



AGENDA FOR THE COUNCIL MATTERS COMMITTEE
MONDAY 11TH FEBRUARY 2019 AT THE MASONIC HALL TOTNES

You are hereby summoned to attend the Council Matters Committee, which is to be held in the Masonic Hall, Totnes on **Monday 11th February 2019 at 7pm** for the purpose of transacting the following business:

No	Subject	Comments	Time
1	To receive apologies and to confirm that any absence has the approval of the Council.		2 minutes
<i>The Committee will adjourn for the following item:</i>			
Public Question Time: A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.			15 minutes
<i>The Committee will convene to consider the following items:</i>			
2	To discuss any matters arising from the minutes of: a) Council Matters 14 th January 2019 - (already agreed through Full Council)	Enclosure	5 minutes
3	To consider the current year's budget allocations and balances and any virements needed.	Enclosure	20 minutes
4	To start discussing the interim review of Standing Orders	Enclosure	20 minutes
5	To note the adoption of the Community Grants Policy and where it will be published.		2 minutes
6	To receive an update on the Town Centre Strategies Working Group meeting and the Future High Street funding	Cllr Whitty and Cllr Simms	5 minutes
7	To receive an update on the Neighbourhood Plan (standing item)	Cllr Simms	10 minutes
8	To note national guidance on purdah	Enclosure	2 minutes
9	To receive an update from Council Venues and Arts Working Group meetings	Town Clerk	5 minutes
10	To note the agreed dates for the Mayoral Choosing and Annual Town Meeting: • Mayoral Choosing – 16 th May 2019 • Annual Town Meeting – 23 rd May 2019		2 minutes
11	To note the date of the next meeting: Monday 11th March at 7pm in The Guildhall And future meetings: • Town Matters – 21 st Feb 2019 from 7pm • Arts and Council Venues Working Group – 25 th February 2019 from 10am • Paige Adams and Full Council – 4 th March from 6pm • Council Matters – 11 th March from 7pm • Town Matters – 21 st March 2019 from 7pm • Civic Dinner – 22 nd March 2019 – evening in the Seven Stars Arts and Council Venues Working Group – 25 th March 2019 from 10am		
<i>The Committee will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.</i>			
12	To consider the detailed request from the Museum Trust for funding to cover CCTV upgrade (COMMERCIALY SENSITIVE)	Enclosure	20 minutes
13	To consider an internal staffing change	Enclosure	5 minutes
14	To note a verbal staffing update in relation to health issues	Town Clerk	5 minutes

Future meetings agenda items:

- Update Statement of Internal Control
- Update Financial Regulations
- Signage and Public Realm projects
- Consider a Business Continuity Plan
- To review the Town Council Anti-Fraud and Corruption Policy.
- To review a summary of the required actions resulting from the Risk Assessment programme
- Investment options for general reserve
- To review various staffing policies
- To note sick leave and overtime balances
- To consider asset remedial works
- To consider terms of reference for the IT contractor
- To consider grant applications for the Community Fund – July 2019

- Dying with Dignity campaign – March 2019
- Review of Standing Orders and annual meetings calendar – May 2019

Committee Members – quorum is 5 members

- Cllr Whitty (Chair)
- Cllr Simms (Deputy)
- Cllr M Adams
- Cllr R Adams
- Cllr Sweett
- Cllr Price
- Cllr Westacott MBE
- Cllr Paine
- Cllr Hodgson

Catherine Marlton - Town Clerk



Item 2

**MINUTES FOR THE COUNCIL MATTERS COMMITTEE
MONDAY 14TH JANUARY 2019 AT THE MASONIC HALL TOTNES**

Present: Councillor T Whitty, Cllr E Price, Cllr P Paine, Cllr J Hodgson, Cllr R Adams, Cllr J Sweett, Cllr M Adams, Cllr J Westacoot MBE.

Apologies: Cllr A Simms,

In Attendance: Catherine Marlton (Town Clerk), 1 member of the press

No	Subject	Comments
1	To receive apologies and to confirm that any absence has the approval of the Council.	Apologies received from Cllr Simms and these were AGREED .
<i>The Committee will adjourn for the following item:</i>		
	Public Question Time: A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.	No members of the public attended.
<i>The Committee will convene to consider the following items:</i>		
2	To discuss any matters arising from the minutes of: a) Council Matters 10 th December 2018 - (already agreed through Full Council)	No matters arising.
3	To consider the current year's budget allocations and balances and any virements needed.	The current year budget monitor was considered and AGREED . No virements were considered necessary at this time.
4	To consider the recruitment timeline and JD for the seasonal Visitor Information Officer role	The proposal set out in the papers was considered and AGREED .
5	To consider the request from the Museum Trust for funding to cover CCTV upgrade	It was AGREED in principle that the CCTV upgrade in the Museum was important and the Town Council should consider contributing. However concerns were raised about the specification of the equipment and the requirement to get 3 like for like quotes for consideration. It was therefore AGREED that further information on the detailed specification of equipment and 3 quotes would be tabled at a future Council Matters committee.
6	To consider adopting a Community Grants Policy to administer the agreed £12,000 budget for 2019/20	Queries were raised regarding the need to add in the requirement for copies of policies to be added to the grant application to ensure that groups in receipt of Council funds were operating professionally. It was AGREED that that the Town Clerk would seek further advice and make minor amendments to the wording before sending to Full Council for adoption. It was RECOMMENDED to Full Council that subject to minor amendments above the Community Grants Policy and Application Form be adopted.
7	To note the Guildhall will open from the beginning of April and run until Friday 25 th October 2019 – more volunteers are needed	This was noted and received support from Councillors
8	To receive an update on the Neighbourhood Plan (standing item)	Cllr R Adams read out an update from Cllr A Simms in his absence. It stated that a

		meeting with Landsmiths and Tor Ecology was taking place on 22 nd January and the next NP meeting would be held before the end of January. Notes from both meetings would be sent to Full Council in February for information and to consider any actions required.
9	To note the date of the next meeting: Monday 11th February at 7pm in The Masonic Hall	
<i>The Committee will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.</i>		
10	To consider and agree the bank and petty cash reconciliations (confidential as contains personal information of payees).	These were AGREED with two abstentions.
11	To note the outcome of an insurance claim from 2015	The outcome was noted.
12	To consider the updated 2019/20 budget including detailed staffing information	The updated staffing forecast was explained by the Town Clerk and the figures AGREED .

Future meetings agenda items:

- Update Statement of Internal Control
- To review a summary of the required actions resulting from the Risk Assessment programme
- Investment options for general reserve
- To review various staffing policies
- To note sick leave and overtime balances
- To consider asset remedial works
- To consider terms of reference for the IT contractor

Committee Members – quorum is 5 members

- Cllr Whitty (Chair)
- Cllr Simms (Deputy)
- Cllr M Adams
- Cllr R Adams
- Cllr Sweett
- Cllr Price
- Cllr Westacott MBE
- Cllr Paine
- Cllr Hodgson

Catherine Marlton - Town Clerk

5 year budget - JAN 2019

	CURRENT			AGREED			Following 3 years		
	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23
Admin									
Salaries and pensions for all staff	103037	116390	134062	142774	218000	219000	225000	231000	238000
Staff Training and Travel	1397	653	2806	2358	2800	4000	4000	4000	4000
Staff Eye Tests	0	174	99	50	300	500	500	500	500
Staff Recruitment	261	1463	805	316	825	1000	1000	1000	1000
Utilities	2333	2060	2262	1813	2250	2500	2600	2700	2800
Office Supplies	2144	2042	974	836	1250	1750	1750	1750	1750
Photocopier	2076	1310	1278	1171	2000	2000	2000	2000	2000
Insurance	8208	5951	5487	5536	5810	6000	6500	6500	6500
Office Equipment	3545	537	804	1667	1750	1500	1500	1500	1500
Events and venues expenditure				340		0	0	0	0
Car park permits				480		0	0	0	0
Car park permits income and green sacks				-408		0	0	0	0
SUB TOTAL	125158	131177	150186	156933	233897	238250	244850	250950	258050
Civic and Democratic	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23
Mayoral Allowance	3191	0	934	0	375	375	385	400	425
Civic and Mayoral Events (expenditure)	4339	4796	5262	3534	4500	5750	5750	5750	5750
Civic Events (Income)	-892	-332	-1342	-1313	-1313	0	0	0	0
Civic Regalia	404	399	109	6	400	400	400	400	400
Salaries and pensions	1160	1279	724	0	0	0	0	0	0
Mayoral Travel and Expenses	0	0	352	211	400	350	350	350	350
Councillor Allowances	1690	3549	2876	0	5000	6000	6160	6400	6800
Councillor Training and Travel	1417	843	600	857	1250	3000	3000	3000	3000
Councillor IT equipment	0	0	0	0	0	6500	500	500	500
Professional Fees	4079	3470	8646	3123	4250	4500	4500	4500	4500
Elections	1505	6900	11284	0	0	7000	6000	6000	6000
Subscriptions	1867	1930	1868	2179	2000	2100	2150	2200	2250
Community Outreach work	500	1771	7274	1143	1750	2000	2000	2000	2000
Website and IT	559	1645	892	1049	1500	10000	2000	2000	2000
SUB TOTAL	19819	26250	39479	10789	20112	47975	33195	33500	33975
Tourism	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23
Visit Totnes Marketing	0	0	4482	-319	3000	5000	5000	5000	5000
Pension costs	47751	33590	12636	12636	12636	12700	12700	0	0

5 year budget - JAN 2019

	CURRENT				AGREED		Following 3 years				
	2018/17 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	2018/19 expected	2019/2020	2020/21	2021/22	2022/23	2022/23	2022/23	
Salaries and pensions	0	7056	10157	0	0	0	0	0	0	0	
Totnes Guide	11575	18775	19103	5547	15000	15000	15000	15000	15000	15000	
Totnes Guide and Website Income	-22873	-21861	-20716	-16960	-17500	-16000	-16000	-16000	-16000	-16000	
Bank Charges	0	0	60	168	210	210	210	210	210	210	
Other TIC expenditure (Post/Phone/Uniform/Utilities etc)	52580	27079	43	132	600	600	600	600	600	600	
Other TIC income	-45340	-9539	-716	0	0	0	0	0	0	0	
SUB TOTAL	43693	55100	25049	1204	17510	17510	17510	4810	4810	4810	
Guildhall	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23	2022/23	
Cleaning	1368	1418	2437	1273	1500	2500	2500	2500	2500	2500	
Building Maintenance	6743	19731	1835	5884	26110	5000	5000	5000	5000	5000	
Business Rates	5280	5324	5702	5292	5750	6000	6000	6000	6000	6000	
Water	111	106	136	61	200	200	200	200	200	200	
Utilities	1444	522	544	2374	2375	1500	1500	1500	1500	1500	
Salaries and pensions	5021	6955	1644	0	0	0	0	0	0	0	
Equipment Maintenance	682	359	1577	2202	2460	2000	2000	2000	2000	2000	
Wedding licence renewals and marketing	0	0	0	2030	2030	500	500	2750	500	500	
Admissions income	-3709	-4634	-5210	-3357	-3357	-3500	-4000	-4000	-4000	-4000	
Retail Sales	-20	-139	-79	0	0	0	0	0	0	0	
Hire Income WEDDINGS	-567	-3575	-4462	-1821	-1850	-2500	-2750	-2750	-2750	-2750	
SUB TOTAL	16353	26067	4124	13938	35218	11700	10950	13200	10950	10950	
Civic Hall	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23	2022/23	
Cleaning and supplies	16049	13845	14057	6783	9500	12000	12000	12000	12000	12000	
Feed in Tariff	2276	1900	1620	3102	3102	2500	2500	2500	2500	2500	
Water	2075	1382	1537	453	2000	2000	2000	2000	2000	2000	
Utilities	3830	4142	4070	2984	4250	4400	4550	4700	4900	4900	
Building Maintenance	43039	11560	4656	1938	11100	150000	25000	15000	15000	15000	
Licences	1717	884	964	70	2000	2000	2000	2000	2000	2000	
Marketing Civic Hall	23	151	176	22	500	500	500	500	500	500	
Equipment Maintenance	1372	5493	6488	3081	3200	3000	3000	3000	3000	3000	
<i>Prize Adams Grant towards Caretaking, Cleaning and Management costs</i>	0	0	0	-22996	-30496	-31185	-31500	-31800	-32000	-32000	
Hire Charges	-23	0	0	0	0	0	0	0	0	0	

5 year budget - JAN 2019

	5 year budget - JAN 2019			CURRENT		AGREED	Following 3 years		
	-5691	-6151	-4696	-5708	-5708	-5000	-5000	-5000	-5000
Feed in tariff income									
SUB TOTAL	64667	33206	28872	-10271	-552	140215	15050	4900	4900
Property Maintenance	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23
Guildhall Cottage Maintenance	290	5237	667	90	250	2000	2000	2000	2000
Property Management Fees	0	0	0	1097	1760	1760	2175	2858	2585
Eastgate Clock Rent	1200	600	600	0	0	0	0	0	0
Town Clocks amalgamated Rent and Utilities and maintenance	2211	1834	1376	1653	2050	2250	2250	2250	2250
Flat 5a Loan repay	9148	9148	9148	4664	9150	9150	9150	9150	9150
Flat 5a Maintenance	3726	559	767	20	250	2000	2000	2000	2000
Guildhall Office Maintenance	8800	129	501	0	250	30000	2000	2000	2000
Museum Maintenance	13239	7800	945	3588	8035	5000	5000	5000	5000
Museum Rent income	-1	0	-1	0	-1	-1	-1	-1	-1
Eastgate Clock Rental	0	0	-3	0	-3	-3	-3	-3	-3
Civic Water Supply to shop	0	0	0	0	-200	-200	-200	-200	-200
Guildhall Cottage Income (£850 a month)	-9545	-10200	-10200	-8200	-9350	-9350	-9350	-9350	-9350
Guildhall Office Income (£750 per month)	0	0	0	0	0	0	-4125	-8250	-8250
Garage Rental Income	-234	0	-330	0	0	0	0	0	0
Flat 5a Rental Income (£695 per month)	-6685	-8798	-8340	-6255	-8340	-7645	-8250	-8250	-8250
SUB TOTAL	22149	6309	-4870	-3343	3851	34961	2646	-796	-1069
Cemetery	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23
Business Rates	1534	1774	3266	3254	3500	3500	3500	3500	3500
Water	134	144	139	107	150	150	150	150	150
Grounds Maintenance (Grass cutting and tree work)	5661	6977	23084	15733	22000	22000	22000	22000	22000
Works and Maintenance (Memorials, paths, Fences, Refuse collection)	174	3291	229	560	35000	2500	2500	2500	2500
Chapel	195	34	66	244	244	500	500	30000	500
Cemetery Fees Income Amalgamated	-4637	-5337	-5683	-6350	-7500	-7500	-7500	-7500	-7500
Memorials	-2895	-1962	-753	0	0	0	0	0	0
Grant of rights	-2868	-4514	-2085	0	0	0	0	0	0
War Bonds	-47	0	0	0	0	0	0	0	0
SUB TOTAL	-2749	407	18263	13548	53394	21150	21150	50650	21150
Open Spaces	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19 expected	2019/2020	2020/21	2021/22	2022/23

5 year budget - JAN 2019

	CURRENT				AGREED		Following 3 years			
Ramparts Walk (regular cuts and tidying)	517	29	599	163	250	600	600	600	600	600
St Marys Churchyard (Walls and trees)	977	1772	1059	390	500	1000	1000	1000	1000	1000
Castle Meadow Maintenance and Water	948	1212	46	160	250	250	250	250	250	250
Castle Meadow and allotments income	-220	-210	-210	-10	-210	-210	-210	-210	-210	-210
SUB TOTAL	2222	2803	1494	703	790	1640	1640	1640	1640	1640
Precept and Income	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19	2019/2020	2020/21	2021/22	2022/23	
Bank Charges	142	139	222	129	300	300	300	300	300	300
Precept and Income	-230088	-300953	-344527	-355640	-355640	-494000	-494000	-494000	-494000	-494000
Council Tax Grant (only guaranteed until 19/20)	-30359	-27353	-24659	-22230	-22230	-20040	0	0	0	0
Charity of Paige Adams	-31814	0	-131	0	0	-105000	0	0	0	0
SUB TOTAL	-292119	-328167	-369095	-377741	-377570	-618740	-493700	-493700	-493700	-493700
Community Development	15/16 ACTUAL	2016/17 ACTUAL	2017/18 ACTUAL	8TH JANUARY 2019	2018/19	2019/2020	2020/21	2021/22	2022/23	
Skate Park/Youth provision	0	0	0	0	0	0	13200	10000	10000	
PUBLIC TOILETS	0	0	0	0	0	13000	UNKNOW	UNKNOW	UNKNOW	
Caring Town Information Exchange	0	0	20035	15056	15056	22000	22000	22000	22000	
Citizens Advice Service	0	0	0	6109.88	6109.88	22000	22000	22000	22000	
Neighbourhood Plan/Planning	0	0	8833	2493	12345	13088	3500	3500	3500	
Public Realm, environment, planting, bins, street furniture	0	0	0	SEE BREAKDOWN	SEE BREAKDOWN	70860	75000	60000	60000	
Community Grants Scheme	0	0	0	0	0	12000	12000	12000	12000	
Arts and Culture	0	0	12906	-3617	5500	10000	10000	10000	10000	
TAP GRANT FUNDING	0	0	0	-6105	-6105	0	0	0	0	
SUB TOTAL	£52,503	£28,574	£28,503	£28,574	£42,296	£140,948	£135,700	£117,500	£117,500	
TOTAL EXPENDED	£315,100	£212,075	£402,936	£212,075	£402,936	£654,349	£482,691	£476,354	£451,906	
TOTAL	-£53,995	-£165,666	-£53,995	-£165,666	£25,366	£35,609	-£11,009	-£17,346	-£41,794	
	Underspent by £54k approx		Expect overspend of approx £25.5K		Overspend of £36/37k to come from reserves					

5 year budget - JAN 2019

CURRENT

AGREED

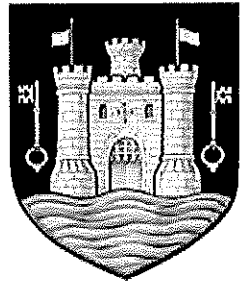
Following 3 years

Totnes Town Council Reserves estimates as of FEB 2019

Audited year end reserve 17/18

-345171

Year	Expected year end budget	Expected year end reserves	Expenditure by year	Reserve % of annual expenditure at start of year
18/19	25500	-319671	403000	79%
19/20	36500	-283171	654000	43.00%



STANDING ORDERS

TOTNES TOWN COUNCIL
Adopted May 2018
Last reviewed May 2019

DRAFT

Contents

1. Meetings
2. Ordinary Council meetings
3. Extraordinary meetings of the Council
4. Committees, sub-committees and working parties
5. Motions
6. Rules of debate at meetings
7. Code of Conduct
8. Disorderly Conduct
9. Minutes
10. Voting on appointments
11. Previous resolutions
12. Handling confidential or sensitive information
13. Proper Officer
14. Financial Matters
15. Financial controls and procurement
16. Accounts and accounting statements
17. Annual budget and precept
18. Execution and sealing of legal deeds
19. Allegations of Breaches of the Code of Conduct
20. Handling staff matters
21. Requests for information
22. Relations with the press/media
23. Communicating with District and County Councillors
24. Restrictions on Councillor activities
25. Standing Orders generally
26. Committee Terms of Reference
27. Link Councillors

Text in bold is required by statute

1. Meetings

- a) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b) The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c) Councillors are expected to attend meetings.
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e) Members of the public may make representations, raise questions, give evidence during a 30 minute pen and informal session prior to Full Council.
- h) Any items raised by members of the public will go through the usual committee process for action or decision.
- i) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted for non-confidential items.
- j) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- k) Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by the Chair of the Council may in their absence be done by the Deputy Chair.
- l) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- m) All questions at a meeting shall be decided by a majority of the Councillors present and by voting thereon.
- n) The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
- o) Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question.
- p) The minutes of a meeting shall record the names of the Councillors present or if late time of arrival or leaving prior to the end.
- q) The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting (Appendix A).
- r) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at the meeting shall be recorded in the minutes.

s) A Councillor with voting rights who has a disclosable pecuniary interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.

t) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.

u) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.

2. Ordinary Council meetings

a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.

b) In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.

c) If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.

d) In addition to the annual Town Council meeting of the Council, at least three other ordinary meetings shall be held on such dates and times as the Council directs.

e) The election of the Chair and Deputy Chair of the Council shall be the first business completed at the annual meeting of the Council.

f) The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

g) The Deputy Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

h) In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

j) Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting of the Council, the order of business shall be as follows:

i. In an election year, delivery by Councillors of their declarations of acceptance of office forms and to grant permission for absent Councillors to sign their declarations in the presence of the Clerk outside of the Annual Meeting.

ii. In a non-election year, delivery by the Chair of their acceptance of office form.

i. Review delegation arrangements to committees and sub-committees and make appointments where appropriate;

v. Review terms of reference for committees;

vi. Appointment of members to existing committees;

- vii. Approve the Council's Standing Orders;
- viii. Set the dates, times and place of ordinary meetings of the Council and any committees and sub-committees agreed for the year ahead.

3. Extraordinary meetings of the Council

- a) The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b) If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

4. Committees, sub-committees and working groups

- a) The Council may appoint standing committees and sub-committees at any meeting.
- b) Terms of reference, membership and Chair of any committee or sub-committee shall be approved by Council and form part of the Standing Orders
- c) The Council will determine whether the public may participate at a meeting of the committee or sub-committee.
- d) The Council may dissolve a committee or sub-committee at any meeting.
- e) The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.
- f) Subject to Standing Order 4 (e) above, the Council, any committee or sub-committee may appoint working parties and/or open public forum groups comprised solely of Councillors, or of both Councillors and non-Councillors or entirely of non-Councillors.

5. Motions

- a) No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least three clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- b) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting, or the Councillors that have convened the meeting, to consider whether the motion shall be included or rejected.
- c) Subject to Standing Order above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f) The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to appoint a person to preside at a meeting;
 - ii. to approve the absences of Councillors;
 - iii. to approve the accuracy of the minutes of the previous meeting;
 - iv. to dispose of any business remaining from the last meeting;

- v. to alter the order of business on the agenda;
- vi. to proceed to the next business on the agenda;
- vii. to close or adjourn debate;
- viii. to move to a vote;
- ix. to defer consideration of a motion;
- x. to require a written report;
- xi. to extend the time limits for speaking;
- xii. to exclude the press and public for all or part of a meeting;
- xiii. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend any Standing Order except those which are mandatory by law;**
- xvi. to appoint representatives to outside bodies and to make arrangements for those representatives to report back;
- xvii. to adjourn the meeting;
- xviii. to close a meeting.

6. Rules of debate at meetings

- a) A motion shall not be considered unless it has been proposed and seconded.
- b) Motions must be clear and concise.
- c) The Chair shall decide the order in which amendments are considered and dealt with.
- d) Only one amendment shall be moved at a time.
- e) The mover of a motion or the mover of an amendment shall have the right of reply.
- f) During the debate of a motion, a Councillor may interrupt only on a point of order or if the Chair asks for an explanation. The Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or identify any irregularity.
- g) A point of order shall be decided by the Chair and their decision shall be final.
- h) The Chair shall be satisfied that a motion has been sufficiently debated before it is put to a vote.
- i) When a motion is under debate no other motion shall be moved except:
 - i. To amend the motion;
 - ii. To proceed to the next business;
 - iii. To adjourn the debate;
 - iv. To put the motion to a vote;
 - v. To ask a person to be silent or for them to leave the meeting;
 - vi. To exclude the public and press;
 - vii. To adjourn the meeting;
 - viii. To suspend any Standing Order, except those which are mandatory.

7. Code of Conduct

a) All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council on November 6th 2017 (Appendix A).

EXPLANATION OF PECUNIARY INTEREST TAKEN FROM CODE OF CONDUCT

Disclosable Pecuniary Interests

7. The interests you **must** register are:

7.1 Those **disclosable pecuniary interests** defined by the Regulations, namely:

(a) **Employment** - any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) **Sponsorship** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) **Contracts** - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

(1) under which goods or services are to be provided or works are to be executed; and

(2) which has not been fully discharged

(d) **Land** - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) **Licence** - any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person in the area of the Council which will last for a month or longer

(f) **Corporate Tenancies** - any tenancy where (to your knowledge):

(1) the landlord is the Council; and

(2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) **Securities** - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the area of the Council and

(2) either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has

a beneficial interest exceeds one hundredth of the total issued share capital of that class.

b) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

c) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.

d) **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.

f) A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

h) **A dispensation may be granted in accordance with Standing Order 7(e) above if having regard to all relevant circumstances the following applies:**

- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or**
- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

8. Disorderly Conduct

a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

b) If, in the opinion of the Chair, there has been a breach of Standing Order 8 (a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.

c) If a resolution made in accordance with Standing Order 8(b) is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

9. Minutes

- a) Minutes, including any amendment to correct their accuracy shall be confirmed by resolution at the subsequent Council meeting.
- b) A motion to correct an inaccuracy can be moved and agreed amendments shall be made to the final minutes.

10. Voting on appointments

- a) Where two or more persons have been nominated for a position by the Council and none of those persons has an absolute majority of votes in their favour, the person having the least number of votes shall be struck off the list and a fresh vote taken.
- b) This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

11. Previous resolutions

- a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Councillors to be given to the Proper Officer.
- b) When a motion moved pursuant to Standing Order 11(a) above has been disposed of, no similar motion may be moved within a further six months.

12. Handling confidential or sensitive information

- a) Councillors and staff should not disclose confidential information.

13. Proper Officer

- a) The Council shall appoint a Proper Officer who shall be the Town Clerk and a Deputy Town Clerk who will undertake the work of the Proper Officer when the Proper Officer is absent.
- b) The Proper Officer shall:
 - i. give public notice of the time, date, venue and agenda at least three working clear days before a meeting of the Council or a meeting of a committee or subcommittee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
 - ii. send to Councillors the date, time, venue and agenda of the meetings of the Council at least three clear days before the meeting electronically;
 - iii. convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
 - iv. attend Council meetings;
 - v. make the minutes of meetings available for inspection by the public;
 - vi. receive and retain copies of byelaws made by other local authorities;
 - vii. receive and retain declarations of acceptance of office forms from Councillors;
 - viii. process all requests made under the Freedom of Information Act 2000 and General Data Protection Regulation – 25th May 2018;
 - ix. receive and send general correspondence and notices on behalf of the Council except where there

- is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
- xii. arrange authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. have overall managerial responsibility for the organisation, including staff;
- xv. implement the decisions of the Council via delegated authority;
- xvi. provide objective, professional advice on all matters.

14. Financial Matters

The Council shall appoint the Proper Officer to be the Responsible Financial Officer. The Deputy Town Clerk shall undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:

- i. the keeping of accounting records and systems of internal controls;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually; and
- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments.

b) Financial regulations shall be reviewed regularly and at least every 2 years for fitness of purpose (Appendix B).

15. Financial controls and procurement

a) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 15(b) below.

b) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised on the Town Council website and Facebook page and must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

c) The Council or committees are not bound to accept the lowest value tender.

16. Accounts and accounting statements

a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.

c) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. The Council Matters Committee with a statement summarising the Council's receipts and payments for the last year to date for information; and
- ii. to the Full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.

e) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each Councillor before the end of the following month of May.

f) The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

17. Annual budget and precept

a) At least one community participatory budget event will take place prior to the annual budget setting by the Council.

b) **The Council shall approve a budget for the coming financial year before the end of January** and instruct the Responsible Financial Officer to submit the precept demand to the District Council.

18. Execution and sealing of legal deeds

a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.

b) Subject to standing order 18(a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

19. Allegations of Breaches of the Code of Conduct

a) On receipt of an alleged breach of the code of conduct by a Councillor, the Proper Officer shall report this to the Council.

b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council and they shall nominate another staff member to assume the duties of the Proper Officer set out in the remainder of this Standing Order.

c) The Council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint as required by law;

ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

d) Upon notification by the District Council that a Councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take. Such action excludes disqualification or suspension from office.

20. Handling staff matters

a) A matter personal to a member of staff that is being considered by a meeting of Council OR the Council Matters Committee is subject to Standing Order 12 above.

b) Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Council or, if they are not available, the Deputy Chair committee of absence occasioned by illness or other reason and that person shall report such absence to the Council Matters committee.

c) The Chair of the Council Matters Committee and a Councillor of the Proper Officers preference shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Council Matters Committee.

d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chair of the Council or in their absence, the Deputy Chair of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council Matters Committee.

e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chair or Deputy Chair of the Town Council, this shall be communicated to another member of the Council Matters Committee which shall be reported back and progressed by resolution of the Council Matters committee OR the Town Council.

f) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

g) The Council shall keep all written records relating to employees secure.

h) Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 19(f) and (g) above if so justified.

i) Access and means of access to records of employment referred to in Standing Orders 20(f) and (g) above shall be provided only to the Clerk and the Chair of the Council.

21. Requests for information

a) Councillors and staff must comply with the new General Data Protection Regulations (GDPR) effective from 25th May 2018. The Deputy Town Clerk is the appointed Data Protection Officer for the Town Council.

b) Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000, the Data Protection Act 1998 to be superseded by the GDPR.

c) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Council. The Town Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000. An admin fee may be applicable for these requests depending on the complexity, at the discretion of the Town Clerk.

22. Relations with the press/media

a) Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media (Appendix C).

23. Communicating with District and County Councillors

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the District and County Council representing the area of the Council.
- b) Unless the Council determines otherwise, copies of relevant letters for information will be sent to the District and County Council ward Councillor(s) representing the area of the Council.

24. Restrictions on Councillor activities

- a) Unless authorised by a resolution, no Councillor shall:
- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

25. Standing Orders generally

- a) All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with Standing Order 9 above.
- c) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their acceptance of office form.
- d) The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

26. Committee Terms of Reference

26.1 Council Matters Committee

1. Authority

The Council Matters Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies. Meetings of the Council Matters Committee will be held monthly.

2. Membership

The Committee will consist of no fewer than 8 elected Town Councillors and a maximum of 10, and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee

members will be re-elected each year in March/April. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in their absence (if both are absent then any elected member can take the chair by agreement of the committee).

The *quorum* will be a minimum of 5 elected committee members.

3. Responsibilities

The Council Matters Committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, staffing and financial responsibilities as well as the assets of the Council. The day to day management of Council matters rests with the Town Clerk. The Council Matters Committee will be responsible for initiating, developing and monitoring any policies required for the Town Council to carry out its functions.

The Committee will be responsible for all staff appointments; annual appraisal; training and development; the setting of staff salaries, hours of work and all matters relating to their individual contracts; sickness and staff welfare issues; and grievance and disciplinary matters.

The Committee must ensure that matters relating to the personal matters of staff are not published and that all staff records are held securely.

4. Operating Principles

The Council Matters Committee will meet monthly to accept reports, raise issues and act as a conduit to the Full Council on all of its responsibilities.

The Committee will be able to recommend the creation of subcommittees which need to be constituted to aid the work of the Committee. Membership of the subcommittee would come from the membership of the Council Matters Committee. However, it is envisaged that most work will be done by the Committee itself, as it is from the Committee that recommendations to Full Council need to emerge.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the committee e.g. developing a proposal, implementing tasks, working with the Clerk etc.

The Council Matters Committee may also recommend establishing Working Groups to undertake specific tasks within the responsibilities of the Committee (or across committee responsibilities) as defined within Standing Orders. Working groups are constituted with fixed terms of reference, and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Council Matters Committee and members of the public, and their membership will be agreed at Full Council. They may be a task and finish group, or have a broader remit e.g. cemetery.

All committees, subcommittees and working groups are subject to the Town Council Standing Orders. The quorum for subcommittees and working groups would be 50% of the membership and in no case less than 3.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the Committee, as defined within Standing Orders. With the agreement of the Committee, the Chair may suspend Standing Orders, if appropriate, to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Council Matters Committee may approve the income and expenditure of the Council on behalf of the Council, within the remit of existing agreed Town Council financial regulations. On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

The Council Matters Committee has delegated powers to act on behalf of the Council in all matters relating to staff appraisals, staff appointments, staff grievances, the setting of staff salary scales and staff training.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions. They will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Council Matters Committee meeting.

The minutes of any subcommittee will be included into the Council Matters Committee minutes to inform Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Council Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

Minutes of committees and Full Council will be agreed and signed at the following Full Council meeting.

7. Administrative Support

The Town Clerk will be or will nominate an officer to be responsible for the support and administrative duties of that Committee.

26.2 Town Matters Committee

1. Authority

The Town Matters Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

Meetings of the Town Matters Committee will be held every month and will be held 2 weeks after Full Council.

2. Membership

The Committee will consist of no fewer than 8 elected Town Councillors, and a maximum of 10 and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the Committee to fulfil the role of the Chair in their absence (if both are absent then any elected member can take the chair by agreement of the committee).

The *quorum* will be a minimum of 5 elected committee members.

3. Remit

The Town Matters Committee will consider on behalf of the Town Council any matters, including the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include:

- The welfare of the elderly and vulnerable.
- Enrichment for children and young people
- Provision of social, leisure, sporting and recreational facilities.
- Provision of adult education, cultural and library services.
- Employment Strategy.
- Tourism Development.
- Crime and anti-social behaviour.
- Lead responsibility for the development of the Community Plan, with appropriate input to the Neighbourhood Plan (please note any financial matters in relation to the Neighbourhood Plan needs to be considered by the Council Matters Committee).
- Planning applications, tree orders etc
- Traffic and Transport.
- Public Realm and Open Space (where these areas concern assets and services specifically provided by the Town Council e.g. the cemetery or the Town Council controlled allotments, the Council Matters committee will deal with the issue).
- Housing.

n.b. Where these areas overlap with services provided by the Town Council e.g. Totnes Information Point or the Civic Hall, the Council Matters Committee will deal with the issue.

4. Operating Principles

The Town Matters Committee will meet every month to consider any significant issues in relation to its remit e.g. planning. The Town Matters Committee will consider all but only matters referred to it by the Full Council by letter evidence. The Town Matters Committee may consider any matter referred to it by a member of the public. The Committee will work in partnership with relevant organisations in the town and where necessary will seek to provide leadership or coordination for the activities of individuals or organisations involved in quality of life issues. In issues in conjunction with outside groups and with a Council mandate it can act in an advocacy capacity to support specific issues.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the Committee e.g. developing a proposal, implementing tasks, working with the Clerk etc.

The Town Matters Committee will also be able to recommend the creation of Working Groups to undertake specific tasks within the responsibility of the Committee (or across Committee responsibilities) as defined within Standing Orders. Working groups are constituted with fixed terms of reference and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Committee and members of the public, and their membership will be agreed at Full Council.

All committees, subcommittees and working groups are subject to the Town Council Standing Orders. The quorum for subcommittees and working groups would be 50% of the membership and in no case less than 3.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the Committee, as defined within Standing Orders. With the agreement of the Committee, the Chair may, during the Committee meeting suspend Standing Orders, if appropriate, to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Town Matters Committee has full delegated powers to make a Council decision regarding representations to South Hams District Council or other appropriate bodies on all planning applications in the town re Standing Orders, unless the Committee decides, following Council guidelines, that the application should be passed to Full Council due to its size, controversial nature or potential effect on local people.

The Committee may also comment on behalf of the Town Council on licenses or street naming if requested to do so.

On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions, will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Town Matters Committee meeting.

The minutes of any subcommittee will be included into the Town Matters Committee minutes to inform Full Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Town Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Senior Administrator (Committees) be responsible for the support and administrative duties of that Committee.

27. Terms of Reference for Link Councillors

1. Link Councillors

The Town Council seeks to appoint Link Councillors annually. It is open to any Councillor to put themselves forward to be elected to a link Councillor role or to propose new areas of interest. The areas currently proposed are:

- Business and Employment
- Cultural Links
- Elderly and Vulnerable People
- Young People/Youth
- Heritage
- Arts
- Open Space
- Traffic and Transport
- Environment and Sustainability
- Open Space, Sports Provision and Leisure

2. Aims

The Town Council created these roles in order to provide nominated Councillors who can:

- a) develop particular knowledge about each key area;
- b) liaise with groups in the town with relevant interests to be aware of current issues and activity;
- c) take up particular cases for individuals with an issue in their remit;
- d) develop relationships with relevant service providers;
- e) take information and views from the Town Council back to the groups;
- f) take matters for consideration back to Full Council via a motion or report.

28. Terms of Reference for Advisory Bodies (Forums)

There is currently one group operating as advisory bodies to the Town Council. This is:

- The Traffic and Transport Forum

Each forum has developed its own Terms of Reference which indicate why it exists and how it wishes to operate. These Terms of Reference do not wish to cut across those stated aims, and are written solely to clarify the nature of the relationship with the Town Council, to whom each acts as an advisory body only.

1. The Town Council will nominate at least one Councillor to act as a link point with each forum.
2. The Council will seek the views of its advisory bodies on all matter of relevance to them.
3. Where an issue needs further consideration, the Town Council could request consideration of the issue by the forum. Or the Council could set up a working group, asking the forum if they would nominate members to join with the Council on the working group to consider the relevant issues.
4. It must be noted that ultimately responsibility lies with Councillors, and they may not always choose to take the advice of the forum.
5. The Town Council values the forum members. It will encourage people from across the town to join the Forum, as the recognised place for members of the community to air their detailed concerns and become involved on matters of relevance to the forum. In return it expects the Forums to:
 - Regularly promote their meetings and seek to encourage individuals and community groups to join them, in order to make them as representative as possible.
 - achieve transparency and openness by holding open meetings, publicising the agenda and reporting on their activity.
 - recognise the right of any individual or organisation to operate unilaterally, respecting everyone's opinions.

29 Terms of Reference for the Mayor and Deputy Mayor

The Mayor should provide a visible and strong presence in the town representing the Town and the Council. The Mayor should act within their role as a way for the Town Council to engage with the community as agreed by the Council and set out within Town Council policies and procedures. They act as an independent advocate for both Totnes and the Council on all occasions both within and outside of the Town.

The Mayor's role in all Civic events is to act as the senior public face of the Town/Council, representing its continuity and heritage and using the dress and regalia of the Town Mayor when appropriate. They are expected to attend events.

In undertaking the role of community leader the Mayor should help to develop partnerships with all sectors of the community for the benefit of Totnes. In achieving this they will reflect policies and recommendations of the Council in an independent manner, to further the interests of Totnes.

As Chair of the Council the Mayor fulfils both the statutory responsibilities of the Chair of the Council and the specific responsibilities of the role as directed by the Council within its Standing Orders. Their principal role is to preside at meetings of the Town Council:

- a) To determine that the meeting is properly constituted and that a quorum is present;
- b) To inform themselves as to the business and objects of the meeting;
- c) To preserve order in the conduct of those present;
- d) To confine discussion within the scope of the meeting and reasonable limits to time;
- e) To decide whether proposed motions and amendments are in order;
- f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- g) To decide points of order and other incidental questions which require decision at the time;
- h) To ascertain the sense of the meeting by:
 - putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - declaring the result; and
 - causing a ballot to be taken if duly demanded.
- i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- k) To adjourn the meeting when circumstances justify or require that course; and
- l) To declare the meeting closed when its business has been completed.

Additionally, together with the Committee Chairs, all Councillors and the Town Clerk, the Mayor through the Council committee meetings who report to Full Council, will oversee the effective management of all the resources of the Town Council, to deliver services to achieve the greatest benefit for the residents and businesses, including support for health and wellbeing, infrastructure, heritage and the economy of the town.

In undertaking the role of the Mayor they will receive support in their Civic role and in communications by the Mayor's PA. In their statutory and non-civic role, the Mayor will be supported by the Clerk.

The policy in relation to Mayoral expenditure is attached as Appendix D.

30 Town Council Planning Cycle

In election years:

- During March/April, each committee should review its own performance over the past year, and what is seen as priorities for the coming year.
- In May, the election takes place, and post holders and committee members are elected at a Council meeting prior to the AGM.
- In June, the new Council may hold an awareness day for all Councillors to goal set for the 4 years.
- In July, the Full Council confirms its priorities both for its four year term and for its first year.

In normal years

- The Mayor and Committee Chairs will be provisionally elected in April and confirmed in May at the AGM.
- During March/April, each Committee should review its own performance over the past year, and what they see as priorities for the coming year. The current Chair would lead this discussion in conjunction with the incoming Chair.

MEMBERS CODE OF CONDUCT

TOTNES TOWN COUNCIL
ADOPTED: 6TH NOVEMBER 2017
REVIEW DATE: MARCH 2019

INDEX

Part 1: General Provisions

Public Duty and Private Interests	Page 3
Definitions	Page 4
Scope	Page 4
General Obligations	Page 5

Part 2: Interests

Registration of Interests	Page 6
Disclosable Pecuniary Interests	Page 7
Personal and Other Interests	Page 8
Declaration of Interests and Participation in Meetings	Page 8
Request for Dispensation	Page 9
Process for Making Requests	Page 9
Terms of Dispensations	Page 9
Disclosure of Decision	Page 9

Part 3: Protocol on Member Officer Relations

Background	Page 10
Roles of Councillors and Employees	Page 10
Councillors	Page 10
Chairman and Vice-Chairman of Committees	Page 11
Meetings	page 11
Officers	Page 12
Expectations	Page 12
Political Groups	Page 13
When things go wrong	Page 13
Gifts and Hospitalities	Page 13

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PART 1 - GENERAL PROVISIONS

Public Duty and Private Interests: An introduction

1 This Code applies to you as a Member or a Co-opted Member of Totnes Town Council ('the Council').

1.2.1 When acting in your capacity as a Member or Co-opted Member of the Council, you should have regard to the Principles of Public Life namely:

- Selflessness
- Honesty/Integrity
- Objectivity
- Accountability
- Openness,
- Personal judgment,
- Respect for others
- Duty to uphold the law,
- Stewardship and
- Leadership.

1.3 When acting in your capacity as a Member or Co-opted Member of the Council:

(a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family or close associate;

(b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

(c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;

(d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;

(e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council or contained in its Constitution/Standing Orders,

(f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;

(g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;

(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;

(i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

(j) you must undertake training to support you in your role as a Councillor.

1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.

1.5 Do nothing as a Member which you could not justify to the public.

1.6 The reputation of the Council depends on your conduct and what the public believes about your conduct.

1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

1.8 It is your responsibility to comply with the provisions of this Code.

Definitions

2. In this Code:

"interest or interests" have the meanings set out in Part 2 of this Code

"meeting" means any meeting of:

- the Council;
- any of the Council's Committees, Sub-Committees or Joint Committees,
- one or more Members, formal or informal relating to the discharge of the Council's functions where a formal record is made by a Council Officer.

"member" includes a co-opted member

"Relevant person" means:

- you or
- your spouse or civil partner, or

- a person with whom you are living as husband and wife or as civil partners

and you are aware that that other person has an interest

“relevant period” means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

“the Regulations” means ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI2012/1464)’ or any statutory amendment of them

Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:
 - (a) you are engaged on the business of the Council; or
 - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.

General obligations

4. You must:
 - (a) treat others with courtesy and respect,
 - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Council.
5. You **must not**:
 - (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
 - (b) do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
 - (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
 - (d) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that any Member has failed to comply with the Council’s Code of Conduct;

(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:

- (a) in the public interest; and
- (b) made in good faith and
- (c) in compliance with the reasonable requirements of the Council;

(g) prevent another person from gaining access to information to which that person is entitled by law;

(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

PART 2 - INTERESTS

Registration of Interests

6. You **must**, within 28 days of:
- (a) this Code being adopted by, or applied to, the Council; or
 - (b) your taking office as a Member or Co-opted Member of the Council, whichever is the later, and annually thereafter, provide written notification to the South Hams District Council's Monitoring Officer of:
 - (i) any disclosable pecuniary interest as defined by Regulations, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with such as a husband or wife; and
 - (ii) any other personal interest laid down by the Council, as set out at paragraph 7 below; which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at: www.southhams.gov.uk
- 6.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the South Hams District Council's Monitoring Officer.
- 6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 8 below, where the matter is not a 'sensitive interest'.

6.3 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the South Hams District Council's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

6.4 In relation to **disclosable pecuniary interests** in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

"body in which the relevant person has a beneficial interest"	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
"director"	includes a member of the committee of management of an industrial and provident society
"land"	excludes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
"relevant authority"	means the authority of which you are a member
"relevant person"	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
"securities"	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Disclosable Pecuniary Interests

7. The interests you **must** register are:

7.1 Those **disclosable pecuniary interests** defined by the Regulations, namely:

(a) **Employment** - any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) **Sponsorship** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) **Contracts** - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

- (1) under which goods or services are to be provided or works are to be executed; and
- (2) which has not been fully discharged

(d) **Land** - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) **Licence** - any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person in the area of the Council which will last for a month or longer

(f) **Corporate Tenancies** -any tenancy where (to your knowledge):

(1) the landlord is the Council; and

(2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) **Securities** - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the area of the Council and

(2) either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Personal or other interests

7.2 **Those other personal interests** - you have a non-pecuniary interest where a decision in relation to a matter being determined or to be determined:

(a) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in the parish; and

(b) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest.

(c) any other area which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £50.

7.3 Where the South Hams District Council's Monitoring Officer agrees that any information relating to your interests is "**sensitive information**" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that

information when registering that interest, or, as the case may be, any change to that interest.

- 7.4 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the South Hams District Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

Declaration of Interests and participation in meetings

8. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by the Regulations and you must also observe any restrictions the Council may place on your involvement in matters where you have any interest as defined by the Council and shown at Paragraph 7 above.

- 8.1 If you are present at a meeting and you are aware that you have a non-pecuniary interest or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose the existence and nature of that interest to the meeting if that interest is not already entered in the register. Unless you have the benefit of a current and relevant dispensation in relation to that matter you must withdraw from the meeting for a disclosable pecuniary interest, in relation to a non-disclosable pecuniary/personal interest you must apply the test set out in paragraph 7.2 above and thereby establish whether, having declared the interest, to:

- (i) continue to participate in the meeting;
- (ii) not participate, or participate further, in any discussions on the matter at the meeting;
- (iii) not participate in any vote, or further vote, taken on the matter at the meeting;
- (iv) not seek to influence improperly any decision about that business;
- (v) withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have the interest, or (if later) the time at which the interest becomes apparent to you.

Request for dispensation

9. Parish and Town Councils are now responsible for determining requests for a dispensation by a parish councillor under Section 33 of Localism Act 2011. This is because they are a "relevant authority" under section 27(6) (d) of the Act.

Process for making requests

- 9.1 Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form (attached as Appendix A) and submit it to the Town Clerk as soon as possible before the meeting which the dispensation is required, with a minimum of 10 clear days.

- 9.2 At Full Council on 6th November 2017 when this Code of Conduct was adopted, Totnes Town Council **RESOLVED** that the Council delegates the power to grant dispensations to the Clerk, unless the Clerk makes the decision to refer the decision back to Full Council. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).

Terms of Dispensations

- 9.3 Dispensations may be granted:
- (a) for one meeting; or
 - (b) for a period not exceeding 4 years.

Disclosure of Decision

- 9.4 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates. A copy of the dispensation will be kept with the Register of Councillors' Interests.

PART 3 - MEMBER/OFFICER RELATIONS

PREAMBLE - Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a council. To help ensure that relationships do not go awry this written protocol, incorporated in the Code of Conduct, covers:

- *The respective roles and responsibilities of the Councillors and the Clerk, and all other staff employees;*
- *Relationships between Councillors and Officers;*
- *Where/Who the Clerk should go to if they have concerns;*
- *Who is responsible for making decisions.*

Background

Totnes Town Council has adopted the following Protocol as part of the Code of Conduct for Members.

- i) This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- ii) The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- iii) The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

10. Roles of Councillors and Employees

10.1 The respective roles of Councillors and employees can be summarised as follows: Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct:

- Councillors are responsible to the electorate and serve only so long as their term of office lasts.
- Officers are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

11 Councillors

11.1 Councillors have four main areas of responsibility:

- To determine Council policy and provide community leadership;
- To monitor and review Council performance in delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

11.2 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

11.3 Councillors shall not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

12 Chair and Vice-Chair of Committees

Committee Chair and Vice-Chair have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

13 Meetings

13.1 Attendance

Councillors are required to attend punctually for all meetings of any Committees or Working Groups they are appointed to.

Apologies should be given to the Town Clerk or the Committee Clerk no later than 2 hours before the start of the meeting.

Authorised or non-authorised absence from meetings, or late arrival, on three consecutive occasions for any Committee or Working Group will result in the Member

being removed from the Committee/Working Group and a replacement being appointed at the next Full Council meeting.

13.2 Alcohol and Drugs

Councillors are not allowed to attend any meetings whilst under the influence of alcohol or drugs.

The Mayor or Town Clerk are entitled to ask any Member to leave the meeting if it is suspected that they are under the influence of alcohol or drugs.

13.3 Food and Drink

Councillors are not permitted to consume food or drink during any meetings being held in the Guildhall Chambers other than the drinking water provided.

13.4 Use of Electronic Devices

All mobile phones must be switched to silent during meetings.

Answering calls or messages on mobile phones should only be done in an emergency situation and the Member should leave the meeting to respond to the call/message.

The use of any recording devices should be declared at the start of any meetings.

Mobile phones and any recording devices must be switched off during the confidential Part II of any meetings.

14 **Officers**

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

15 **Expectations**

15.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;

- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the Council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

15.2 Officers can expect from Councillors:

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the Council's adopted Code of Conduct.

15.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.

- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

16 Political Groups

- 16.1 The operation of political groups is becoming more of a feature within town/parish councils, but Totnes Town Council endorses NALC policy that party politics should have no place in town/parish councils. Town/parish Councillors are there to serve their community as members of the community, and should not be distracted by party political issues. Party politics within a town council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.
- 16.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if they have been styled as 'Leader' of the Council.

17 When things go wrong

- 17.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the Council follows a formal grievance protocol or procedure.
- 17.2 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way when things go wrong.
- 17.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance (unless the matter relates to the Clerk when it shall be raised with the Mayor). If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.

18 Gifts and Hospitality

- 18.1 The Standards Board Guidance on the Code of Conduct requires Members to register any gifts or hospitality worth £25 or over that are received in connection with any official duties, and the source of the gift or hospitality. Members must complete the registration within 28 days of receiving it.

As with other registered interests, a member has a personal interest in any matter under consideration at a meeting if it is likely to affect a person giving a member a gift or hospitality. Members must declare the existence and nature of the gift or hospitality as an interest at the meeting. Members will also need to consider whether the interest is prejudicial.

The receipt of gifts or hospitality can be misinterpreted. Guidance is provided in Appendix B to help Members to consider the implications of receiving gifts and hospitality and to make an appropriate judgement.

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TOTNES TOWN COUNCIL

DISPENSATION REQUEST

<p>Name of Councillor</p>	
<p>Nature and description of interest for which dispensation sought:</p>	
<p>Period for which dispensation is sought.</p> <p>Note:</p> <ul style="list-style-type: none"> • This may be for a maximum period of 4 years. • Where a dispensation is sought for a particular meeting, please specify date of meeting. 	
<p>Grounds on which the dispensation is sought:</p> <ul style="list-style-type: none"> • Please refer to grounds set out in the attached guidance. • Please provide supporting reasons as to why you consider the dispensation request should be granted. • Please state whether you are seeking a dispensation to speak and to vote or to speak only on the particular matter. 	

Guidance on Dispensation Requests

A dispensation can be granted on the following grounds to enable a member to speak and/or vote where they would otherwise have a disclosable pecuniary interest:

1. That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate).
2. That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
3. That the Council considers that the dispensation is in the interests of persons living in the Council's area.
4. That without a dispensation no member of the Cabinet would be able to participate on the matter
5. That the Council considers that it is otherwise appropriate to grant a dispensation.

A dispensation request must be made to the Town Clerk in writing.

It is advisable to submit a dispensation request well in advance of the date of the meeting for which the dispensation is sought and in any event, other than in exceptional circumstances, the dispensation request should be submitted not less than 10 clear days prior to the date of the meeting to which the dispensation request relates.

The following **Criteria** will be considered in determining whether to grant dispensation requests:

1. Whether the nature of the member's interest is such that to allow them to participate would not damage public confidence in the conduct of the Council's business
2. Whether the interest is common to the member and a significant proportion of the general public; *if this is the case a dispensation is more likely to be granted.*
3. Is the participation of the member in the business that the interest relates to justified by a member's particular role or expertise?
4. Whether the interest is trivial or remote; *if this is the case a dispensation is more likely to be granted.*

GUIDANCE ON GIFTS AND HOSPITALITY

General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Town Councillor.

Your personal reputation and that of the Town Council can be seriously jeopardised by the inappropriate acceptance by you of gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you, in every case, is whether or not it is appropriate to accept any gift or hospitality that might be offered to you having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. The following general principles will enable you to make your own decision.

Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing, or forbearing to do anything, in respect of any transaction involving the Town Council.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Town Council.

Limits of Guidance

The Code of Conduct does not apply to:

- Gifts given to the Town Council that you accept formally on your Council's behalf and are retained by the Council and not by you personally.

Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

Gifts and hospitality include:

- The free gift of any goods or services;
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- The opportunity to obtain goods or services not available to the general public;
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event;
- The use of a free car.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. When making purchases you should be cautious if additional services, privileges or advantages are offered which might be related to your position as a Member of the Town Council.

Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member:

- Civic hospitality provided by another public authority;
- Normal and modest refreshment in connection with any meeting in the course of your work as a Town Council Member (e.g. tea, coffee and other normal beverages and biscuits);
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Town Council or bodies to which you have been appointed by the Town Council, and the tickets are offered in relation to that sponsorship or promotion;
- Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens);
- Drinks or other modest refreshment received in the normal course of socialising arising consequentially from Town Council business (e.g. inclusion in a round of drinks after a meeting);
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Town Council has a business connection;
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Town Council Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- "Reward" includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - From parties involved with the Town Council in a competitive tendering or other procurement process.
 - From applicants for planning permission and other applications for licences, consents and approvals in which the Town Council has an involvement.
 - From applicants for grants, including voluntary bodies and other organisations applying for public funding from the Town Council.
 - From parties in legal proceedings with the Town Council.

- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

Gifts Received and Donated to a Chair's Appeal

It may be customary for some Members on receiving gifts of value not to retain these personally but to pass them to the Chair for use in relation to a charity appeal. Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration form.

Reporting of Inappropriate Gifts and Hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Town Council.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

APPENDIX B

FINANCIAL REGULATIONS

TOTNES TOWN COUNCIL
MAY 2017
REVIEW DATE: MARCH 2019

These Financial Regulations are produced in accordance with Governance and Accountability for Local Councils and were adopted by the Council at its meeting on 3RD July 2017.

INDEX

1.	<u>GENERAL</u>	42
2.	<u>ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)</u>	44
3.	<u>ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING</u>	46
4.	<u>BUDGETARY CONTROL AND AUTHORITY TO SPEND</u>	46
5.	<u>BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS</u>	47
6.	<u>INSTRUCTIONS FOR THE MAKING OF PAYMENTS</u>	48
7.	<u>PAYMENT OF SALARIES</u>	51
8.	<u>LOANS AND INVESTMENTS</u>	52
9.	<u>INCOME</u>	52
10.	<u>ORDERS FOR WORK, GOODS AND SERVICES</u>	53
11.	<u>CONTRACTS</u>	53
12.	<u>PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS</u>	55
13.	<u>ASSETS, PROPERTIES AND ESTATES</u>	56
14.	<u>INSURANCE</u>	56
15.	<u>CHARITIES</u>	57
16.	<u>RISK MANAGEMENT</u>	57
17.	<u>SUSPENSION AND REVISION OF FINANCIAL REGULATIONS</u>	57

GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's Standing Orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The RFO;
 - acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;

- determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 1.10. The accounting records determined by the Clerk/RFO shall be sufficient to show and explain the Council's transactions and to enable the Clerk/RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the Clerk/RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the Clerk/RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the Clerk/RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council tax requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - declaring eligibility for the General Power of Competence; and
 - addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full Council only.

- 1.14. In addition the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts; and
 - in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.
- 1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 1.16. All accounting procedures and financial records of the Council shall be determined by the Clerk/RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 1.17. Every month the Clerk/RFO shall verify bank reconciliations (for all accounts) produced by the Deputy Clerk. The Clerk/RFO shall sign the reconciliations as evidence of verification.

- 1.18. The Clerk/RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 1.19. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the Clerk/RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 1.20. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 1.21. The internal auditor shall:
- be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the Council.
- 1.22. Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 1.23. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 1.24. The Clerk/RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of

account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

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

ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 1.26. The Clerk/RFO shall formulate and submit proposals for the following financial year to the Council not later than the end of December each year. This will include the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered first by the Operations Committee and then approved by the Full Council.
- 1.27. The Council shall consider the annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 1.28. The Council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The Clerk/RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 1.29. The approved annual budget shall form the basis of financial control for the ensuing year.

BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 1.30. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £10,000;
 - the Operations Committee for items over £5,000; or
 - the Clerk/RFO for any items below £5,000.

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

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

- 1.31. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available

amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- 1.32. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 1.33. The salary budgets are to be reviewed at least annually as part of the budget setting process. The Clerk/RFO will inform the Council of any changes impacting on the budget requirements for the coming year in good time.
- 1.34. In cases of extreme risk to the delivery of Council services, the Clerk/RFO may authorise revenue expenditure on behalf of the Council which in the Clerk/RFO's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The Clerk/RFO shall report such action to the Chair as soon as possible and to the Council as soon as practicable thereafter.
- 1.35. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 1.36. All capital works shall be administered in accordance with the Council's Standing Orders and financial regulations relating to contracts.
- 1.37. The Clerk/RFO shall regularly provide the Operations Committee with a budget monitor comparing actual expenditure against that planned as shown in the budget. These statements are to be prepared for each Operations Committee meeting, at least at the end of each financial quarter, and shall include explanations where required.
- 1.38. Changes in earmarked reserves shall be considered by the Operations Committee and approved by Full Council as part of the budgetary control process.

BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 1.39. The Council's banking arrangements, including the bank mandate, shall be made by the Clerk/RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 1.40. A schedule of the payments required shall be prepared by the Clerk/RFO and, together with the relevant invoices, be presented to and signed by two Councillors who are bank signatories.

- 1.41. All invoices for payment shall be examined, verified and certified by the Clerk/RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 1.42. The Clerk/RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading.
- 1.43. The Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before two members are able to sign the invoice, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that two members sign the invoice retrospectively;
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that two members sign the invoice retrospectively; or
 - c) fund transfers within the Council's banking arrangements up to the sum of £2,500.
- 1.44. A record of regular payments made shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 1.45. In respect of grants The Operations Committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 1.46. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 1.47. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

INSTRUCTIONS FOR THE MAKING OF PAYMENTS

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

- 1.49. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk/RFO shall give instruction that a payment shall be made.
- 1.50. All payments shall be effected by bank payment or debit card.
- 1.51. Cheques for payment drawn on the bank account shall be signed by two members of Council. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 1.52. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 1.53. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 1.54. If thought appropriate by the Council, payment for certain items may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made.
- 1.55. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 1.56. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 1.57. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 1.58. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 1.59. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved

by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts.

- 1.60. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 1.61. Changes to account details for suppliers, which are used for internet banking, may only be changed on written hard copy notification by the supplier, and shall be verified by a confirmation phone call or e-mail to the supplier.
- 1.62. Any Debit Card issued for use will be in the name of the Clerk/RFO. The card will be securely stored by the Deputy Clerk. Use of the card shall be restricted to online or telephone purchases and cash withdrawals solely for the purpose of topping up the petty cash balance. Proper VAT invoices must be obtained for all online or telephone purchases. The card can only be used by the Clerk/RFO or Deputy Clerk. Invoices for all card purchases must be signed retrospectively by two members
- 1.63. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council Operations Committee. Transactions and purchases made will be reported to the Operations Committee and authority for topping-up shall be at the discretion of the Operations Committee.
- 1.64. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk/RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 1.65. The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.
 - a) The Deputy Clerk shall manage the petty cash. Vouchers/receipts for payments made from petty cash shall be kept to substantiate the payment. Petty cash payments will not exceed £25.
 - b) Vouchers/receipts for payments made must be initialled/signed by the Clerk/RFO as authorisation for reimbursement and forwarded to the Deputy Clerk for reimbursement.
 - c) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - d) Cash to maintain the petty cash float shall be drawn from the bank using the debit card. The Clerk/RFO will hold the PIN number and the Deputy Clerk will hold the card. Cash will be collected by both the Clerk/RFO and the Deputy Clerk who will both sign a cash withdrawal form.

PAYMENT OF SALARIES

- 1.66. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 1.67. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts.
- 1.68. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 1.69. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (Wages file). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any Councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 1.70. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 1.71. An effective system of personal performance management should be maintained for the senior officers.
- 1.72. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 1.73. Before employing interim staff the Council must consider a full business case.

LOANS AND INVESTMENTS

- 1.74. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by Full Council.
- 1.75. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 1.76. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 1.77. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 1.78. All investments of money under the control of the Council shall be in the name of the Council.
- 1.79. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.
- 1.80. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

INCOME

- 1.81. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO.
- 1.82. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the Clerk/RFO and the Clerk/RFO shall be responsible for the collection of all accounts due to the Council.
- 1.83. The Council will review all fees and charges at least biennially, following a report of the Clerk/RFO.
- 1.84. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

- 1.85. All sums received on behalf of the Council shall be banked intact as directed by the Clerk/RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Clerk/RFO considers necessary.
- 1.86. The origin of each receipt shall be entered on the paying-in slip.
- 1.87. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 1.88. The Clerk/RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 1.89. Where any significant sums of cash are regularly received by the Council, the Clerk/RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 1.90. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

ORDERS FOR WORK, GOODS AND SERVICES

- 1.91. All members and officers are responsible for obtaining value for money at all times. An officer contracting services shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 1.92. A member may not make any contract on behalf of the Council.
- 1.93. The Clerk/RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the Clerk/RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

CONTRACTS

- 1.94. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that

this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chair and Vice Chair of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations¹.
 - c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
 - d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
 - e. Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

remain sealed until the prescribed date for opening tenders for that contract.

- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk/RFO in the presence of at least one member of Council.
- g. Any invitation to tender issued under this regulation shall be subject to current Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £1,000 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.1 above shall apply.
- i. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

- 1.95. Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk/RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 1.96. Where contracts provide for payment by instalments the Clerk/RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 1.97. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk/RFO to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

ASSETS, PROPERTIES AND ESTATES

- 1.98. The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Clerk/RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 1.99. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 1.100. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 1.101. No real property (interests in land) shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 1.102. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council with a full business case.
- 1.103. The Clerk/RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

INSURANCE

- 1.104. The Clerk/RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 1.105. The Clerk/RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 1.106. The Clerk/RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.

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

CHARITIES

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

RISK MANAGEMENT

- 1.109. The Council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 1.110. When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 1.111. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 1.112. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

* * *

COMMUNICATIONS & MEDIA PROTOCOL

TOTNES TOWN COUNCIL

January 2015

Reviewed July 2017

This protocol acts as a reference tool for any employee or Councillor who engages with the media or communicates with members of the public. It also includes guidance on personal use of social media where it could be deemed to have a negative impact on the Council's reputation.

This protocol applies to all Town Council employees and Councillors.

INTRODUCTION

Totnes Town Council receives enquiries from the media, constituents and wider members of the public every year.

The purpose of this protocol is to clarify the roles and responsibilities of the Clerk, Mayor, all employees and all Councillors and to provide guidance on how to handle media interest.

The aim of the protocol is to ensure that the Council is seen to communicate in a professional and objective manner. In all cases, the Council's outside communications should be:

- Open and honest
- Proactive
- Responsive and timely

LEGAL ISSUES

There are circumstances under which employers can be held legally responsible for content published by their employees. This may include action taken as part of their role for the organisation and material published on official organisation channels or somewhere that has been previously sanctioned by the Town Council. It is therefore important to make all employees aware of the potential legal issues with regards to communication.

It is important that employees are aware that communicating information about the Council cannot be isolated from their working life. For example any information published online can be accessed around the world within seconds and will be publicly available for all to see.

Employees and Councillors should take the following into consideration when using social media:

- Be aware of the Council guidelines for using social media, whether this is for personal use or as a part of their working role (See "SOCIAL MEDIA").

- Be familiar with the legal areas outlined below before writing or speaking about colleagues or sharing information about the Council.
- Ensure that verbal or written information does not disclose privileged or confidential information.

Libel and defamation

Defamation is the act of making a statement about a person or company that is considered to harm reputation, for example, by lowering others' estimation of the person or company, or by causing them to lose their rank or professional standing. If the defamatory statement is written down (in print or online) it is known as libel. If it is spoken, it is known as slander. There are exceptions to this - posting a defamatory statement online or recording it on a podcast would both be examples of libel.

Other points to note

An organisation may be held responsible for something an employee has written or said if it is on behalf of the company or on a company-sanctioned space. Action can also be taken against anyone repeating libelous information from another source, so careful checks are needed before quoting statements from websites. This can also apply to linking to defamatory information.

You should consider whether a statement can be proved before writing or using it – in law, the onus is on the person making the statement to establish its truth.

PUBLICITY

The media plays a huge role in informing residents about what the Council does and how it spends their money (at all tiers of Government). It is therefore vital that the Council communicates effectively with the media and wherever possible will take a positive approach to meeting media requests for information and interviews. This approach will help achieve the following objectives:

- Ensure that the Council is recognised as one which is open, accountable, accessible and which listens
- Share and celebrate the Council's successes
- Give information about policies and services and about the democratic process so that people feel more informed about the Council's work
- Handle negative issues clearly and decisively

Publicity in Election Periods

The rules governing publicity change when an election has been announced. In the period between the notice of an election and the election itself all proactive publicity about candidates or other politicians is halted. This applies to local, national or European elections.

During this period Council publicity should not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Councillors or groups of Councillors. This is to make sure that no individual or political party gains an unfair advantage by appearing in corporate publicity.

In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.

Young People and Publicity

Guidelines should be followed if commissioning photographs of children (i.e. under 18 years of age) or if planning photography of children at events and using visual media for publicity purposes. Please refer to Chapter 18 of Council Constitution – The Child and Vulnerable Adults Protection Policy for further information on this subject.

THE MEDIA

The local press generally only covers stories relevant to people living and working in Totnes and the immediate surrounding areas. They include newspapers such as the Totnes Times (paid for) and the Totnes News (free). Other local media include radio stations such as Totnes FM, Soundart Radio, BBC Devon, Heart and Palm FM, all of which have specific target audiences.

Regional media includes newspapers like the Herald Express and Western Morning News.

It is rare that Totnes Town Council would be involved in media communications at a national, international or specialist level however the protocol remains pertinent in these cases.

Identifying Newsworthy Items and Handling Media Enquiries

It is the responsibility of everyone working within the Council to identify worthy news items and this should be done as early as possible. These might include Mayoral engagements, the Christmas Markets or promoting successes of the Council. Ideas for news items should be sent to the Clerk.

The Clerk will co-ordinate all media enquiries into the office. In certain circumstances it may be appropriate for the lead officer, Councillor or the Mayor to respond to the enquiry, in line with this protocol.

Council officers who are directly approached by a member of the media should not attempt to answer questions themselves without gleaning the full facts and should confer with the Clerk before responding. However simple, factual queries will be dealt with appropriately by the office.

Councillors who are directly approached by a member of the media may respond in accordance with the guidance contained in this protocol.

The Council should not pass comment on leaks, anonymous allegations or allegations about individual staff and Councillors. The Council is open and accountable and should always explain if there is a reason why it cannot answer a specific enquiry.

News or Press Releases

News / press releases are one of the key techniques for publicising Council activities, decisions and achievements.

There are two types of press releases – Official Council Press Releases and Councillor Press Releases.

Official Council Press Releases: An official Council release is made on behalf of the Council as a whole; it will be written by an officer and authorised by the Clerk. It is non-party political and will normally include a quote from the relevant Councillor(s). This is usually the Mayor or Committee Chair.

Official Council press releases will follow a corporate style appropriate for the media being targeted and a central record will be maintained. All releases will accurately reflect the corporate view of the Council, contain relevant facts and include an approved quotation from the appropriate Councillor. Matters of style, presentation, punctuation, grammar etc are the responsibility of the author.

Releases will not promote the views of specific political groups, publicise the activities of individual Councillors, identify a political party or persuade the general public to hold a particular view.

All official Council news/press releases will be placed on the Council's website within one working day of issue.

It should be borne in mind that a news or press release is not always the best way to publicise an activity or event and alternative ways of advertising it should be considered e.g. posters, mailings, websites, social networking etc.

Councillor Press Releases: Councillor press releases are personal and are written and issued by the Councillor responsible. This release may or may not be political and should not include the name of any officer, use the Council crest or the Council telephone number as a point of contact. It would be beneficial for copies of intended releases, especially those of a factual nature, to be provided to the Clerk. Councillors seeking advice can contact the Clerk or Deputy Clerk for advice.

Interviews

Any officer contacted by a journalist requesting an interview should refer the journalist to the Clerk, the Mayor or the appropriate Committee Chair. The person put forward for interview will depend on the situation and the information required by the journalist.

Officers should never give their opinion on specific Council policy but must keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the Council's approved and agreed policies.

Media Activity Ahead of Meetings

The media pick up many stories from agendas and reports ahead of meetings. All Council and Committee agendas are automatically published on the Totnes Town Council website.

Members of the media are welcome to attend and regularly do attend Council and Committee meetings. During meetings Members should be mindful that any comments and messages are put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

Non-Council Related Media Activity

Officers and Members of the Council who have contact with the media in a personal capacity or as members of non-Council related organisations must not refer to their Council posts and must make it clear to the journalist concerned that they are speaking in a personal capacity or on behalf of the non-Council related organisation.

Managing Negative Issues

From time to time the Council has to respond to negative issues. It is important that these situations are managed carefully so as to limit the potential for negative publicity.

Members and Officers must alert the Clerk as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.

Members and Officers must be prepared to work together to prepare holding statements, other information and carry out research even if no media have contacted the Council about an issue.

Correcting Inaccurate Reporting

Should the media (a newspaper or broadcaster) publish/broadcast something inaccurate about the Council, a quick decision needs to be taken on any action necessary to correct it.

The issue should be discussed with the Clerk to decide what action is appropriate. This could be a letter or news release, a conversation with the journalist concerned, a personal letter to the editor or legal advice. Also to decide who the most appropriate person is to take the necessary agreed action i.e. the Mayor, Committee Chair or Lead Officer.

It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to complain. Each case must be judged individually.

Occasionally the Council will get something wrong. In these cases damage limitation is the key – this can usually be achieved by holding hands up, apologising, and stating how we are going to learn from the error or put it right.

SOCIAL MEDIA

What is social media?

'Social media' is the term commonly given to websites, online tools and other Information Communication Technologies (ICT) which allow users to interact with each other in some

way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement. This protocol will also apply to any new or emerging technologies or systems which may develop in the future.

Current examples include, podcasts, message boards, social networking, such as Facebook, Twitter, bebo and MySpace, and content sharing websites such as Flickr and YouTube.

The aims of this protocol are:

- To ensure that social media used to communicate with the public, partners or other stakeholders by all Town Council staff in the performance of their duties is aligned to the view of the Town Council.
- To ensure that all Town Council social media sites are easily identifiable as originating from the Town Council and correctly apply the Council's logo and brand guidelines.
- To protect the reputation of the Town Council while embracing the possibilities of this channel.
- To ensure that any Council communication through social media meets legal requirements and is consistent with other communication activities.
- To prevent the unauthorised use of Town Council branding on employees' or Councillors personal social media sites.

Applying this protocol: Council-run channels

- Town Council staff considering the use of, or wishing to use, social media as a channel for a project or campaign must first discuss and agree this with the Town Clerk and Mayor.
- Social media channels already featuring the Council's logo or branding must comply with brand guidelines.
- The unauthorised use of the Town Council logo or branding on social media channels may result in action under the disciplinary procedure.
- Individual employees must not post any items on sites unless this has been reviewed by a colleague or Councillor before publication to avoid unintentional errors being posted.

Applying this protocol: personal use of social media channels

If you already make reference to your employment/involvement in the Council on a personal internet site as defined above, or you intend to create such a site, you should inform the Town Clerk who will advise you of the appropriateness of doing this in line with the advice below:

- Do not engage in activities on the internet that might bring the Council into disrepute.

- Do not use the Council logo on personal web pages.
- Do not reveal information which is confidential to the Council - consult the Town Clerk if you are unsure.
- Do not include contact details or photographs of service users or staff without their permission.
- Under no circumstance should offensive comments be made about the Council, Councillors, or colleagues on the Internet. This may amount to cyber-bullying or defamation and could be deemed a disciplinary offence.

Social media campaigns

Employees or Councillors who are considering social media campaigns should firstly consult the Town Clerk for guidance. Coordinating efforts and using a corporate account can ensure that the project has a clear purpose, fits into the existing Town Council views and is suitable for the target audience they wish to reach.

Social Media Tips and Advice

Social Media or Social Networking is both a broadcast medium and a receiving medium.

From the business point of view:

- It can be used as a receiving medium to gather opinions about the Council which have appeared on the social media networks. As such it is an invaluable tool to add to our understanding of what people think about us. As such this is a benign and useful tool.
- It is possible to broadcast using the same social media networks to engage with and talk to those who are interested enough to have a view. As such it is a useful and powerful tool.

From a personal point of view:

- Individuals employed by the council are entitled to use whatever system they like outside of their working time and working persona, to engage in the social aspects of the media – both broadcasting and receiving.
- However great care should be taken to ensure the private/work line is not crossed.
- It is good practice to follow the stricture of never mentioning work, your opinions of your colleagues or processes and projects on your own private Social Media Networks. This aspect is covered in '*LEGAL ISSUES*'.

FREEDOM OF INFORMATION AND DATA PROTECTION

Council Members are reminded that they must not misuse Council resources for political or other inappropriate purposes. Should the Council receive a request for information under the Freedom of Information Act 2000 on a topic on which there is correspondence (email or written), normally that correspondence would have to be disclosed, unless it was exempt.

The fact that the disclosure of the correspondence may prove embarrassing would not, in itself, prevent disclosure.

In addition, care should be taken when processing personal data. The Data Protection Act 1998 prevents the use of personal information other than for the purposes for which it was supplied. Members should bear this in mind when using any personal data which may be supplied to them by their constituents.

Refer to the Information Policy, Chapter 14 of the Council Constitution for further information and guidelines in this respect.

INTERNET ACCEPTABLE USE POLICY

Internet use covers all websites (including the Totnes Town Council website), networking sites such as Facebook, Twitter, Bebo etc, forums and blogs which may be used by both Officers and Councillors.

If the above are used in an official capacity or on Council related business, the guidance in this protocol must be adhered to and they must be used in a responsible and appropriate manner.

Under the consideration of Acceptable Use, when acting in the capacity of Totnes Town Council, websites should not:

- contain content that may result in actions for libel, defamation or other claims for damages
- be used to process personal data other than for the purpose stated at the time of capture
- promote any political party or used for campaigning
- promote personal financial interests or commercial ventures
- be used for personal campaigns
- be used in an abusive, hateful or disrespectful manner
- If social media is used in an unofficial capacity, Members and Officers should restrain from making remarks that could be construed as bringing the Council into disrepute. Please see "SOCIAL MEDIA".

APPENDIX 1 – ADMINISTRATION OF TWITTER AND FACEBOOK

Totnes Town Council encourages open and two-way conversation with our constituents, partner agencies, members of the many communities in which it participates and the general public.

Such dialogue is crucial in its effort to engage with citizens and to support its values of openness, fairness, flexibility and teamwork.

The Council expects employees and Councillors to exercise personal responsibility whenever you participate in social media. This includes not breaching the trust of those with whom you are engaging.

General operating guidelines:

1. Do not publish any information which is not already in the public arena.
2. Be accurate, fair, thorough and transparent.
3. Ask a colleague or Councillors to check wording for accuracy.
4. Be mindful that what you publish may be public for a long time.
5. Respect copyright laws.
6. Do not publish or report on conversations that are meant to be private or internal to Totnes Town Council without permission. Do not cite or reference customers, partners or suppliers without their approval. When you do make a reference, link back to the source where possible.
7. Respect your audience. Do not publish anything that would not be acceptable in the workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory, such as politics and religion.
8. Remember that you are an ambassador for the Council and be cordial at all times.
9. Do not correct other contributors' spelling or grammar.
10. If a contributor makes a comment that is defamatory or likely to cause extreme offense, edit or remove it where possible. If this is not possible, report it to the operator of the website. Contact the user to explain why you took this action, and if appropriate ask them to post the comment again without the offensive content.
11. All feedback to the Council through social networking sites should be fed back to the Town Clerk, and as appropriate, Full Council. Feedback that requires a response must be acknowledged promptly. Where action is required, bear in mind that excessive delay will have a negative impact on the Council's reputation.
12. Passwords for Town Council social media sites must not be shared with any unauthorised persons and these must be changed when a member of staff leaves office.

Authorisation:

Types of tweets and posts authorised employees can send out as part of their daily responsibilities from the official Totnes Town Council twitter account:

- Informing the community about upcoming public meetings such as Full Council.
- Sending out last minute/next month availability for the Civic Hall.
- Sending out updates on improvements/changes such as the availability calendars on the website.

- Posting photos after successful events or before to promote tourist attractions such as the market.
- Giving out relevant advice in situations such as adverse weather
- Sending updates on the progress of long term traffic disruptions (such as the gas works in January)
- Sending out notices of unavoidable office closures for the Guildhall and TIC
- Promoting events in the area such as the Christmas Market.
- Posting photos of improvements around the town, such as cleaned up bus shelters, repainted public areas and the Christmas lights.

Examples:

- *Drive carefully tomorrow morning as heavy rain is predicted for rush hour. For updates follow @metofficeSWEng*
- *Please bring flooding photos/video to Totnes flood drop in sessions at the Civic Hall on 10th January from 7pm till 10pm*
- *The roadworks are progressing well. Please remember we are open for business! Further details can be found on www.totnestowncouncil.gov.uk*
Special offer - last minute availability in the Civic Hall on Saturday 20th February, 10% discount on list price. Please contact us for info.
- *Great progress being made in removal of graffiti in the town – see the team hard at work here (linktobeadded)*
- *Totnes Traders are hard at work planning the Christmas Markets. If you are interested in having a stall please contact*
- *Richard Branson will be opening the new ??? on Saturday at 3pm. Please contact (linktobeadded) for further information.*

Types of tweets or posts that require permission of the Town Clerk and Mayor (or 2 Councillors as a minimum) in order to be sent from the official Totnes Town Council twitter account:

- Responding to complaints or negative reports or entering into debate.
- Supporting other local organizations and businesses to support a cause.
- Responding to contentious queries and current media stories regarding the local area or the Town Council.

Examples:

- *The Boundary Commission is asking how many Councillors should represent SHDC in future. Click here to give your views.....*
- *Further to the article in the Totnes Times on Monday the mayor announces ????. Press release in full at www.totnestowncouncil.gov.uk*
- *Totnes Town Council supports the call for a review of Council Tax benefit funding. Click here for further information.*

APPENDIX D

CIVIC AND MAYORAL ALLOWANCE BUDGET PROTOCOL

TOTNES TOWN COUNCIL

ADOPTED: 9TH MAY 2017

REVIEW DATE: MARCH 2019

This protocol applies to all Town Council Councillors.

All Civic and Mayoral spending will be limited to the agreed budgets over the course of the financial year, therefore pre planning of proposed events and larger commitments is essential. All major civic events should take place within the Council's financial year ending 31st March.

During the period from 1st April to 18th May a maximum spend of an amount equivalent to 1 ½ months of the allocated Civic Budget and Mayoral Allowance Budget for the financial year is allowed and must be agreed in advance with the Town Clerk.

Any surplus at the end of the financial year will not be carried forward.

The budgets must not be in deficit at the financial year end.

Expenditure which is allowed:

- A. The Mayoral Allowance budget is to defray reasonable costs in order that the office holder is not out of pocket for fulfilling the role of Mayor. The Mayor can claim an amount equivalent to the annual Councillor Allowance as a lump sum at the end of the financial year from this budget.
- B. Funding for all the formal and informal Civic events and costs associated with the role of the Mayor during the Mayoral year.

These may include:

- ❖ Mayor Choosing and reception
- ❖ The Civic Service

- ❖ Remembrance Sunday (in conjunction with the British Legion)
- ❖ The Civic Event (Community fundraising event)
- ❖ Events where the Mayor is usually accompanied by the Town Sergeant, such as Totnes Carnival, the annual Orange Race, the opening of the Elizabethan Market.

PLEASE NOTE - Civic Funerals (as and when required) and refreshments at a wake for Honorary Citizens will be funded from the general reserve up to a value of £1,000.

- C. Civic events supported by the Council involving, but not necessarily arranged by, the Mayor, or agreed Councillors. This expenditure must be agreed in advance by the Mayor.

These may include

- ❖ hosting the Mayor of Vire, to include up to £25 for an award.
- ❖ receptions for Civic visitors
- ❖ hosting small award ceremonies, to include up to £25 for an award.
- ❖ hosting meetings of community groups
- ❖ activities related to the Town Council but not necessarily organised by the Mayor.

- D. The costs of any events held or attended by the Mayor or Deputy Mayor or Councillors deputising in their place in the course of his/her duties in the Mayoral Year.

These may include

- ❖ Christmas reception
- ❖ specific refreshments etc. when organising events at the Guildhall during the year.
- ❖ the incidental costs of attending community and charitable events e.g. purchase of tickets for both the event and raffles
- ❖ charity functions, and to cover any costs when attending functions e.g. the purchase of raffle tickets, collections, etc.

- E. Supporting the Mayor in raising money toward his/her chosen charity.

These may include

- ❖ providing facilities paid for by the Civic Budget in raising funds for the chosen charity e.g. reception in the Guildhall, hire of the Civic Hall, etc.

PLEASE NOTE: All use of the Civic Hall must be paid for in full from the Civic Budget to the Paige Adams account. No free use can be granted by the Mayor.

Expenditure which is not allowed :

The Civic budget must not be used to pay for

- ❖ gifts of monies or goods (including flowers) other than to charities. NOTE: Any requests for contributions to groups and charities outside of fundraising must be considered by Paige Adams through the grants process.
NOTE: The policy will allow an exception for the purchase of flowers for incoming and outgoing Mayors and their consorts plus retiring Councillors to the value of £25 per bouquet
- ❖ parking fines
- ❖ social events internal to the Council unless agreed by the Mayor or Deputy Mayor.
- ❖ items normally covered by the Mayoral and Councillor Allowance e.g. costs associated with the use of home as office, personal telephone bills, etc.
- ❖ printing fliers/leaflets/posters etc. other than for civic events covered in B. above.

Reporting and monitoring procedures:

The Mayor is asked to account for his/her spending and to submit these expenses, along with the Mayor's monthly engagements, as a quarterly agenda item to Operations Committee meetings:

- All amounts submitted for reimbursement from the Town Council will be signed off and paid according to the Town Council financial regulations.
- Amounts of £500 and over need to be agreed by The Operations Committee in advance of agreement. Details of the proposed expenditure will need to be submitted, to ensure contributions and events are in line with Civic function and the Town Council priorities. If agreed it can then be submitted for reimbursement/payment to the Town Council Finance Officer.

Once 85% spend of the budget is reached the Operations Committee must be informed and any future spend must be agreed in advance with the Town Clerk.

Any outstanding civic expenses need to be submitted by the outgoing mayor by the end of June, when the preceding mayor's budget will be closed.

Purdah: A short guide to publicity during the pre-election period

Purdah: A short guide to publicity during the pre-election period

Introduction

In response to requests from council communications teams to produce simple guidance to communicating during the pre-election period (also known as 'purdah'), we are publishing this short, updated guide.

This document provides advice on the publicity restrictions that should be observed during the purdah period. It should be read in conjunction with any guidance produced by your own Returning Officer or Monitoring Officer, which provides specific advice depending on your local circumstances.

The term 'purdah' has come into popular use across central and local government to describe the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The term 'pre-election period' is also used.

2017 Local Elections

A number of authorities will have elections on 4 May 2017, including English non-metropolitan county councils, Welsh councils, unitary authorities and local mayoral elections. Elections for newly created English Regional Mayors will take place in six regions: Cambridgeshire and Peterborough, Greater Manchester, Liverpool City Region, Tees Valley, West of England and West Midlands.¹

The latest date that purdah can start is 27 March 2017. Local government sometimes views this period as a time when communications has to shut down completely.

This is not the case, and the ordinary functions of councils should continue, but some restrictions do apply, by law, to all councillors and officers.

The Code

The Government published a new Code of Recommended Practice on Local Authority Publicity in 2011. The Code is based around seven principles to ensure that all communications activity:

- is lawful
- is cost effective
- is objective
- is even-handed
- is appropriate
- has regard to equality and diversity
- is issued with care during periods of heightened sensitivity.

This last principle, to ensure special care is taken during periods of heightened sensitivity, is of particular relevance during the pre-election period.

Directly elected in English mayor elections

Political activity connected with mayoral elections falls within the definition of local political activity and is subject to the same restrictions as local elections.

In line with local election rules, the combined authority and any constituent authorities must not publish information about the candidates or their policies through official media. Any such information must also have been removed from official web sites and other

The combined authority and constituent authorities may publish information about the election, the post of Mayor and the names of the candidates, in order to promote electoral registration and participation in the election.

Purdah for these elections will also begin on 27 March 2017.

The publication of press notices and information regarding the holding of the poll are exempt from these restrictions as they responding to specific requests for information.

At all times, local authorities should ensure that publicity complies with all applicable statutory provisions, including the Code of Recommended Practice on Local Authority Publicity 2011. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.

In general, authorities should not issue any publicity which seeks to influence voters, ensure that publicity relating to policies and proposals from central government is balanced and factually accurate and comply with laws which prohibit political advertising on television or radio.

Legal basis and official guidance

The pre-election restrictions are governed by Section 2 of the Local Government Act 1986², as amended in 1988³. Essentially councils should **“not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.”**

Section 4⁴ of the Act makes clear that councils need to have regard for the code of recommended practice that supports the Act. A new code of practice was published in 2011⁵ which replaced all previous guidance. The essential points from the code are:

- 2 www.legislation.gov.uk/ukpga/1986/10/section/2
- 3 www.legislation.gov.uk/ukpga/1988/9/section/27
- 4 www.legislation.gov.uk/ukpga/1986/10/section/4
- 5 www.gov.uk/government/publications/recommended-code-

- In general you should not issue any publicity which seeks to influence voters (an exception being situations covered by legislation or regulations directing publication of information for explanatory purposes).
- Particular care should be taken during the pre-election period to abide by the Act.
- Consider suspending the hosting of third party material or closing public forums if these are likely to breach the codes of practice.
- Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with individual councillors or groups of councillors.
- Publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.
- You are allowed to publish factual information which identifies the names, wards and parties of candidates at elections.

Although this new code supersedes the previous versions and may seem less specific, in practice your conduct should be similar to previous elections.

What this means in practice

Publicity is defined as **“any communication, in whatever form, addressed to the public at large or to a section of the public.”**

The first question to ask is ‘could a reasonable person conclude that you were spending public money to influence the outcome of the election?’ In other words it must pass the ‘is it reasonable’ test. When making your decision, you should consider the following:

You should **not**:

- produce publicity on matters which are politically controversial
- make references to individual politicians or groups in press releases

- arrange proactive media or events involving candidates
- issue photographs which include candidates
- supply council photographs or other materials to councillors or political group staff unless you have verified that they will not be used for campaigning purposes
- continue hosting third party blogs or e-communications
- help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the council.

You should also **think carefully** before you:

- Continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial (for example, on issues like recycling or foster care) and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election and you should not use councillors in press releases and events in pre-election periods. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or disagreement.
- Launch any new consultations. Unless it is a statutory duty, don't start any new consultations or publish report findings from consultation exercises, which could be politically sensitive.

You **are allowed** to:

- Continue to discharge normal council business (including determining planning applications, even if they are controversial).
- Publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist information). An example might be a media story which is critical of the council, such as a media enquiry

claiming that the salaries of all the council's senior managers have increased by five per cent. If this is not true, a response such as 'none of the council's senior management team have received any increase in salary in the last 12 months' is acceptable. It is perfectly right and proper that the council responds, **as long as it is factual.**

- Use relevant lead officers rather than members for reactive media releases.
- Use a politician who is involved in an election when the council is required to respond in particular circumstances, such as in an emergency situation or where there is a genuine need for a member-level response to an important event beyond the council's control. Normally this would be the civic mayor (as opposed to the elected mayor in those areas with elected mayors) or chairman (that is, someone holding a politically neutral role). If the issue is so serious, it is worth considering asking the council's group leaders to agree to a response which would involve all of them.
- If you are in any doubt, seek advice from your Returning Officer and/or Monitoring Officer, legal or communications colleagues.

Ultimately, you must always be guided by the principle of fairness. It is crucial that any decision you take would be seen as fair and reasonable by the public and those standing for office.

Further guidance

You can find more information from the following:

- referring to advice published by your Returning Officer or Monitoring Officer
- the Code of Recommended Practice on Local Authority Publicity
- the LGcommunications leaflet, Cracking the Code⁶
- annex A – template letter to councillors.

Frequently Asked Questions

Does this guidance only apply to councils?

No. The Code of Recommended Practice on Local Authority Publicity covers the full range of authorities.

Do these rules apply to councillors who are not running for re-election?

Council business continues so all sitting councillors, whether seeking re-election or not, are bound by the Publicity Code.

Can council officers get involved in campaigning in their own time?

Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should not take part in a political campaign or canvass on behalf of a political party or candidate. Please check local arrangements.

Do the restrictions apply to officers who are members of a trade union?

Trade unions themselves are not bound by the Code, but individual officers are, and must have regard to the Code.

Can council press offices still put out press releases ahead of the election?

Yes, but with limitations. Official, factual press statements about council decisions for public information purposes may still be issued. However, no publicity should deal with controversial issues or report views or proposals in a way which identifies them with individual councillors or groups of councillors.

Can we use the chair of a council-commissioned review, who is up for re-election, as spokesperson for the report?

The best approach could be to delay publication of the review until after purdah. However, if there is an imperative to publish you should use another, non-political spokesperson.

Can we host a photo call for the council leader or other leading councillor to open a new council facility (such as a play park) during purdah?

No.

Can councils sanction the use of schools for political purposes?

Schedule 5 of the Representation of the People Act 1983⁷ covers the use of meeting rooms in school premises for parliamentary elections. The Registration Officer is required to keep lists of such premises.

Do the restrictions apply to council notice boards?

Councils are required to publicise details of the election and how to register to vote. Material relating to wider political issues should not be posted on official notice boards which may be seen by members of the public. This includes publicity issued by, or on behalf of, a trade union.

Can councillors issue their own press releases or talk to the media?

Councillors are free to talk to the media and issue press releases, but must not use council resources to do so.

Can councillors write letters 'for publication' to their local newspaper?

Yes, as long as they don't use council resources (such as staff) to help them do it.

Frequently Asked Questions

Can councillors still tweet or blog?

Councillors can continue, but must not use council resources (such as council twitter accounts, email accounts, telephones etc.) to do so.

Can councillors who are up for re-election refer to themselves as councillors in their public statements

A person remains as a 'councillor' and can refer to themselves as such until they retire on the fourth day after the ordinary day of election.

Can councillors request to visit council establishments?

The guidance may vary by council. Generally reasonable requests by current members who are also candidates at the election to visit council establishments in the course of their council functions would be approved. Again, check local arrangements and any such visits must not be supported by the council's media team or council officers.

Can councillors speak/canvas at a student union (which is a registered charity) during the pre-election?

Yes they can. In fact it is to be expected. Councillors and those potentially standing for election can arrange to speak and canvass as long as these activities are not funded nor arranged by local authorities. The fact that the union is a charity has no bearing - the guidance applies to local authorities, not to other organisations.

Can the council still publish its newsletter/magazine during purdah?

Yes, if it is done in the ordinary course of business and meets all other purdah requirements.

Can the Mayor's office continue to promote events being organised on behalf of the Mayor or their charities?

Where the office of Mayor is a non-political post and the post holder is not standing for election, it is appropriate for them to continue their civic duties and appearances at events and to be supported by council resources (including communications) as they fulfil this function. It would be inappropriate for the post holder to speak on controversial issues or those associated with a particular political party and care should be taken about using photos from such events if any members are standing for election.

Acknowledgements

The LGA would like to thank LGcommunications, Coventry City Council, Warwickshire County Council and Eastleigh Borough Council in the creation of this document.

Annex A : Template letter for sending to councillors ahead of local elections

Dear Councillor,

Guidelines and restrictions on decision making and publicity during the pre-election period

As you will be aware, the local elections are due to take place on 4 May 2017, so I thought it would be useful to remind you about the guidelines and restrictions on publicity during the pre-election period that starts on **27 March 2017**. These restrictions apply to all elections happening during this period.

From the start of the pre-election period ('purdah'), the council must comply with restrictions outlined in Section 2 of the Local Government Act 1986. In addition a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as **"any communication, in whatever form, addressed to the public at large or to a section of the public."**

Generally, the Act says that we should **"not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party."** The Code of Practice recommends that authorities should generally not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

Decision making

In relation to decision making within the council, the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case. In the vast majority of cases, the pre-election period will have no impact on normal council business, including the approval of planning decisions.

What this means

- The primary restriction is on proactive publicity by the council which particularly relates to candidates and other politicians involved directly in the election.
- The council can still issue media releases on factual matters provided that these do not identify individual councillors or groups of councillors.
- Councillors are still free to respond to enquiries received from the media in a personal capacity.
- Individual councillors can issue their own statements, write letters to the local newspaper(s) for publication, contact the media directly or say what they like in a personal capacity, but must not use council resources to do so.

It is still possible for the council to issue statements on behalf of a councillor holding a key political or civic position provided it relates to important events which are outside the council's control and can be shown to justify a member response. These occasions are likely to be rare and to be the exception, rather than the rule.

I hope this letter provides you with the general information you need for the pre-election period, but if you have specific concerns or queries, please feel free to **contact xxxx**.

Yours sincerely



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