereafter. Where expenditure is incurred in accordance with this regulation and the sum required cannot be met from savings made elsewhere within that committee's approved budget, it shall be subject to the

provisions of a supplementary estimate approved by the Finance and Management Committee (as determined by AGM) or the Council.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of £500 or 10% of the budget.

4.9. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The Council may seek credit references in respect of employees and councillors who have access to Council finances.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with invoices as requested, present the schedule to the Chair of Finance and Management Committee. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved schedule shall be ruled off and initialled by the Mayor/Chair of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

Cheques and auto pay sheets drawn on bank accounts in accordance with the schedule referred to in the previous paragraph shall be signed by two of the following officers - the Town Clerk/RFO, Mayor/Chair and Deputy Mayor/Chair of Finance and Management Committee (as determined by AGM), Mayor, Deputy Mayor or other duly authorised officers/Councillors

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt unless conditions of sale require a lesser period.

5.5. The Town Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Town Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance and Management committee.

5.6. For each financial year the Town Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance and Management Committee.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant shall before payment, be subject to ratification by resolution of the Council.

5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.

5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

5.12. Electronic On-line Banking; The benefits of online banking are well documented and include immediate access to bank statements, monitoring of transactions, faster payments, reduction in missing payments and lost cheques, and easier bank reconciliation process.

Councils' current financial regulations require cheques to be signed by two named councillors plus the Town Clerk/RFO. This system will remain in place for all cheque payments. The procedure adopted for online banking services needs to reflect this process. Following discussion with banking authority, and Chair of Finance Management Committee it is recommended that the following procedure be incorporated into Council Financial Regulations:

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Online Banking

Officer access to on-line banking should be password and key code protected with each approved person navigating their own access codes.

- Step 1. Payments will be input online by the Finance Officer or other designated employee upon receipt of approved invoices. This person will not have authority to authorise any payment.
- Step 2. A schedule of payments from invoices is prepared. The schedule of payments with supporting invoices is to be presented and duly signed by two Town Councillors.

- Step 3. The signature of Town Clerk/RFO is also required on the schedule of payments. The Town Clerk/RFO will then complete the online banking process.

The retrospective schedule of payments will be presented at the next Finance and Management Committee.

Barclays.Net Banking

The Barclays.Net service is to be utilised to effect transactions and permit Electronic Online Banking as described above;

- The Town Clerk/RFO is to be given an Unrestricted Permissions role profile to the system allowing flexibility in all areas of transaction processing, and allow authorisation of processing undertaken by all other named employees who have access to the online system.
- All other named employees are to be given View and Input role profiles allowing them to input payments as per Step 1 above, and also allow access to statements to assist in the Bank Reconciliation process, together with investigative work should the need arise.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

6.1. The Council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Town Clerk/RFO shall give instruction that a payment shall be made.

6.3. All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by two member[s] of Council, and Town Clerk/RFO, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council at the next convenient meeting.

6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.

6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.

6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.

6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, the recording of such PIN or Password shall not be recorded or documented, and must remain private and confidential to the employee of Councillor to whom the access relates. Procedures for regular PIN and password changes to retain integrity are to be in place, utilising the IT Security Policy and contracts.

6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.

6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the Town Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Town Clerk/RFO. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any Debit Card issued for use will be specifically restricted to the Town Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by Council or finance committee in writing before any order is placed.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance and Management committee. Transactions and purchases made will be reported to the Finance and Management committee and authority for topping-up shall be at the discretion of the Finance and Management committee.

6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Town Clerk/RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

a) The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

7. PAYMENT OF SALARIES

7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than: a) by any Councillor who can demonstrate a need to know; b) by the internal auditor; c) by the external auditor; or d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.

7.8. Before employing interim staff, the Finance and Management Committee must consider a written report.

8. LOANS AND INVESTMENTS

8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to

approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Mayor/Chair of the Council at the same time as one is issued to the Town Clerk/RFO.

8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

8.6. All investments of money under the control of the Council shall be in the name of the Council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council. Charging tariffs as agreed shall be published in the Publication Scheme, Service Charges policy, and Room Hire policy documentation.

9.3. The Council will review all fees and charges at least annually, following a written report from the Town Clerk/RFO.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of

control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below)]

10. ORDERS FOR WORK, GOODS AND SERVICES

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the Council.

10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

11.1. Procedures as to contracts are laid down as follows:

a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (v) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b. The full requirements of The Public Contracts Regulations 2015 ("the Regulations"), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².

² Thresholds currently available are;

c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition, the reason shall be embodied in a recommendation to the Council.

The Council may conduct procurement through negotiated tendering in the following circumstances where, in response to an invitation to tender;

- i. no submissions were received which conform to the minimum requirements as stated in the tender documentation;
- ii. where, for reasons of extreme urgency brought about by events unforeseen by the Council the services could not be obtained in time under open tendering procedures;
- iii. due to an absence of competitive submissions;
- iv. for new services consisting of the repetition of similar services for which the initial contract was awarded and where the contractor provided a satisfactory service.

d. Such invitation to tender shall state the general nature of the intended contract and the Town Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

e. All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least two members of the Council. If fewer than three tenders are received for contracts valued above £5,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

f. Any invitation to tender issued under this regulation shall be subject to Standing Orders and shall refer to the terms of the Bribery Act 2010.

g. When it is to enter into a contract of less than £25,000³ in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £2,500 the Town Clerk/RFO shall strive to obtain 3 quotes. For expenditure of £2,500 or less in value the Chair of Finance and Management Committee (as determined by AGM) or their appointed Deputy Chair together with the Town Clerk/RFO shall have delegated authority. *Otherwise, Regulation 10.3 above shall apply.*

h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

i. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken, and the process shall default to regulation 11.1.c above.

11.2. The Town Clerk/RFO shall maintain a register of personal interests, in respect of both members and senior staff.

a. For public supply and public service contracts 209,000 Euros (£181,302)

b. For public works contracts 5,225,000 Euros (£4,551,413)

³ This suggested figure is based on the sum above which special rules are applicable (under the Regulations) to Councils in England and is therefore considered an appropriate threshold.

a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more (where the sum exceeds £5,000) a report shall be submitted to the Council providing this sum is within the contract contingency.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Town Clerk/RFO to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

14.1. The Town Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, lent out for community benefit, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £1,000.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Town Clerk/RFO].

15.2. The Town Clerk/RFO shall give prompt notification to the Chair/Vice Chair the Finance and Management Committee (as determined by AGM) of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.

15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, or duly delegated committee.

16. CHARITIES

16.1. Where the Council is sole managing trustee of a charitable body the Town Clerk/RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law, or as determined by the Charity Commission. The Town Clerk/RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]

17. RISK MANAGEMENT

17.1. The Council is responsible for putting in place arrangements for the management of risk. The Town Clerk/RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.

17.2. When considering any new activity, the Town Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17.3. Offers of all gifts, benefits and hospitality of an individual value in excess of £25, whether accepted or not by members or employees, must be declared and reported to the Council within one month of notification.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Town Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.

18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

18.3. In all Joint County / Town schemes the Principal Authority is expected to execute all works in accordance with its own standing orders and financial regulations. In such circumstances Town Council requirements will be waived in favour of the Principal Authority.

END OF DOCUMENT

ANNUAL DOCUMENT REVIEW TABLE

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