



MIDDLETON CHENEY

Parish Council

Parish Meeting Room
Main Road
Middleton Cheney
OX17 2LR

PARISH COUNCIL GENERAL MEETING

Venue: Parish Meeting Room
19th June 2023, 7:15pm

Chairman Alan Youel
Cllr Nina Truman
Cllr Mark Allen
Cllr Ruth Hoose

Cllr Richard Solesbury-Timms
Cllr Nigel Mills
Cllr Rachel Washer

(Late attendance Cllr Kristian Burgess)

23/149 Apologies for absence

Cllr. Burgess will attempt to attend the meeting as early as possible.

Absent without apologies: Cllr Jerrams Coughtrey.

On the proposition of Cllr Solebury Timms it was **RESOLVED**: to approve the apology for absence from Cllr Burgess.

23/150 OPEN MEETING

A resident:

23/153 No access to planning information *Cllr Allen confirmed supporting documents were provided on the Parish Council website as stated by the Clerk.*

23/160 Requested equipment at Stanwell park is reviewed

23/163 Requested Christmas events are not considered at this time

Interruption from a resident, no representations made on agenda items.

A resident:

23/150 Claims Council Standing Orders aren't correct and restricts public participation in rest of meeting.

23/165 Remembrance parade, volunteers are happy to undertake road closure requirements.

23/160 Request Stanwell and Astrop play areas could encourage graffiti from the schools. The resident's company won't quote if other companies are being considered.

23/166 Request not to pay contractors regarding grass-cutting.

Open meeting closed 19:26

23/151 Members' declaration of interest in items on the agenda

None

23/152 Approval of minutes of meeting 15/05/2023

On the proposition of Cllr Truman it was **RESOLVED**: to approve the minutes of meeting 15th May 2023.

23/153 Planning – letters, decisions and applications

2023/5371/FULL general comment: To request surrounding character when deciding on cladding.

23/154 Receipt of the Annual Internal Audit Report, YE 31st March 2023 Section 3

Members received the Annual Internal Audit Report provided by W J McL. Marshall, CiLCA.

23/155 Approval of the Annual Governance and Accountability Return, YE 31st March 2023 Section 1

On the proposition of Cllr Allen it was **RESOLVED**: to complete and approve Section 1 of the Annual Return, Annual Governance Statement.

Chairman and Clerk of the meeting signed the Annual Governance Statement

23/156 Approval of the Annual Governance and Accountability Return, YE 31st March 2023 Section 2

Explanation of variances provided by the Clerk.

On the proposition of Cllr Hoose it was **RESOLVED**: to approve Section 2 of the Annual Return, Accounting Statements.

The Chairman signed the Accounting Statements.

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23/157 Reports from Ward Councillors

Cllr Solesbury-Timms provided a verbal report. Blue Lagoon has been cleared by Cotswold Oak and residents on a private area of land.

Derelict property in the village has been escalated and has a reference number with West Northants private property management department.

Warkworth Road – vegetation interfering with road.

23/158 Review of arrangements with other organisations.

Clerk's summary and recommendations:

West Northamptonshire Council, Grand Union Housing Group, MC Playing Fields Association, Village Hall Committee, MC Community Library, All Saints Church.

GUHG - MCPC to support a sustained presence of the Housing Association in the village. MCPC to ensure GUHG maintain standards of areas it owns and is responsible for.

WNC - MCPC have unitary representatives who shall be invited to report at every full council meeting and Annual Parish Meeting, MCPC receive a payment for grass-cutting. MCPC to support problem reporting to WNC via appropriate channels

PFA – Question to PFA, MCPC may have a member representative on the committee? MCPC to ensure a PFA committee is in place and support its continuation.

Village hall committee - access to carpark arrangements, MCPC to ensure its boundaries are suitably maintained. Church and Library - ad hoc arrangements can be negotiated between the council or clerk and an organisation representative.

Primary School – Flag pole arrangements.

Secondary School – Arrangements with “Risk Aware” group – MCPC offer its support where needed.

MCPC to support the advertising of WNC and local not-for-profit organisations on website, noticeboard where available and in Parish Newsletters.

MCPC may hire the facilities and grounds of other organisations as any other organisation or individual can at the discretion of the organisation..

23/159 Nominated individuals guidance

On the proposition of Cllr Solesbury-Timms it was **RESOLVED**: to adopt guidance on nominating individuals who act on behalf of the Council.

23/160 Receive play area inspection reports

On the proposition of the Chairman it was **RESOLVED**: to delegate liaison responsibility to Amenities Committee to identify plan and source contractors for identified works.

23/161 To respond to questions from Annual Parish Meeting 24th April 2023

The Chairman and Cllr Washer to create responses to the comments and questions raised.

Cllr Hoose and Cllr Mills to correspond with the Clerk to create a plan for generating better engagement at the annual meeting of the parish. Circulate information from September.

Cllr. Burgess joined the meeting 20:51pm

23/162 Business Continuity Plan

On the proposition of Cllr Mills it was **RESOLVED**: to adopt the IT Back Up document as part of the Business continuity plan. To review BC plan alongside the Emergency Plan next meeting.

23/163 Consideration of Christmas illuminations

On the proposition of the Chairman it was **RESOLVED**: Cllr Burgess, Cllr Truman and Cllr Washer “Team Christmas” to explore options and come back to Council with a proposition.

23/164 Consideration of Christmas events collaborating with other organisations

Team Christmas agreed collaborate with the Village Hall Committee to create a proposal for Christmas events.

23/165 Arrangements for Remembrance Sunday Parade 2023

Some councillors identified a preference for volunteers to participate as residents / members of respective organisations rather than have to manage the traffic. 1 quote received, 1 outstanding.

Deferred until July full council meeting once quotes have been obtained. Information regarding use of volunteers to be queried with MCPC insurance company.

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~~23/166 Authorisation of payments – attached~~

~~To approve and provide dual signatory on payments scheduled April 2023 – May 2023.~~

~~Recommendation: to approve schedule of payments.~~

23/167 Exclusion of press and public

On the proposition of the Chairman it was **RESOLVED**: to exclude the public and press from the meeting during the consideration of the item set out below on the grounds that publicity would be prejudicial to the general interest by reason of the confidential nature of the business to be transacted, in accordance with Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960.

23/168 Representations to resolution processes

On the proposal of Cllr Solesbury-Timms it was **RESOLVED**: to nominate the Chairman and Cllr Allen to liaise in the resolution process, the Council provided instructions for the parameters of engagement. The parameters of engagement rejected the recommendation the HR Committee made on this matter. Cllr Washer abstained from voting on this matter.

**22:12pm On the proposition of the Chairman it was RESOLVED: to suspend the Standing orders.
End of exclusion of press and public 22:13.**

23/169 Receive recommendations from committee meetings

To receive recommendations from the meeting of the HR committee 24.05.2023.

The Chairman shared the minutes of the meeting.

On the proposal of Cllr Allen it was **RESOLVED**: to accept the recommendations from the HR Committee. Item 8 rejected as superseded by 23/168.

23/170 Recruitment requirements

To consider and approve recruitment for new role of a Clerk's Assistant.

On the proposition of Cllr Allen it was **RESOLVED**: to begin recruitment for a Clerk's assistant, hourly rate £12/hour.

Cllr Washer 22:33 departed meeting.

23/171 Authorisation of payments

On the proposition of Cllr Burgess it was **RESOLVED**: to approve the authorisation of payments.

23/172 Matters for information

None

23/173 Next meeting 17th July 2023 – Full Council Meeting.

Signed:

Meeting closed 22:36pm

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PARISH COUNCIL EXTRAORDINARY MEETING

Parish Meeting Room
28th June 2023, 7:15pm

Chairman Alan Youel
Cllr Nina Truman
Cllr Mark Allen

Cllr Ruth Hoose
Cllr Nigel Mills

23/174 Apologies for absence

Cllr Solesbury-Timms sent apologies

On the proposition of Cllr Allen it was **RESOLVED**: to approve the apologies of absence

23/175 OPEN MEETING

No representations

Open meeting closed 19:17

23/176 Members' declaration of interest in items on the agenda

None

23/177 Exclusion of press and public

On the proposition of the Chairman it was **RESOLVED**: the public and press were excluded from the meeting during the consideration of the item set out below on the grounds that publicity would be prejudicial to the general interest by reason of the confidential nature of the business to be transacted, in accordance with Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960.

23/178 Representations to resolution processes

On the proposition of Cllr Mills it was **RESOLVED**: that appointed councillors (Chairman Youel, Cllr Allen) have the flexibility and legal requirement to refer back to council (under Standing Order 7, a.) for further discussion if concerns are raised regarding outcomes during resolution process.

23/179 Staffing matters

Cllr Truman and Cllr Mills to intervene with staff management.

End of exclusion of press and public. 21:10

End of meeting 21:10

23/180 Next meeting 17th July 2023 – Full Council Meeting.

Signed:



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23/	Application Number	Comments due	Location	Proposal	Parish Council Comments
Applications Determined					
	WNS/2023/0484/NMA	STATUS: APPROVED	Land south of Millers Way, Middleton Cheney	Non material amendment to S/2019/1953/MAF (Development of 32 homes and associated access and infrastructure) for minor reposition of Plot 3 and associated car port with addition of side gate to front elevation. Amendment to footpath access arrangements to Plots 1-3 with associated hard and soft landscaping amendments	
	WNS/2022/0741/106CD	STATUS: APPROVED	Land south of Millers Way Middleton Cheney	Clause S4.1 to 4.9 [Affordable Housing Scheme] – Application for approval of details submitted pursuant to clause S4.1 to 4.9 of the planning obligation relating to planning permission S/2019/1953/MAF [Development of 32 homes and associated access and infrastructure] N/A	
	2023/5054/TCA	No Observations	63 Main Road Middleton Cheney West Northamptonshire OX17 2LU	T1 - Yew tree Sympathetically remove some mature and not so mature overhanging branches of no more than 50 mm in Diameter N/A	
	2023/5333/SCRN	Environmental Impact Assessment not required	Middleton Cheney Sewage Treatment Works (STW) Middleton Cheney A422 Brackley Road Benson Northants OX17 2NE	Request for an EIA Screening Opinion; and 2. Informal Notification of Permitted Development Works Under Schedule 2, Part 13, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015 - Proposed upgrade to Middleton Cheney Sewage Treatment Works N/A	
	2023/5170/FULL	STATUS: APPROVED	The Dog Training Barn Main Road Middleton Cheney West Northamptonshire OX17 2PW	Single storey wooden cabin	
	2023/5000/TCA	No Observations	Valenciennes Farm 54 Main Road Middleton Cheney OX17 2LT	brich (T1) - Crown reduction of the silver birch by approximately 3 metres in height, crown lifting / cutting back from the garage and neighbouring house to create 1.5 metres of clearance. Crown lifting the remaining crown to approximately 2 metres above ground level, removing the low limbs above the cul-de-sac driveway. 3X Norway maple (G1) - re-reduce 1 metre below previous (reduce by approx 4 metres).	
	WNS/2022/0740/106CD	STATUS: APPROVED	Land south of Millers Way Middleton Cheney	Clause S3.1 to 3.3 [Open Space Scheme] – Application for approval of details submitted pursuant to clause S3.1 to 3.3 of the planning obligation relating to planning permission S/2019/1953/MAF [Development of 32 homes and associated access and infrastructure]	

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2023/5474/PND	Prior Approval Granted	Appletree Farm Thenford Road Middleton Cheney West Northamptonshire OX17 2NB	Determination as to whether prior approval is required (under Class A) of Part 6 of the above Order) for the erection of an agricultural livestock barn in respect of: the siting, design and external appearance of the building
Applications Received			
2023/5739/COND		Pinfold Cottage 66 Main Road Middleton Cheney OX17 2LT	Condition 3 of WNS/2022/1843/LBC [Programme of Archaeological Work] Application for approval of details submitted pursuant to Condition 3 of planning permission WNS/2022/1843/LBC [Vehicle entrance, internal & external alterations - see Description of works on Design & Access Statement]
2023/5804/TCA		17 Meadow Drive Middleton Cheney West Northamptonshire OX17 2PT	T1 - Cherry Crown reduction by 2m to increase light levels to the surrounding properties.
2023/5639/LDP		2 Waters Lane Middleton Cheney West Northamptonshire OX17 2NA	Certificate of Lawfulness for proposed development for alterations to change garage to a habitable room
2023/5650/COND		Land At Waters Lane Middleton Cheney	Condition 21 of S/2020/0411/MAO [Landscapae Proposals] Application for approval of details submitted pursuant to Condition 21 of Planning Permission S/2020/0411/MAO [Up to 60 dwellings (use class C3) including means of access into the site (not internal roads), associated highway works and extended gardens to No's. 6, 8, 10, 16 Waters Lane and 15 Thenford Road, with all other matters (relating to appearance, landscaping, scale and layout) reserved.]

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Audit and Report of Middleton Cheney Parish Council Records, Cemetery at Arrow Close.

1. The Legislation

As the Burial Authority, it is within Middleton Cheney's power to provide a cemetery, to make the charges as determined by the Parish Council and to create and uphold the regulations for the cemetery.

MCPC are required as the Burial Authority to carry out the duty, as described within the legislation.

- Burial Act 1857
- Local Authorities Cemeteries Order 1977 <https://www.legislation.gov.uk/ukxi/1977/204/made>
- LGA 1972

The ICCM (Institute of cemetery and Crematorium Management) is a useful as a free resource. It is possible to join the ICCM for a subscription and they can provide useful support.

2. The Process

There is a set process for the burial/interment of human remains.

There will be an enquiry for a plot – this could be from the undertakers or the family.

At this point a folder and Burial Record Sheet should be created – all information regarding this burial/interment must be retained in the folder (copies of ERB, interment form, memorial requests, invoices and general correspondence).

ERB - Once the plot is locations, the Exclusive Right of Burial (ERB) needs to be created. This should not be done until the fund have been received by the council.

To complete the ERB, the following information must be recorded:

Name and address of who is going to be the owner. This is important as no other person can action anything related to the plot than the owner named on the ERB. Only the owner can:

- Ask for a burial in the plot, (if the owner dies, they have the right to use the plot)
- Ask for a second interment/burial
- Ask for a memorial stone to be placed on the plot

The location of the plot – this should be clearly recorded on the ERB

The length of "ownership". This must not be longer than 100 years. Most rural cemeteries use 75 years, with cities and larger towns selecting anything from 10 years to 75 years. Each ERB should have a unique identifier.

The ERB can then be forwarded to the undertaker to hand to the family, or sent directly to the family. A copy will remain in the ERB book and a copy should be taken and held in the individual's folder.

Date and time of the funeral – this will be arranged with the family and the undertakers and availability of the cemetery will be checked with the Clerk.

Interment Form - Prior to the burial/interment, the Interment Form will be completed by the undertakers and provided to the Clerk for retention. This document will include all the details regarding the deceased and the arrangement on the day. It will also include the plot details for reference and the requirement for single or double, ashes or burial. The Clerk, will check all details and file in the individual's folder.

Grave diggers – It is the responsibility of the undertakers to arrange for a suitable grave digger. As a grave digger will be working within the cemetery owned by MCPC it is essential that the grave digger carried the acceptable level of competence to carry out the task.

As a minimum, the grave digger should provide the council with the following:

- Public Liability Insurance of a minimum of £5m
- Grave preparation Risk Assessment

The preparation of a grave should be carried out as close as possible to the time of use. If the grave is left unattended at any time, it must be completely boarded over in such a manner to prevent any person falling into the grave.

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All graves should be dressed on the day of the funeral – this is to be arranged between the undertakers and grave digger.

Any spilled earth around the grave must be shoveled/swept up before the grave digger leaves site.

Any surplus excavated earth is removed to a pre agreed area.

Green Form/Certificate of Cremation – NO burial/interment can take place without the Green Form or the Certificate of Cremation. These will be passed to the Clerk prior to the funeral. If these forms are not available, the Clerk will be required to postpone the funeral until these documents are provided – this is a legal requirement.

Day of funeral – on the day of the funeral, it is a legal requirement that the Burial Authority confirm that the deceased to be buried matches the name on the paperwork provided by the registrars. This only applies for a burial. This check is done as the funeral arrives at the cemetery and the Clerk, or officer attending will observe the brass plaque on the coffin (discretely) and confirm that they are happy the names match. If they do not – the Clerk/officer is required by law to stop the funeral.

Completion of the Green Form – as soon as possible, following the burial, the Clerk is required to confirm to the Registrar that the burial has taken place by completing the Green Form and returning it to the Registrar office that issued it. The top part of the Green Form is placed in the individual's folder, and a copy of the signed part b should also be retained within the folder.

Entry into the Burial Register – this should be done as quickly as possible after the funeral had been held. This document is a legal requirement.

Admin – all the details from above should be entered onto the cemetery spreadsheet and the cemetery map and the individuals folder completed and filed in alphabetical order.

3. Regulations

The regulations of the cemetery are to be determined by MCPC. These regulations should be in a form that can be handed out to families when they purchase a plot at the cemetery, this information should also be shared with the undertakers to give to clients who are discussing using the Middleton Cheney cemetery. An abbreviated set of regulations should also be on display at the cemetery.

The regulations should consider the following for inclusion:

General Information	when the cemetery opened, who to direct complaints to etc
Cemetery site information	Location, opening times, toilet facilities, dogs, watering, memorial seats, security, children, cemetery gates, code of conduct.
The Burial Process	Exclusive Right of Burial, interments, Certificate of Burial or cremation, existing plot, plot care in advance of burial, plot care immediately following burial hours of interment, religious arrangements, funeral corteges, scattering of ashes.
Plots	How many times a plot can be used – 2 burial, 6 ashes per full size burial plot Burial plot sizes, cremation plot sizes, permission to install memorials, memorial approval, plot aftercare, memorial mases, additional inscriptions, kerbing/edging, maintenance of memorials, removal of memorials, tributes – floral, tributes - others, planting, vases and other plant containers,

4. Map

There is a statutory requirement for a Burial Authority to maintain a plan of the cemetery which clearly identifies all graves or vaults in which burial are made.

Clerk: 01295 713500 - Email: clerk@middletoncheney.org.uk

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The current map for MCPC cemetery is unclear and open to interpretation when looking to locate occupied and vacant plots. The numbering system is complicated and confusing with duplicate numbers having been issued.

Moving forward, it may be acceptable to mark plots with their number as already recorded and adding a prefix of L for left or R for right or another suitable unique identifier.

5. Forms and Records

To ensure that all the information required is collected in the most appropriate manner the following forms are recommended.

ERB certificate – created from a book. The following must be recorded on the ERB:

- Name and address of the person who will be responsible for the plot (not the undertakers)
- The plot the ERB refers to
- The amount paid
- The length of the ERB (normally 75 year, but no more than 99)
- Date of issue
- Signature of the Clerk on behalf of MCPC

A copy of the completed ERB should be placed in the individuals folder.

Interment Form – this will be completed by the undertaker and submitted to the Clerk. It should contain the following details:

- Funeral Director responsible for the service
- Deceased details
- Date of death
- Plot details
- Date of burial
- ERB number
- Dimensions of coffin or casket
- Depth required
- Signature of ERB owner or other relevant person

Once confirmed all details are as expect, this document should be placed in the individuals folder.

Green slip/Coroners slip/cremation certificate – this will be provided by the undertaker. If a green slip or coroners slip is presented, this will need to be completed and the part 2 sent back to the Registrar or Coroner. If it is a Cremation certificate, this needs to be retained.

Green slip/Coroners slip/cremation certificate should be placed in the individuals folder.

Memorial Request – this should be completed by the stonemason and submitted to the Clerk for approval. The dimensions should be checked against the regulations and any inscription checked for suitability.

If all is acceptable, the form should be approved and returned to the stonemason which will then pay the required fee.

Once payment has been made, the stonemason should contact the Clerk for a suitable date/time to fit the stone. Permission must be given in advance of a visit from the stonemason to ensure there is no other activity happening in the cemetery during their visit.

A copy of the completed and signed Memorial Request form should be placed in the individuals folder.

6. Fees

As the Burial Authority, Middleton Cheney can set the charges for the cemetery.

The following charges should be considered:

1. Exclusive right of Burial – two different charges should be set
 - one for full burial and one for ashes.

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2. Interments – there should be several levels of charge
 - single burial in full size plot
 - first burial in double plot
 - reopen of a double plot
 - interment of ashes – single or double depth
3. Headstone and monumental inscription
 - The right to erect a headstone
 - The right to lay a tablet
 - Additional inscription
4. Miscellaneous charges
 - Saturday burials – to cover the cost of staff attendance
 - Searches in the register
 - Certified copies of Exclusive Right of Burial (should be covered in the MCPC publications scheme)
 - Transfer of Exclusive Right of Burial (admin charge)

It is common practice with Burial Authority's not to make a charge for children's burials for the under 18's.

It is also common practice for fees, payments and charges to be tripled for non-parishioners. If a resident has moved away in the last five years, this can be waived.

A Burial Authority can set the charges at whatever level they deem fit. Consideration when setting charges are:

- Cost of administration of the cemetery
- Cost of maintaining the cemetery
- Purchase of anything to do with the cemetery

The cemetery should aim to be cost neutral if at all possible and only cost the residents who choose to use the facility.

When setting charges, it is best practice to benchmark with other local cemetery and to set the charges just below the non-resident charge for other cemeteries.

For example – if the village next door has a cemetery and charges their residents £300 for an ERB and a Middleton Cheney resident triple this e.g. £900. MCPC could charge up to £900 for a plot in the Middleton cemetery.

By aligning charging with other local cemeteries, it would achieve the following:

- help to get the cemetery cost neutral
- discourage non-residents in using the facility
- Ensure spaces for Middleton resident
- Cover the cost of the Clerks time

7. Stability Testing

The overall responsibility for safety (duty of care) within a burial ground is with the Burial Authority, under the Health & Safety at Work Act 1974 and the Occupiers Liability Act 1957.

Regular inspections should be carried out at least once every 5 years.

Full guidance is available from the ICCM – Policy for the Management of Memorials Dated August 2019 https://www.iccm-uk.com/iccm/wp-content/library/iccm_MM%20Policy%20Final%2008%202019.pdf

A summary of the process required to carry out Stability Testing is as follows:

- Consecrated cemetery – a faculty must be obtained from the church diocese giving permission to carry out inspection and making safe work prior to testing starting. The church may wish to place their own restrictions on such work.
 - If permission is not granted, the only option will be to fence off unsafe memorials.

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- Commonwealth War Grave memorials are not tested and any observable defects should be reported immediately to the Commission.
- Publicise the work to be carried out – website, social media and notices in the burial cemetery and on the Parish notice boards.
- Write the Risk Assessment, check insurance if using an external contractor.
- Carry out the testing applicable to the height of the memorial
- Make safe in the prescribed manner – stakes, lay down or fence off
- Place notices on the plot/memorial that fail the test
- Create a record of the testing
- Write to the plot owner with the results of the testing and a timescale to carry out the works required and a suggested course of action if the works are not done e.g. that the memorial may be laid down for safety reasons.
- All correspondence to be retained within the individuals folder.

8. General findings

1154 Burials/interments in Middleton Cheney Cemetery, of which: -

- 413 completed and correct burial/interment records.
- 176 burials completed without proof of ERB
- 459 burials completed without proof of ERB or interment paperwork (burial or ashes)
- 17 burials/interments carried out without interment paperwork (burial or ashes)
- 22 burial/interments carried out with no paperwork evident
- 17 areas where there is a query regarding the plot allocation or record
- 13 burials/interments not entered into the Burial Register
- 11 burials/interments as double entry into the Burial Register
- 2 Burial Register queries
- 24 general queries

8.1 Burial Register

The Burial Register is a statutory document for a Burial Authority.

There are 26 burial/interment entries with queries

1. 11 burial/interment records are found to have been duplicated. There need to be investigated and any duplicates needs to be crossed out in the register, with an explanation added in the comment's column. Any activity taken, must be replicated in the paper file for each individual.

Dates are 1935, 1936, 1980, 2 x 2010, 2 x 2012, 2 x 2019 and 2 x 2020

2. 13 burial/interment records found to have not been entered into the Burial Register. This needs to be done, either by added an 'a' to the number in the correct sequence or by adding in at the current point. The Burial Register Reference number must then be added to the paper record and the spread sheet.

Dates are 1959, 1964, 2008, 2013, 2021, 4 x 2022, 2 x 2023 and 2 undated

3. Two entries for Burial Register 957 – there are two individuals named at this number. Each individual is required to have a unique reference. This will need to be investigated and one recorded removed and comments added to the register.

8.2 Reservations

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There are	Reservations		
	correctly documented	47	With no paperwork
	With no ERB	12	With plot queries

currently 74 reservations within the Middleton Cheney Cemetery

- 12 reservations appear not to have purchased ERBs
- 13 reservations have no paperwork at all
- 2 reservations plots cause concern
 - Plots [REDACTED] which has always been in an area of the cemetery not used – when was this changed? And how was the decision made to release this plot?

Note: *The practice of Reservations should be withdrawn due to lack of space.*

8.3 Interment Forms

There are significant Interment Forms missing from the records held by MCPC. Though trying to recreate these is going to be too time consuming, there is a benefit of trying to obtain copies for once since 2015. This could be done by contacting the undertakers and asking if they hold copies. If not, this will need to be left.

Dates of missing Interment Forms – 2 x 2004, 1 x 2007, 5 x 2008, 4 x 2009, 2 x 2010, 2015, 2017 and 2 x 2019.

8.4 No Paper Records

There are 22 burial/interments with no paper records at all – this means there is not a record of the following:

- The sale of the ERB
- No recorded owner
- No location confirmation
- No depth confirmation
- No confirmation of individual buried/interred
- No record of memorial

Of these 22, 7 should be investigated as much as possible and records created with the information found.

Date of burials with no paper records - 2003, 2021, 4 x 2022, 2023

8.5 Plot Issues

16 issues with plots have been identified. These are mainly conflict between the recorded plot number and the marking on the map.

9 are historical (prior to 2000) with the 7 others as:

2004, 2006, 2008, 2012, 2018, 2020 and one undated.

There should be investigated and recorded correctly on the spreadsheet, map and individuals folders.

9. Summary

9.1 MCPC – to agree by resolution at Full Council the following:

- Regulations to be complied with by all users of the Cemetery
- Fees to be applied, this should be done as part of the budget setting in October for action April 2024
- Stability Testing – when the program will be started and who will carry out the testing
- Reservations – the ability to reserve should be removed
- Map – to investigate having the cemetery mapped by a specialist company

9.2 Grave Digger – the Clerk to ensure that the grave digger used in the cemetery is suitably competent and carries the correct insurance.

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9.3 Administration - ensure there is a paper record for each activity in the cemetery – burial or reservation.

- **Burial Register** – There are 26 burial/interment entries with queries
 - Reference [REDACTED] – two individuals issued the same number, investigate and rectify as necessary
 - 11 burial/interment records are found to have been duplicate, investigate 2 x 2010, 2 x 2012, 2 x 2019 and 2 x 2020
 - 13 burial/interment records found to have not been entered into the Burial Register, investigate 2008, 2013, 2021, 4 x 2022, 2 x 2023 and 2 undated
- **Reservation** – any reservation which has not had an ERB issued is not a legitimate reservation. Contact owners (if known) and confirm if they wish to have the reservation.
 - If yes – issue and invoice, once payment received issue the ERB and create the individual's folder.
 - If no – release the plot back into circulation
- An area of the cemetery which has always been “no not use” has within the last couple of years accepted a reservation. What has changed to allow this area to be released for use? If there are no records to back up why this area is now being used, this should be refunded.
- **Interment Forms** – Contact undertakers, if known to ask if they may have copies of the forms.
 - The dates for missing Interment Forms are: 2 x 2004, 1 x 2007, 5 x 2008, 4 x 2009, 2 x 2010, 2015, 2017 and 2 x 2019.
- **No Paper Records** – 22 burial/interments with no paper records. Most of these are historical though there are 7 that should be investigated and records recreated.
 - The dates for investigation are 2003, 2021, 4 x 2022 and 2023
- **Plot Issues** – 16 plots in conflict between the paper records and the map. 9 are historical but the other 7 need investigating.
 - The dates for investigation are 2004, 2006, 2008, 2012, 2018 and one undated.

The Cemetery Spreadsheet should be maintained alongside the official books, registers and paper records.

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SINGLE	Resident			Non-Resident		
	ERB	Interment	Total	ERB	Interment	Total
Brackley	£1,000.00	£750.00	£1,750.00	£3,000.00	£2,250.00	£5,250.00
Kings Sutton	£210.00	£92.00	£302.00	£420.00	£184.00	£604.00
Banbury	£380	£430	£810	£1,140	£1,290	£2,430
Middleton Cheney	£200	£25	£225	£400	£50	£450

DOUBLE DEPTH	Resident				Non-Resident			
	ERB	Interment	Total (+additional interment)		ERB	Interment	Total (+additional interment)	
Brackley	£1,000.00	£800.00	£1,800.00	£750.00	£3,000.00	£2,400.00	£5,400.00	£2,250.00
Kings Sutton	£210.00	£103.00	£313.00	£103.00	£420.00	£206.00	£626.00	£309.00
Banbury	£380	£360	£740	£360	£1,140	£1,080	£2,220	£1,080
Middleton Cheney	£400	£25	£425	£25	£800	£50	£850	£75

ASHES	Resident			Non-Resident		
	ERB	Interment	Total	ERB	Interment	Total
Brackley	£500.00	£500.00	£1,000.00	£1,500.00	£1,500.00	£3,000.00
Kings Sutton	£210.00	£63.00	£273.00	£420.00	£126.00	£546.00
Banbury	£205	£125	£330	£615	£375	£990
Middleton Cheney	£100	£25	£125	£200	£50	£250

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Suggested new fee calculation:

Mean non-resident fee / 3

less 20% discount for smaller cemetery/parish

Suggested new charges:

	Resident			Non-Resident		
	ERB	per interment	Total	ERB	per interment	Total
Full Burial (single)	£300	£436	£736	900	£1,309	£2,209
Full Burial (double)	£300	£433	£733	900	£1,299	£2,199
Cremation	£200	£203	£403	600	£610	£1,210
The right to erect a headstone	£100			£300		
The right to lay a tablet	£50			£150		
Additional inscription	£25			£75		
Saturday interment charge - Burial (Clerk in attendance)	£50			£150		



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Category: Policy	Status: Draft
Responsible: Clerk/RFO	Adoption minute ref:
Applicable to: Finance & Policy Committee	Adoption date:
Version: 1.0	Next review:

BUISNESS CONTINUITY PLAN

A seamless service needs to be in place to ensure the community has confidence in the Parish Council's ability to maintain business continuity.

Core business concerns of Middleton Cheney Parish Council

The Council provides local services to its electorate which includes the provision of:

- Website, notice board, newsletter information and the use of other social media to communicate important and relevant matters.
- Street provisions: signs, some grit bins, benches, street lighting (excluding Main Road) and public general & dog waste bins, some bus shelters
- The Parish Meeting Room building
- Cemetery at Arrow Close
- Allotments (Middleway alleyway)
- Fault reporting (Liaising with WNC/Highways/Housing Associations on footpaths, rights of way, trees, property concerns)
- Managing litter
- Play areas (Stanwell, Astrop Road)
- Maintenance of grass verges
- Provision of defibrillators
- Acting as a consultee on planning applications to represent the best interests of the parish
- Managing the finances of the Council and using the precept for the benefit of the community in accordance with statutory requirements (e.g internal and external audits)

The two main areas requiring specific planning are:

- 1) **Loss of access to the Parish Council Office (fire, flood, lack of basic services, contamination etc)**
- 2) **Loss of team members (employed staff or councillors)**

The intention of the plan is to minimise immediate disruption and to ensure that the running of the council is not affected in the longer term.

Situation 1. Loss of access to the Parish Council Office.

Immediate response.

- Consider staff, councillors, and public safety.
- Clerk to work from home using Parish Council laptop and mobile. Calls to Parish Meeting Room can be diverted to Council Mobile by phone/broadband provider.
All Statutory and current documents will be accessible on the Parish Council website and system. All documents are backed up. This is to include bank details and passwords in a secure file. (Please see Situation 2.)
- Clerk to email all councillors to agree course of action and to confirm timescales and roles.
- Clerk/Councillors to take photos as evidence/record which may be required for insurance purposes.
- Clerk to liaise with West Northants Emergency Planning Duty Officer (Office hours 0300 1261012, Out of hours Emergency only 07885 292851) and Northants CALC.



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- An agreed list of documents is in the Parish Council’s secure storage.

Register of burials

Map of cemetery

Exclusive rights of burial record

Title deeds

A paper copy of all passwords and account details.

These can be retrieved from site when confirmed safe to do so. New mobile secure storage to be purchased in the interim.

Day 2

Temporary open hours to be established with the Library. This should allow council to continue to be accessible to residents at agreed and published days and times. Clerk will continue to work from home if more appropriate. Clerk/Chair to inform residents of current position via website, noticeboards and social media. Chair/Vice chair/Clerk to liaise with local press.

Clerk to inform insurers.

Week 2 onwards

Salvage operation – removal of items to safe storage area.

Self-storage facility to be rented if required.

Reinstatement of phone line computer hardware and photocopier if appropriate.

Continued redirection of phone line to Council mobile / temporary redirection of mail to Clerk’s address using Royal Mail redirection service.

If site completely inaccessible, trades waste bin to be relocated in village for safer access for litter pickers.

Clerk to liaise with insurers, services, builders, suppliers etc with reference to damage and future developments etc.

Situation 2. Loss of team members.

The loss of staff/Councillors as a resource may be due to inability to work such as illness or from the inability to get to the office due to the severity of a community emergency.

The Parish Council will use a password manager service with a cloud synchronised vault for all organisation account credentials. The master password and access instructions will be accessible by the Clerk, Chairman and Vice-Chair. The Clerk, Chairman and Vice Chair will have access to the password manager. Regular back up of the credentials will be made and stored in a secure manner. The Parish Council will continue to make use of OneDrive file synchronisation as part of our Microsoft 365 subscription. The Parish Council will subscribe to a cloud backup service and a regular test of the restoration of back-up files will be carried out.

In the first instance Chairman will cover for Clerk and Vice Chair will cover for Chairman.

Clerk/Chair to email all councillors to agree course of action and to confirm timescales and roles.

Depending on other commitments Chair /Vice Chair can appoint a small team of councillors to act as a Task and Finish group. “Office Operations” file to be shared to identify upcoming / in progress tasks and regular responsibilities.

Document History

Version	Author	Date	Changes	Status	Minute ref
1.0	R Hoose	12-04-2023		Draft	



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DIGNITY AT WORK POLICY

Middleton Cheney Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

Middleton Cheney Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by clerks/chief officers and all employees engaged to work at Middleton Cheney Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Middleton Cheney Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the deputy chair / Human Resources Committee.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Middleton Cheney Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.



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We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation



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- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example).

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.



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Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence



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It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).



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After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if



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they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals' dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

Clerk: 01295 713500 - Email: clerk@middletoncheney.org.uk



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It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing



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the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.



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Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.



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Remembrance events

Road closure

Quote 1

Estimate would be as follows –

Admin Fee -	£75
CAD Plan -	£100
Bespoke event signage (if required)	£35 per sign
Advance Warning Signs (manufacture & install) x 6 -	£570
Road Closure diversion (install, maintain & remove) 3 Operatives -	£1200
Total Cost EXC VAT -	£1945.00
INC VAT -	£2334.00

Quote 2

For the road closures to be implemented at the same time, left unmanned and then reopened after the parade and wreath laying, this would be £500 excluding VAT for x1 crew.

For the rolling road closures, you would need x2 crews at £500 each excluding VAT so £1000 excl. VAT in total.

Other quotes

Pipe Band

Available for this years Remembrance Sunday parade at Middleton Cheney.

Fee £250.



MIDDLETON CHENEY

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23/196

Jul-23

Month 4 - Tax Year 2023-24

29/06/2023		Debit card	Post Office	2.60	0.00	2.60		Postage
26/06/2023		Debit card	Sainsburys	5.42	1.08	6.50		Cleaning supplies
18/06/2023		Debit card	Amazon	8.33	1.67	9.99		Litter picker PPE
04/07/2023		Debit card	Tesco	13.33	2.67	16.00		Weed killer
04/07/2023		Debit card	DM Prickett	37.50	7.50	45.00		Honours board update
05/07/2023	HMRC Qtr 1, BACS	BACS	NIER	1000.16			4001	HMRC Qtr 1
			NIEE	669.2		1669.36	4002	
16/05/2023	1608	BACS	AP Home improvements	885.00		885.00		Window painting
04/07/2023	STATEMENT	BACS	Npower	2838.78	567.76	3406.54		
04/07/2023	IN07621643	BACS	Npower	762.85	152.57	915.42		
22/04/2023	Returned cheque	BACS	Npower	1693.11	338.62	2031.73		Street light electricity supply
03/02/2023	Rebilled from estimates	BACS	Npower	382.83	76.57	459.39		
06/07/2023	KI-73BDE510-0010	BACS	Eon	342.98	68.60	411.58		PMR electricy supply
22/06/2023	5	BACS	CPRE Northamptonshire	15.00	0.00	15.00		NM Attendance at planning roadshow
16/06/2023	INV-3154	BACS	NCALC	84.00	15.27	100.80		PD AY Attendance CIL course
30/03/2023	INV-0084	BACS	Sealed Knot	441.67	88.33	530.00		Sealed Knot deposit (event cancelled)
07/07/2023	72432	BACS	ROSPA Play safety	209.50	41.90	251.40		Play area inspections
30/06/2023	INV-25463	BACS	Slade estate services	3512.47	702.49	4214.96	4540-6	Grass cutting 1st - 31st May
05/07/2023	GBP01044050156394872	DD	Nest	136.39	0.00	136.39	4022	Pension
24/06/2023	21570525	DD	O2	30.21	6.04	36.25	4553	mobiles
30/06/2023	469524	DD	SGW Payroll	31.50	6.30	37.80	4020	Payroll
30/06/2023	6686	BACS	Shield	147.33	29.47	176.80	4511	Dog waste bin collection
		DD	Seimens	103.00	20.60	123.60	4550	CCTV lease
09/07/2023	289229	DD	Tower leasing	157.00	31.40	188.40	4550	CCTV system, tilt zoom camera, pole

Clerk: 01295 713500 - Email: clerk@middletoncheney.org.uk



MIDDLETON CHENEY Parish Council

30/04/2023	July	BACS	Richard Jerrams Coughtrey	4000	Monthly salary
30/04/2023	July	BACS	Debbie Burdett	4000	Monthly salary
30/06/2023	July	BACS	Pip Davis	4000	≤Monthly salary, TBC
			Total	12,263.97	& Salaries

Bank Balances as at 13/07/2023

Community Account	97.5
Business Premium Account	
360	317141.16
Business Premium Account	
259	77.443.01