



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



DATED THIS TENTH DAY OF FEBRUARY 2021

**MEMBERS OF HALE PARISH COUNCIL ARE HEREBY SUMMONED
TO ATTEND THE ORDINARY MEETING OF
HALE PARISH COUNCIL**

**TO BE HELD AT 7.30PM ON THE FIFTEENTH DAY OF FEBRUARY 2021
TO TRANSACT BUSINESS AS SHOWN IN THE AGENDA.**

This meeting is to be held remotely, adhering to the legislation of the Coronavirus Act 2020

This meeting will be accessible to members of the public via the internet or by
telephone. For instructions on how to access the meeting, please email:
clerk@haleparishcouncil.gov.uk or call 07803611222

Mr. Brian Hargreaves
Clerk and Responsible Financial Officer

Note to Councillors:

If you are unable to attend the meeting, please notify the Clerk of your apologies.

Note to Public

Members of the public wishing to address the Council should note that they must advise the Clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Chairman. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the Council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the Clerk to request the item should be discussed at a future Parish Council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.

MEETING AGENDA

- 1/ **Apologies** - To Receive apologies for absence
- 2/ **Declarations of Interest** - To Receive declarations of interest
- 3/ **Public Participation** - To adjourn the meeting for a period of public participation
- 4/ **Standing Orders** - To Consider and adopt the revised Standing Orders
- 5/ **Financial Regulations** - To Consider and adopt the revised Financial Regulations
- 6/ **Minutes** - To consider and approve the Minutes of the meeting held on Monday 25TH January 2021
- 7/ **Payments** - To receive the list of payments made between 8th January 2021 and 5th February 2021 as recorded in the cash book record which has been reconciled to the Bank statement to these dates, all payments having been made under Financial Regulation 6.4 as detailed below

January 2021 Payments

| | | |
|------------|-----------------------------------|---------|
| 08 Jan2021 | Direct Debit (GOOGLE IRELAND LTD) | (13.80) |
|------------|-----------------------------------|---------|

February 2021 Payments

| | | |
|-----------|-----------------------------------|-----------|
| 01Feb2021 | Direct Debit (ECCLESIASTICAL) | (256.92) |
| 03Feb2021 | B Hargreaves (Salary) | (1024.41) |
| 03Feb2021 | HMRC | (392.38) |
| 05Feb2021 | Direct Debit (GOOGLE IRELAND LTD) | (13.80) |

- 8/ **Auditor Engagement** – To Consider and approve engagement of a competent Auditor for completion of the end of year audit (AGAR)
- 9/ **Planning Application** – To consider Planning Application Ref 21/00050/FUL – 31 Church Road Hale Liverpool L24 4AY
- 10/ **Traffic/Parking** – To Consider cllr Spargo's observations and agree a course of action to address Traffic/Parking issues in Hale Village.
- 11/ **Personnel Committee** - To consider the creation of a Personnel Committee, terms of reference and membership, and agree actions.

- 12/ **HR Policies** - To consider the adoption of new HR policies (Grievance Policy, Disciplinary Policy and Dignity at Work Policy), based on model documents from NALC and ACAS, and agree any further actions



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



**MINUTES OF ORDINARY MEETING OF HALE PARISH COUNCIL HELD REMOTELY ON
MONDAY 25th JANUARY 2021 AT 7.30pm**

Present: cllr Mitchell, cllr Kierman, cllr Williams, cllr Trevaskis, cllr Wright,
 cllr Cleary, cllr Anderson, cllr Spargo

In attendance: Mr Brian Hargreaves (Proper Officer) and 9 Members of the
public

1. **Apologies** – No Apologies for absence were received
2. **Declarations of Interest** – cllr Trevaskis noted Membership Liverpool John Lennon Airport Consultative Committee {Representative of Hale Parish Council).
3. **Public Participation** - No members of the public participated in this item
4. **Standing Orders** – the Council resolved to defer item for decision at February meeting.
5. **Financial Regulations** – the Council resolved to defer item for decision at February meeting.
6. **Minutes** - It was resolved to accept the Minutes for Hale Parish Council meeting held on 16th July 2020

A vote to approve the minutes was taken with cllrs Spargo, Kierman, Williams, Wright and Anderson in favour. Cllrs Cleary and Mitchell were against.

The minutes were approved
7. **Payments** - All payments for the period 6th November 2020 – 4th January 2021 were approved by members. Cllr Mitchell requested that individual payments were more complete in their description. The Clerk agreed to fulfil this request in future.

8. Budget & Precept 2021 – 2022

The Council considered the 'Hale PC Budget + Precept Proposal 2021-2022' document.

It was noted that Hale Parish Council approached Halton Borough Council in 2019-2020 regarding the poor condition of a number of flower beds and Halton Borough Council agreed that Hale Parish Council could work to improve these areas as resources were limited within the higher tier authority. Cllr Mitchell advised that Halton Borough Council had now agreed to once again take over the maintenance of the flower beds and that the budget of £7,987.20 to acquire a lengthman was not required. Owing to this, Cllr Mitchell proposed this budget line be removed.

In a named vote requested by Cllr Mitchell

Votes In Favour – Cllrs Spargo, Mitchell, Kierman, Anderson and Cleary

Votes Against Cllr's Trevaskis, Wright and Williams

It was resolved to remove the lengthsman budget of £7,987.20 and to pass the maintenance of the flower beds back to Halton Borough Council. This provided for a precept reduction to £43,724.

It was resolved to approve the proposals within the amended 'Hale PC Budget and Precept Proposal 2021-2022'.

In a named vote requested by Cllr Mitchell - Votes In Favour – Cllrs Spargo, Trevaskis, Mitchell, Kierman, Anderson and Cleary

Votes Against Cllr's Williams and Wright

- 9/ **Local Plan** – The Council noted its prior objection to Halton Borough Council's Local Plan and voiced dismay that Halton Borough Council has proposed the loss of approximately 80 acres of Grade 1 agricultural Green Belt to be removed from Hale Heath. The Council resolved to utilise the monies set aside within the legal budget and general reserves budget to acquire a legal professional to assist Hale Parish Council to object at the Halton Local Plan examination hearings. The Council agreed to delegate to the Proper Officer to source quotes and agree a course of direction offline.
- 10/ **Book Of Reflection** - It was agreed that a Book of Reflection should be opened to record events and memories of 2020 – 2021
- 11/ **Meeting Times** – It was agreed to keep the start time for future Parish Council Meetings at 7.30pm

The Meeting was closed at 10.00pm

RE: Hale PC Vacancies1 message

10 February 2021 at 08:21

Morning

I can confirm we have received 29 requests to hold an election from the notice posted in January.

Therefore you have 2 vacancies to fill as an by election which will be held on 6 May 2021. Notice of Election will be published on 15 March. I will make arrangements for you to collect the packs for you to give out nearer the time.

I hope you are well.

I am putting an Agenda together for our Parish Council meeting on Monday 15th February and wondered whether you could give me an update on the current situation with regards to the 2 Vacancies we have on the Parish Council.

I have to distribute the Agenda shortly so any information for the members would be appreciated.

Thank you

Kind Regards

Brian Hargreaves

Proper Officer

HALE PARK - CAR PARKING POTENTIAL PROBLEMS

With the great influx of visitors to Hale over the last twelve months of lock down, parking has become a major problem in many sensitive areas.

I am most concerned with the disrespectful drivers conducting dangerous and random car parking, which continues to occur on the main elevated roadway and various other locations throughout the Park.

There are a number of innocuous 8"x12" signs attached to small bollards indicating that parking is not permitted, these are being totally ignored. There was an occasion recently that emergency vehicles could not attend to a fire in the woods due to the elevated road being impassable by random disrespectful parking of cars and vans.

Today, I found five cars parked at the end of the roadway next to these signs, there was plenty of parking spaces at the entrance end - people cannot be bothered to walk and leave their cars in a place which is more convenient to them, disrespecting good Health and Safety measures.

I have a considerable amount of photographic evidence that this is a continual problem at weekends. Steve Marnick our Community Office will verify this ongoing problem.

At our next meeting, I would like to put forward proposals to irradiate this problem, before we have any issues that could have life threatening consequences.



HALE PARISH COUNCIL OF THE HALTON BOROUGH IN THE COUNTY OF CHESHIRE



Dignity at Work Policy Adopted by Hale Parish Council on XX

Introduction

Dignity at work is about individuals feeling respected, valued, included and able to contribute fully in a positive environment free from bullying and harassment.

The Equality Act 2010 took effect on 1 October 2010 and replaces the previous anti-discrimination legislation, simplifying the law and removing inconsistencies. It is understood this simplification makes it easier for people to understand and comply with the law, whilst strengthening the enforceability of law in order to help tackle discrimination and inequality.

This Policy sets out the Council's aim to be an environment where everyone is treated with dignity and respect, equality is promoted, and diversity is valued. The policy also outlines the rights and responsibilities associated with this commitment.

A positive working and learning environment which supports dignity at work is vital to the success of the Council. Dignity and respect should underpin day-to-day behaviours, and the rights and responsibilities under this policy apply to all Councillors, employees and volunteers.

Such rights include, but are not limited to:

- Being treated with dignity and respect.
- Working and learning in an environment free from discrimination, bullying and harassment.
- Being valued for skills, abilities and contribution.

Such responsibilities include, but are not limited to:

- Behaving in an appropriate manner, and in ways that are not derogatory to others.
- Playing a part in ensuring the creation of a positive working environment that is tolerant and supportive through treating each others with dignity and respect.
- Tactfully challenging inappropriate behaviour with confidence.
- Adhering to this policy so that these rights and responsibilities are mainstreamed into the core of Council business.

The following are features of a respectful working environment:

- All employees, Councillors and volunteers are respected and treated politely and with courtesy.
- The views of all employees, Councillors and volunteers will actively be sought, where appropriate, in order to contribute to the development and / or improvement of Services.
- A collaborative atmosphere is promoted and championed.
- An ethos of 'distributed', or shared leadership which enables people to feel safe to take on roles and responsibilities without undue scrutiny or micro-management, develop their skills, support colleagues, take forward initiatives.

Positive outcomes from the above features would be that employees, Councillors, and volunteers:

- Can actively contribute and see that their efforts make a difference.
- Feel a sense of engagement; people are motivated and they have a sense of belonging to and a pride in the Council.
- Feel they are trusted to take responsibility, where appropriate, to act independently within their remit.
- There is a sense of having a meaningful role within the organisation.

Bullying, Harassment and Intimidation

In Support of our value to respect others, the Council will not tolerate bullying or harassment by, or of, any of their employees, officials, Councillors, contractors, visitors, volunteers, or members of the public.

The Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment.

This policy should be read in conjunction with the Council's Grievance and Disciplinary Procedures.

The Council will issue this policy to all employees as part of their induction and to all Councillors as part of their welcome pack. The Council may also wish to share this policy with contractors, volunteers, visitors and members of the public.

Legal Position

The Council recognise that an employment tribunal can increase the compensatory award of an employee by up to 25% if the employer has not followed the ACAS Code of Practice.

The Council recognise that some forms of behaviour may be serious enough to constitute a criminal offence.

The Council will adhere at all times to the ACAS Code of Practice.

ACAS states "bullying may be characterised as a pattern of offensive, intimidating malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

ACAS states "'Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

This Policy covers, but is not limited to, harassment on the grounds of:

- Sex
- Marriage & civil partnership
- Sexual orientation
- Race
- Colour

- Nationality
- Ethnic origin
- Religion
- Belief
- Disability
- Age

ACAS states “bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, and a lack of respect for others”. Bullying, harassment and intimidation can damage the Council’s reputation and ultimately lead to an Employment Tribunal, or other court cases, and payment of unlimited compensation.

Examples of unacceptable behaviour include, but are not limited to:

- Aggressive or abusive behaviour
- Spreading malicious rumours
- Insulting or humiliating someone
- Ridiculing, degrading or demeaning someone
- Exclusion, victimisation, or non-cooperation
- Unfair treatment
- Persistent and unreasonable criticism
- Creating an offensive environment
- Threatening behaviour
- Offensive comments
- Overbearing supervision, or other misuse of position or power
- Unwelcome sexual advances, physical contact or stalking
- Making threats about job security
- Unreasonable demands and impossible targets
- Deliberately undermining a competent worker by overloading work and/or constant criticism
- Coercion, such as pressure to subscribe to a particular political belief
- Preventing an individual’s promotion or training opportunities
- Any behaviour which an individual or group knows could have the potential effect of offending, humiliating, intimidating or isolating an individual or group.

Examples of where Bullying and Harassment may occur:

Face-to-face, in meetings, through written communication, over a telephone, or through automatic supervision methods. It may occur on or off work premises, during work hours, or non-work time.

Consequences of Bullying and Harassment

Bullying and harassment are considered examples of misconduct which will be dealt with through the Council’s Disciplinary Procedure for employees, or through referral to the Monitoring Officer as a contravention of the Member’s Code of Conduct which may result in penalties against the member.

In extreme cases, harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council’s insurer, if such a matter arises.

Duty of Care

The Council has a duty of care towards all their workers and liability under Common Law arising out of the Employment Rights Act 1996 (updated 2008 (ch24)) and the Health and Safety at Work Act 1974 (updated 2005 part 4 s27)).

Under the following laws bullying or harassment may be considered unlawful discrimination:

- Sex Discrimination Act 1975 (Amended 1986)
- Race Relations Act 1976 (Amended 2000) - now encompassed in Equality Act 2010
- Disability Discrimination Act 1995
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sex Discrimination) 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2010 – which fundamentally replaces the anti-discrimination legislation.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. Furthermore, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

Implementation

The Council will adhere to the following approach if a matter is reported informally:

Anyone, be it an employee, contractor, member or visitor, who feels he or she is being bullied, harassed, intimidated or victimised may try to resolve the problem informally in the first instance.

It may be sufficient to explain to the person(s) involved in the unwanted behaviour, that their conduct is unacceptable, offensive or causing discomfort.

The Council will adhere to the following approach if the matter is reported formally or an informal approach is inconclusive:

- i) Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially in line with the Grievance Procedure. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked.
- ii) Any complaint about the harassment or bullying by an employee can be raised confidentially in line with the Disciplinary Procedure.
- iii) Where any other party to the council, other than an employee, who feels he or she is being bullied or harassed by a Councillor, should raise their complaint to the Proper Officer where possible, or the Monitoring Officer. If an informal notification to a member has been unsuccessful at eliminating the problem, or where a member is directly involved in the bullying or harassment and an informal approach is not appropriate, the complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward.
- iv) Where a member of the public feels s/he has been bullied or harassed by any members or officers of the Council, the matter should be reported via the Complaints Procedure.

False or Malicious Allegations

Any false or malicious allegations of harassment or bullying, which damage the reputation of an employee or Councillor, will not be tolerated and will be dealt with as under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

Responsibilities

All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully, or in any way demean the dignity of others. If unacceptable behaviour is observed, then each individual may challenge the perpetrator and ask them to stop.

This policy is to be reviewed annually.



HALE PARISH COUNCIL OF THE HALTON BOROUGH IN THE COUNTY OF CHESHIRE



Disciplinary Policy Adopted by Hale Parish Council on XX

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
3. This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance.
 - the Council will fully investigate the facts of each case.
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of any meetings in this procedure. Employees must make all reasonable efforts to attend. Failure to attend any meeting may

result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.

- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council.
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- employees have the right to appeal against any disciplinary decision. The appeal decision is final.
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the two may be heard concurrently if so requested.
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal.
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first two occasions that it decides there has been misconduct.
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties.
- Any complaints raised by councillors relating to specific employees will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.
- Any concurrent grievances or code of conduct complaints raised against specific councillors by, or in relation to, an employee will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.

Examples of misconduct

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
 - unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

5. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
 - bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

6. If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
7. While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
8. The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

9. The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
- inadequate application of procedures
 - inadequate skills
 - unsatisfactory management of staff
 - unsatisfactory communication

The Procedure

10. Preliminary enquiries. The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

11. Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

12. A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
13. If a formal disciplinary investigation is required, the Council's Personnel Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be an independent professional retained by the Council to undertake such matters. The Investigator will be appointed as soon as possible after the allegations have been made. The Personnel Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
- the allegations or events that the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
 - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
14. The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may

decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).

15. The Personnel Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit a copy of the report to the employee and the Personnel Committee will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

22. If the Personnel Committee decides that there is a case to answer, it will appoint a Personnel sub-committee of three councillors, to formally hear the allegations. The Personnel sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
23. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
 - the names of its Chairman and other two members.
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting.

- a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure.
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it.
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting.
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing.
 - the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation).
 - the Chairman will invite the employee to present their account.
 - the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements).
 - any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness.
 - the employee (or companion) will have the opportunity to sum up.
24. The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
25. The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

26. If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal

- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement.
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal.
- the employee's right of appeal.
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct.
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning.
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

27. The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

28. An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
29. The grounds for appeal include;
 - a failure by the Council to follow its disciplinary policy
 - the sub-committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.

30. Where possible, the appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
31. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
32. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee.
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision.
 - explain the action that the appeal panel may take.
33. The employee (or companion) will be asked to explain the grounds for appeal.
34. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
35. The appeal panel may decide to uphold the disciplinary decision of the Personnel Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
36. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
37. The appeal panel's decision is final.



HALE PARISH COUNCIL

OF THE HALTON BOROUGH IN THE COUNTY OF CHESHIRE



Grievance Policy

Adopted by Hale Parish Council on XX

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
 - any changes to specified time limits must be agreed by the employee and the Council.
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
 - audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.

- if an employee who is already subject to a disciplinary process raises a grievance, the grievance may be heard concurrently if so requested.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Lancaster City Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5).
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.
- Any grievances or code of conduct complaints raised against specific councillors by, or in relation to, an employee will preclude such councillors with direct involvement in the matter from partaking in any discussions or decisions relating to an employee that could prejudice the outcome until such time that the matter has been settled.

Informal grievance procedure

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

Formal grievance procedure

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

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The Investigator will be an independent professional retained by the Council to undertake such matters. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee and the employee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members.
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance.
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official.
 - a copy of the Council's grievance policy.
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
 - findings of the investigation if there has been an investigation.
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
 - the Chairman will introduce the members of the sub-committee to the employee.
 - the employee (or companion) will set out the grievance and present the evidence.

- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take.
 - any member of the sub-committee and the employee (or the companion) may question any witness.
 - the employee (or companion) will have the opportunity to sum up the case.
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within 10 working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
- a failure by the Council to follow its grievance policy.
 - the decision was not supported by the evidence.
 - the action proposed by the sub-committee was inadequate/inappropriate.
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
- introduce the panel members to the employee.
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee.
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.



HALE PARISH COUNCIL OF THE HALTON BOROUGH IN THE COUNTY OF CHESHIRE



Personnel Committee - Terms of Reference Adopted by Hale Parish Council on XX

1. Objective

This Committee is constituted in order to fulfil the obligations of Hale Parish Council as an employer.

2. Membership

Membership shall consist of five members, elected annually along with the Chairman and Vice Chairman of Hale Parish Council who may sit on any Committee in an ex-officio capacity.

The Chairman and Vice Chairman of the Personnel Committee shall be elected by the membership.

A quorum shall consist of three members.

All members must receive human resources training and must ensure compliance with applicable employment law.

3. Areas of Responsibility

The Personnel Committee has the authority delegated in sub paragraphs *i) to iii)* set out below.

- i) To review the Council's policies in respect of human resources and provide recommendations to the Council;
- ii) Appoint an independent third party to assist with any grievance and/or disciplinary proceedings;
- iii) To undertake recruitment, when directed by the Council, to fill any vacancies that may arise.

5. Meetings

The Proper Officer may call Personnel Committee meetings when necessary.

The Chairman, or two other members, of the Personnel Committee may also call meetings of the Personnel Committee.

All meetings of the Personnel Committee will be minuted.

6. Review

The terms of reference of the Personnel Committee are to be reviewed annually.



Please ask for: Nazia Shah Extn: 0151 511 6630 Quoting 21/00050/FUL

Date: 04.02.2021

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 21/00050/FUL

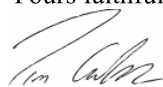
Proposed two storey side extension and loft conversion with addition of roof windows to front elevation and rear dormer at 31 Church Road Hale Liverpool L24 4AY

The Council has received the above planning application and would welcome any comments you may wish to make. Should you wish to make any comments on the proposed development, would you please reply by e-mail to dev.control@halton.gov.uk within twenty one days of the date of this letter. The plans and supporting information can be viewed at :

<https://webapp.halton.gov.uk/planningAPPS/showCaseData.asp?CaseNo=21/00050/FUL>

Should we not hear from you within 21 days we will presume you have no comments to make on the application.

Yours faithfully



Tim Gibbs MRTPI MRICS
Divisional Manager – Policy & Development Services

It's all happening **IN HALTON**