



## AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL

MONDAY 19<sup>TH</sup> JULY 2021 IN THE GUILDHALL

Please note that public question time will be held prior to Full Council from 6.30pm

You are hereby **SUMMONED** to attend a Meeting of the Council, on **Monday 19<sup>th</sup> July 2021 at 7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

1. **WELCOME TO ALL ATTENDING AND OBSERVING**

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded on. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 120 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

2. **APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

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*The Committee will adjourn for the following items:*

Reports from County and District Councillors.

- a. County Cllr Hodgson – document enclosed.
- b. District Cllr Birch – document enclosed.
- c. District Cllr Rose – document enclosed .
- d. District Cllr Sweett – no document.

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*The Council will convene to consider the following items:*

3. **CONFIRMATION OF MINUTES**

To approve and sign the minutes of the following Meeting:

*(Please note confidential minutes can be agreed but any discussion must be held in Part 2)*

- a. Full Council 7<sup>th</sup> June 2021 – document attached.

To note the following minutes:

- b. Council Matters 14<sup>th</sup> June 2021 – document attached.

4. **CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION**

To consider any matters arising from the Minutes and to approve any recommendations from Committees (document enclosed):

*(Please note confidential minutes can be agreed but any discussion must be held in Part 2)*

- a. Full Council 7<sup>th</sup> June 2021.
- b. Council Matters 14<sup>th</sup> June 2021.

5. PHOTOVOLTAIC PANELS ON THE PAVILIONS

To consider a request from Totnes Renewable Energy Society (TRESOC) to support the installation of photovoltaic panels on the Pavilions. Verbal update.

6. KEVICC CONSULTATION

To consider the Town Council response to the KEVICC consultation paper. Document to follow.

7. TOWN PLANTERS - PHASE 2

To consider the costs for phase 2 of placing planters around the town. Document attached.

8. STAFFING POLICIES

To consider the following staffing policies:

- a. Working Time and Leave Policy. Document attached.
- b. Home Working Policy. Document attached.
- c. Absence Management Policy. Document attached.

9. ARTS WORKING GROUP

To note the minutes from the Arts Working Group. Document attached, reworked Christmas event brief to follow.

10. LIST OF MEETING DATES

To note a list of upcoming meeting dates. Document attached.

11. NEXT MEETING

To note the next meeting date of Monday 6<sup>th</sup> September 2021, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

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*The Council 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.*

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12. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature. No documents.

13. EXPRESSION OF INTEREST

To consider an application to the Cultural Development Fund for improvements in the town. Document to follow.

14. COMMERCIAL MATTERS

To consider the following:

- a. The cost for a Visit Totnes promotional video. Document attached.
- b. The tender options for the Christmas Festival nights. Document attached.
- c. The request for additional allotment land in Castle Meadow and associated costs. Document attached.
- d. Giving the Clerk delegated authority to submit the planning application for the Civic Hall Annex conversion (Birdwood House). Document to follow.
- e. The cost of Community Charter facilitation for the Totnes Futures Forum. Document to follow.

15. GENERAL STAFFING UPDATE

To consider the following:

- a. An appointment to the Administrator 1 position. Verbal update.
- b. To give the Clerk authority to advertise a vacancy following a resignation. Verbal update.
- c. Absence of staff due to compassionate/sick leave. Verbal update.
- d. To note the casual caretaker vacancy. Verbal update.
- e. A temporary hour change for the Marketing Manager.

Agenda produced by:

Catherine Marlton

Town Clerk

14<sup>th</sup> July 2021

#### **USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS**

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.



# County & District Councillor's Monthly Report Cllr. Jacqi Hodgson - Date of Report: 12<sup>th</sup> July 2021

Devon County Councillor for Totnes & Dartington

(incl. Harberton, Harbertonford, Staverton, Landscope & part of Berry Pomeroy)

## Devon County Council: key issues

**COVID-19 restrictions are set to end in England on July 19th with Step four of the government's roadmap out of lockdown –**

The news comes as a sufficiently high proportion of the population are vaccinated against COVID-19. The vaccine has significantly weakened the link between infections, severe disease and death. The government say this means that the country can learn to live with coronavirus without the need for the stringent economic and social restrictions which have been in place since March 2020.

But the pandemic is not over. Cases are currently rising, as are hospitalisations and, sadly, deaths, and they will rise further as society reopens. So DCC public health are asking us to remain vigilant, make informed decisions and act carefully and proportionately to manage the risks to ourselves and others.

This new phase in the government's response to the pandemic moves away from restrictions on everyone's day-to-day lives and towards managing COVID-19 by advising people on how to protect themselves and others, alongside targeted interventions to reduce risk.

**Steve Brown, Director of Public Health Devon explains:** "We're moving to a new chapter in the management of the pandemic, where we are no longer instructed by regulation to follow rules, and instead we are encouraged to be personally responsible for our own actions." But what does personal or social responsibility look like, and how do I show it?

Regularly updated information and advice is at this website link:  
<https://www.devon.gov.uk/coronavirus-advice-in-devon/>

**DCC's Annual Public Health Report 2020-21** has just been published. The 10 recommendations are posted on this page (The recommendations from last year together with their updates are at posted at the end of this report.) DCC's report is available at this link:  
<https://mk0devonhealthad1tlc.kinstacdn.com/wp-content/uploads/DCC-Public-Health-Annual-Report-2021-Accessible-Version.pdf>

## Public Health Annual Report 2020-21

### Recommendations

- 1 Public Health Devon, working with colleagues within Devon County Council, the NHS and Public Health England, maintains a comprehensive COVID-19 surveillance system to provide real-time monitoring data to enable swift and decisive actions to any increase in cases or outbreaks.
- 2 An effective local testing and contact tracing service, run by Public Health Devon, is maintained for as long as required to support the NHS Test and Trace service.
- 3 The local authority's health protection function is reviewed in the light of the pandemic and the relationship with the new UK Health Security Agency\* (replacing Public Health England) is established.
- 4 Lessons from reviews of the response informs how we prepare for and respond to future communicable disease outbreaks and shapes our recovery.
- 5 Devon County Council continues to work with NHS partners and other stakeholders to promote the uptake of the COVID-19 vaccination programme, with a particular focus on addressing inequalities in uptake.
- 6 Public Health Devon continues to advocate for and contribute to Devon-wide, as well as place-based, plans for tackling poverty and reducing health inequalities.
- 7 Public Health Intelligence Team and Smarter Devon, with stakeholders, coordinate the gathering and sharing of intelligence on the wider impacts of the pandemic in Devon and that this is used to inform partners' recovery plans.
- 8 Public Health Devon continues to advocate for a collaborative, cross-sector asset-based approach to reducing inequalities ensuring that communities' assets, priorities and perspectives are understood by, and inform the support offered by, organisations.
- 9 Recovery programmes should be based on the evidence of what works to reduce health inequalities.
- 10 Review how agencies' policies and programmes and the use of impact assessment tools harness the potential we have for addressing the climate emergency and reducing inequalities.

\*Public Health England's Health Protection functions transferred to the new UK Health Security Agency (UKHSA) on the 1st April 2021.

**Devon County Council – Full Council scheduled for Thursday 22<sup>nd</sup> July. I will be submitting questions about Funding for KEVICCs, Traveller sites, and the use of snares and have tabled 4 motions as follows:**

1. Impose limits to vehicle speed and size on minor rural roads: This Council will investigate and seek policy based solutions that can be implemented, to address and mitigate the growing problem of large agricultural vehicles and HGVs that frequent minor rural roads that are unsuitable for their use, that will:

- Limit the size of vehicles to improve safety for other road users and reduce damage to Devon Banks, old walls, hedges, wildlife habitats and roadside drains
  - Limit the speed of all motorised vehicles to be consistent with safe levels regarding visibility (i.e. blind bends and turns in the road) and the associated risk of collision with other road users.
  - Recognise of the rights of other rural road users, including residents, pedestrians, cyclists, persons with disabilities and wildlife; all of whom need safe access and use of rural roads with safety and tranquillity.
  - Exercise DCC's legal duty to protect formally protected wildlife species and habitats and designated built heritage.
  - Seek to implement the 'Quiet Lanes scheme in and around rural settlements by inviting parish council's to propose roads that might be eligible for this designation (under the Quiet Lanes and Homes Zones (England) Regulations 2006.
2. 20mph speed limit zones: In response to the growing demand for safer vehicle speeds in town and village centres and along residential roads, this Council will now consider further applications for 20mph pilot schemes that can be implemented in parallel with the Newton Abbott pilot scheme to ensure a more timely response to supporting Active Travel measures that need reduced vehicular speeds to be implemented and effective.
3. Improvements to public health through implementation of Active Travel measures. In light of changes to commuter and public travel and in recognition of this Council's commitment to post-COVID recovery measures as outlined in the recently published Public Health Annual Report for Devon, this Council will consider diverting financial resources away from new road schemes and instead re-invest these monies in an improved network of non-vehicular routes to enable Active Travel measures to be implemented more widely across Devon and provide these safe routes for residents in and around every town in the County (and ultimately every parish to be so linked to its closest towns and facilities). Such investment would then support the recommendations in DCC's own Public Health report, most of which seek improvements to fairness, air quality, access to active travel and access to nature to improve public health by extending the 'Health in All Policies' approach.
4. This Council recognises the urgent need to support, protect and enhance biodiversity and habitats. It therefore agrees to:
- Consider new ways that could be used through the planning system to ensure and check that wildlife and habitat mitigation measures agreed by planning condition are carried out and effective, and develop appropriate policies,
  - Work with Local Planning Authorities (LPA's) within Devon to ensure that measuring and monitoring of wildlife and biodiversity is carried out at a range of key (indicator) locations over the life of their Local Development Plans,
  - Develop a policy that would seek implementation of urgent remedial actions that may be advised by recognised experts regarding habitat degradation,
  - Assess the potential cumulative impacts on wildlife and habitats as and when planning applications for major developments are proposed within 500m of wildlife corridors, known habitats of protected species, planning consultation zones, green field sites, together with the impact of other nearby residential or commercial development applications, sites or built up areas within 500 meters. This information to be part of the application papers prior to validation for the planning process.
  - Strengthen and implement fully, habitats screening prior to validation of planning applications,
  - Ensure that any littering in public spaces, in particular that left by waste collection services is cleaned up immediately and thereby prevent this wildlife hazard from spreading. This could be enforced by employing more Enforcement officers.
  - Consider options for 'on the spot' fines against developers who damage or harm significant wildlife habitats including Devon Banks, mature native trees and other habitats known to be used by protected wildlife species.
  - Ban the use of pesticides and herbicides including glyphosate (commercially known as Roundup) on Council owned land.
  - Consider virtual supports that can be provided to enable parish councils, local organisations and residents to propose highway verges and other publicly owned green spaces for Life on the Verge sites; i.e. sites that could benefit wildlife and biodiversity by being left to an out of season cutting regime. This could be provided via an extension of the on-line mapping pages to include a new 'Life on the Verge' page on the Report it (Highways) on-line services.

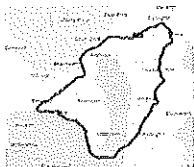
## Highways Matters:

**South Hams HATOC (Highways and Traffic Orders Committee) meeting 25.06.21.** I had requested 2 agenda items: **Requests for residents parking schemes** ( 3 schemes in Totnes that I have surveyed, including Swallowfields which suffers from extensive use by riverside users and visitors); regrettably these will be reviewed as part of the annual review later in the year.

**Request for pedestrian lights and crossing at Plymouth Road Junction** – deferred to site meeting on Monday 12.07.21 at 8.30am to gauge need for users of the footpath to cross on the north side of the junction and consider a staggered traffic lights supported pedestrian crossing. **The site meeting** took place this week during which, and (possibly due to the Football final the night before), only about 12 pedestrians crossed on the north side of the lights, and I am concerned that insufficient need for pedestrian lights was demonstrated at this site meeting. This matter will be referred back to the next SH HATOC on October 15<sup>th</sup>.

## **A381 Western By-Pass – maintenance and repairs - Scheduled roadworks (nightly) for up to 12 weeks from 3<sup>rd</sup> May.**

These are scheduled to continue to 23<sup>rd</sup> July 2021 from 19.00 to 07.00 to enable highways maintenance works, waterproofing, surface drainage, road lining and Traffic signs. There have been additional day time schedules introduced from this week in the hope that these works can be completed at least a week earlier than currently scheduled.



Major diversions still operate via A381, A379, A3121, A38, A381, and vice versa (see map). However local routes can still be navigated but vary on a weekly basis.

## **Additional A381 repairs requested – road condition**

Further to that area set for repairs, the A381 towards and beyond Harbertonford is in a very poor state of repair and there have been a lot of reports which I have followed up on. Some of these repairs have been carried out down to Harbertonford, but there remain some outstanding. Additional road repairs from Brockhills through to Moreleigh are scheduled for 25<sup>th</sup> -26<sup>th</sup> July.

## **DCC - DEVON CARBON PLAN: Devon Climate Emergency Council Support Network - 2nd meeting 19<sup>th</sup> July from 14.00**

16.00pm Read more information on our speakers and register [here](#).

**This event will bring together representatives of councils, of different sizes, from across Devon who are currently taking action, or seeking to take action, on the Climate Emergency. The event seeks to build on a successful first meeting in April to continue developing a network where members can develop best practice and support each other.**

Devon Communities Together will act as host for this meeting, however, the impetus of designing a future network's structure will lay with those who join the meetings.

Following discussion by 70 attendees at the previous meeting, some key aims for the network were:

- Sharing best practice and experiences
- Strategic action, and coordinating of voices and strategy between local and district/county level authorities.

Key areas arising for desired support were:

- Engagement with landowners and farmers
- Community engagement

**Illegal Camps**— Recent complaints regarding new additional traveller and residential vehicle on the roadside have been reported in and are being investigated by SHDC Council's Navigator team to establish what assistance can be provided to meet their needs. Further investigation is being continued. My question to next week's DCC FC meeting is about progress with creating properly serviced sites.

## **Local Issues – TOTNES**

**KEVICC's are hosting a public consultation** regarding their proposed sale of school land to provide much needed funding for the school. A series of local meetings have been hosted by the school with interest groups including the

Town Council. The consultation runs until 26<sup>th</sup> July; information is available at this link:  
<https://www.kingedwardvi.devon.sch.uk/consultationpaper>

**Totnes Rotary: Are seeking to plant trees and purple crocuses to mark the Queen's 70<sup>th</sup> Jubilee next year.** They are inviting schools and clubs to apply to them for some of the 4,000 purple crocuses they hope to have planted around this area. Call Sue Bethel at 01803-863753.

**Totnes TC Climate & Ecological Emergency Action Planning working group** is hosting good discussions & actions. The next meeting will take place on (the third Tuesday of each month) **Tuesday July 20<sup>th</sup> at 6pm**. All are welcome to attend. This will be a virtual Zoom meeting as follows:

<https://us02web.zoom.us/j/81632190242?pwd=ZFZlNnZKbXJ3Wm5DdXhnczBUZkpqdz09>

Meeting ID: 816 3219 0242      Passcode: 299511

**Totnes & District: Traffic & Transport Forum** The next meeting takes place on **Wednesday 28<sup>th</sup> July at 6.30pm**. Agenda and Link will be published on Totnes TC website at this link:  
[http://www.totnestowncouncil.gov.uk/Traffic and Transport 614.aspx](http://www.totnestowncouncil.gov.uk/Traffic%20and%20Transport%20614.aspx)

## STAVERTON

**Rural road issues.** I have exchanged correspondence with the Neighbourhood Highways team regarding the problems of large vehicles using rural roads that are not designed or wide enough for them. In Staverton these are both rural / farm vehicles and HGV's mostly travelling to and from Riverford. Further to a request from a parishioner / farmer, I went out on a site visit to look at the damage these vehicles are causing to both the road edges (many of which are crumbling and failing), the drainage (especially where drains are being broken by heavy vehicles), the impact on small and often very old bridges and to consider the associated problems to local residents who live on what have become very dangerous roads, excessive drainage causing flooding into fields and the impacts on safety to pedestrians and other road users. I have reported in the findings and photographs provided by the two residents who contacted me directly, plus the referral from the Parish Council. I have also asked about the possibility of traffic calming and/or signage to reduce the speeds of these vehicles

To date these are the replies I have received:

**1. My Q to Highways:** With reference to the emails below and the attached photographs, I'm reporting in again on a growing problem of oversized and pretty fast agricultural vehicles causing damage to the drains and hedges on the boundaries of these narrow rural lanes in Staverton. Would it be possible to instigate some signage to indicate the maximum size of vehicles that should be using these routes and possible some speed bumps to keep their speed down?

**Reply from Highways:** "I am sorry but it is not possible to progress your request. I do agree that much farm machinery has outgrown our typical country lane but these roads are rural by their very nature providing access to fields etc. Any restriction would have an 'except for access' exemption meaning these vehicles can still use the route if required and restricting them further would mean the farms cannot continue to work/trade. In respect to their speed and your request for traffic calming; as these are rural roads between communities then they will have the national speed limit and therefore these vehicles are not speeding. Traffic calming such as speed humps do have their place but not in rural roads with the national speed limit.

I can only suggest that the PC's know and speak to their farming community to raise the subject and see if they can self-regulate to mitigate the damage being caused."

**2. My Q to Highways:** I write further to Mr X's email below. His concern is clearly explained in the text and exemplified by the video link.

On many occasions in the last decade I have witnessed this ever increasing level of HGV traffic on the link roads from the A384 to Riverford's distribution centre at Wash. It is becoming increasingly dangerous, and even more so of late with the increase of on-line purchasing associated with COVID. To have two HGVs attempting to pass on a narrow rural road is verging on the absurd, let alone highly dangerous for other road



users. These roads are not adequately constructed to be strong or wide enough to deal with this volume of traffic, in particular this volume of heavy goods vehicles that frequent these rural roads?

As previously reported, I have spent time with local residents counting HGVs passing along this road. It averages about one every 15 mins, day in, day out.

This video also clearly illustrates the damage being done to hedgerows, many of which are protected Devon Banks that border these rural roads. The physical and chemical damage de by large vehicles that scrape along them (as clearly illustrated in this video), is undermining this important and vital habitats. What chance do you think a bird's nest full of eggs or fledgelings, or a small animal such as a hedgehog has when these huge vehicles bang along the sides of hedges and their enormous wheels damage the foundations at the base of the hedgebank?

What can be done to limit these commercial operations to the requirements and agreements committed to in their planning permissions, or is this a free for all?

*(Q to me from resident X: "I am raising the issue of traffic again. As you know, the residents here, in 2006, were ensnared into agreeing to Riverford's change from an organic farm to an importing-packaging-distribution business. The promise was 5 HGVs and about a dozen vehicles daily.. At the most, that is 300 vehicles weekly, assuming they travel to and from the site. Riverford's expansion was to have stopped in 2006, but did not do so. As you know,, a traffic count, suggested by Staverton PC carried out in July 2019, produced a figure of over 6,000 Riverford vehicles per week. This includes Riverford's own HGVs, and those from Italy, Spain etc. Dozens of HGVs daily, now have to pass one another on this unsuitable road. I was recently sent a brief video taken from a car trying to reach here from the A384 a few days ago. No comment needed."*  
<https://drive.google.com/file/d/124mYkgwJeeBl20CxtQlqwYwR6kvq8Q4H/view?usp=sharing>

Reply from Highways: "I am afraid to say that now planning permission has been granted there is very little scope to restrict access on these roads. It's clearly not an ideal situation as these routes were never expected to manage traffic of this type or volume but this should have been considered through the planning process. If numbers have increased beyond those that provided evidence on which the application approval was given then is this not a breach of its condition which you can take up with the planning department? From a purely highway perspective I am sure that any proposal to restrict access will be met by claims from the business that they cannot continue to trade without it."

**I have requested a site meeting as agreed at the last PC meeting, initially this has been refused and have asked again and that will be agreed asap.**

#### **Dartington:**

**Planning application for a new school at Shinnars Bridge 3792/20/FUL** – this application has been readvertised (comments due by 23<sup>rd</sup> July).

#### **Councillor Sustainable Communities Locality Grant Funding:**

This years I have the following budget to provide grant fund monies to support projects that it is hoped (but not formally required have some match funding):

**Devon County Council: £10,000.**

Applications are generally between £200 - £1,000 for community based projects in the parishes of this County Division: Berry Pomeroy (Bridgetown part), Dartington, Harberton, Staverton & Totnes.

You will need to complete an on-line application to DCC using this link:

<https://www.devon.gov.uk/democracy/councillors-nav/locality-budgets/>





## THE RURAL SERVICES NETWORK

The National Champion for Rural Services, ensuring people in rural areas have a strong voice

# Monthly bulletin featuring RSN Rural Funding Digest & Government Consultations

## Welcome to the monthly Funding Digest!

Please share this publication with Colleagues, Parish Councils, Community Groups and anyone else that may be looking for funding as the Funding Digest includes many sources of grant funding that they may not be aware of.

The Government Consultation section may include a draft response to relevant rural consultations and also highlights other consultations relevant to rural areas which you may be interested in responding to.



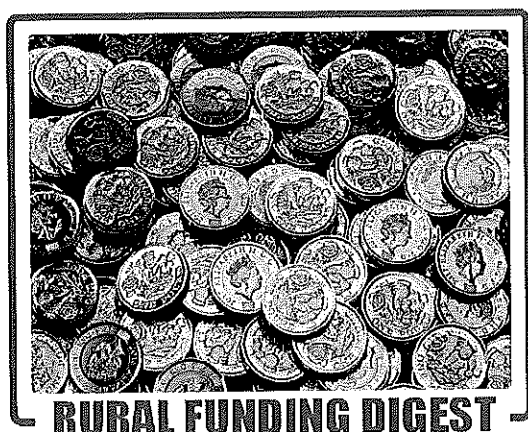
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Forward



The July 2021 edition of the Rural Funding Digest can be found [here](#)



The July 2021 edition of current Government Consultations can be found [here](#)

**Parish Councillors'  
Guide to Rural  
Affordable Housing**

**RHA**  
Rural Housing Alliance

Enabling rural communities to thrive

**The NEW 2021 Parish Councillors' Guide to Affordable Rural Housing is available now! Download the guide [here](#)**



**John Birch**  
**SHDC Member for Totnes**

Report to the Totnes Town Council  
meeting to be held on Monday 19 July 2021

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**Waste collection problems – the latest**

At a recent SHDC's Executive meeting it was reported that the Council's waste collection contractor, FCC, has shown an improvement in its collection service.

At the height of its dismal performance it was being reported that FCC was missing up to 1600 household recycling collections each day. Following widespread public outrage and pressure from SHDC councillors at two lively council meetings FCC took immediate steps to improve its performance. The missed collections at the beginning of July were reduced to 200 per day. However, this is still not good enough as in my opinion there shouldn't be any missed collections.

This so-called improved performance masks the fact that because of FCC's dismal performance it has yet to commence the introduction of the new recycling service to over 8,000 households in South Hams. In addition, many households are required to put food waste into the large black bins, and thus preventing it from being processed locally for green energy and soil conditioner.

As a result of FCC's poor performance and its failure to fulfil its contractual obligations the residents of South Hams are without a fully operational recycling service that promised to bring about a much-improved rate of recycling.

I am doing whatever I can to ensure that the Council operates all the necessary provisions in its waste contract with FCC to bring about a fully operational recycling service that residents expect and deserve as well as recover all its financial entitlements resulting from FCC's failures.

I have arranged for a further report on performance to come before the Overview and Scrutiny Panel at its meeting on Thursday 22 July 2021.

## **Consultation on Rewilding**

SHDC is launching a consultation to explore what residents think about rewilding on a small proportion of Council land. (10Ha for a biodiversity led approach, and 3.5Ha for wildflower meadows). Further details can be found at: <https://bit.ly/2TGMNCI>

At the Executive meeting held on 8 July 2021 it was resolved that

1. the principle of managing Council owned land to deliver an increase in biodiversity and meet its declared biodiversity target of 10% by 2025 be agreed;
2. there be a public consultation on the proposals
3. a report be included on the Executive Forward Plan in the Autumn to consider the detailed proposals, equipment specification, revenue and capital expenditure.

## **Better Lives for All**

At a recent SHDC meeting Members considered a report that sets out the Council's draft Corporate Strategy and timeline for the next steps, with a view to ultimate adoption of the final strategy in September 2021.

It was agreed the strategy would be re-named as: 'Better Lives for All'. In the discussing the paper I stated that the plan lacked reference to the point that it would be an evolving document. In reply, it was recognised that this was an important point that would be included in the covering report at the time when the plan was re-presented to the September cycle of Executive and Full Council meetings.

In conclusion the Council agreed to

1. instruct officers to commence a formal public consultation exercise on the draft Strategy, in line with its recently adopted Community Consultation and Engagement Strategy; and
2. instruct officers to develop delivery plans for the Strategy, for consideration by the Executive and Full Council alongside the final Strategy at future meetings.

## **Alcohol Public Space Protection Order**

At a recent meeting the Executive considered a report that set out a series of recommendations as to whether or not an Alcohol Public Space Protection Order should be made in relation to eight towns or areas within South Hams including Totnes. The report stated that the recommendations were based on an assessment of the evidence as to whether or not the statutory grounds for making each Order had been established.

An Order was made in respect of Totnes and which covers Fore Street, High Street, Rotherfold, Cistern Street (excluding south of Rotherfold), Leechwell Street, Church Close Guildhall Yard, Ramparts Walk, footpath adjacent to Civic Hall car park, Civic Square, The Plains, Coronation Road (to the entrance of the Fire Station). Open space at Rotherfold, Civic Hall car park, St Mary's churchyard, The Lamb and Heath's Gardens, the footpath from Coronation Road to Babbage Road, pedestrianised area around Town Mill, forecourt of Totnes United Free Church, Vire Island, Town Quay, Symons Passage, Steamer Quay Car Park and adjacent road and Longmarsh park area.

Maps showing the extent of the areas covered can be found in the report put before the Executive at the meeting held on 8 July 2021 and accessible via the SHDC website..

Cllr John Birch

SHDC Member for Totnes

13 July 2021

## Report for Totnes Town Council - July 2021

Cllr Joseph Rose

### **Recycling**

As, undoubtedly, you are aware the Recycling fiasco continues with 40% of homes in South Hams in a limbo between the old recycling system and the new one and expected to empty food waste into their non-recycle black bins. Whilst reports of missed collections are decreasing, there is a strong possibility that a large part of this is due to residents giving up on reporting missed collections when reporting doesn't seem to change anything. We are recommending to all residents to continue reporting missed collections.

### **Rewilding Public Consultation**

SHDC want to rewild some of our public spaces and are launching a consultation to collate local views. This scheme could result in 10 hectares of wilder green space, 3.5 hectares of wildflower areas, and 3.5 hectares of tree planting. As we face the loss of 97% of English wildflower meadows, resulting in a serious crash of the insect population, this scheme does not even scratch the surface of what is needed but it is a definite step in the right direction. We hope that a positive response from the consultation and a successful implementation of the scheme could open the way for similar schemes in the future.

The link for the consultation (with more info) is:

<https://www.engagement.southhams.gov.uk/enhancingbiodiversity>

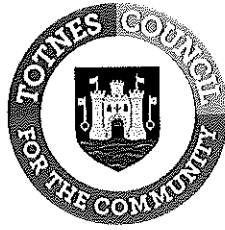
### **ATMOS**

Whilst on the surface (due to the public statement given by Cllr Judy Pearce, leader of SHDC) SHDC opposes instigating a Compulsory Purchase Order for the ATMOS site, I brought the matter up in an opposition group meeting on the 14<sup>th</sup> July and it is almost certain that the opposition group will strongly support this course of action. There are serious hurdles in our path but we are doing all we can behind the scenes to bring about a positive result.

### **Youth Parliament event in Totnes**

I am very excited to tell you that the Devon Youth Parliament members will be putting on an event in Totnes in the week of the 23<sup>rd</sup> of August. The date is still waiting to be confirmed. The event will be an opportunity for the Youth Parliament Members to share what is important to young people in these times. As Town Councillors, you will be invited to the event by the youth parliament members. I will say more about this on Monday...





## **DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL**

### **MONDAY 7<sup>TH</sup> JUNE 2021 HELD REMOTELY USING ZOOM**

Present: Councillors B Piper (Chair), M Adams, G Allen, C Allford, P Allford, S Collinson, R Hendriksen, J Hodgson, D Matthews, P Paine, E Price, V Trow and L Webberley.

Apologies: Cllrs A Galvin, C Luker and S Skinner.

In Attendance: District Councillor Birch, S Branch (Marketing & Communications Manager), S Halliday (Governance & Projects Manager) and P Bethel (Town Sergeant).

#### **1. WELCOME TO ALL ATTENDING AND OBSERVING**

#### **2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS**

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

Apologies were received from Councillors A Galvin, C Luker and S Skinner and were accepted by the Council.

*The Committee will adjourn for the following items:*

Reports from County and District Councillors.

- a. County Cllr Hodgson
- b. District Cllr Birch
- c. District Cllr Rose
- d. District Cllr Sweett

*It was **RESOLVED** to suspend standing orders.*

a. County Cllr (C Cllr) Hodgson had circulated a report after the papers were issued. She gave an update of the changes at Devon County Council following the election on 6<sup>th</sup> May, pressing for a 20mph speed limit in towns, and confirmation of the duration of the roadworks on the Western Bypass and the hope to get an additional pedestrian crossing installed. Cllrs asked questions about the mowing of verges and the use of sprays.

b. District Cllr (D Cllr) Birch updated that the Overview and Scrutiny Committee will meet on Thursday to discuss the issues with the new waste collection contract, what has gone wrong and an

action plan to take forward. Cllrs asked questions about the new waste collections: food caddies being too small, the food caddies being replaced when they already existed, the size and number of the recycling boxes for people to store in small homes, and the number of them on the street; the advertising of Baker Estates properties by South Hams District Council (D Cllr Birch confirmed that this was for shared or affordable housing); the ATMOS for Totnes campaign.

- c. Cllr Rose was not present and no report was submitted.
- d. Cllr Sweett was not present and no report was submitted.

*The Council reconvened.*

### 3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meetings:

*(Please note confidential minutes can be agreed but any discussion must be held in Part 2)*

- a. Full Council 5<sup>th</sup> May 2021

The following minutes were considered:

- a. Full Council 5<sup>th</sup> May 2021. It was **RESOLVED** unanimously to approve and sign the Minutes.

To note the following minutes:

- b. Council Matters Committee 17<sup>th</sup> May 2021.
- c. Planning Committee 24<sup>th</sup> May 2021.

The following minutes were noted:

- b. Council Matters Committee 17<sup>th</sup> May 2021.
- c. Planning Committee 24<sup>th</sup> May 2021.

### 4. CONSIDERATION OF ANY MATTERS ARISING

To consider any matters arising from the Minutes and to approve any recommendations from Committees:

*(Please note confidential minutes can be agreed but any discussion must be held in Part 2)*

- a. Full Council 5<sup>th</sup> May 2021.
- b. Council Matters Committee 17<sup>th</sup> May 2021.
- c. Planning Committee 24<sup>th</sup> May 2021.

- a. Full Council 5<sup>th</sup> May 2021.

No matters arising.

- b. Council Matters Committee 17<sup>th</sup> May 2021.

Item 4 Supporting Our Town Fund - it was **RESOLVED** unanimously that the proposed ideas are supported and shared with the local business community to gauge and evidence support for the various schemes to take forward.

Item 5 Community Grant Scheme Applications – Cllrs Allen and Price declared a personal interest. It was **RESOLVED** by majority to approve the recommendation to fund the following awards totalling £8475 from the general reserve:

Applicant	Project	Amount Request	Project Cost	Grant Awarded
Totnes Heritage trust	St Mary's churchyard design & consultation	£4000	£4000	£4000 - general reserve
Sea Scouts	Building refurb for reopening	£2000	£20000	£2000 - general reserve
Totnes Bike Hub	Dr Bike workshops	£1950	£1950	£975 – general reserve
Warmheart Community Projects	A Totnes Tale	£2000	£16400	£1500 - general reserve

Item 7 Council Meeting Venue - It was **RESOLVED** unanimously that: Council meetings will return to the Guildhall subject to social distancing requirements and will be held in the lower hall to improve accessibility; and that the Council empowers the Clerk to use her judgement in deciding where it is most suitable for meetings to be held.

Item 9 Code of Conduct - It was **RESOLVED** unanimously to approve the recommendation.

c. Planning Committee 24<sup>th</sup> May 2021.  
No matters arising.

## 5. SPEND FROM THE GENERAL RESERVE

To consider funding four projects that came through the Community Grant process through the general reserve.

Noted. The funding of these four projects was discussed and resolved under item 4, Council Matters Committee item 5.

## 6. TOWN FUND GRANT

To consider giving the Clerk delegated authority to submit an application to South Hams District Council under the Town Fund grant which would see various business renewal initiatives match funded up to £50000.

The Chair updated on three proposals that have emerged:

- Checking the numerous rigging points throughout the town for future use for bunting and the Christmas lights, the purchase of replacement Christmas lights, and the installation and insurance for the Christmas tree and lights in 2021.
- A Park and Ride service free for users running from KEVICC into the town provided by Bob the Bus (payments to KEVICC and Bob the Bus).
- Setting up a Totnes Events Collective.

It was **RESOLVED** unanimously to give the Clerk delegated authority to submit an application to South Hams District Council under the Town Fund Grant.

#### **7. INTERNAL AUDIT REPORT**

To consider and approve the Internal Audit Report for 2020/21 and action plan.

It was **RESOLVED** unanimously to approve the Internal Audit Report for 2020/21.

#### **8. ANNUAL GOVERNANCE STATEMENT**

To consider and approve the Annual Governance Statement for 2020/21 [Chair to sign the hardcopy].

It was **RESOLVED** unanimously to approve the Annual Governance Statement for 2020/21, which was then duly signed by the Chair.

#### **9. ACCOUNTING STATEMENT**

To consider and approve the Accounting Statement for 2020/21 [Chair to sign the hardcopy].

It was **RESOLVED** unanimously to approve the Accounting Statement for 2020/21, which was then duly signed by the Chair.

#### **10. VISIT TOTNES REPORT**

To consider a Visit Totnes report covering January-April 2021.

Cllrs commended the report and **AGREED** that it should be placed on the Town Council website and shared more widely with the Chamber of Commerce and District Councillors.

#### **11. NEIGHBOURHOOD PLAN**

To note an update on the Neighbourhood Plan.

Noted. The Habitats Regulations Assessment is now with South Hams District Council to commence the Regulation 15 statutory and public consultations. It was **AGREED** that if South Hams District Council raise any matters a meeting will be called.

#### **12. LIST OF MEETING DATES**

To note a list of upcoming meeting dates.

Noted.

#### **13. NEXT MEETING**

To note the next meeting date of Monday 5<sup>th</sup> July 2021, 6.30pm public session, 7.00pm formal meeting - venue to be confirmed (dependent on social distancing advice).

Noted.

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*The Council 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.*

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#### **14. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)**

To consider any recommendations or matters arising that are considered confidential in nature.

No matters arising.

## 15. COMMERCIAL MATTER

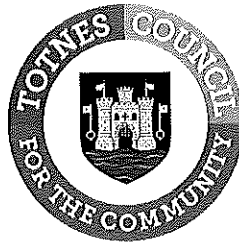
To consider a request from the Seachange Festival 2022.

Councillors **AGREED** that the matter should be discussed at the Arts Working Group and widespread consultation would be needed before reaching an agreed view.

Ben Piper  
Mayor

DRAFT





## DRAFT MINUTES OF THE MEETING OF COUNCIL MATTERS MONDAY 14<sup>TH</sup> JUNE 2021 AT 6.30PM IN THE CIVIC HALL

**Present:** Councillors E Price (Chair), M Adams, C Allford, J Hodgson, C Luker, P Paine, B Piper and Trow.

**Apologies:** None.

**In Attendance:** A member of the public, C Marlton (Town Clerk) and C Bewley (Finance, HR and Lettings Manager).

### 1. APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Committee.

Cllr Price read out a statement about how the meeting would be conducted, recorded and live streamed on social media.

*The Committee will adjourn for the following items:*

### 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.

Cllr Adams raised the issue of graffiti in the town.

*The Committee reconvened.*

### 2. CONFIRMATION OF MINUTES

To approve the minutes of 17th May 2021 and update on any matters arising.

The minutes were approved as an accurate record of proceedings.

### 3. CHRISTMAS FESTIVAL TENDER

To consider the responses to the tender for the Christmas Festival nights.

The Clerk updated that one expression of interest has been received for tendering for the Christmas Festival nights. With uncertainty about social distancing restrictions going forward it was **AGREED** that the matter should go back to the Arts Working Group to review and amend the tender to consider a smaller scale event which may be able to go ahead.

### 4. COUNCIL MEETING VENUE

To consider the venues of where council meetings are held from 21st June based on current Government social distancing requirements.

The Clerk explained that social distancing restrictions had been extended until 19<sup>th</sup> July. Committee meetings could be held in the lower Guildhall and Full Council held in the Civic Hall.

Cllr Luker raised the issue of holding in person meetings in the Guildhall given the extension of social distancing restrictions. He asked for meetings to return to being held virtually. The Town Clerk advised that due to a sunset clause in the Covid legislation it is not lawful to hold statutory public meetings of the Town Council virtually, despite the sector lobbying for an extension. Subject to advice from DALC it was **AGREED**:

- a. That Full Council will be held outside if possible, on 5<sup>th</sup> July (and recording/live streaming may not therefore be technically doable). Alternatively, it could be held in the downstairs of the Guildhall with all doors and windows open with Councillors only attending if they feel safe to do so.
- b. All formal decision making from Committees would be delegated to the Clerk (as set out in the scheme of delegation), with informal meetings with Councillors held to inform these urgent decisions.
- c. Non-urgent business will be deferred until September 2021 when it is hoped to resume normal 'in person' meetings.

#### **5. SCHEME OF DELEGATION**

**To consider a scheme of delegation for the Town Clerk to cover any limitations to public meetings due to changes in Covid social distancing requirements.**

The scheme of delegation was reviewed and **AGREED**.

#### **6. FINANCIAL REGULATIONS**

**To consider a revision to the Financial Regulations to enable members of the management team to authorise payments.**

The revision to the Financial Regulations was reviewed and is **RECOMMENDED** to Full Council for adoption.

#### **7. FREEDOM OF INFORMATION PUBLICATION SCHEME**

**To review the Council's Freedom of Information Publication Scheme.**

The policy was reviewed and is **RECOMMENDED** to Full Council for adoption.

#### **8. INFORMATION AND DATA PROTECTION POLICY**

**To review the Council's Information and Data Protection Policy.**

The policy was reviewed and is **RECOMMENDED** to Full Council for adoption.

#### **9. DATE OF NEXT MEETING**

**To note the date of the next meeting of the Council Matters Committee – Monday 14<sup>th</sup> June 2021 at 6.30pm.**

Noted – the date should read 12<sup>th</sup> July 2021 however this committee meeting will not be held as per the decision taken under item 4 of this meeting.

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*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. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

#### **10. COMMUNITY CHARTER FACILITATION**

**To consider whether to commission a facilitator for a Community Charter to support the Totnes Futures Forum.**

It was **AGREED** to invite the suggested facilitator to speak to Totnes Future Forum members and all Councillors on 13<sup>th</sup> July 2021 at 6.30pm on Zoom. The Committee expressed support for finding funds for an external coordinator for this group in principle but perhaps not limited to looking at a community charter but with a broader remit. The Totnes Future Forum were asked to make a recommendation to Council Matters or Full Council regarding the support needed and costs associated, after having heard the proposal on the 13<sup>th</sup> July.

#### **11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)**

**To consider the bank statements and reconciliations.**

These were reviewed and **AGREED** unanimously.

#### **12. STAFFING UPDATE (Standing Item)**

**For any general or urgent updates that required confidential sharing with Councillors.**

- a. Informal updates were received from the Town Clerk regarding members of the team. No decisions were required.
- b. It was **AGREED** unanimously that the Town Clerk should temporarily reduce her hours to be treated for and recover from a chest infection. The Town Clerk indicated she would use up any TOIL balance for this purpose.

#### **13. LEGAL MATTERS**

**To:**

- a. **Consider legal advice required for submission of an Asset of Community Value application.**  
It was **AGREED** to hold off on progressing this given the meeting being called by KEVICC.
- b. **Note an update from the Town Clerk. Verbal update Town Clerk.**  
The update and confirmation that the insurance covers the legal costs was noted.



## ITEM 4 – RECOMMENDATIONS FROM COMMITTEE

Council Matters Committee 14<sup>th</sup> June 2021

### **6. FINANCIAL REGULATIONS**

**To consider a revision to the Financial Regulations to enable members of the management team to authorise payments.**

The revision to the Financial Regulations was reviewed and is **RECOMMENDED** to Full Council for adoption.

### **7. FREEDOM OF INFORMATION PUBLICATION SCHEME**

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The policy was reviewed and is **RECOMMENDED** to Full Council for adoption.

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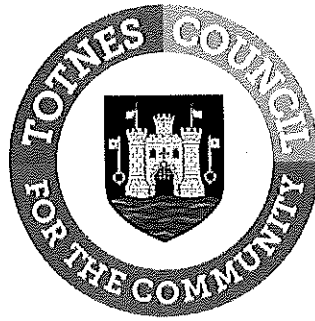


Remaining budget £4250

ITEM 7

Item	Company	Detail	Price	Total cost	Notes
<b>COSTS</b>					
		8 or 9 in total depending on whether 1 or 2 at Ticklemore St. 6 x 70x70cm and 2 or 3 x 70x40cm // The 70x70cm planters would be £270 each plus £60 each for 2 blackboards and grey paint, so £330 each in total.			
Planter production	LandWorks	The 70x40x70 would be £200 + £60 for the same.	£330 x 6 = £1980 + £260 x 2 = £520 OR £260 x 3 = £780 = MAX £2760 / MIN £2500	2760	£2760 is the cost for us having only 2 planters in Ticklemore. We might have 1 less planter if we don't have permission from Marchand Petit (SB dropped a letter into them wc 14th June)
Installation	South Hams DC	Store, deliver and install the planters	Don't need a quote - Tom will install	0	
Compost	South Hams DC	10 bags of compost left from phase 1 (Tom will double check number) - need another 20 bags.	Fermoy's offer 3 bags for £20 <a href="https://store.bluediamond.co.uk/product/compost-bark-and-mulch/miracle-gro-all-purpose/">https://store.bluediamond.co.uk/product/compost-bark-and-mulch/miracle-gro-all-purpose/</a>	112	
Gel In Compost	South Hams DC		Enough gel to cover from last time £45.59 each to cover 8 smaller bedding plants and one large feature plant. Price may vary slightly if you would like some late summer/autumn bedding added. The Shady planter will be slightly more to cover the larger heuchera's we have currently in stock.	0	
Plants	Longcombe Cross Garden Centre	Enough plants for 3 planters // get a quote for 6 planters / Ticklemore shady Need a new climber plant for the Bank Lane planter - Clematis can be collected ASAP	So the plants will come in at around £275 for all the planters.	275	
			8.95	8.95	Tom can collect & pay with petty cash
Trellis	Fermoy's	Need trellis for the Bank Lane planter - 1m metre wide x 1.5 / 2 metres high	Fermoy's have 2x 2ft panels which Tom can screw together to make into a 1m panel. £13.49 each	32.66	Price tbc - there is a shortage of trellis in the area & country at the moment and non in stock in the right size
Lining	Travis Perkins	DP-M - membrane / lining for the metre square planter / 1 x pack of 5x4 metres	Got enough	0	
			Scott said: For this many planters I will allocate a week but I'd hope to have them done within four days. Therefore I'll quote for the week which is £1500 but I would like to think that I would complete soon, in which case I will invoice accordingly. There will be not need for a surdries charge this time as I have the materials from last time. Spoke to Scott again and the cost could be Cost could be £1000 - 1250 or a max of £1500.	1500	
Logos	The Blackboard Guy	Need the planters from phase 2 plus the 2 x metre square planters outside Guildhall		4688.61	
<b>TOTAL</b>				4688.61	
<b>Remaining</b>				-438.61	





Item 8A

# WORKING TIME AND LEAVE POLICY

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**TOTNES TOWN COUNCIL**  
**JULY 2021**

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## INTRODUCTION

Totnes Town Council is open to the public from 10am to 4pm Monday to Friday (excluding bank holidays and statutory holidays) and the office should be manned by at least two staff during these core hours under normal circumstances.

Whilst every effort will be made to achieve this, there will be times, such as during the Christmas recess, when it will not be possible. The Town Clerk has overall delegated responsibility to manage the staff and office cover. If the office has to close during core hours, then the Chair of Council Matters and/or the Mayor will be informed by the Clerk or in their absence a member of the management team.

## HOURS OF WORK

Employees hours of work are set out in their contracts of employment and any subsequent change of contract letters.

## OVERTIME

Overtime is time worked beyond the contracted hours. It is preferable for TOIL (time in lieu) to be used but where this is not practical all overtime will be authorized in advance by the Town Clerk. Overtime is paid at standard hourly rate unless the hours are before 7am or after 10pm (with the exclusion of the Town Clerk), and on Sunday or public bank holidays where a double rate is payable (all staff).

Procedures relating to overtime are set out in the Staff Handbook.

## TIME OFF IN LIEU (TOIL)

An employee is entitled to take time off in lieu of additional hours worked over and above his/her contracted hours. Any additional hours worked are subject to agreement and recognise the need to provide staff cover, to maintain the necessary deadlines, provide members of the public with the expected service levels and the attendance at Council meetings.

Procedures relating to TOIL are set out in the Staff Handbook.

## ANNUAL LEAVE

Entitlement for Totnes Town Council employees is as follows

On appointment	22 days + 5 Statutory + 8 Bank Hols
After 5 yrs continuous LG service	26 days + 5 Statutory + 8 Bank Hols
After 10 yrs continuous LG service	28 days + 5 Statutory + 8 Bank Hols

When an employee's entitlement changes during the leave year (e.g. a change in hours or completion of 5 or 10 years continuous service), the leave for that year will be re-calculated at the point of change.

Continuous service includes service with one or more of the employers covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, as amended (the Modification Order).

For avoidance of doubt, an employee is not entitled to carry forward untaken leave accrued at another organisation on the Modification Order to the Council, or vice versa.

A new employee's annual leave entitlement will be calculated pro rata to the remaining period of the annual leave year.

The annual leave entitlement of an employee leaving the Councils' employment will be re-calculated pro-rata on completed service during the final leave year.

Any annual leave already taken in excess of the re-calculated entitlement will normally be re-paid through an appropriate deduction from the final salary payment.

An employee leaving the Councils' employment should try to take all outstanding accrued annual leave before they leave. Where it has not been possible to take the outstanding accrued leave, a payment in lieu may be made with the agreement of the Personnel Committee.

All part time and job share employees will have a pro rata entitlement to annual leave, bank holiday and statutory leave, calculated and expressed in hours. Less than 0.5 hours are rounded down and 0.5 or more are rounded up.

Up to a maximum of 5 working days of annual leave (pro rata for part time employees), may be carried over from one leave year to the next with the agreement of the Clerk.



In exceptional circumstances, such as where the employee has been unable to take annual leave because of the requirements of the Council an employee may be permitted to carry more than 5 days' annual leave into the next leave year. However, the Council acknowledges that it is a statutory requirement that all employees take a minimum number of days leave in each leave year.

An employee returning from a period of maternity leave or other period of authorised absence may carry forward additional annual leave with the agreement of the Town Clerk.

## **PUBLIC HOLIDAYS**

There are normally 8 public holidays per calendar year:

- Good Friday
- Easter Monday
- May Day (the first Monday in May)
- Late Spring Bank Holiday (the last Monday in May)
- August Bank Holiday (the last Monday in August)
- Christmas Day
- Boxing Day
- New Year's Day

Part time and job share employees will be entitled to receive a pro rata entitlement to public holidays if they fall on a non-working day.

## **EXTRA STATUTORY LEAVE DAYS**

In July 2020 the Town Councillors took the decision to increase employees' entitlement to extra statutory annual leave days from two to five days per year in addition to annual leave and public holidays.

The 5 extra statutory days will be taken over the Christmas period on dates set each year by the Town Clerk.

Part time and job share employees will receive a pro rata entitlement to the set extra statutory days' holidays.

## **PARENTAL LEAVE**

Parental leave offers eligible parents the right to take unpaid time off work to look after their child or make arrangements for their welfare. It can help parents spend more time with their child and help them to strike a better balance between work and family commitments.

## **SPECIAL LEAVE**

Compassionate leave of up to five working days with full pay may be granted to an employee by the Town Clerk upon the death or serious illness of a partner, child, close

relative or person of significant connection. In exceptional circumstances, this period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

Supported leave of up to five working days with pay may be granted to an employee by the line manager in circumstances where a partner, child, close relative or person of a significant relationship has been diagnosed with a serious illness or undergoes a serious medical procedure. In exceptional circumstances, the period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

## **MATERNITY, PATERNITY AND ADOPTION LEAVE**

Totnes Town Council is committed to ensuring that all pregnant/adopting employees take the leave that they are entitled to and will follow the requirements of the NJC Green Book in relation to requests for maternity, paternity and adoption leave (National Joint Council Green Book (May 2018) reference: Part 2.11, Page 16)

If you are having or adopting a baby, you are entitled to up to 52 weeks' maternity/adoption leave. This comprises of 26 weeks' ordinary maternity/adoption leave immediately followed by up to a further 26 weeks' additional maternity/adoption leave. Maternity leave must commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier.

An employee will continue to accrue annual leave during her maternity/adoption leave. Staff on maternity/adoption leave who, as a result, are unable to take all their annual leave entitlement in a particular year are allowed to carry forward any untaken annual leave to the following leave year.

Annual leave cannot be taken during a period of maternity/adoption Leave. It must be taken either prior to, or following maternity/adoption leave. Any annual leave taken following the birth/placement of the baby will be deemed to be a 'return to work' for the purposes of maternity regulations. The employee will therefore be expected to resume her normal duties following the period of leave.

All sickness absence prior to starting leave will be administered under the normal sickness absence procedure. The employee will receive contractual or Statutory Sick Pay (SSP), as appropriate. In cases where pregnancy related sickness absence occurs, after the beginning of the fourth week before the EWC, maternity leave will start automatically from the first day of absence. An employee who is unable to return to work at the end of their maternity leave, due to sickness, will be treated as being on sick leave in accordance with the Town Council's Sickness Absence Policy.

### **Ante-natal care**

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should

however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic. An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. Employees who are adopting a child are entitled to take time off to attend adoption appointments.

### **Ordinary Paternity Leave (OPL)**

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Ordinary Paternity Leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

You must inform the council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. You must tell us:

- The week the baby is due,
- Whether you wish to take one or two weeks' leave, and,
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

### **OTHER AUTHORISED PAID LEAVE**

From time to time exceptional circumstances may arise where paid leave is necessary in addition to the types of leave already detailed above.

Totnes Town Council will follow government guidance in relation to circumstances outside the control of the Town Council. Where the NJC has issued guidance in such circumstances this will be applied.

## **Self-isolation**

The government imposed self-isolation and testing requirements in relation to the COVID-19 pandemic to prevent the spread of the disease.

Accordingly, if an employee is fit for work but is instructed to self-isolate prior to and whilst waiting for Covid test results for themselves or a household member, their absence will not be recorded as sickness absence. As they are 'well' at this stage they will stay on normal full pay for the duration of the self-isolation period and all options for home or remote working will be explored with the employee.

For an employee who travels abroad and there is a requirement to self-isolate on their return, they will be required to take additional annual or unpaid leave to cover the quarantine period, unless it is agreed they are able to carry out their work from home. Employees should consult with the Town Clerk before booking any travel abroad that will require self-isolation on their return. The requirement to use additional leave or unpaid leave to self-isolate will also apply if the status of the country or area being visited changes during the holiday and quarantine on return becomes a requirement.

Employees will be required to provide evidence of a negative COVID test following a period of self-isolation before being able to return to work.

## **FLEXIBLE WORKING**

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

## **Making the request**

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

## **Responding to your request**

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community

- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

### **Timeframe for dealing with requests**

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

### **Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

### **Appealing the decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

### **The effect on your contract of employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if

your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

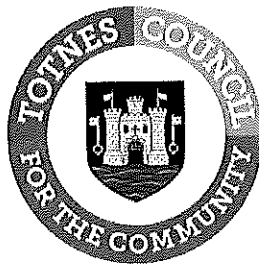
Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

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Item 8B

# HOME WORKING POLICY

TOTNES TOWN COUNCIL

JULY 2021

## INTRODUCTION

Totnes Town Council understands that there may be instances when an employee needs to work from home, the Covid-19 pandemic has been an example of this.

In general and depending on the nature of that employee's role the Council may consider occasional home working appropriate.

## DEFINITION

Occasional home working is when an employee undertakes some of their duties from home on an ad hoc basis. This is usually planned and may be for complete or part days. Examples of the type of work considered suitable for home working include report writing, preparations for meetings, project work etc. Working from home enables work to be carried out more efficiently in a quiet location and without disruption. It may also prove a more efficient use of time if employees who have been away from their work base for part of day, are closer to their home on their return journey and can complete the working day at home rather than at their normal place of work.

In cases where office facilities are shared, or the employee risks continual interruption, the Town Clerk may agree that an employee can work from home for a short-specified period. This may include agreeing to home working for a fixed period e.g. two weeks as well as shorter ad hoc periods. Managers and employees should be aware of the potential impact home working could have on teams e.g. isolation from the team, and/or Council activities, a reduction in effective managerial support or supervision.

Due to the nature of individual tasks some roles within the Council are not deemed suitable for home working.

## CONDITIONS

- Home working arrangements should work for both the Council and the employee.
- Wherever possible requests for home working should be made at least one week before the employee wishes to start the arrangement.
- Risk assessments of the home working environment, in line with legal requirements, must be undertaken.
- Requests will be considered on their own merits, considering resources, impact on colleagues and working relationships.
- When working from home employees are responsible for ensuring they are contactable during normal working hours. This must be via a Council mobile telephone or a work e-mail address.
- As a general rule it is not considered necessary for those working from home to require supplies of stationery etc. Large volumes of printing and collating of documents should be carried out on Town Council premises. Certain circumstances as the Covid-19 pandemic has demonstrated that those working from home will require supplies plus IT support where needed. Arrangements therefore are to be made to support employees in such circumstances.
- Under no circumstances should home working be used as an alternative method of meeting carers needs (i.e. childcare).
- Home working arrangements will be reviewed considering any change of circumstances, whether relating to employee, work they are required to undertake, or the working environment.
- In the event that staff are required to work from home because of government pandemic rules then team meetings will be had by virtual means on a regular basis.

Home working arrangements will be reviewed on an annual basis, or sooner if circumstances change.

Employees must be aware that any abuse of the home working arrangement may result in the Council taking disciplinary action.

## EMPLOYER RESPONSIBILITIES

**Health & Safety** - In line with the Health & Safety at Work Act 1974 ("the Act") and their Health & Safety Policy the Council will ensure, as far as reasonably practical, the health, safety and welfare at work of all employees, including those working from home.

**Insurance** - The Council accepts liability for accidents which are proven to have been caused by the authorised use of equipment provided by them in line with any instructions issued.

**Data Protection, Security & Confidentiality** - Council employees will be instructed that in instances where their colleagues are working from home, they will not disclose any personal details e.g. telephone numbers to anyone outside of the Council.

## EMPLOYEE RESPONSIBILITY

**Health & Safety** - Employees are expected to carry out their work in such a way as to ensure, as far as reasonably practical, that there is no risk to health and safety to themselves, members of their family or visitors.

**Insurance** - Home working may have an effect on domestic insurance policies. Employees wishing to work from home must inform their insurance company of the change in circumstances and the use, and identity, of equipment owned by the Council. An employee's mortgage provider may need to be informed. Employees living in council or privately rented accommodation should notify their landlord and/or examine the terms of their lease. Any equipment belonging to the employee but being used for Council business should be operated in line with any instructions issued. It is reasonable for the Council to assume that this done.

**Accidents, Incidents & Dangerous Occurrences** - In line with the Council's Accident Reporting Procedure, employees must inform their line manager of any accidents, incidents or dangerous occurrences which take place whilst working at home. The initial report should be via telephone with the appropriate paperwork being completed on the employee's return to the workplace.

**Policies and Procedures** - All work carried out on Council business is covered by the requirements of the Council's policies and procedures, even if this work is undertaken at home.

**Data Protection, Security & Confidentiality** - Arrangements for home working should ensure that the employee can maintain the security and confidentiality of documents within the home environment whilst complying with Data Protection legislation and the Council's Confidentiality, Data Protection and IT Usage Policy (employees should be aware that even when using their personal equipment to undertake Council business they must comply with this procedure). Specifically, homeworkers are under a duty to:

- Keep all documentation belonging to us in the locked filing cabinet at all times except when in use,
- Ensure that documents are saved to the server rather than the laptop computer's hard drive.
- If you have a telephone conversation where you are discussing confidential work matters, you should ensure that such calls take place in privacy to avoid inadvertent breach of confidentiality.

**Remote Access** - Employees who wish to work from home may use remote access to the server subject to the Town Clerk's approval. Employees must not divulge any information held on the database to any third party. All Data Protection, GDPR, security and confidentiality rulings must be adhered to.

**Expenses** – any home working should be short-term and therefore employees are not entitled to claim home working incidental costs such as for broadband, lighting and heating. The Town Clerk has discretion to approve expense claims for

consumables such as printer ink, printer paper and stationery that cannot be sourced from the office.

## **EQUIPMENT**

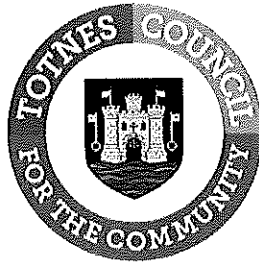
The Council has 2 laptops which can be used for short-term homeworking.

Staff must ensure the equipment is stored securely at all times when it is taken away from the Council premises and is not used by anyone who is not a Council employee. The equipment should not be connected to any devices that could introduce viruses.

The laptop computer and other equipment provided by us must be used only for work-related purposes.

If any equipment owned by the Council is subsequently lost or damaged by an employee that employee will be expected to pay for its replacement.

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# ABSENCE MANAGEMENT POLICY

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**TOTNES TOWN COUNCIL**  
**JULY 2021**

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## **1 Introduction**

The Council is committed to providing effective, high quality service to all its customers and to optimising the contribution of all employees. As part of this aim, it is essential that all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such sickness absence in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short term sickness or extended periods of absence as appropriate.

### **1.1 Aims**

In order for the Council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

### **1.2 Responsibilities**

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

### **1.3 Reporting**

Employees who are unable to work due to illness/injury must contact the Town Clerk or their Line Manager by telephone or e-mail as soon as possible or arrange for someone else to do this on their behalf. This should be no later than 09.30 on the first day of absence or the nearest working day. The employee should provide some indication of:

- The nature of the absence;
- The date the injury/illness began (including weekends and holidays);
- The expected duration of the absence; and
- Whether there are any immediate work commitments that need completing/reassigning during the absence.

If the Town Clerk is unavailable, the employee should ensure that contact is made with ~~the office~~ one of the management team.

The employee must maintain contact with his or her Line Manager during any period of sickness absence lasting longer than one day, so that the Line Manager is aware of any progress and the expected date of return to work. If the employee is unable to do so, they must arrange for someone else to do this on their behalf.

Failure to follow the sickness reporting process might lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

## **2 Certification**

Where the absence is for a period of up to seven days (inclusive of weekends) and not covered by a doctor's certificate, the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds seven days – and the employee has not already done so – the employee should provide a doctor's certificate for the remainder of the absence. The employee will need to ensure that there is always a current certificate. The doctor's certificate ('fit note') will include whether or not the employee needs to see a doctor again before returning to work.

If the doctor's certificate states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will discuss with the employee whether there are any additional measures that may be needed to

facilitate the return to work, taking into account the doctor's advice. This may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

### **3 Return to Work Meetings**

When the employee returns to work after any period of absence, ~~the Town Clerk~~ their Line Manager will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the ~~Town Clerk~~ Line Manager to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- Fill out the Sickness Declaration Form.

### **4 Miscellaneous**

It is important that the employee complies with these procedures so that:

- The Council can be aware of any potential problems and provide assistance to the employee where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality at all times, in accordance with the provisions of prevailing Data Protection legislation. The employee is entitled to access their records on request.

The maximum entitlement to occupational sick pay is:

During 1st year of service:

one month's full pay and (after four months' service) two months' half pay.

During 2nd year of service:

two months' full pay and two months' half pay

During 3rd year of service:

four months' full pay and four months' half pay

During 4th and 5th years of service:

five months' full pay and five months' half pay

After 5 years' service:

six months' full pay and six months' half pay.

## **5 Frequent Intermittent Absence**

In addition to the Return to Work interviews after all periods of absence, the Council will institute a more formal review of attendance records and reasons for absence with an employee if there has been either

- a. four episodes of absence or
  - b. a total of 10 days' short-term sickness absence
- within any period of the last 12 months.

The relevant manager will arrange an Absence Review Meeting to meet with any employee whose absence record matches or exceeds the above criteria.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. Where no underlying medical condition is disclosed, the employee will be advised that their attendance record will be monitored (over a period of not less than 3 months) and that significant improvement will be required. In addition, employees will be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This will be confirmed in writing.

Return to Work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the Council's concerns.

If no significant improvement in attendance is demonstrated after the period of monitoring has elapsed, a further Absence Review Meeting will be arranged. At this meeting, the employee will once again be reminded of the problems caused by the absences and asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, a medical referral should be arranged. Where no underlying medical condition exists, the employee should be told that their attendance record will be subject to a further period of monitoring (of not less than 3 months) and that their employment may be terminated if the required improvement is not effected. Employees have the right to be accompanied to this meeting by a trade union representative or a work colleague.

Employees whose levels of attendance improve satisfactorily during periods of informal or formal monitoring will be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring or the initiation of formal action.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged (see Section 8) to consider whether or not the employee should be dismissed.



## **6 Long-Term Absence**

All cases of long-term absence will be treated sympathetically and every assistance will be given to the employee to return to work. The Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition. The Council will hold Sickness Review Meetings with the employee during their absence, as appropriate, to: keep up to date, review the on-going absence, and offer support to the employee where appropriate.

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks might, depending on the nature of the absence in question, be referred to an Occupational Health Physician. Where the Occupational Health Physician makes a recommendation that might affect the employee's continued employment, the relevant manager will hold an Absence Review Meeting with the employee to discuss the alternative options. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. job sharing or part-time working) an employee can discuss these options with their manager and, if such measures are appropriate, the Council will ensure that the support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

In certain cases, the Occupational Health Physician might find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment into alternative positions. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Town Clerk will arrange a Final Absence Review meeting (see Section 7), which may lead to an Attendance Hearing (see Section 8) to consider dismissal.

## **7 Disability and Attendance Management**

Only a person who meets the Equality Act (2010) definition "of" disability has the protected characteristic of disability. Totnes Town Council recognises and will support any member of staff who meets the Equality Act (2010) definition if disability and the protected characteristics thereof.

The Equality Act (2010) says that a person has a disability if they have a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. Physical or mental impairment includes sensory impairments such as those affecting sight or hearing.

Long-term means that the impairment has lasted or is likely to last for at least twelve months or for the rest of the affected person's life.

Substantial means more than minor or trivial.

Cancer, HIV infection, and multiple sclerosis are deemed disabilities under the Equality Act 2010 from the point of diagnosis.

Where a person is taking measures to treat or correct an impairment (other than by using spectacles or contact lenses) and, but for those measures, the impairment would likely have a substantial adverse effect on the person's ability to carry out normal day to day activities, it will be treated as though it does have such an effect.

Adjustment is a key part of the Equality Act (2010) and can be central to enabling a person with a disability to retain their employment

Totnes Town Council recognises that it may be appropriate to adjust the expected levels of attendance when some, or all, of a staff member's absences are disability related. It also acknowledges that absences related to a staff member's disability still require to be considered and that there are limits to the levels of absence that Totnes Town Council can sustain, even when such absence is because of a staff member's disability. Therefore, reasonable target levels will be set in consultation with the employees own GP and/or an Occupational Health Physician or Medical Practitioner(s) for the purpose of providing information for attendance target setting.

If Totnes Town Council needs a report from your GP, the Council will comply with the Access to Medical Reports Act 1988, which requires that: -

- Totnes Town Council obtains your written consent before we contact your GP
- you are given prior access to the report and can refuse the Company access to it if you wish
- you can ask your GP to alter the contents of the report if you feel it is inaccurate
- if your GP does not wish changes to be made, you can ask your GP to attach a statement of your views to the report

However, you should be aware that if you refuse to supply relevant medical information to Totnes Town Council, the Council may have no choice but to make decisions based on the information that is available. Therefore, it is in your best interests to disclose medical information.

## **8 Capability – Ill Health**

Where medical advice shows the primary cause of a genuine lack of capability occurs due to incapacity such as ill-health, relating to both physical and mental health issues, pregnancy and other reasons that are clearly covered by Equality Act 2010 the following approach should be followed and exhausted before a final stage capability meeting. This approach should only be used on medical advice: progression through the capability process must be recommended by the individual's GP, consultant or Occupational Health Physician.

To identify the primary cause of incapacity a referral should be made to an Occupational Health Physician, if appropriate. There should also be further advice sought from the staff member's General Practitioner or Consultant dealing with the primary cause of incapacity. This will assist in identifying any reasonable adjustments that may assist the staff member in continuing their employment.

A formal incapacity meeting will be held and will result in a formal investigation by the staff member's immediate line manager and a representative from Totnes Town Councils Personnel Committee and the South West Councils organisation to consider what alternative options (if any) can be put in place to allow the staff member to remain in work.

Where possible, the staff member should be present at this meeting and has the right to be accompanied by his or her Trade Union, or a work colleague. The staff member should be given the opportunity to discuss and input into the meeting and will also be expected to participate fully in investigating what can be done to assist them in continued employment.

There may be an occasion when the staff member is unable, whether as a result of ongoing health issues or other related circumstances, to attend this meeting in person and as such, it may be necessary to arrange for the meeting to be held 'in absentia'. In these circumstances the staff member will be invited to submit a written statement for consideration at the meeting along with any relevant details relating to their circumstances for consideration at the meeting. The staff member may also request that their chosen representation (as outlined above) attends the meeting on their behalf. Totnes Town Council will facilitate this upon receipt of written note of authority from the staff member.

A formal review date should be agreed at this meeting for the outcome to be determined by the immediate Line Manager.

## **9 Adjustment**

When determining a reasonably practicable adjustment, the following areas should be considered;

- how effective the adjustment would be in overcoming the disadvantage?
- how practicable it is to make the adjustment

- the financial and other costs incurred by the employer and the extent of any disruption to activities
- the extent of the employer's financial and other resources
- the availability of financial and/or other assistance in making the adjustment
- the nature of the employer and size of undertaking

## **10 Final Absence Review Meeting**

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Town Clerk will meet with the individual to explore whether there are any reasonable adjustments that could be made to enable an employee to remain employed.

Termination of employment may take place where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment cannot be found;
- A decision has been taken that the service can no longer tolerate a high level of absence; or
- A decision is taken, within the Council's disciplinary process, that an employee has wilfully abused the sickness absence/payments provisions or absented themselves without permission.

## **11 Attendance Hearing**

To reach a decision about whether dismissal is appropriate, an Attendance Hearing will be arranged. The employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will comprise of Personnel Sub-Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork relating to the hearing will be circulated 5 days in advance of the hearing to all parties attending.

Once the Panel has considered the manager's and employee's cases, and all other relevant information, it will adjourn to make a decision.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

1. The Panel's decision:
  - a. If a warning has been issued the timescale for this and the level of improvement required;
  - b. If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or

- c. If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
2. The employee's right of appeal.

## **12 Appeals**

Employees have the right to appeal against any decision to issue a formal warning or dismissal under this procedure. If an employee wishes to appeal, they should write to the Town Clerk setting out the grounds of their appeal. This must be done within 10 days of the date of the letter informing them of the outcome of the Attendance Hearing.

Appeals will be heard by a separate panel of members, who will also normally be part of the Council Matters Committee. An appeal hearing will be held where the employee can present their appeal. The Chair of the original panel will also attend to explain the original decision. Witnesses may be called.

Once the Appeal Panel has considered both the employee's appeal and the Hearing Chair's case, and considered all other relevant information, it will adjourn to make a decision.

The decision of the Appeal Panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of Appeal.

## **13 Personal, Domestic, or Work-Related Problems**

Where an employee reveals that their absence has been a consequence of personal, domestic, or work-related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially, and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Chair of the Personnel Committee can be contacted for a confidential interview.

Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may be granted.

## **14 Alcohol/Drug Dependency**

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and treatment voluntarily through the Council's Occupational Health Service or through resources of their own choosing. Employees may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the

Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinue any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

## **15 Welfare**

If, as a consequence of medically related absence, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought from a qualified medical professional or Occupation Health service.

## **16 Monitoring**

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence from the workplace is reported. All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Town Clerk Finance, HR & Lettings Manager will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the Council.

The sickness monitoring system will also enable the Town Clerk to identify Individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The manager should ensure that they maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

## **17 Terminal illness**

The Town Council promises to support any employee diagnosed with a terminal illness.

Whilst the contractual amount of full paid and half paid sick leave will still apply, ~~as below~~, the Council will provide as much support as possible to allow the employee to choose their own path in terms of whether they are able to continue working or not.

~~The maximum entitlement to occupational sick pay is:~~

~~During 1st year of service:~~

~~one month's full pay and (after four months' service) two months' half pay.~~

~~During 2nd year of service:~~

~~two months' full pay and two months' half pay~~

~~During 3rd year of service:~~

~~four months' full pay and four months' half pay~~

~~During 4th and 5th years of service:~~

~~five months' full pay and five months' half pay~~

~~After 5 years' service:~~

~~six months' full pay and six months' half pay.~~

From the moment of diagnosis of a terminal illness the worry of being dismissed and losing pension related 'death in service' benefits for family members will be lifted.

## 18 Death in Service

The Town Council recommends that every employee opt into the Local Government Pension Scheme which provides death in service benefits as outlined at the following link. <https://www.lgpsmember.org/arm/already-member-prot.php>

In addition to this the Town Council has insurance coverage for personal accidents during employment ~~as outlined below~~. Following such an accident the Town Council will decide how to claim and how the proceeds of the claim should be allocated between the employee/employees family or the Town Council as the employer.

- ~~1. Death — £50,000.~~
- ~~2. Total and permanent loss of sight in one or both eyes and/or permanent loss of hearing in one or both ears — £50,000.~~
- ~~3. Loss of one or more limbs — £50,000.~~
- ~~4. Any other total and permanent disablement which lasts without interruption for more than 12 months from the date of the accident and prevents the person from pursuing any occupation — £50,000.~~
- ~~5. Temporary total disablement which prevents the person from pursuing their normal occupation — £500 per week for 104 weeks.~~
- ~~6. Temporary partial disablement which prevents the person from pursuing a substantial part of their normal occupation — £250 per week for 104 weeks.~~

Coverage applies for 24 hours a day, so it does not mean that the incident had to happen to the employee whilst at work.

## APPENDIX 1

### RETURN TO WORK / ABSENCE REVIEW

**\*\* CONFIDENTIAL \*\***

Return to work and absence review interviews must be conducted after every period of absence and during periods of longer term absence.

Date of discussion				
Method of discussion	Face to Face <input type="checkbox"/>	Telephone <input type="checkbox"/>		
<b>EMPLOYEE DETAILS</b>				
Full Name:				
Job Title:				
<b>ABSENCE DETAILS</b>				
Start date of absence				
Date of return				
Reason for absence				
Dates of absences in last rolling 12 month period (refer to managers desktop or local employee file)				
Has the employee been updated on any issues that occurred during his/her absence?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the period of absence has been long term does the employee require any retraining?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Any issues that the employee wishes to raise following their recent absence?				



Does the employee consider themselves to have a disability? Yes ☐ No ☐

If yes, please provide an explanation of the disability and if any support is required.

Do any reasonable adjustments need to be considered? Yes ☐ No ☐

If yes, please provide details of the reasonable adjustments.

Has the employee received a fit note? Yes ☐ No ☐

If yes, are there any recommendations/adjustments to support the employee at work?

Has the employee met the corporate trigger points in a rolling 12 month period?

- 4 or more episodes of sickness
- 10 working days of absence

Yes

☐

If yes, please refer to the absence management policy.

No

☐

Trigger points for employees that work fewer than 5 days in a week will need to be pro rata to the number of days.

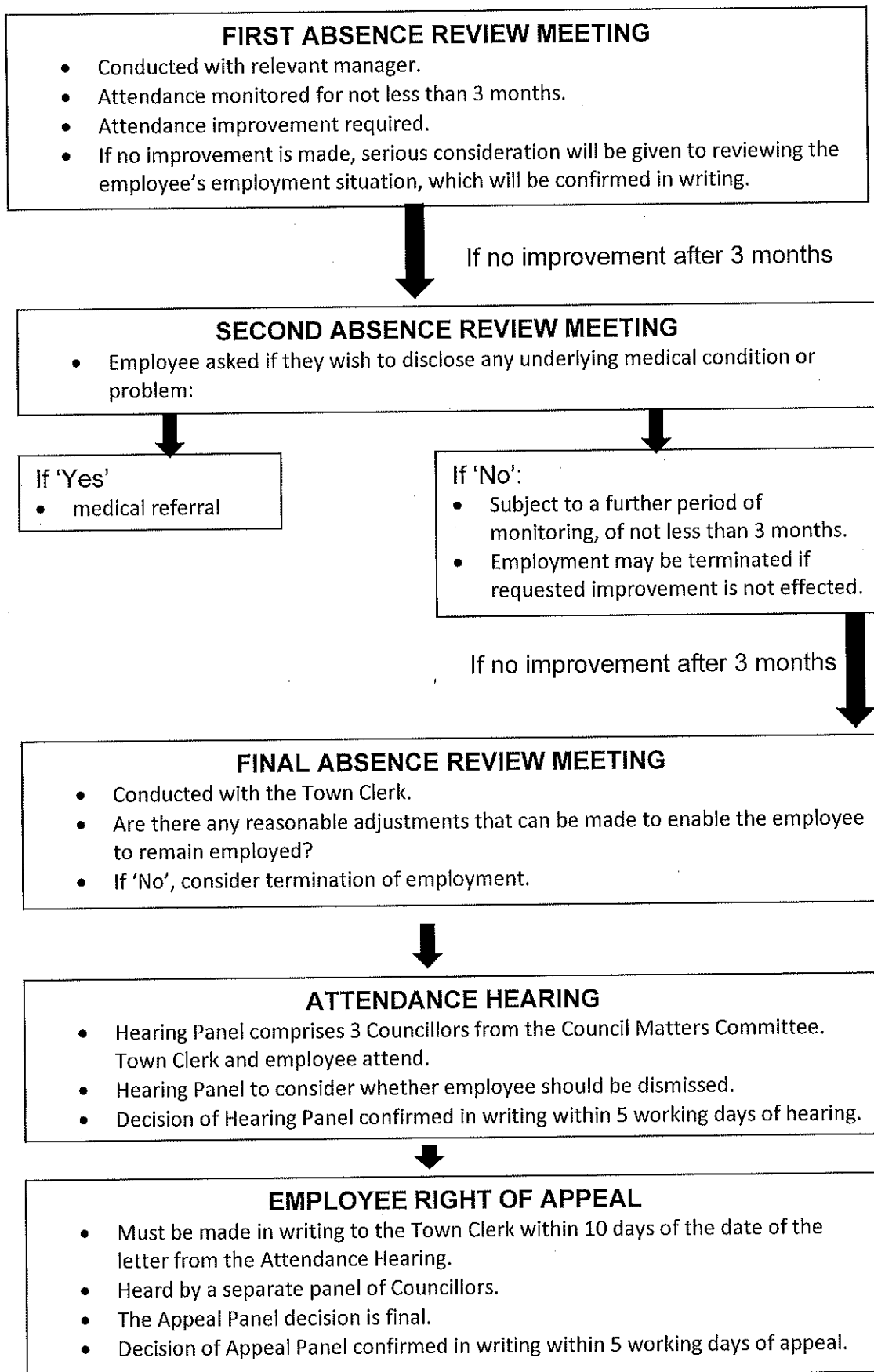
If yes to the above question please state what stage you are up to within the Absence Management Policy.

If the employee has triggered and the line manager along with the senior manager's approval have decided not to start/progress with the Absence Management Policy then please document the reasons why.

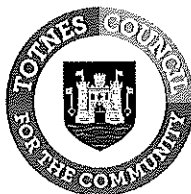
Has the employee been made aware of future actions in accordance with the Absence Management Policy if they are absent again in the near future?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is a referral to Occupational Health required? If yes, please complete the relevant referral form and send it to Occupational Health	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Details of support offered to employee (actions agreed, including timescales)				
Please include any additional information discussed at the return to work interview				
I understand that this information will be used for the purposes of recording and monitoring sickness absence.				
Signed Employee			Date	
Signed Manager			Date	

## **ABSENCE MANAGEMENT PROCESS**

**Triggers:** 4 episodes of absence or a total of 10 days' short-term sickness absence within any period of the last 12 months.







## Arts Working Group Minutes

**Thursday 24<sup>th</sup> June @ 12.00 via Zoom**

Committee Members: Cllrs. Galvin (Chair), Allen, Allford, Matthews, Piper & Skinner

Committee Attendees: Cllrs. Galvin, Allen, Allford, Matthews, Piper

Invitees: [REDACTED] (Totnes Cinema) Father Jim (St. Mary's Church), [REDACTED] (Creation Myth Puppets), [REDACTED] (NDP Circus)

TTC: S. Branch, L.Nel, J Chilcott

\*\*\*

### 1. Update on Creation Myth Puppets

[REDACTED] from CMP introduced himself and his ideas of organising a big independent event about bio-diversity and climate change, with an aim for it happening end of August/start of September depending on budget. He's been in discussion with SHDC who have put him in touch with some funding streams. He thinks it will be a 6-week turnaround for funding as it's a small budget.

**Action:** L. Nel and [REDACTED] to arrange to discuss funding bids further.

### 2. Update from Totnes Cinema on reopening plans

[REDACTED] introduced herself and explained some of the plans they had for the cinema, including a big launch (25<sup>th</sup> June) with a live music extravaganza with two local musicians. They've been reopen for about a month hosting coffee and cocktail evenings. They have plans to open 2/3 days a week throughout the summer, with a view to go back to full time viewing in the winter. [REDACTED] wants the cinema to be part of the town's artistic offering, getting involved with local events.

**Action:** L.Nel will email [REDACTED] to discuss funding streams for the cinema.

### 3. Update from Father Jim on projects for St. Mary's Church

Father Jim would like the church to be more involved in the performance arts. They successfully held a distanced gig in May, with plans for more to take place in August & October. The church is also involved in Totnes Tales due to take place in the autumn. L.Nel mentioned there is a cultural bid with SHDC coming up that the church could get involved in.

Paper from Father Jim attached

**Action:** L.Nel to email Father Jim to set up a meeting regarding the cultural bid.

**4. Update from [REDACTED] from NDP Circus on local event plans**

[REDACTED] introduced himself and talked about his plans to run a three-fold program, rolling out seasonal events, local events, and creating an extended network. He's planning to hold a 10 day cultural festival in August 2022. [REDACTED] is currently in discussion with SHDC about funding, also in talks with L.Nel.

**5. Discuss BT phone box ideas from the public**

Cllrs agreed to legally adopt the phone boxes as residents have shown interest in keeping them for the community. S.Branch to check if it's just the 2 phone boxes to be adopted. The residents who responded to be contacted to let them know the decision.

**Action:** J Chilcott to fill in adoption forms from BT

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**6. Totnes Christmas Nights Festival**

The group agreed that the festival needed to be made community focused, getting the local businesses involved and finding out what the locals want, along with keeping costs down. Consider finding a local individual who can take on the organisation of the event and talking to community groups and businesses, working with S.Branch on marketing the event, with the length of the event to be determined by the organiser.

**Action:** C.Marlton to update event brief and send out for tender again.

**7. Cultural Development Fund**

L.Nel introduced the CDF and the areas they are looking to use the funding for, such as Civic Hall, the Market Square and St Mary's. SHDC need to be on board, L.Nel has started conversations with them. Deadline for expressions of interest is end of July. It will be a 3 year funding program. There were talks about whether there should be an application through CDF or a separate Arts Council application for some of the smaller events.

**Action:** L.Nel to circulate the information she has regarding funding applications.

**8. Sea Change Festival May 2022**

The Cllrs agreed they'd like it to go ahead but need to look at finding an alternative location to the Market Square. There were suggestions to use the Longmarsh car park, Elmhurst site or long stay car parks in town to host the event as general consensus is that the market square won't work because of loss of space for the market, public access into town and also from an events point of view people will have paid a lot of money for their ticket and members of the public in town will be able to hear and see if for free presumably.

**Action:** Cllr Piper and Cllr Galvin to set up a meeting with [REDACTED] to discuss the options with him face to face

**9. Mural**

Cllr Allen mentioned that [REDACTED] from The Mansion would like a replacement mural opposite pulse building - Cllr Galvin said she's also spoken to [REDACTED] and has other things that she would like to bring forward to Cllrs.

**Action:** Cllr Galvin to email Cllrs with a general update from [REDACTED].

## ITEM 10 – LIST OF MEETING DATES

Upcoming dates for noting. Councillors are asked to submit any suggested items for discussion well in advance of meetings and use the relevant working group or forum in the first instance.

### July

Climate Change Working Group – 20<sup>th</sup> July at 6.30pm via Zoom.

Venues and Public Assets Working Group – 21<sup>st</sup> July at midday via Zoom.

Arts Working Group – 22<sup>nd</sup> July at midday via Zoom.

Traffic and Transport Forum – 28<sup>th</sup> July at 6.30pm via Zoom.

No meetings in August.

### September

Full Council – 6<sup>th</sup> September at 6.30pm in the Guildhall.

Public Realm and Cemetery Working Group – 8<sup>th</sup> September at midday via Zoom.

Council Matters Committee – 13<sup>th</sup> September at 7.00pm in the Guildhall.

Venues and Public Assets Working Group – 15<sup>th</sup> September at midday via Zoom.

Planning Committee – 20<sup>th</sup> September at 7.00pm in the Guildhall.

Climate Change Working Group – 21<sup>st</sup> September at 6.30pm via Zoom.

Arts Working Group – 23<sup>rd</sup> September at midday via Zoom.

Town Matters Committee – 27<sup>th</sup> September at 7.00pm in the Guildhall.

Traffic and Transport Forum – 29<sup>th</sup> September at 6.30pm via Zoom.

