

SANDBACH TOWN COUNCIL

LLR and Governance Sub-Committee

This meeting will be clerked by Ann Banks. Please ensure that all apologies are made directly to the clerk of the meeting no later than 6pm on the day of the meeting.

Please note that this meeting will be recorded and the audio recording made available to the public within 5 working days of the meeting.

Agenda for the meeting to be held on Tuesday, 30 May 2017 at 7pm in the Sandbach Literary Institution, Hightown.

1. APOLOGIES FOR ABSENCE

Action: *To receive apologies for absence*

2. DECLARATIONS OF INTEREST

Action: *To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.*

The Chairman of the meeting will adjourn the meeting to allow questions from members of the public.

After the questions the Chairman will reconvene the Meeting.

3. MINUTES OF THE MEETING HELD 29 APRIL 2017

Action: *To approve the minutes.*

4. GOV EMAIL [LLR ITEM 19]

Lead: Martin Forster/Town Clerk

Action: *To implement the introduction of .gov email for STC councillors from 1 July 2017 in line with full council resolution made a November 2016 meeting.*

5. CRITERIA FOR CLOSURE OF MEETINGS TO PUBLIC AND PRESS [LLR ITEM 26]

[Attached: Draft document]

Lead: Martin Forster

Action: *To discuss and agree reasons for the legitimate closure of meetings.*

6. STANDING ORDER AND FINANCIAL REGULATIONS REVIEW [LLR ITEM 3]

Lead: Town Clerk

Action: *To receive progress report and consider next steps.*

7. PUBLISHED AGENDA AND MINUTES [LLR ITEM 7]

Lead: Martin Forster

Action: To implement the publication of agenda and minutes on the Sandbach Town Council Website of all meetings of the Council including sub-committees and working groups.

8. DOCUMENT RETENTION POLICY [LLR ITEM 18]

[Attached: Draft document]

Lead: Town Clerk

Action: *To recommend adoption of the policy to Council.*

9. SCHEDULE OF WORK

[Attached: Revised Schedule of Work]

Lead: Ann Banks

Action: *To review the schedule and ensure up to date.*

10. NEXT MEETING

Tuesday 27 June 2017 at 7pm at the Sandbach Literary Institution.

SANDBACH TOWN COUNCIL

LLR and Governance Sub-Committee

Minutes for the meeting held on Tuesday 28 March 2017 at 7.00pm at the Sandbach Literary Institution, Hightown.

In Attendance: Cllr K Haines
 Cllr M Forster (Chairman)
 Cllr P Eaton

There were no members of the public or press in attendance.

1. **APPOINT SUB-COMMITTEE CHAIRMAN**
2. **APPOINT SUB-COMMITTEE VICE-CHAIRMAN**
3. **APOLOGIES FOR ABSENCE**

Cllrs Merry
 Corcoran
 Davies
 Hovey

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

There being no members of the public in attendance, the meeting was not adjourned.

3. **MINUTES OF THE MEETING HELD 28 MARCH 2017**

RESOLVED: that the minutes be approved.

4. **GOV EMAIL [LLR ITEM 19]**

Lead: Martin Forster

Members discussed the benefits of Councillors using a .gov email address, during which a number of questions arose relating to access, management, cost and archiving information.

Actions were allocated to the Clerk and others, with more detail being requested for consideration at the next meeting.

RESOLVED: that the matter be further considered at the next meeting.

5. **CRITERIA FOR CLOSURE OF MEETINGS TO PUBLIC AND PRESS [LLR ITEM 26]**

Lead: Martin Forster

The Clerk shared some printed information, which the Chairman agreed to review and 'Sandbach-ise' it for the next meeting.

RESOLVED: that the matter be further considered at the next meeting.

6. **NAMING OF PUBLIC IN MINUTES [LLR ITEM 27]**

Lead: Martin Forster

There was discussion about whether the names of members of the public should be recorded within the Council's minutes, with a suggestion that the Chairmen of each meeting should give members of the public the opportunity to say if they don't want their details to be recorded.

The Clerk explained, that in 10 years there had only been one instance of a request to remove a name and that this had not been upheld as it was information contained within a Planning Application.

Members felt that in the interest of openness and transparency, a member of the public wishing to address the Council, should have no objection to their name being recorded. Members were also reminded that most people introduce themselves and this is recorded on the audio, which is now made public – it would be difficult to remove small sections of audio.

RESOLVED: that the matter is not progressed and the current recording of names continue.

7. **SANDBACH TOWN COUNCIL – 20 APRIL 2017**

Lead: Martin Forster

The resolutions of Council were reported. All recommendations from the LLR had been approved, with the Town Hall report being passed back to LLR to ensure that the implementation of the LLR recommendations addressed any concerns relating to the Town Hall refurbishment.

RESOLVED: that the report be received.

8. **SCHEDULE OF WORK**

Lead: Ann Banks

The schedule of work was reviewed, with members feeling that good progress is being made in implementing the recommendations.

There was discussion about item 20, simplification of financial reports. The Chairman agreed to discuss with the Chairman of F,P&G, with a view to reforming the F,P&G Review WG.

RESOLVED: that the schedule be noted.

9. **NEXT MEETING**

Tuesday 30 May 2017 at 7pm at the Sandbach Literary Institution.

Meeting Closed at 7.40pm

Cllr M Forster

Chairman

ALB

DRAFT

LESSONS LEARNED REVIEW
 RECOMMENDATIONS AS AGREED BY STC 15.11.16

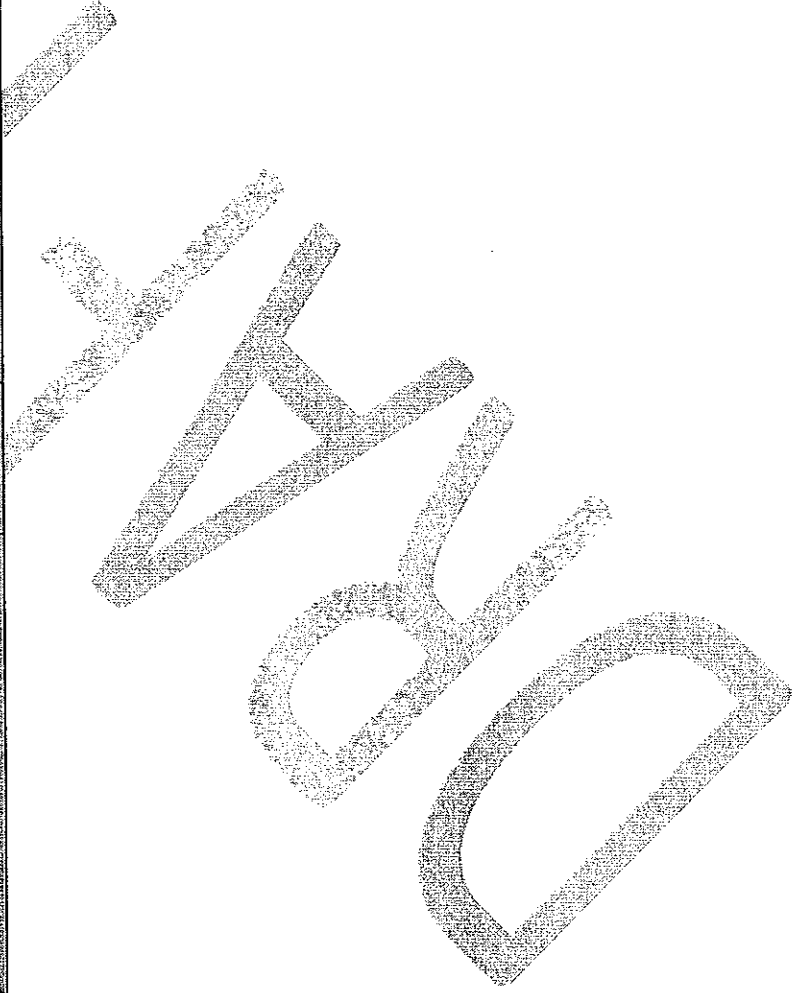
Review of Recommendations by Sub-Committee 25.4.17

	RECOMMENDATION / ACTION	To be actioned by:	Progress Review 1.	Progress Review 2.	Progress Review 3.	Progress Review 4.	Progress Review 5.
3	That Councillors be reminded of the importance of working within the Standing Orders and that the Council implements a review of the standing orders and schemes of delegation to ensure that weaknesses highlighted in this review are properly addressed. This should include a review of the financial regulations and these should be reviewed regularly as per the standing orders.	GWG	No Progress	No Progress	No Progress	SO/FR reviewed – discuss 30.5.17. ToR and SoD to be reviewed next.	[Date]
7	The practice of all Councillors meeting behind closed doors without published agendas or minutes should be for the purpose <u>only</u> to report recommendation to Full Council or appropriate Committee to enable full discussion in public.	GWG	Not reviewed	Not reviewed.		WG Rules adopted. Item 26 below. Review of SO to be reported to next meeting	
8	Where an item needs, for valid reasons, to be considered by the Council confidentially the letter of the Public Bodies (Admissions to Meeting Act) 1960 should be followed; the council should resolve in public to defer the agenda item to part II, giving reasons for doing so. Clear records of the justification for items being considered in part II	GWG	Not reviewed	Not reviewed.		To consider 30.5.17 MF lead	

	must be kept to assist future auditing of those decisions.								
11	That any spend of public money should be authorised by a clear decision from an officer or body authorised to spend it. Where, by reason of a value, the spend requires the approval of a Committee or the Council, that authorisation must take the form of a minute of that body.	GWG	Not reviewed	Not reviewed.			FR Review		
12	That no statement by a third party be used in Council communication without that person's written approval.	GWG	Comms Protocol	No. 16 below to be reviewed	Doc back to LLR	No progress			
13	That financial figures issued in the name of the Council be appropriately scrutinized; where possible, they should be approved by the Finance Committee, or by the Council itself. If approval by the Finance Committee, or by the Council is not possible, the Chair of the Finance Committee or RFO should be consulted and proper records of that consultation be made.	GWG	Not reviewed	Not reviewed.	Not reviewed	No progress	Monitor via FR/SO		
14	That urgency powers should not be used for contentious decisions, and where they are used, strong and robust reasoning must be recorded, along with a record of alternative courses of action considered.	GWG	Not reviewed	Not reviewed	Not reviewed	SO Review			
16	Good communication is key to healthy public perception of the work of the Council. All Council staff and Councillors should be mindful at all-times to communicate in a respectful and professional manner towards members of the public and stakeholders. Communication training may be appropriate.	GWG	Not reviewed	Guideline for Successful Engagement Doc to FPG 9.3.17	Doc back to LLR	No progress	Cllr/Staff doc developed to Sandbach		

						Town Council 8.6.17	
18	That the Council review its document storage and management policies with a view to introducing a numerical record keeping system with proper version control mechanisms to allow more rapid recovery of information.	AB	Ongoing	Ongoing	Ongoing	Ongoing Doc Retention Policy to Lessons Learned Review 30.5.17	
19	All email communication regarding council business is conducted using council provided email addresses to ensure a complete and visible audit trail.	BD	No progress	No progress. To be considered with 23 below.	No progress. To be considered with 23 below.	To be considered 30.5.17	
20	It is recommended Finance committee look into how accounts can be easily presented and managed. A simple income and expenditure spreadsheet with breakdowns of costs would be clearer and easier to understand.	FPG	Fin WG to re-form	No progress	No progress	WG meeting.	
<p>ADDITIONAL ITEMS TO BE CONSIDERED BY THE SUB-COMMITTEE (ARISING THROUGH NORMAL BUSINESS)</p> <p>Town Councillors are asked to review this list and to submit any comments to the LLR Sub-Committee via the Clerk or Chairman.</p>							
23	Use/issue of tablet devices, to reduce paperwork and improve member access to information.	KH	Further work required.	No progress to be considered	No progress	No progress	No progress

				with 19 above.			
26	Criteria for the Legitimate closure of meetings to the public/press.	MF/BD	No progress	No progress	No progress	To be reported 30.5.17	
27	Naming of public in minutes? [Ref email from Steve Kirkham 27.1.17]	GWG		No progress	No progress	Closed Will not be progressed	



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Sandbach Town Council

It is the expectation that all meetings – of full council, committees, sub-committees and working groups – are open to the public which includes the press.

All meetings will have agenda and minutes published on the STC website. Members of all the above groups will be in the public domain via the Members' Card on the website.

At the meeting, it will be necessary for a councillor to move a motion to exclude the public from an item/items with a broad reason for doing so.

Excluding members of the public from meetings or part of meetings shall only take place for the following reasons:

Item	Reason
To discuss a staffing or personnel matter	The information is confidential between the council and staff member/councillor
To consider professional legal advice	Legal advice is protected by legal professional privilege and is confidential. Publicity could prejudice the legal position of the council
To consider tenders for a new contract	Disclosure of the time sensitive commercial interests of the council and the persons that have tendered is not in the public interest
To consider a complaint against the council	Under the Data Protection Act 1998 the council has obligations as to how it uses personal data about the individual complainant
To consider the outcome of a code of conduct complaint	Under the Data Protection Act 1998 the council has obligations as to how it uses personal data about the individual complainant and the councillor
To consider lease and purchase negotiations of property or space	Publicity would prejudice the negotiations and the commercial position of the council

Martin Forster
18 May 2017

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SANDBACH TOWN COUNCIL
DOCUMENT RETENTION POLICY
(Draft)

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Note to members. This document is based on a document supplied for information by the Council's Internal Auditor, JDH. There are a number of items highlighted, which would benefit from discussion before any recommendation is made to Council.

- 1 **Purpose:** Sandbach Town Council (STC) requires a wide variety of documents for transacting its business and is committed to retaining these documents in a format and for periods of time that:
 - Enables STC to meet its statutory obligations in respect of documents subject to legislation;
 - Ensures security of documents;
 - Protects employees' privacy;
 - Facilitates access to information;
 - Optimises the use of storage space;
 - Is cost effective; and
 - Facilitates destruction of redundant documents.

- 2 **Scope:** This Policy applies to users of STC's information records, both paper and electronic, it includes Councillors and employees.

- 3 **Statutory Requirements:** Documents subject to a statutory period of retention are identified by their associated legislation in Annex A.

- 4 **Security of Documents:** STC's records are held in paper and/or electronic format. To minimise the risk of accidental loss of valuable records, masters or copies (as deemed appropriate) of paper documents will be stored off-site. [REDACTED]

- 5 **Employees' Privacy:** The privacy of personnel records will be appropriately assured.

- 6 **Availability & Access:** All records necessary for STC's business will be retained for a period of time that reasonably assures the availability of records when needed.

- 7 **Storage Space and Cost:** Redundant records may be destroyed in order to reduce the cost of storage, indexing and handling the vast quantity of documents that would otherwise accumulate. Destruction of documents will be undertaken in accordance with the provisions of this Policy to avoid any inference that a document was destroyed in anticipation of a problem.

- 8 **Electronic Storage:** Records maintained on electronic data processing storage media will be subject to the same rules of retention and security as paper records.

- 9 **Implementation of Policy:** All staff will be responsible for the implementation of the Policy.

- 10 **Monitoring & Review of Policy:** The appropriate Committee will review the Policy periodically to monitor its effectiveness, taking account of users' comments.

Annex A – Retention Periods: Statutory Requirement & Best Practice Guidance

Document/Type	Minimum Retention Period	Reason	Associated Legislation
Agreements, Contracts & Related Correspondence			
Contract Executed as a Deed	12 years	Proceedings founded on a contract may be brought within these periods Actions for latent damage may be brought up to fifteen years after the damage occurs Audit, Management	Limitation Act 1980 Section 5
Contracts with Customers, Suppliers or Agents	Indefinite		
Licensing Agreements			
Rental/Hire Purchase Agreements			
Indemnities & Guarantees			
Other Agreements/Contracts			
Quotations and Tenders	12 years	Statute of Limitation	
Property			
Deeds of Title	Indefinite	Audit, Management	
Leases, agreements, contracts	Indefinite	Audit, Management	Limitation Act 1980 Section 14B
Accounts			
Scales of Fees and charges	5 Years	Management	
Postage & Telephone Records	6 years	Tax, VAT, Statute of Limitations	
Receipt and payment account(s)	6 years	VAT	
Paying in Books, Cheque Book Stubs	Last completed audit	Audit	
Paid Invoices	6 years	VAT	
Cheques	6 years	VAT	Statute of Limitations
VAT records	6 years	VAT	
Investments	Indefinite	Audit, Management	
Tax			
Supporting documentation for VAT returns	6 years	If there is an enquiry into a tax return, records should be retained until the enquiry is complete	VAT Act 1994 s58 & Schedule 11 Para 6

Supporting documentation for PAYE returns	6 years		Income Tax (PAYE) Regulations 2003
PAYE related records not required to be sent to Inland Revenue	Three years after the end of the tax year to which they relate		Reg.97



Document/Type	Minimum Retention Period	Reason	Associated Legislation
Banking Records			
Cheques, bills of exchange and other negotiable instruments	6 years	Audit	
Bank statements including deposit/savings accounts	Last completed audit year	Audit	
Instructions to banks	6 years after ceasing to be effective		
Councillors Records			
Minute books	Indefinite	Archive	
Members allowances register	6 years	Tax Statute of Legislations	
Employee Records			
Personal Records	6 years after employment ceases	Health & Safety Records may need to be kept longer	Limitation Act 1980
Applications for jobs- where the candidate is unsuccessful	One year after notifying the unsuccessful candidate	Defamation action limit	Discrimination Acts 1975 & 1986 Race Relations Act 1976 Limitation Act 1980
Payrolls/Wages	12 years after 31 January of the following year of assessment	Superannuation	Tax Management Act 1970 Sections 12 & 15.
P Forms (P45 etc)	6 years		
Expense Accounts	6 years		
Labour Agreements	10 years	Best practice	
Sickness Records	3 years after the end of each tax year		Statutory Sick Pay (General) Regulations 1982 Reg.13
Accident Books	3 years from the date of last entry		

Health & Safety Records	3 years	Personal injury actions must generally be commenced within three years of the injury. The time periods are extended in relation to employees exposed to hazardous substances.	8
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Document/Type	Minimum Retention Period	Reason	Associated Legislation 8
Leave Records	Three years		
Time-Keeping Records	Last Completed Audit	Last completed audit year	Audit
Insurance			
Policies	While Valid	While Valid	Management
Claims Correspondence	Three years after settlement	See NALC LTN 40 Para 7 replicated below	
Employer's Liability Insurance Certificate	40 years from the date on which insurance commenced or was renewed	The Employers' liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management	
Accident Reports and relevant correspondence	3years after settlement		
Donations & Subscription Records			
Donations given & related correspondence	6 years		Companies Act 1985 Sections 221-222
Deeds of Covenant	6 years after the last payment made 12 years if payments are still outstanding or there is a dispute re the Deed		
Subscription records	3 years after cessation of membership		Companies Act 1985 Section 222
Planning Applications & Associated Documents	Advice from CEC: Six years from the date of STC meeting at which Planning Application discussed (Planning Authority's records, available for inspection, go back to 1973) QUESTION whether STC needs to retain ANY planning information, given that all public information can be accessed via the planning authority?????		
Private Applications inc documents relating to Appeals (Approved)	STC's Comments & Planning Authorities Decision – 6 years Other related documents – 2 years	Until the development has been completed	Freedom of Information Act 2000
Private Applications (Rejected)	5 Years	Until the period within which an appeal can be made has expired	
Appeal Decision relating to rejected Private Applications	Indefinitely	NALC LTN 40 refers	
Major Developments	5 Years		
Copies of Structure Plans, Local Plans and similar documents	As long as document is in force	NALC LTN 40 refers	

Publications Town Talk, Guides, Leaflets, Maps, Plans	Depends on Council's need and document's usefulness	A COPY MUST BE DEPOSITED WITH THE BRITISH LIBRARY BOARD	The Legal Deposit Libraries Act 2003 8
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Document/Type	Minimum Retention Period	Reason	Associated Legislation
Meetings Records Agendas Minutes – STC Meetings Minutes – Committees, Subcommittees & Working Groups	3 Months after meeting Indefinite Indefinite	Facility for back-checking Hard copies – at STC or CEC Archives On electronic media – 1 copy at a separate location	

NALC LTN 40 Para 7: Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category:

Category	Limitation Period	Category	Limitation Period	Category	Limitation Period
Negligence (and other 'Torts')	6 years	Contract	6 years	Sums recoverable by statute	6 years
Defamation	1 year	Leases	12 years	Personal Injury	3 years
To Recover Land	12 years	Rent	6 years	Breach of Trust	None

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LESSONS LEARNED REVIEW

RECOMMENDATIONS AS AGREED BY STC 15.11.16

Review of Recommendations by Sub-Committee 30.5.17

	RECOMMENDATION / ACTION	To be actioned by:	Progress Review 1: 31.1.17	Progress Review 2: 28.2.17	Progress Review 3: 28.3.17	Progress Review 4: 24.5.17	Progress Review 5: [Date]
3	That Councillors be reminded of the importance of working within the Standing Orders and that the Council implements a review of the standing orders and schemes of delegation to ensure that weaknesses highlighted in this review are properly addressed. This should include a review of the financial regulations and these should be reviewed regularly as per the standing orders.	GWG	No Progress	No Progress	No Progress	SO / FR being reviewed and discussed 30.5.17.	
7	The practice of all Councillors meeting behind closed doors without published agendas or minutes should be for the purpose only to report recommendation to Full Council or appropriate Committee to enable full discussion in public.	GWG	Not reviewed	Not reviewed.		Item 5 30.5.17 and Working Group Rules	
8	Where an item needs, for valid reasons, to be considered by the Council confidentially the letter of the Public Bodies (Admissions to Meeting Act) 1960 should be followed; the council should resolve in public to defer the agenda item to part II, giving reasons for doing so. Clear records of the justification for items being considered in part II must be kept to assist future auditing of those decisions.	GWG	Not reviewed	Not reviewed.		Item 5 30.5.17	
11	That any spend of public money should be authorised by a clear decision from an officer or	GWG	Not reviewed	Not reviewed.		Financial Regulator	

	body authorised to spend it. Where, by reason of value, the spend requires the approval of a Committee or the Council, that authorisation must take the form of a minute of that body.					ns	
12	That no statement by a third party be used in Council communication without that person's written approval.	GW/G	Comms Protocol	No. 16 below to be reviewed	Doc back to LLR	Doc back to LLR	
13	That financial figures issued in the name of the Council be appropriately scrutinized; where possible, they should be approved by the Finance Committee, or by the Council itself. If approval by the Finance Committee, or by the Council is not possible, the Chair of the Finance Committee or RFO should be consulted and proper records of that consultation be made.	GW/G	Not reviewed	Not reviewed.	Not reviewed	Not reviewed	
14	That urgency powers should not be used for contentious decisions, and where they are used, strong and robust reasoning must be recorded, along with a record of alternative courses of action considered.	GW/G	Not reviewed	Not reviewed	Not reviewed	Not reviewed	
16	Good communication is key to healthy public perception of the work of the Council. All Council staff and Councillors should be mindful at all times to communicate in a respectful and professional manner towards members of the public and stakeholders. Communication training may be appropriate.	GW/G	Not reviewed	Guideline for Successful Engagement Doc to FPG 9.3.17	Doc back to LLR	Doc back to LLR	
18	That the Council review its document storage and management policies with a view to introducing a numerical record keeping system with proper version control mechanisms to allow more rapid recovery of information.	AB	Ongoing	Ongoing	Ongoing	Ongoing plus item 8 of 30.5.17	

19	All email communication regarding council business is conducted using council provided email addresses to ensure a complete and visible audit trail.	BD	No progress	No progress. To be considered with 23 below.	No progress. To be considered with 23 below.	No progress. To be considered with 23 below.	Item 4 of 30.5.17
20	It is recommended Finance committee look into how accounts can be easily presented and managed. A simple income and expenditure spreadsheet with breakdowns of costings would be clearer and easier to understand.	FPG	Fin WG to re-form	No progress	No progress	No progress	No progress
ADDITIONAL ITEMS TO BE CONSIDERED BY THE SUB-COMMITTEE (ARISING THROUGH NORMAL BUSINESS)							
Town Councillors are asked to review this list and to submit any comments to the LLR Sub-Committee via the Clerk or Chairman.							
23	Use/issue of tablet devices, to reduce paperwork and improve member access to information.	KH	Further work required.	No progress to be considered with 19 above.	No progress	No progress	No progress
26	Criteria for the Legitimate closure of meetings to the public/press.	MF/BD	No progress	No progress	No progress	No progress	Item 5 of 30.5.17
27	Naming of public in minutes? [Ref email from Steve Kirkham 27.1.17]	GWG		No progress	No progress	No progress	Agreed that members of the public will be named.

