



Bingham Town Council

Data Breach Policy

The General Data Protection Regulations (GDPR) defines a personal data breach as “a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”. Examples include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or processor
- Sending personal data to an incorrect recipient
- Computing devices containing personal data being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

Bingham Town Council takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

Consequences of a personal data breach

A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore, a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

Bingham Town Council's duty to report a breach

If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and the Information Commissioner's Office (ICO) without undue delay and, where feasible, not later than 72 hours after having become aware of the breach. The Data Protection Officer must be informed immediately so they are able to report the breach to the ICO in the 72 hour timeframe.

If the ICO is not informed within 72 hours, Bingham Town Council via the Data Protection Officer (DPO) must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, Bingham Town Council must:

- i. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned
- ii. Communicate the name and contact details of the DPO
- iii. Describe the likely consequences of the breach
- iv. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse effects.

When notifying the individual affected by the breach, Bingham Town Council must provide the individual with (ii)-(iv) above.

Bingham Town Council would not need to communicate with an individual if the following applies:

- It has implemented appropriate technical and organisational measures (i.e. encryption) so those measures have rendered the personal data unintelligible to any person not authorised to access it;
- It has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or
- It would involve a disproportionate effort

However, the ICO must still be informed even if the above measures are in place.

Data processors duty to inform Bingham Town Council

If a data processor (i.e. payroll provider) becomes aware of a personal data breach, it must notify Bingham Town Council without undue delay. It is then Bingham Town Council's responsibility to inform the ICO, it is not the data processors responsibility to notify the ICO.

Records of data breaches

All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used as a way to improve the security of personal data.

Record of Data Breaches

Date of breach	Type of breach	Number of individuals affected	Date reported to ICO/individual	Actions to prevent breach recurring

To report a data breach use the ICO online system:

<https://ico.org.uk/for-organisations/report-a-breach/>

This Data Breach Policy was considered and approved by Bingham Town Council on 24 May 2022.

Minute Reference:



Bingham Town Council

Data Protection Policy

Bingham Town Council recognises its responsibility to comply with the General Data Protection Regulations (GDPR) 2018 which regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address.

General Data Protection Regulations (GDPR)

The GDPR sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The GDPR applies to anyone holding personal information about people, electronically or on paper. Bingham Town Council has also notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, Bingham Town Council staff and members must ensure that:

- **Data is processed fairly, lawfully and in a transparent manner**

This means that personal information should only be collected from individuals if staff have been open and honest about why they want the personal information.

- **Data is processed for specified purposes only**

This means that data is collected for specific, explicit and legitimate purposes only.

- **Data is relevant to what it is needed for**

Data will be monitored so that too much or too little is not kept; only data that is needed should be held.

- **Data is accurate and kept up to date and is not kept longer than it is needed**

Personal data should be accurate, if it is not it should be corrected. Data no longer needed will be shredded or securely disposed of.

- **Data is processed in accordance with the rights of individuals**

Individuals must be informed, upon request, of all the personal information held about them.

- **Data is kept securely**

There should be protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

- **Storing and accessing data**

Bingham Town Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of personal information.

Bingham Town Council may hold personal information about individuals such as their names, addresses, email addresses and telephone numbers. These will be securely kept at Bingham Town Council office and are not available for public access. All data stored on Bingham Town Council office computers are password protected. Once data ~~is not needed any more~~ **is no longer required**, is out of date or has served its use and falls outside the minimum retention time of Councils document retention policy ([see Records Retention Policy](#)), it will be shredded, **destroyed as confidential waste** or **will be** securely deleted from the computer.

Bingham Town Council is aware that people have the right to access any personal information that is held about them. Subject Access Requests (SARs) must be submitted in writing (this can be done in hard copy, email or social media). If a person requests to see any data that is being held about them, the SAR response must detail:

- How and to what purpose personal data is processed
- The period Bingham Town Council tend to process it for
- Anyone who has access to the personal data

The response must be sent within 30 days and should be free of charge.

If a SAR includes personal data of other individuals, Bingham Town Council must not disclose the personal information of the other individual. That individual's personal information may either be redacted, or the individual may be contacted to give permission for their information to be shared with the Subject.

Individuals have the right to have their data rectified if it is incorrect, the right to request erasure of the data, the right to request restriction of processing of the data and the right to object to data processing, although rules do apply to those requests.

Confidentiality

Bingham Town Council members and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

This Data Protection Policy was considered and adopted by Bingham Town Council on 24 May 2022

Minute Reference:



Bingham Town Council

GENERAL PRIVACY NOTICE

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Bingham Town Council which is the data controller for your data.

Other data controllers the Town Council works with:

- Local authorities
- Local community groups
- Charities
- Other not for profit entities
- Contractors

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the Town Council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs, **meeting recordings**;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by the Town Council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;

- Where you pay for activities such as the hire of a meeting room, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the Town Council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, Councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the Town Council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

What is the legal basis for processing your personal data?

The Town Council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Town Council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Town Council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the Town Council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Sharing your personal data

This section provides information about the third parties with whom the Town Council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Town Council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1) *The right to access personal data we hold on you*

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) *The right to correct and update the personal data we hold on you*

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) *The right to object to processing of your personal data or to restrict it to certain purposes only*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

- 6) ***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) ***The right to lodge a complaint with the Information Commissioner's Office.***
- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website. This Notice was last updated in May 2022.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Bingham Town Council

Email: info@bingham-tc.gov.uk

This General Privacy Notice was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

PRIVACY NOTICE

For staff*, Councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, agents, and other role holders within the Town Council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Bingham Town Council which is the data controller for your data.

The Town Council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Local community groups, charities, contractors and other not for profit entities
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment agencies
- Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the Town Council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs, **meeting recordings**.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

- We may process sensitive personal data relating to staff, Councillors and role holders including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the Town Council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/payroll functions, or to maintain our database software;
- Other persons or organisations operating within the local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Town Council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is

necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1. *The right to access personal data we hold on you***
 - At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
 - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
- 2. *The right to correct and update the personal data we hold on you***
 - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3. *The right to have your personal data erased***
 - If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
 - When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4. *The right to object to processing of your personal data or to restrict it to certain purposes only***
 - You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5. *The right to data portability***
 - You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6. *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
 - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7. *The right to lodge a complaint with the Information Commissioner's Office.***
 - You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website. This Notice was last updated in May 2021.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Bingham Town Council

Email: info@bingham-tc.gov.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

This Privacy Notice was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

Subject Access Request (SAR) Policy

1. Upon receipt of a SAR

- (a) Verify whether you are controller of the data subject's personal data. If you are not a controller, but merely a processor, inform the data subject and refer them to the actual controller.
- (b) Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- (c) Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
- (d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, you may refuse to act on the request or charge a reasonable fee.
- (e) Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- (f) Verify whether you process the data requested. If you do not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
- (g) Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- (h) Verify whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

2. Responding to a SAR

- (a) Respond to a SAR within one month after receipt of the request:
 - (i) If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
 - (ii) if the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- (b) If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
- (c) If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response:
 - (i) the purposes of the processing;
 - (ii) the categories of personal data concerned;

- (iii) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
 - (iv) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (v) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - (vi) the right to lodge a complaint with the Information Commissioners Office ("ICO");
 - (vii) if the data has not been collected from the data subject: the source of such data;
 - (viii) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- (d) Provide a copy of the personal data undergoing processing.

This Subject Access Request (SAR) Policy was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:

¹ "Binding Corporate Rules" is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation's head quarters is located. In the UK, the relevant regulator is the Information Commissioner's Office.

² "EU model clauses" are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.



Bingham Town Council

Records Retention Policy

Bingham Town Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the association. This document provides the policy framework through which this effective management can be achieved and audited.

It covers:

- Scope
- Responsibilities
- Retention Schedule

Scope

This policy applies to all records created, received or maintained by Bingham Town Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by Bingham Town Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically. A small percentage of Bingham Town Council records may be selected for permanent preservation as part of the Councils archives and for historical research.

Responsibilities

Bingham Town Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Clerk. The person responsible for records management will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely. Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with Bingham Town Council's records management guidelines.

Retention Schedule

The retention schedule refers to record series regardless of the media in which they are stored.

Document	Minimum Retention Period	Reason
Minutes		
Minutes of Council meetings	Indefinite	Archive
Minutes of committee meetings	Indefinite	Archive
Employment		
Staff employment contracts	6 years after ceasing employment	Management
Staff payroll information	3 years	Management
Staff references	6 years after ceasing employment	Management
Application forms (interviewed – unsuccessful)	6 months	Management
Application forms (interviewed – successful)	6 years after ceasing employment	Management
Disciplinary files	6 years after ceasing employment	Management
Staff appraisals	6 years after ceasing employment	Management
Finance		
Scales of fees and charges	6 years	Management
Receipt and payment accounts	6 years	VAT
Bank statements	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980
Payroll records	12 years	HMRC
Petty cash accounts	6 years	HMRC
Insurance		
Insurance policies	6 years after policy end	Management
Certificates for Insurance against liability for employees	40 years after policy end	Employer's Liability Regulations 1998
Certificates for Public Liability	6 years after policy end	Management
Insurance claim records	6 years after policy end	Management
Health and Safety		
Accident books	3 years from date of last entry	Statutory
Risk assessment	3 years	Management
General Management		
Councillors contact details	Duration of membership	Management
Lease agreements	Indefinite	Audit/Management
Contracts	Indefinite	Audit/Management
Email messages	At end of useful life	Management
Consent forms	5 years	Management
GDPR Security Compliance form	Duration of membership	Management

This Records Retention Policy was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

HEALTH AND SAFETY POLICY STATEMENT

The management of Bingham Town Council recognises that it has a legal duty of care towards protecting the health and safety of its employees and others who may be affected by the council's activities, and that managing health and safety is a business critical function.

In order to discharge its responsibilities the management will:

- bring this Policy Statement to the attention of all employees
- carry out and regularly review risk assessments to identify proportionate and pragmatic solutions to reducing risk
- communicate and consult with our employees on matters affecting their health and safety
- comply fully with all relevant legal requirements, codes of practice and regulations at International, National and Local levels
- eliminate risks to health and safety, where possible, through selection and design of materials, buildings, facilities, equipment and processes
- encourage staff to identify and report hazards so that we can all contribute towards improving safety
- ensure that emergency procedures are in place at all locations for dealing with health and safety issues
- maintain our premises, provide and maintain safe plant and equipment
- only engage contractors who are able to demonstrate due regard to health & safety matters
- provide adequate resources to control the health and safety risks arising from our work activities
- provide adequate training and ensure that all employees are competent to do their tasks
- provide an organisational structure that defines the responsibilities for health and safety
- provide information, instruction and supervision for employees
- regularly monitor performance and revise policies and procedures to pursue a programme of continuous improvement.

This Health and Safety Policy will be reviewed at least annually and revised as necessary to reflect changes to the business activities and any changes to legislation. Any changes to the Policy will be brought to the attention of all employees.

This Health and Safety Policy Statement was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

Media and Recording Policy

Introduction

1. Bingham Town Council ("the Council") is committed to the provision of accurate information about its governance, decisions and activities. Where this information is not available via the Council's publication scheme, please contact the Council's Clerk or, in their absence, the Deputy Clerk.
2. The Council shall, where possible, co-operate with those whose work involves gathering material for publication in any form including use of the internet ("the media").
3. This policy explains how the Council may work with the media to meet the above objectives in accordance with the legal requirements and restrictions that apply.

Legal requirements and restrictions

4. This policy is subject to the Council's obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the General Data Protection Regulations 2018, other legislation which may apply and the Council's Standing Orders and Financial Regulations. The Council's Financial Regulations and relevant Standing Orders referenced in this policy are available via the Council's website.
5. The Council cannot disclose confidential information or information the disclosure of which is prohibited by law. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council's Standing Orders, under contract or by common law. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the Code of Conduct adopted by the Council, a copy of which is available via the Council's website.

Meetings

6. A meeting of the Council and its Committees are open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the public interest due to the confidential nature of the business or other special reason(s) stated in the resolution. In accordance with the Council's Standing Orders, persons may be required to leave a meeting of the Council and its Committees, if their disorderly behaviour obstructs the business of the meeting.
7. Where a meeting of the Council and its Committees include an opportunity for public participation, the media may speak and ask questions. Public participation is regulated by the Council's Standing Orders.
8. The photographing, recording, filming or other reporting of a meeting of the Council and its Committees (which includes e.g. using a mobile phone or tablet, recording for a TV/radio broadcast, providing commentary on blogs, web forums, or social networking sites such as Twitter, Facebook and YouTube) which enable a person not at the meeting to see, hear or be given commentary about the meeting is permitted unless (i) the meeting has resolved to hold all or part of the meeting without the public present or (ii) such activities disrupt the proceedings or (iii) paragraphs 9 and 10 below apply.
9. The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council or Committee meeting is not permitted unless an adult responsible for them has given permission.
10. Oral reporting or commentary about a Council or Committee meeting by a person who is present at

the meeting is not permitted.

11. The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or Committee meeting and for telephoning their report at their own expense.

12. The Council's Standing Orders will confirm if attendance by the public, their participation, photographing, recording, filming or other reporting is permitted at a meeting of a sub-committee.

Other communications with the media

13. This policy does not seek to regulate Councillors in their private capacity.

14. The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of Councillors are different to the Council's corporate position and views, they will make this clear.

15. The Council's Clerk, or in their absence, the Deputy Clerk may contact the media if the Council wants to provide information, a statement or other material about the Council.

16. Subject to the obligations on Councillors not to disclose information referred to in paragraph 5 above and not to misrepresent the Council's position, Councillors are free to communicate their position and views.

Meeting recordings by the Council

17. The Council resolved to record meetings of the Council and these will be available on the Town Council's website or You Tube channel as a permanent record of the meeting.

18. By entering a virtual or physical meeting of the Council you agree to your image or voice to be included within the meeting recording.

19. The Council will make reasonable adjustments to avoid the filming of children under 18 years of age. Please make the Clerk, aware if you have a minor attending with you.

20. The Council's privacy policy confirms how your data is protected and can be viewed by visiting <https://www.bingham-tc.gov.uk/2018/05/16/general-privacy-notice-may-2018/>

This Media and Recording Policy was considered and approved by the Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

Mayor's Allowance Policy

The Mayor's allowance exists to help defray the cost to the Mayor whilst undertaking his or her duties for the civic year. Bingham Town Council is committed to accountability and transparency in respect of all expenditure, including the Mayor's allowance.

Background

Each May, the Town Council elect the Mayor for the ensuing year. The job will entail increased responsibility for the Mayor representing the town at various events throughout the County. As a result, it is likely that there will be increased expenditure and to defray these extra costs a budget is allocated and will be reviewed annually as part of the Council budget procedure. The Mayor's allowance will be taken from the Civic Events and Expenses budget, if this budget is not fully spent by the end of the Mayor's term of office, the remainder of the fund will revert to the general reserves.

Permitted expenditure

Whilst representing the town the following list is legitimate expenditure for which there will be reimbursement:

- Mileage to and from events
- Transport to events outside the Boundary of Bingham if the Mayor does not have a form of transport available (see Travel & Subsistence Policy)
- Tickets for events
- Reasonable expenditure required for performing the Mayor's duties in service of the Town.

It is recognised that the Mayor may be accompanied to many formal engagements by his or her spouse or partner. Reasonable expenditure under the above headings in respect of the Mayor's spouse or partner represents legitimate expenditure.

It is expected that where possible receipts will support expenditure. Where it is not possible to provide receipts, signed written details must be provided by the Mayor to substantiate the expenditure.

This Mayor's Allowance Policy was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

Parish Travel and Subsistence Allowance Policy

Travel Expenses

The Council will pay, on request, to both elected and co-opted members allowances in respect of travelling and subsistence, including an allowance in respect of travel by bicycle or other non-motorised form of transport, undertaken or incurred in connection with the performance of any of the following duties:

- The attendance at a meeting or function authorised by the Council (or if urgent, by the Mayor, or in their absence the Deputy Mayor, in consultation with the Town Clerk) which takes place outside of the Bingham boundary. This may include councillor training and development;
- The attendance at a meeting of any association of authorities of which the council is a member, if held outside the Bingham boundary;
- The performance of duties in connection with any formal council processes which require travel outside of the Bingham boundary;
- The carrying out of any other duty outside of the Bingham boundary authorised by the Council (or if urgent authorised by the Mayor, or in their absence the Deputy Mayor, and the Town Clerk).

For any functions authorised in line with above, travel can be authorised for journeys by public transport car, or non-motorised device:

Rates will be paid as follows:

- Bus or rail travel – cost of journey subject to receipt or ticket being provided to the Town Clerk
- Car – the Council will pay for authorised journeys at a rate of £0.45 per mile (HMRC rate)
- Motorbikes - £0.24 per mile (HMRC rate)
- Non-motorised transport (eg: bicycle) – £0.10 per mile (HMRC rate)
- Taxi – where no other form of transport is available and is agreed in advance with the Town Clerk and Mayor

Payment will not normally be paid for travel within the Bingham boundary unless the Town Clerk and Mayor consider that there are extenuating circumstances.

Subsistence Allowances

Subsistence will only be paid in respect of an authorised duty outside of the Bingham boundary (see above) and will be paid at the following rates and only on provision of an appropriate receipt:

Breakfast - max £5.00 (£6.00 if purchased in London)

Lunch – max £6.00 (£7.50 if purchased in London)

Dinner – max £10.00 (12.50 if purchased in London)

This Parish Travel and Subsistence Allowance Policy was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference:



Bingham Town Council

Asset Valuation Policy

Purpose and Context

The Town Council has assets totalling **£1,844,960** for the year ended **31 March 2022**. The Council has a duty to ensure that its assets are properly managed, controlled and recorded.

Policy Statement

The Town Council will maintain a Fixed Asset Register of all land; items of value in excess of £100 that it has purchased and items gifted to the Town Council. The Register is held in the Town Council Office. It will be updated at least annually. A record of assets and their corresponding value is required to provide information:

- to Councillors as to the assets under their control
- for decision making purposes
- for external reporting, insurance and audit purposes

The Fixed Asset Register

The Town Council's Fixed Asset Register contains the following information:

- Description of the asset
- Date acquired (if known)
- Location of the asset
- Cost of the asset (this may include a nominal amount of £1 if the asset was a gift to the Town Council) or insurance value if the cost of the asset is not known
- Any disposal amount received
- Reason for disposal

Method of Valuation

The Joint Panel on Accountability and Governance, Practitioners' Guide for 2017/18 included a change in guidance regarding asset valuation. There is no longer a specified method of asset valuation, for example acquisition cost, so authorities may use any reasonable approach to be applied consistently from year to year.

The method of asset valuation adopted by the Town Council is set out below:

- Where the purchase price of the asset is known the purchase price will be recorded
- If the asset was gifted to the Town Council then the value will be recorded as £1
- If the purchase price is unknown then the insurance value will be used

Commercial concepts of depreciation, impairment adjustments, and revaluation are not required or appropriate for this method of asset valuation. Therefore, for reporting purchasing on the Fixed Asset Register the recorded value of fixed assets will stay constant throughout their life until disposal.

If it is determined that the Town Council should change the basis of valuation, the change must be applied consistently to all relevant classes of fixed assets.

Maintenance

The Town Council's assets will be inspected in line with best practice and maintained to a satisfactory standard.

Disposal of Assets

The authority to dispose of assets either by destroying, selling them or otherwise, will lie with the Town Council. Any revenue obtained from the disposal of an asset will in normal circumstances be credited to the cost centre which originally purchased the asset, **for replacement of the item or to the general reserve if a replacement is not required.**

This Asset Valuation Policy was considered and approved by Bingham Town Council on 24 May 2022

Minute Reference:



Bingham Town Council

Complaints Policy

1 Introduction

- 1.1 This policy sets out procedures for dealing with any complaints that anyone may have about Bingham Town Council's administration and procedures. It applies to the Town Council's employees. The statutory Code of Conduct adopted by the Council covers councillors. Complaints against policy decisions made by the Council shall be referred to the Council (but note paragraph 19 of the Council's Standing Orders in this regard).

2 Oral Complaints

- 2.1 If a complaint about procedures or administration as practised by the Council's employees is notified orally to a Councillor or the Town Clerk, they should seek to satisfy the complaint fully. If that fails, the complainant should be asked to put the complaint in writing to the Town Clerk and be assured that it will be dealt with promptly after receipt. If the complainant prefers not to put the complaint to the Town Clerk, he or she should be advised to put it to the Town Mayor.

3 Written Complaints

- 3.1 On receipt of a written complaint, the Town Mayor or the Town Clerk shall try to settle the complaint directly with the complainant, unless the complaint is about the Town Clerk when it shall be referred to the Town Council. No action shall be taken without first notifying the person complained against and giving them the opportunity to comment. The Town Mayor or Town Clerk shall report to the next meeting of the Town Council any written complaint disposed of by direct action with the complainant.
- 3.2 The Town Mayor or Town Clerk shall bring any written complaint that has not been settled to the next meeting of the Town Council. The Town Clerk shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered the opportunity to explain the complaint orally. (Unless such a matter is related to Grievance, Disciplinary or Standards Board proceedings that are taking, or are likely to take place, when such discussion may prejudice those proceedings and must be deferred until appropriate advice is received).
- 3.3 The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed under Confidential Business but any decision on a complaint shall be announced in open Council. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
- 3.4 The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practise arise on which advice is necessary. The complaint shall be dealt with at the next Town Council meeting after the advice has been received.
- 3.5 In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant.

This Complaints Policy was considered and approved by Bingham Town Council on 24 May 2022.

Minute Reference:



Bingham Town Council

Councillor Co-option Policy

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of Councillors to Bingham Town Council. The co-option procedure is entirely managed by the Town Council and this policy will ensure that a fair and transparent process is carried out.

Bingham Town Council has 14 Councillors, split across two wards, Bingham East and Bingham West, who typically serve a full 4 year term.

What is Co-option

The co-option of a Town Councillor can occur at:

- **Election Time**
A seat has been left vacant because no eligible candidate or insufficient candidates stood for election at the full elections, which happen every 4 years. Provided that those elected constitute at least a quorum (one third of the total number of Councillors).

In this instance the Town Clerk will be notified of vacancies by Rushcliffe Borough Council and advised that efforts must be made to fill the vacancies by co-option. The Town Council will be notified and they must give public notice of the vacancies and intention to co-opt.

The time period to complete a co-option in these circumstances is 35 days (not including weekends, public holidays and other notable days), from the election date. After 35 days, Rushcliffe Borough Council will advise the Town Council whether there will be a further election or to take other appropriate action to fill the vacancies.

If the Town Council is not quorate following an election, Rushcliffe Borough Council has wide reserve powers to do anything necessary to constitute the Town Council, including the temporary appointment of Councillors pending a further election.

- **During the 4 year term of Council**
A casual vacancy arises when:
 - a Councillor fails to make their declaration of acceptance of office at the proper time
 - a Councillor resigns
 - a Councillor dies
 - a Councillor becomes disqualified
 - a Councillor fails for 6 months to attend meetings of the Council including Committees or Sub-committees of which they are a member or as a representative of the Council at a meeting unless they have a 'statutory excuse' (broadly speaking, military service during war or an emergency) or the failure to attend is due to a reason approved by the Council.

The Town Clerk will notify Rushcliffe Borough Council that a seat has fallen vacant. (However, if the vacancy is within the 6 months period prior to an election, then the Town Council may choose whether to fill the vacancy or not).

The Notice of a Vacancy would be advertised which would give the electorate the opportunity to call for a poll (by-election).

If a by-election is called within 14 days (not including weekends, public holidays and other notable days), if only one candidate is nominated they will be duly elected unopposed without a ballot. If there are two or more candidates nominated then a polling station will be set up in the ward by Rushcliffe Borough Council and the electorate of the ward will be asked to go to the polls to vote for a candidate who has put themselves forward by way of a nomination paper.

Bingham Town Council will pay the costs of the election.

If the required 10 electors of the parish do not claim a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Town Clerk will be notified by Rushcliffe Borough Council that the vacancy can be filled by co-option. The Town Council will be notified and they must give public notice of the vacancy and intention to co-opt.

Confirmation of Co-option

On receipt, of written confirmation, from Rushcliffe Borough Council, the casual vacancy can be filled by means of co-option, the Town Clerk will:

- Advise the Town Council that the co-option policy has been instigated
- If the vacancy is as a result of the death of a Councillor, no advert will be made until after the funeral
- Advertise the vacancy for 4 weeks on the Town Council notice boards and website

Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies, because this makes the process of co-option open and transparent and should attract more potential candidates.

The Town Council is not obliged to fill any vacancy. Even if the Town Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

However, it is not desirable that electors in a particular ward be left partially or full under-represented for a significant length of time. Neither does it contribute to effective and efficient working of the Town Council if there are insufficient Councillors to provide a broad cross-section of skills and interests, or it puts a strain on being quorate at Full Council or Committees without undue difficulty.

Councillors elected by co-option are full members of Bingham Town Council.

Eligibility of Candidates

The Town Council is able to consider any person to fill a vacancy provided that (see section 79 of the Local Government Act 1972):

- Over 18 years of age
- ~~A British or Commonwealth Citizen or citizen of the European Union and either~~ British citizen or a qualifying Commonwealth citizen or a citizen of any other member state of the European Union. (A qualifying Commonwealth citizen is a person who either does not need permission to remain in the UK or has indefinite leave to remain in the UK).
- An elector
- Or resided in the parish for the past 12 months
- Or within three miles (direct) of it
- Or occupied as an owner or tenant land or premises therein
- Or have their principal place of work in the parish.

There are certain disqualifications for election, of which the main are (see section 80 of the Local Government Act 1972):

- Holding a paid office within the Town Council;
- **Subject of a Bankruptcy restrictions order or an interim order**
- **Hold a politically restricted post for another authority**
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election; and
- Being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

Application Process

All potential candidates will be requested to put their request for consideration in writing with the following information:

- Confirm their eligibility (as set out in the Local Government Act 1972 section 79)
- Confirm that they do not meet any of the criteria to be disqualified from being a Councillor (as set out in the Local Government Act 1972 section 80)
- Reason for wishing to become Councillor
- Previous community and/or Council work
- Other skills and experience that may be relevant in support of their application

Please note it is a condition of a being a Town Councillor that a means of contact ~~by telephone, email and address~~ will be public information.

Following receipt of applications, the next suitable Full Council meeting will have an agenda item: 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy'.

Applications must be received at least 5 days prior to a Full Council meeting as copies of the candidates' applications will be circulated to all Councillors by the Town Clerk, at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered. All such documents will be treated by the Town Clerk and all Councillors as Strictly Private and Confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of

the Town Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Bingham Town Councillor.

The process will be carried out by suspending Standing Orders (adjourning the meeting to allow the candidates to speak). Where the Town Council wishes to discuss the merits of candidates and inevitably their personal attributes, the Town Council will resolve to exclude the candidates, members of the press and public. Once any discussions are complete, members of the press and public will be re-admitted.

The Town Council will proceed to a vote on the acceptability of each candidate by the Town Councillors in attendance by a vote by a show of hands.

In order for a candidate to be elected to the Town Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chair of the meeting, typically the Mayor, has a second casting vote.

After the votes have been concluded, the candidates will be re-admitted and the Chair will declare the successful candidate(s) duly elected. After signing their declaration of acceptance of office, they may take their seat immediately.

The decision of Full Council is final.

The Town Clerk will notify Rushcliffe Borough Council of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Town Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

This Councillor Co-option Policy was considered and approved by Bingham Town Council on 24 May 2022.

Minute Reference:



Bingham Town Council

Environmental Policy Statement

Bingham Town Council recognises that the day-to-day operations can impact both directly and indirectly on the environment. The Council aims to protect and improve the environment through good management and by adopting best practice wherever possible. It will work to integrate environmental considerations into its business decisions and adopt greener alternatives wherever possible, throughout its operations.

In order to discharge its responsibilities, the Council will:

- bring this Environmental Policy Statement to the attention of all stakeholders
- comply fully with all relevant legal requirements, codes of practice and regulations at international, national and local levels
- eliminate risks to the environment, where possible, through selection and design of materials, buildings, facilities, equipment and processes
- establish emergency procedures at all locations for dealing with environmental issues
- establish targets to measure the continuous improvement in our environmental performance
- identify and manage environmental risks and hazards
- improve the environmental efficiency of its transport and travel
- involve customers, partners, clients, suppliers and subcontractors in the implementation of our objectives
- minimise waste and increase recycling within the framework of our waste management procedures
- engage contractors who are able to demonstrate due regard to environmental matters
- prevent pollution to land, air and water
- promote environmentally responsible purchasing
- provide adequate resources to control environmental risks arising from our work activities
- provide suitable training to enable employees to deal with their specific areas of environmental control
- reduce the use of water, energy and any other natural resources
- source materials from sustainable supply, when practicable.

This Environmental Policy will be reviewed at least annually and revised as necessary to reflect changes to the business activities and any changes to legislation. Any changes to the Policy will be brought to the attention of all stakeholders.

This Environmental Policy Statement was considered and approved by Bingham Town Council at its meeting on 24 May 2022.

Minute Reference: