



AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 13TH MARCH 2023 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 13th March 2023 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors B Piper (Chair), M Adams, G Allen, J Hannam, J Hodgson, D Peters and E Price.

1. WELCOME AND APOLOGIES FOR ABSENCE

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. 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 90 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.

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

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.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 16th January 2023 and update on any matters arising. Document attached.

3. BUDGET MONITOR

To consider the Budget Monitor including the reserves projection. Documents attached.

4. CIVIC BUDGET AND MAYORAL ALLOWANCE POLICY

To review the Civic Budget and Mayoral Allowance Policy. Document attached.

5. COMMUNITY GRANTS POLICY

To review the Community Grants Policy and note the timeline for 2023/24. Documents attached.

6. PRIVACY NOTICE

To review the Privacy Notice. Document attached.

7. PRIVACY POLICY

To review the Privacy Policy. Document attached.

8. CLOSE-CIRCUIT TELEVISION POLICY

To review the Close-Circuit Television Policy. Document attached.

9. COUNCIL ASSETS AND PUBLIC REALM WORKING GROUP

To consider the recommendations (items 2b and 7) from the Council Assets and Public Realm Working Group held on 21st February 2023. Document attached.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 17th April 2023 at 6.30pm in the Guildhall. No document.

*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)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for January. Documents attached.

12. COMMUNITY FUNDRAISER RECRUITMENT

To update on the recruitment to the Community Fundraiser vacancy. Verbal update.

13. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (personal details). Verbal update.

14. REFURBISHMENTS

To consider the increased cost of painting the offices upstairs.

Catherine Marlton

Town Clerk

8th March 2023

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.



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 13TH FEBRUARY 2023 AT 6.30PM IN THE GUILDHALL

Present: Councillors B Piper (Chair), M Adams, J Hannam (joined at 18.35), J Hodgson (joined at 18.40), D Peters and E Price.

Apologies: Cllr Allen.

In Attendance: C Marlton (Town Clerk) and C Bewley (Finance, HR and Lettings Manager).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted and recorded. The apologies were accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee will reconvene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 16th January 2023 and update on any matters arising.

The minutes were **AGREED** as an accurate record of the proceedings.

3. BUDGET MONITOR

To consider the Budget Monitor including:

a. A breakdown of proposed spend on phase 2 of the Wayfinding project.

The Clerk explained that the actual installation costs for phase 1 was higher than quoted due to complexities, and therefore the costs budgeted for phase 2 have increased accordingly. It was **AGREED** unanimously that a maximum of £27K is allocated for phase 2 of the project (originally budgeted £32K).

b. Provisional allocation of the FY 2023/24 budget on events in the town.

The event funding provisional allocation was **AGREED** unanimously. It was suggested that Jamming Station is invited to provide music for the Spring community event.

c. The reserve projection.

Noted.

d. An increase on the 'Welcome to Totnes' signs and giving delegated authority to the Clerk for the design of both given the timescales involved.

It was **AGREED** unanimously: to replace the 'Welcome to Totnes' sign on the Newton Abbot road; and to give the Clerk delegated authority for the design of the signs and spend for the replacement.

4. PAYMENTS TO COUNCILLORS POLICY

To review the Payments to Councillors Policy.

This was reviewed and unanimously **AGREED**.

5. RESERVES POLICY

To review the Reserves Policy.

This was reviewed and unanimously **AGREED**.

6. COMMUNITY GRANT FOR THE LAMB GARDEN

To consider an extension to the delivery date and change of use for the community grant awarded for the Lamb Garden project.

The Clerk explained that the original grant was for a notice board to be placed in The Lamb (as well as garden trail leaflets). It was **AGREED** unanimously that an extension of six months be given for the funds to be spent on additional leaflets.

7. CHRISTMAS MARKETS

To consider a report for the 2022 events and arrangements for 2023.

The Clerk updated that: the budget in the report needs review as some costs came from the Arts and Events budget; and that South Hams District Council has agreed to hiring the space for the next two years. It was suggested that the Arts and Events Working Group looks at the entertainment provided at the event to try and reduce costs. It was agreed unanimously to **RECOMMEND** to Full Council to begin the tender process for a two-year contract for the organisation and management of the Christmas Markets event.

8. TOWN DECORATION

To consider revised costings and alternative solutions to the town decorations for summer 2023.

The Clerk updated that the costs for erection and road closure of bunting is higher than anticipated. It was **AGREED** to:

- Purchase and erect material bunting on upper Fore Street, High Street, the Market Square and the Rotherfold while the existing road closure is in force;
- Give the Clerk delegated authority to exceed the £3K budget allocation if required to purchase material bunting; and
- Make a suggestion to the community that they may wish to make bunting to decorate some areas of the town.

9. CHRISTMAS LIGHTS

To note a breakdown of the ARG on Christmas lights in 2021 and 2022, and the amount of money being transferred from the Chamber of Commerce to the Council.

Noted.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 13th March 2023 at 6.30pm in the Guildhall.

Noted.

*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)

The Committee voted unanimously to permit one non-Committee Councillor to attend on the basis he has requested to join the Committee.

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for November and December.

These were reviewed and unanimously **AGREED**.

12. HEARING LOOP REPAIR

To consider a quote for the repair of hearing loop in the Guildhall.

As an exception to financial regulations/best practice of multiple quotes, given the specialist nature of the repair the quote was unanimously **AGREED**. The Clerk was asked to check if the new system could be used to record audio.

13. CHAMBER OF COMMERCE

To consider a draft letter to the Totnes Chamber of Commerce.

It was **AGREED** that members of the Committee would redraft the letter by email before sending to the Town Clerk by 27th February 2023 for submission to Full Council.

14. WAYFINDING INSTALLATION COSTS

To note the increase in wayfinding installation costs.

Noted, with no concerns raised.

15. STAFFING UPDATE

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

The verbal update was noted.

Catherine Marlton
Town Clerk
February 2023

Wedding Licence renewals and marketing	71	0	2434	1000	1000	1690	1000
Admissions income	-2994	0	0	-3000	-2899	-2899	
Weddings & Hire Income	-2566	-832	-4478	-2750	-3475	-3475	
SUB TOTAL	10678	13446	24333	16150	20580	24155	
Civic Hall	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Actual 31st March 2022 YEAR END	Original Budget	Current Agreed budget	ACTUAL AS OF 28th February 2022	Expected Year End
Cleaning and supplies	4362	1226	4605	5500	5500	4209	4500
Feed in Tariff	2156	2762	2501	2000	2000	2473	2273
Water	1389	1361	1055	1500	1500	802	1500
Utilities	3617	1762	3044	4000	4000	1566	6000
Building Maintenance	10771	2969	13955	20000	20000	2687	19500
Licences	70	70	70	100	100	70	70
Misc & Marketing Civic Hall	515	0	26	750	750	235	500
Equipment Maintenance	6433	3320	4299	5000	5000	1663	5000
Paige Adams Grant towards Caretaking, Cleaning and Management costs	-31500	-7500	-30000	-33500	-33500	-33500	-33500
Feed in tariff income and Water refund income	-4899	-6728	-6304	-5200	-5200	17051	6051
Equipment sales			-1000	0	0	0	0
SUB TOTAL	-7086	-758	-7749	180150	180150	-25073	92
Property Maintenance	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Actual 31st March 2022 YEAR END	Original Budget	Current Agreed budget	ACTUAL AS OF 28th February 2022	Expected Year End
Guildhall Cottage Maintenance	65	361	588	1000	1000	26	1000
Fiat 5a Loan repay	9148	9148	9148	9150	9150	43159	43159
Fiat 5a Maintenance	9	275	1853	1000	1000	275	1000
Guildhall Office Maintenance	579	309	13				
Rental Property Management Fees	1962	2089	2001	2000	2000	1652	1774
Town Clocks	1543	3127	1437	2250	2250	1564	1800
Museum Maintenance	6122	-3230	198	5000	5000	239	5000
Museum Rent income	-1	-1	-1	-1	-1	-1	-1
Eastgate Clock Rental	-1	-3	-3	-3	-3	0	0
Moved to Civic Hall - Civic Water Supply to shop	-200						
Guildhall Cottage Income (£975 a month)	-10200	-10200	-10756	-11700	-11700	-10745	-11700
Fiat 5a Rental Income (£775 per month)	-8340	-8340	-8660	-9300	-9300	-7403	-7103
SUB TOTAL	686	-6465	-4182	-604	-604	28009	-4929
Cemetery	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Actual 31st March 2022 YEAR END	Original Budget	Current Agreed budget	ACTUAL AS OF 28th February 2022	Expected Year End
Business Rates	4069	4441	4441	4750	4750	4441	4441
Water	127	144	173	150	150	146	150
Waste collection			706	550	550	246	550
Grounds Maintenance (Grass cutting and tree work)	21179	18009	20613	23000	23000	18085	15000
Works and Maintenance (Memorials, Paths, Fences)	1495	1357	-32	1000	1000	0	500
Chapel	0	150	0	1000	1000	0	1500
Cemetery Fees Income	-11375	-11435	-12000	-8000	-8000	-12240	-52500
SUB TOTAL	15495	12666	13901	22450	22450	2716	5891
Open Spaces	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Actual 31st March 2022 YEAR END	Original Budget	Current Agreed budget	ACTUAL AS OF 28th February 2022	Expected Year End
General Maintenance	0	80	162	500	500	592	500
St Marys Churchyard (Walls and trees)	414	322	857	500	500	238	6500
Castle Meadow Maintenance and Water	57	800	108	100	100	75	100
Castle Meadow and allotments Income	-210	-208	-200	-200	-200	0	-200
SUB TOTAL	261	994	927	900	900	845	6902
							Overspend expected due to wall repairs

Precept and Income	Actual 31st March 2020 YEAR END	Actual 31st March 2021 YEAR END	Actual 31st March 2022 YEAR END	Original Budget	Current Agreed budget	ACTUAL as of 28th February 2023	Expected year end	
Bank Charges	150	98	104	100	100	127	190	Increases in charges
Precept and Income								
Council Tax Grant (only guaranteed until 19/20)	-494000	-535280	-545986	-545986	-545986	-545986	-545986	
Investment Income	-20040	-10020	0					
Charity of Paige Adams RATE ABATEMENT	0	0	0	-105000	-105000	0	-1200	Interest from invested surplus funds
SUB TOTAL	-513890	-545202	-545882	-650886	-650886	-545809	-546996	Defer to 2023/24
Community Development								
Community Grants (incl. S137 Funding)								
Community Projects (Skate Park)	0	44168	52508	50000	50000	49770	49770	
Neighbourhood Plan/Planning	9252	see below	3720	13200	13200	0	13200	Additional £2500 agreed for hearing legal advice
Arts and Culture and Events	6185	see below	9500	1000	1000	3234	3234	See breakdown below
Public Realm and Community Assets Projects	see below	see below	see below	25500	34550	30959	36774	See breakdown below - possibly underspend overall on projected because delay in traffic and community asset projects
Climate Change/Green Travel	0	see below	see below	225000	227865	50830	81830	
Public Toilets	0	3986	2312	10000	10000	7630	10000	
Caring Town/Totnes Caring Services	SEE COMMUNITY PROJECTS		0					
Citizens Advice Service	SEE COMMUNITY PROJECTS		0					
Neighbourhood Plan/Planning	see above	71413	see above					
Community projects SHARED SPACE and public realm	76024		22938					
Community Grants Scheme/COVID 19	0		0					
Arts and Culture and Events	see above		see above					
Heritage Support	0	0	0					
Grant Funding/Projects Income								
	-1845	-84500	-34370	0	-19585	-32705	-33205	Baltic Wharf s106 funding from DCC (£19586), remainder of RG grant from CoC (£8869), Winter Wellbeing grant from SHDC (£1250), DCC Locality budget climate change grant (£1500), returned Community Grant (£1500) & PA grant for Spring Festival (£500).
SUB TOTAL	£91,461	£35,067	£56,608	£324,700	£317,030	£109,698	£161,603	
TOTAL	-£116,501	-£187,710	-£47,985	£351,845	£367,310	-£18,916	£142,111	

Reserves impact	
Total actual general reserves as start of 2022/23	£705,308
Based on the current projected 2022/23 budget	£563,197
Year end reserve estimate	

	BUDGET	NOTES
2022 - 2023 - proposed		
PUBLIC REALM and COMMUNITY ASSETS PROJECTS	227865	Annual total allocation
Already spent to 28th Feb 23	-50830	Wayfinding, benches
Replacement plants and repairs over the year	-500	ESTIMATED
Roundabout investment	0	£2000 was agreed - Unlikely to be completed in the 23 24 financial year
New Welcome Signs x 2	-4000	Project underway. Previous allocation £1,000, Increase to £2,000 proposed.
Upgraded lighting under the Civic Hall	-1500	Project underway
Possible planters on runners Market Square??	0	£1500 was agreed - Unlikely to be completed in the 23 24 financial year
Wayfinding phase 2	-25000	Original budget was £32,000. Officers are suggesting a prioritisation of new signage to cut costs and to cover an increase in installation costs
Vehicle activated signage and other traffic calming measures	0	Was £50k - delayed due to consultation and planning work needed

Elmhirst project/other community assets		0	Was £100k - delayed due to waiting on a decision
TOTAL		146035	Underspend likely due to delayed projects - will be needed for reserves

2022 - 2023 - proposed	BUDGET	NOTES
ARTS AND CULTURE	34550	Annual total allocation
Already spent to 28th Feb 23	-30974	Grants/festival/phone boxes/orange races
M Greenwood-Brown	-100	Install mosaics and supply plaque
Christmas markets	-700	Outstanding invoices
Civic Hall pillar childrens project	-5000	Comms and materials - artist working pro bono
TOTAL	-2224	Over budget

2022 - 2023 - proposed	BUDGET	NOTES
COMMUNITY OUTREACH	8450	Annual total allocation
Already spent to 28th Feb 23	-3737	Comm Charter /defib/annual TM/Christmas electricity
Remaining Christmas Invoices	-2040	Estimate - including new areas and paying for erection
Defibrillator Pads/Serviceing	-250	Estimate
Facebook/Comms/Torbay Directory	-440	Estimate
Community Consultation events/marketing material as required	0	£1000 was agreed - Unlikely to be completed in 23/24 financial year
TOTAL	1983	Under budget

Reserves impact - estimated long term forecast		10% band D increase 23/24
Reserves at the start of 2022/23		£705,308
Total estimated reserves as end of 2022/23		£563,197
Expected 2023/24 outturn (spend from reserve)		£96,802
Total estimated reserves as end of 2023/24		£466,395
Reserves impact for following 2 years		
Expected 2024/25 outturn (spend from reserve) with 5% increase for inflation to most costs and		£153,560
Total estimated reserves as end 2024/25		£312,835
Expected 2025/26 outturn (spend from reserve) with 5% increase for inflation to most costs and		£183,829
Total estimated reserves as end 2025/26		£129,006
An additional £121k savings is needed to retain minimum reserve level by end of 2025/26		

Based on budget monitor Feb 2023 spending £142,796 from reserve
Based on the budget agreed 9th Jan 2023 and amended Feb 23
Within acceptable limits

Assuming 5% increase in most costs and no increase to the precept
Within acceptable limits
Assuming 5% increase in most costs and no increase to the precept
Under acceptable reserve level

Officer recommendation on cuts for consideration	Agreed Saving 23/24	Potential Saving 24/25	Potential Saving 25/26	TOTAL by project over 3 years
Fix the Community Fundraiser role for 1 year with a view to becoming self funded	£0	£19,700	£20,650	£40,350
REMOVE Arts and Events Grant pot	£5,000	£5,000	£5,000	£15,000
REDUCE S137/Community Grants	£25,000	£25,000	£25,000	£75,000
REMOVE CCTV and Traffic Calming	£50,000	£0	£0	£50,000
REDUCE Public Seating and benches	£5,000	£5,000	£5,000	£15,000
REDUCE New planting and new planters and trees	£5,000	£5,000	£5,000	£15,000
Total by financial year	£90,000	£59,700	£60,650	£210,350



Civic Budget and Mayoral Allowance Policy

TOTNES TOWN COUNCIL

AGREED MARCH 2022

REVIEWED MARCH 2023

Background

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

During the period from 1st April to 18th May a maximum spend of an amount equivalent to 1½ months of the allocated Civic Budget and Mayoral Allowance Budget for the financial year is allowed and must be agreed in advance with the Town Clerk.

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

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

Mayoral Allowance

The Mayoral Allowance is to defray reasonable costs in order that the office holder is not out of pocket for fulfilling the role of Mayor. The Mayor can claim up to the amount of the Councillor Allowance by submitting claims to the Finance, HR and Lettings Manager.

Expenditure which can be claimed:

- Mileage to and from events
- Tickets for events
- Raffle and draw tickets
- Donations to charities (up to £25 per event)
- Reasonable clothing allowance for Civic events
- Additional Telephone, stationery and printing

Civic Budget

Expenditure which is allowed:

- a. Funding for all the formal and informal Civic events and costs associated with the role of the Mayor during the Mayoral year.

These may include:

- Mayor Choosing and reception
- The Civic Service
- Remembrance Sunday (in conjunction with the British Legion)
- The Civic Event (Community fundraising event)
- Annual town events where the Mayor is invited, such as Totnes Carnival, the annual Orange Race, the opening of the Elizabethan Market

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

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

These may include:

- Hosting the Mayor of Vire, to include up to £25 for a gift
- Receptions for Civic visitors
- Hosting small award ceremonies, to include up to £25 for an award
- Hosting meetings of community groups

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

These may include:

- Councillors and volunteers Christmas thank you reception
- Refreshments when organising civic or mayoral events at the Guildhall during the year
- The incidental costs of attending community and charitable events e.g. purchase of tickets for both the event and raffles
- Charity functions, and to cover any costs when attending functions e.g. the purchase of raffle tickets, collections, etc

- d. Supporting the Mayor in raising money toward their chosen charity.

These may include:

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

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

Expenditure which is not allowed:

The Civic budget must not be used to pay for

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

Reporting and monitoring procedures

The Mayor is asked to account for their spending and to submit these expenses, along with the Mayor's monthly engagements, as a quarterly agenda item to Council Matters meetings:

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

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

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

ITEM 5 - COMMUNITY GRANTS POLICY

The Community Grants Policy has been updated to:

- Reflect the change of focus from awarding grants towards projects mitigating the pressures of the Covid pandemic to assisting with the cost of living crisis.
- Suggest that Full Council takes the final decision on the awarding of the community grants, with Council Matters making a recommendation to Full Council on how funds might be allocated with the budget of £25K.

Changes are underlined in the revised policy.

The proposed timeline for 2023 (mindful of the local elections and pre-election period from late March until 4th May) is:

Friday 5th May – Grant application process opens.

Sunday 4th June – Grant application process closes.

5th – 7th June – Officer collation of applications submitted.

Monday 12th June – Council Matters Committee considers the grant applications and makes a recommendation to Full Council.

Monday 3rd July – Full Council considers the grant application recommendations of the Council Matters Committee.

The Council Matters Committee in April will note a summary of the reports received from the organisations who were awarded a grant in September 2022.



Community Grants Policy

TOTNES TOWN COUNCIL

AGREED MARCH 2021

NEXT REVIEW MARCH 2023

The Totnes Town Council Community Grant Scheme is to support local charities and community organisations in Totnes (up to 2 miles of the parish boundary).

Grants awarded by Totnes Town Council are public money, collected as part of the town precept and we are accountable to local people for all expenditure. Therefore, we apply very stringent criteria to each application.

Scoring Mechanism to assess applications

Every application received during ~~one of the two~~ application windows will be considered by the Council Matters Committee who will make a recommendation to Full Council. A second round of applications may be held later in the year should the original allocation not be allocated.

- a. Working with others; networking/partnering; cost of living crisis.
- b. Providing something different.
- c. Getting more people involved - widening participation.
- d. How the project meets the Town Council priorities.

Important Terms & Conditions

- a. Grant applications will only be considered where:

- The project or activity directly benefits residents within the parish boundaries of Totnes.
- The project is not funded by any other means by Totnes Town Council.
- b. There is clear evidence of need for the project.
- c. The organisation has clearly defined aims and objectives.
- d. The organisation has its own bank account with at least 2 authorised signatories.
- e. Grants cannot cover costs that have already been incurred.
- f. The organisation must be a non-party political and non-profit making. Individuals will not be funded.
- g. Applications from organisations and services which receive other sources of government and local government funding must demonstrate how the project differs from their core services and how the wider community is involved (for example schools must provide evidence that the project is not for the primary purpose of teaching its students).
- h. All supporting documents are required to be submitted with the application form.
- i. The organisation must invoice the Town Council for the grant awarded and submission of this invoice and the application form will be considered acceptance of the terms and conditions outlined in this policy.

Examples of projects considered:

- Groups that support the ongoing needs of vulnerable people to ensure that their health and wellbeing is maintained
- ~~Groups and activities that support vulnerable people shielding and self-isolating (older people, people with pre-existing medical conditions etc)~~
- Support for organisations working to combat hardship/cost of living crisis
- Community response coordination
- Volunteer costs for new and existing organisations responding to the effects of the pandemic cost of living crisis
- ~~Additional costs of working remotely and adapting services delivered in the wider community~~
- Costs associated with youth support, mental health, bereavement and emotional needs, not already funded as a statutory service.

The following guidelines should be considered:

- The grant period will be for a maximum of 6 months from the date the grant is awarded
- Please tell us the least amount of funding you need in order to help make funds go as far as possible
- Each application will be considered on an individual basis and in light of what funding is available at the point of receipt
- Bear in mind that we are expecting to receive a high number of applications and may only be able to part fund your project or not fund it at all

Who can apply:

- Not-for-profit, constituted organisations

- Registered charities
- Social enterprises, including CICs
- Unincorporated clubs and associations
- Schools, where the support is outside of statutory provision and is directed at addressing hardship faced by families with children at the school. ~~such as provision of IT equipment to enable children from known vulnerable families to access online education support at home~~

All applicants must:

- Be governed by an active management committee of at least 3 unrelated people, such as Trustees and Directors
- Have a bank account in the name of the organisation with at least 2 unrelated signatories
- Have a Governing document, such as a Constitution, set of rules, Memorandum and Articles of Association
- Have up-to-date annual Accounts
- Have Safeguarding and Equality Policies in place, which are up-to-date and comply with latest legislation

What can't be funded

- Applications from individuals
- Loss of income
- Large capital items, including vehicles
- Parties, alcohol or shopping trips
- Promotion of religious or political activity
- Large scale building works
- Grants awarded to individuals by the funded organisation
- Support delivered by a national charity where there is no local branch
- Retrospective funding

Supporting documents

The following documents WILL BE REQUIRED to support your application:

- A copy of your latest Accounts
- A cashflow breakdown for the past 6 months, to clearly show income and expenditure
- A copy of a bank statement, dated within the last 3 months and clearly showing the account name, number and sort code
- A list of your Management Committee
- A copy of your Governing Document (Constitution, set of rules, Articles or Memorandum of Association)
- A Safeguarding Policy. If you do not have a Safeguarding Policy, we would ask that you provide an outline of what safeguarding measures you have in place to protect the people that you support and your volunteers. This should be uploaded with your application.

Online applications will be assessed by the Town Council team in date order of receipt. You may be contacted to request additional information or documents to support your application.

~~Eligible applications will be reviewed by the Council Matters Committee and ratified by Full Council as per the timeline and deadlines outlined on our website.~~ Eligible applications will be reviewed by the Council Matters Committee who will make a recommendation to Full Council on the potential allocation of the budget available. The Full Council decision will be final.

Monitoring and Reporting

Organisations receiving grants are required to report on how the funds are spent against the project criteria and budget breakdown. A form will be provided and you will be notified of the date by which it must be completed and returned.

Totnes Town Council representatives may request to visit the project, to talk to staff, participants to gain a better understanding of its merits and benefits to local people.

Payment Requirements

Grants should be spent for the purposes stated on the application only.

Totnes Town Council reserves the right to recall any grant given to an organisation which ceases to operate during the financial year for which the grant has been given.

The Council reserves the right to request a copy of invoices/receipts as evidence that expenditure has been incurred and under spends may need to be returned, **please ensure receipts are kept for 12 months following expenditure.**

Publicity Requirements

Totnes Town Council expects its logo to appear on published information about the funded project and to be mentioned in press and associated publicity and will ask for evidence to be provided for monitoring purposes.

For our own publicity material, the Council may require photos with agreement from participants and may use the name of the organisation and project Totnes Town Council will publish grants awarded and summarise the projects using information contained in the grant application form.

If the Council becomes aware of evidence of dishonesty or negligence which could bring the reputation of Totnes Town Council into disrepute, action will be taken and the grant terminated.



General Privacy Notice

TOTNES TOWN COUNCIL

AGREED MARCH 2021

NEXT REVIEW ~~FEBRUARY~~ MARCH 2023

This Policy outlines to the public how their personal data will be handled, stored and used by the Council.

Your Personal Data – What is it?

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

Who are we?

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

Other Data Controllers the Council works with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Community groups
- Charities
- Other not for profit entities
- Contractors

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

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

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

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

How we use sensitive personal data

We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.

These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest.

Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

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

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

The Council will comply with data protection law

This says that the personal data we hold about you must be:

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

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

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services, for example Civic Hall and Guildhall booking forms, and burial information;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing, for example responses to public consultations;

- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council;
- To allow the statistical analysis of data so we can plan the provision of services.

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

What is the legal basis for processing your personal data?

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

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

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

Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate

security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

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

How long to we keep your personal data?

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

Your rights and your personal data

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

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

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

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

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

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

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

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
 - When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4) ***The right to object to processing of your personal data or to restrict it to certain purposes only***
- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) ***The right to data portability***
- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) ***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) ***The right to lodge a complaint with the Information Commissioner's Office.***
- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

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

Further processing

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

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on www.totnestowncouncil.gov.uk. This Notice was last updated in ~~May 2018~~ March 2021.

Contact Details

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

The Data Controller, Totnes Town Council, 5 Ramparts Walk, Totnes, TQ9 5QH.

Email: clerk@totnestowncouncil.gov.uk



Privacy Policy for Staff, Councillors and Role Holders

TOTNES TOWN COUNCIL

AGREED MARCH 2021

NEXT REVIEW ~~FEBRUARY~~ MARCH 2023

This Policy outlines to the staff, Councillors and role holders how they must handle, store and use personal data that they have access to in their work for the Council or as a Councillors, and how the Council will handle, store and use personal data held about them.

Definitions:

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

"Councillors" means individuals who are elected or co-opted to the Council or any of its Committees, Working Groups or similar bodies.

"Role Holders" Includes, volunteers, contractors, agents, and other role holders within the Council including former staff and former Councillors. This also includes applicants or candidates for any of these roles.

Totnes Town Council is committed to protecting the privacy and security of your personal information and the personal information that you come into contact with through your Council role. This privacy policy describes how we collect and use personal information about you during and after your working relationship with us, and how you as a Councillor, Staff or role holder should use information in accordance with the General Data Protection Regulation (GDPR). It applies to all employees, Councillors, workers and contractors.

Totnes Town Council is a "data controller". This means that we are responsible for deciding how we hold and use personal information. We are required under data protection legislation to notify you of the information contained in this privacy policy.

1. Personal Data What Is It?

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

2. Other Data Controllers

2.1 The Council works together with:

- Other data controllers, such as local authorities (South Hams District Council and Devon County Council), public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- Community groups
- Charities
- Other not for profit entities
- Contractors

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

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

3. Data Protection Law?

3.1 The Council will comply with data protection law. This says that the personal data we hold about you and any information that we hold as a Council must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

4. What Data Does the Council Process?

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

- Names, titles, and aliases, photographs;
- Start date / leaving date;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by the Council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, religion, data concerning and sexual life or orientation.
- Non-financial identifiers such as passport numbers, driving licence numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, IP addresses and website visit histories, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information; certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means.
- Where people pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.

5. Use of Your Personal Data

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

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

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

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

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

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

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

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

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

6. How We Use Sensitive Personal Data

6.1 We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.

6.2 These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

6.3 We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest.

6.4 Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

7. Do We Need Your Consent to Process Your Sensitive Personal Data?

7.1 We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

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

7.3 You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

8. Information About Criminal Convictions

8.1 We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

8.2 Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

9. What is the Legal Basis for Processing Your Personal Data?

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

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

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

10. Sharing Of Personal Data

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

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software.
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA.
- Staff pension providers.
- Former and prospective employers.
- Professional advisors.
- Trade unions or employee representatives.
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;

- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

11. Council Use of Personal Data to Conduct Business

11.1 In order to conduct Council business, the Council will use personal data for some or all of the following purposes:

- To deliver public services including to understand individual needs to provide the services requested and to understand what we can do for the individual and inform them of other relevant services;
- To confirm identity to provide some services;
- To contact individuals by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek views, opinions or comments;
- To notify individuals of changes to our facilities, services, events and staff, councillors and other role holders;
- To send communications which individuals have requested and that may be of interest. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council;
- To allow the statistical analysis of data so we can plan the provision of services.

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

12. How Long Do We Keep Personal Data?

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

12.2 A data audit is conducted annually. Details of the Totnes Town Council's Document Retention Protocol are set out in Annex A.

13. Your Responsibilities

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

14. Your Rights and Your Personal Data

14.1 You have the following rights with respect to your personal data.

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

a. The right to access personal data we hold on you

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

b. The right to correct and update the personal data we hold on you

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

c. The right to have your personal data erased

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

d. The right to object to processing of your personal data or to restrict it to certain purposes only

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

e. The right to data portability

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

f. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

g. The right to lodge a complaint with the Information Commissioner's Office.

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

15. Transfer of Data Abroad

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

16. Further Processing

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

17. Changes to this Policy

17.1 We keep this Privacy Policy under regular review and we will place any updates on www.totnestowncouncil.gov.uk. This Policy was last updated in March 2021~~3~~.

18. Contact Details

18.1 Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:
The Data Controller, Totnes Town Council, 5 Ramparts Walk, Totnes, TQ9 5QH.
Email: clerk@totnestowncouncil.gov.uk

ANNEX A – TOTNES TOWN COUNCIL DOCUMENT RETENTION PROTOCOL

[Note: retention periods based on NALC and DCC guidance]

COUNCILLORS		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Register of Interests	4 year term plus previous term	Best practice
Acceptance of Office	4 year term plus previous term	Best practice
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
DEMOCRACY/COUNCIL BUSINESS		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Agendas and Minutes	Indefinite	Archive and public record
Audio/Video recordings	Date of meeting plus 3 years	Public record
Civic/Mayoral Business: <ul style="list-style-type: none"> • Functions • Invites • Correspondence • Xmas card list 	Current year plus 2 years	Public record
Subject Access Requests	Date request completed plus 3 years	Business need
Freedom of Information Requests	Date request completed plus 3 years	Business need
Electoral Register	Current year	Business need
Correspondence with outside organisations and individuals	Current year plus 6 years	Business need
Public consultation responses	Until data entered plus 6 months	Business need
Budget plan/budget monitoring	Current year plus 6 years	Business need
Risk assessments	Date of the event or until superseded plus 4 years	The Management of Health and Safety at Work Regulations (1992)
Health and Safety Checks <ul style="list-style-type: none"> • Fire • Fire extinguishers • Legionella 	Date of check plus 6 years	Health and Safety at Work Act
Road Closure applications	Current year plus 6 years	Business need
Funding applications <ul style="list-style-type: none"> • <£5K • £5K-10K • £10K-50K 	Last project action plus 3 years Last project action plus 6 years Last project action plus 10 years	Management
<u>Grant applications to the Council</u>	<u>6 years</u>	<u>Business need (linked to finance – VAT)</u>
FINANCE/ASSETS		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Scales of fees and charges [Guildhall, Civic Hall and Cemetery]	6 years	Management
Receipt and payment account(s)	Indefinite	Archive

Receipt books [TTC and Paige Adams Trust]	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
VAT Records	6 years	VAT
Petty Cash	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Time/Overtime sheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability or employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
Investments	Indefinite	Audit, Management
Title Deed, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
Asset Register	Current year plus 6 years	Business need
STAFF		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
TOIL sheets	Last completed audit year	Audit
Absence/sickness	Current year plus 1 year	Management
Medical certificates	Tax year they relate to plus 3 years	Management
Disciplinary	Current year plus 6 years	Management
<ul style="list-style-type: none"> Next of Kin information Annual appraisals 	Until termination of employment	Management
Personal files	Until termination of employment plus 6 years	Management
Display Screen Assessment	Life of assessment plus 4 years	Schedule to the Health and Safety (Display Screen Equipment) Regulations 1992
Accident records	Three years since the entry	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)
CEMETERY		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<ul style="list-style-type: none"> Register of fees collected Register of burials 	Indefinite	Local Authorities Cemeteries Order 1977 (SI.204), Archives

<ul style="list-style-type: none"> • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Burial/disposal certificates • Certificates of grant of exclusive right of burial 		
CIVIC HALL		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<ul style="list-style-type: none"> • Application to hire/booking form • Market booking forms, risk assessments & public liability certificates • Banner booking forms • Lettings diaries • Copies of invoices to hirers 	6 years	VAT
GUILDHALL		
DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Weddings <ul style="list-style-type: none"> • Booking forms • Lettings diaries • Copies of invoices to hirers • Wedding photographs 	6 years Until no longer required	VAT Business need
<ul style="list-style-type: none"> • Visitor Books 	5 years (no legal requirement to retain them at all)	Business need



Close-Circuit Television (CCTV) Policy

TOTNES TOWN COUNCIL

AGREED NOVEMBER 2021

NEXT REVIEW ~~NOVEMBER~~ MARCH 2023

This Policy outlines the principles for the Council's use of CCTV around the exterior of the Guildhall building.

[Note for review: additional text is underlined]

CONTENTS

1. INTRODUCTION.....	3
2. PURPOSE STATEMENT.....	3
3. OWNERSHIP DETAILS.....	4
4. DATA PROTECTION IMPLICATIONS.....	4
5. THE DIGITAL RESOURCES AND THE RECORDING OF IMAGES.....	4
6. RECORDED IMAGES AS EVIDENCE.....	5
7. CONTROL AND OPERATION OF CAMERAS.....	6
8. ACCOUNTABILITY.....	7
<u>SUBJECT ACCESS REQUESTS</u>	
9. ACCESS TO PERSONAL DATA UNDER THE DATA PROTECTION ACT.....	7
10. PRIMARY REQUEST TO VIEW DATA.....	9
11. SECONDARY REQUEST TO VIEW DATA.....	9
12. THE MEDIA.....	10
13. TRAINING.....	10
14. COMPLAINTS.....	11
15. MAJOR INCIDENT.....	11
APPENDIX 1 – SUBJECT ACCESS REQUEST.....	11
APPENDIX 2 – AUTHORITY TO VIEW/REQUEST COPY OF CCTV DIGITAL HARD DRIVES.....	18

1. Introduction

1.1 The use of Closed-Circuit Television (CCTV) is viewed by Totnes Town Council as a key element in its promotion of security and safety. CCTV cameras are installed on the Guildhall and Council Offices front door, and the garage area.

1.2 The Town Council will have due regard to the Data Protection Act 1998, Crime and Disorder Act (1998), the General Data Protection Regulation (GDPR) and any subsequent data protection legislation, and to the Freedom of Information Act 2000, Regulation of Investigatory Powers Act (2000), Investigatory Powers Act (2016), the Protection of Freedoms Act 2012, the Human Rights Act 1998, the Information Commissioner's Office CCTV Code of Practice and the Surveillance Camera Code of Practice (2013).

1.3 This policy sets out to ensure the effective use of CCTV to prevent crime, identify the perpetrators of crime, enhance community safety and reduce the fear of crime. Its aim is to ensure that all residents, visitors and businesses have the confidence to undertake their activities during the day or night without fear and with confidence in their safety and the security of the environment.

1.4 Ownership of recorded material remains at all times the property of Totnes Town Council.

1.5 The CCTV cameras are operated from the Town Clerk's office in the Council building and images are recorded digitally.

1.6 The Committee responsible for monitoring and running the effectiveness of the system will be the Council Matters Committee.

2. Purpose Statement

2.1 The system is intended to provide an increased level of security at the Town Council and historic Guildhall.

2.2 The CCTV system will be used to respond to the following key objectives, which will be subject to annual assessment:

- a. To detect, prevent or reduce the incidence of crime
- b. To prevent and respond effectively to all forms of harassment, ~~and~~ public disorder, damage and anti-social behaviour
- c. To create a safer community
- d. To gather evidence by a fair and accountable method
- e. To monitor out of hours contractor access

2.3 In this respect, cameras have been sited so that their primary view is of public areas.

2.4 Respect for privacy is an important consideration and the system will not be used to monitor individuals undertaking day to day activities in areas under surveillance.

2.5 To ensure that the public is aware that they are entering an area where a scheme is in operation, signs have been placed at the entrance to all areas covered. All signs will be fit for purpose and careful consideration will be given to placement, size, opportunity to view etc.

2.6 The signs will indicate that CCTV cameras are operating and will be displayed at the perimeter of the area covered by the scheme.

2.7 The signs will identify the owner by name and provide a daytime contact telephone number.

3. Ownership Details

3.1 For the purposes of the Data Protection Act 1998 the beneficial owner of the system is:
Totnes Town Council
The Guildhall Offices
5 Ramparts Walk
Totnes
TQ9 5QH

3.2 The system is registered with the Information Commissioner under registration Z7595350.

4. Data Protection Implications

4.1 The scheme is registered under the Data Protection Act and Totnes Town Council undertakes to co-operate at all times with the Information Commissioner.

4.2 Data will be held and stored only for the purpose set out in this policy and in accordance with its provisions.

4.3 Totnes Town Council is the Data Controller and has designated authority to the Town Clerk for the day to day running of the system. In their absence, the Governance and Projects Manager will assume authority.

4.4 The Town Maintenance Officer is permitted access to the system to review footage as set out in 2.2.b. The Finance, HR and Lettings Manager is permitted access to the system to review footage as set out in 2.2.e.

5. The Digital Recorders and the Recording of Images

5.1 All images are recorded onto digital recorders in the Council Office.

5.2 All CCTV equipment will be kept in good working order and be serviced according to manufacturer's recommendations.

5.3 When a fault develops on the CCTV system, it shall be reported immediately to the service engineer.

5.4 The system time clock and/or recording device time clocks shall be checked on a quarterly basis and set to the correct hour with reference to a reliable time signal e.g. Speaking Clock (123).

5.5 All CCTV equipment shall be kept in the Council office and password protected to prevent unauthorized or unlawful processing of personal data and against accidental loss, damage or destruction of personal data.

5.6 Any data held for evidential purposes will be kept away from other personal data in a secure location.

5.7 No unauthorised copies will be made of any personal data except with the permission of the Data Controller who shall record the reason and ensure that all copies are numbered and that they are only disclosed to authorised parties. The Data Controller will also ensure such personal data is not kept for longer than is necessary and is destroyed as if it were an original recording.

5.8 Digital recordings will be retained for no longer than ~~30~~4 days, unless they are required to be used as evidence in any legal proceedings. After ~~30~~4 days, the images will be deleted. Recorded material will be used only for purposes defined in this policy.

5.9 Access to recorded material will only be permitted as defined in this policy.

5.10 Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

5.11 Ownership of recorded material and copyright in recorded material is that of Totnes Town Council.

6. Recorded Images as Evidence

6.1 The Police will apply verbally for access, in accordance with an agreement made with Totnes Town Council, where the Police reasonably believe that access to the recorded images is necessary for the investigation and detection of a particular offence or offences or the prevention of crime.

6.2 The Police may obtain access under the provisions of the Police and Criminal Evidence Act 1984.

6.3 Recorded material resulting from the operation of the system will normally only be made available to the Police for criminal prosecution purposes.

6.4 On occasion, specific requests may be received from other organisations with prosecution powers such as HM Customs and Excise, South Hams District Council, the Health and Safety Executive and Trading Standards. In the event that the evidence is required in connection with a

prosecution that will assist in the achievement of the key objectives of the system, the evidence will be supplied if agreed by the owners and after consultation with the Police. Any evidence supplied will be subject to an undertaking that it will only be used strictly in accordance with this policy and for the reasons for which it has been supplied.

6.5 Since recorded material may be admitted in evidence, it must be of good quality, accurate in content and treated according to defined procedures to provide continuity of evidence and to avoid contamination of the evidence.

6.6 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, destruction or accidental loss of recorded material.

6.7 USB drives/DVD discs required for evidential purposes will be treated as exhibits and will be retained and stored according to procedures agreed with the Police, as follows:

- An original exhibited Master USB/DVD will be produced only on receipt of a written request from the Police (please see Appendix 2).
- The Master USB/DVD will be retained under secure storage by the Data Controller and secured with a tamper proof label.
- An exhibited working copy will also be produced if required.
- The Master USB/DVD will be given a unique reference number (comprising date, in dd/mm/yyyy format, together with the associated crime reference number) which shall be indelibly marked on the disc.
- A register will be maintained in which a record of the Master UBBs/DVDs held by the Data Controller will be logged. The register will be securely stored by the Data Controller in the Town Council's offices at all times unless it is required for production in court.
- The Data Controller will log the issue of a working copy and the authorised police officer receiving the USB/DVD will sign for it.
- If necessary, the Town Clerk will provide the Police with statements required for evidential purposes.

6.8 Third party access to recorded images may be permitted in connection with civil disputes by court order or be extended to lawyers acting for defendants or victims in connection with criminal proceedings.

6.9 No other access will be allowed unless approved by the owners and for reasons that fall within the purposes and objectives of the system and in accordance with this policy and the Data Protection Act.

7. Control and Operation of Cameras

7.1 Only those staff with direct responsibility for using the equipment shall have access to the operating controls.

7.2 All use of the cameras shall accord with the purposes and key objectives of the system and shall comply with this policy.

7.3 Cameras shall not be used to look into private property. Where appropriate operational procedures and technological measures will be adopted to impose restraints upon the use of cameras in connection with private premises.

7.4 The system will only be viewed/operated by trained operators. This will apply to staff from the Devon and Cornwall Constabulary and staff employed by Totnes Town Council. The Data Controller will maintain a list of all trained personnel.

8. Accountability

8.1 In accordance with the Code of Practice and the Data Subject Access Rights of The Data Protection Act 1998, anyone wishing to acquire a copy of the policy or to request further information with regard to accessing the recorded data under the Data Protection Act 1998 should be directed to contact the Data Controller in writing.

8.2 Copies of this policy will be made available by:
The Data Controller, The Guildhall Offices, 5 Ramparts Walk, Totnes TQ9 5QH

Subject Access Requests

9. Access to Personal Data under the Data Protection Act

9.1 Under the terms of data protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:

- The request is made in writing (please see Appendix 1).
- A specified fee is paid for each individual search.
- The Data Controller is supplied with sufficient information to satisfy them as to the identity of the person making the request.
- The person making the request provides sufficient and accurate information about the time, date and place to enable the Data Controller to locate the information which that person seeks. (It is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement.)
- The person making the request is only shown information relevant to that particular search and which contains personal data of her/himself only, unless all other individuals who may be identified from the same information have consented to the disclosure.
- In the event of the Data Controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied (all other personal data which may facilitate the identification of any other person should be concealed or erased).

9.2 The Data Controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request should be treated on its own merit.

9.3 In addition to the principles contained within the data protection legislation, the Data Controller/Town Clerk should be satisfied that the data is:

- Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation.
- Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings.
- Not the subject of a complaint or dispute which has not been actioned.
- The original data and that the audit trail has been maintained.
- Not removed or copied without proper authority.
- For individual disclosure only (i.e. to be disclosed to a named subject).

9.4 Upon receipt of a bona fide request to verify the existence of relevant data and payment of the appropriate fee (currently £10.00), the Town Clerk will ensure:

- No undue obstruction of any third party investigation to verify existence of data.
- The retention of data which may be relevant to a request.
- That there is no connection with any existing data held by the Police in connection with the same investigation.

9.5 Any member of staff receiving a subject access request must note the name and address of the person making the request in order that the appropriate form may be sent to them. The details should then be passed without delay to the Data Controller or Governance and Projects Manager.

9.6 The Data Controller, or Governance and Projects Manager, will then send by first class mail a subject access request application form.

9.7 The Data Controller will only deal with subject access requests that are in writing and that are accompanied by a fee of £10.00.

9.8 On receipt of the completed form and the fee, the Data Controller will assess if there is sufficient information to locate the data subject contained within the reply. If not he/she will, without delay, write to the Data Subject and request the necessary information. If a reply is not received within 7 working days he/she shall disregard the request and record the reason for so doing.

9.9 On receipt of a subject access request and the required fee, the Data Controller shall process the request within 31 days.

9.10 Only the Data Controller or Governance and Projects Manager will attempt to locate the images and be responsible for decisions regarding disclosure.

9.11 The Data Controller or Governance and Projects Manager will decide if disclosing images will identify third parties and whether those images are held under a duty of confidence.

9.12 Any images so held will have the images of third parties blurred out or disguised.

9.13 Data Subjects may be asked if they merely wish to view their data, otherwise they will be provided with a copy of the CCTV data in standard USB/DVD format.

9.14 All third party viewings will take place in a private area away from the CCTV recording and monitoring facility.

9.15 If subject access is denied, the Data Controller will record the details of the refusal and inform the enquirer of the decision in writing.

9.16 If the Data Controller receives a request to cease processing personal data on the grounds that it is likely to cause unwarranted damage or distress, they must respond in writing to the individual within 21 days and state whether or not they will comply with the request, giving reasons for the decision.

9.17 The Data Controller will maintain a record of all such requests and the resultant decision.

10. Primary Request to View Data

10.1 Primary requests (i.e. those from law enforcement agencies) to view data generated by the CCTV system are likely to be made by third parties for any one or more of the following purposes:

- Providing evidence in criminal proceedings (Police and Criminal Evidence Act 1984, Criminal Procedures & Investigations Act 1996).
- Providing evidence for civil proceedings or tribunals.
- The investigation and detection of crime.
- Identification of witnesses.

10.2 Third parties will be required to show adequate grounds for disclosure of data within the above criteria, this may include, but is not limited to:

- Police
- Statutory authorities with powers to prosecute
- Solicitors
- Plaintiffs in civil proceedings
- Accused persons or defendants in criminal proceedings

10.3 All primary requests will be recorded in a spreadsheet administered by the Town Clerk.

11. Secondary Request to View Data

11.1 A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:

- The request does not contravene, and that compliance with the request would not breach, current relevant legislation (eg. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc).

- Any legislative requirements have been complied with (e.g. the requirements of the Data Protection Act 1998).
- Due regard has been taken of any known case law (current or past) which may be relevant (eg. R v Brentwood BC ex p. Peck).
- The request would pass a test of 'disclosure in the public interest'.

11.2 If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

- In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
- If the material is to be released under the auspices of 'public well-being, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.

12. The Media

12.1 Where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident will be taken into account. In all cases of media disclosures for the purposes of this clause the police authority will have the sole discretion of disclosure.

13. Training

13.1 All staff that handle or manage personal data derived from the CCTV system will receive appropriate training in the following fields:

1. Recognition of a subject access request
2. Recognition of a request to prevent processing likely to cause a Data Subject unwarranted damage or to prevent automated decision taking
3. The use of appropriate forms
4. What action to take on receipt of a request
5. How enquirers might be provided with a copy of this policy
6. How enquirers might make a complaint about the CCTV system either to the owner or Information Commissioner

14. Complaints

14.1 Any use of the CCTV system or materials produced which is outside the policy and is inconsistent with the objectives of the system will be considered gross misconduct.

14.2 Misuse of the system will not be tolerated; continuing public support is vital. Any person found operating outside this policy without good and reasonable cause will be dealt with under the Council's disciplinary system. If any breach constitutes an offence under criminal or civil law then court proceedings may be taken.

14.3 Any complaint concerning misuse of the system will be treated seriously and investigated by the Town Clerk. The Town Clerk or Governance and Projects Manager will ensure that every complaint is acknowledged in writing within seven working days, which will include advice to the complainant of the enquiry procedure to be undertaken.

14.4 Where appropriate the Police will be asked to investigate any matter recorded by the CCTV system which is deemed to be of a criminal nature.

15. Major Incidents

15.1 In the event of a major incident arising, such as serious public disorder, bomb threats/explosions or serious fires, the Police will be given authority to supervise the CCTV. Such authority will be given by the Town Clerk or Governance and Projects Manager verbally or in writing under the constraints of The Regulation of Investigatory Powers Act 2000.

Appendix 1 Totnes Town Council CCTV Subject Access Request

These notes explain how you can find out what information, if any, is held about you on the CCTV System.

Your Rights

Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of that information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise. Totnes Town Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, the Council is not obliged to comply with an access request unless

- The other individual has consented to the disclosure of information, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual(s)

Totnes Town Council's Rights

Totnes Town Council may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders
- Giving you the information may be likely to prejudice any of these purposes

Fee

A fee of £10.00 is payable for each access request, which must be in pounds sterling. Cheques should be made payable to 'Totnes Town Council'.

THE APPLICATION FORM: (N.B. ALL sections of the form must be completed. Failure to do so may delay your application.)

Section 1

Asks you to give information about yourself that will help the Council to confirm your identity. Totnes Town Council has a duty to ensure that information it holds is secure and it must be satisfied that you are who you say you are.

Section 2

Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent full face photograph of you.

Section 3

You must sign the declaration. When you have completed and checked this form, take or send it together with the required TWO identification documents, photograph and fee to:
Data Controller, Totnes Town Council, The Guildhall Offices, 5 Ramparts Walk, Totnes TQ9 5QH.

Totnes Town Council CCTV Subject Access Request Form

This form is used to confirm the identity of the Data Subject, the identity and authority of the applicant (where applicable) and to assist in locating personal data relating to the Data Subject.

Please complete it and send it to the address at the end of the form. If you need any help please call 01803 862147.

SECTION 1

Data Subject's full name.....

Date of Birth.....

Address

.....

.....

.....

.....Post code.....

Telephone No.....

E-mail address.....

(a) Are you the Data Subject? Yes / No

If you answered 'Yes', go straight to Question 3. Otherwise, please provide the information below.

Your full name.....

Address

.....

.....

.....

.....Post code.....

Telephone No.....

(b) If you are NOT the Data Subject, state your relationship to them.

What is your relationship to the Data Subject?.....

(c) If you are NOT the Data Subject, describe your entitlement to receive details of their personal data, and the written authority enclosed (e.g. from the Data Subject) which supports this entitlement.

Why are you entitled to their Personal Data?.....

What written authority have you enclosed?.....

Our search for information relating to the Data Subject will be based on the information provided below.

CCTV footage (please tick).....

Date and time of incident when you believe image was captured (within 1 hour).....

Location of incident.....

Brief description of incident.....

Brief description of the clothing worn by the Data Subject at time of incident.....

SECTION 2

We must see the original documents and we cannot accept photocopies. Note that Totnes Town Council will return all documents as soon as possible via recorded delivery. If you deliver your documents in person we will return them to you after verification - please call 01803 862147 for further information.

(a) You must **confirm the Data Subject's identity** by sending one of the documents listed below.

Please tick to indicate which documents you have enclosed.

- i) Full Valid Driving licence issued by a member state of the EC/EEA.....
- ii) Birth Certificate or Certificate of Registry of Birth or Adoption certificate.....
- iii) Full Valid Current Passport or ID Card issued by a member state of the EC/EEA or Travel Documents issued by the Home Office or Certificate of Naturalisation or Registration or Home Office Standard Acknowledgement Letter (SAL).....

If the Data Subject's name is now different from that shown on the document you submit to confirm his/her identity, you must also supply original documentary evidence to confirm the Data Subject's change of name e.g Marriage Certificate, Decree Absolute or Decree Nisi papers, Deed Poll or Statutory Declaration.

(b) You must also **confirm the Data Subject's address** by sending us one of the documents listed below.

Please tick to indicate which documents you have enclosed.

- i) Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter.....
- ii) Council Tax demand in the Data Subject's name for the last quarter.....
- iii) Bank, building society or credit card statement in the Data Subject's name for the last quarter....
- iv) Letter to Data Subject from solicitor/social worker probation officer in the last quarter.....

(c) You must also send us **a recent passport sized photograph of the Data Subject.**

SECTION 3

In exercise of the right granted to me under the terms of the Data Protection Act 1998, I request that you provide me with a copy of the personal data about the Data Subject which you process for the purposes I have indicated overleaf.

I confirm that this is all of the personal data to which I am requesting access. I also confirm that I am either the Data Subject, or am acting on their behalf.

Signed.....

Print name.....

Date.....

Make sure you have:

- (a) completed this form

(b) signed the declaration above

(c) enclosed originals of identification documents

Send to: **Data Controller, Totnes Town Council, The Guildhall Offices, 5 Ramparts Walk, Totnes TQ9 5QH.**

We recommend that you send your form and documents by a secure method e.g. Recorded Delivery.

SECTION 4 – FOR OFFICIAL USE ONLY

Application checked and legible? Date Application received.....

Identification documents checked?.....

Details of Document Produced.....

.....

Documents Returned?.....

Member of staff completing this section

Name Location.....

Signature Date.....

Request - Granted / Denied

If Granted, please complete the following section:

Camera Number.....

Operators Details.....

Video Print Log Reference Number.....

Master DVD Reference Number.....

Date of Issue.....

Subject Access Signature or Proof of delivery address.....

.....

CCTV Managers Name.....

CCTV Managers Signature.....

Comments.....

.....

.....

Before returning this form

- Have you completed ALL Sections in this form?

Please check:

- Have you enclosed TWO identification documents?
- Have you signed and dated the form?
- Have you enclosed the £10.00 (ten pound) fee?

Further Information: These notes are only a guide. The law is set out in the Data Protection Act, 1998.

Further information and advice may be obtained from: **The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel. (01625) 545745**

Appendix 2

Totnes Town Council
The Guildhall Offices
5 Ramparts Walk
Totnes
TQ9 5QH

Date:
Telephone:
Direct Dial:

My Ref:

Ask for: Extension:

Dear Sirs,

Authority to view / request copy of CCTV-digital hard drives.

In accordance with Totnes Town Council's CCTV Policy, please permitto
view the digital hard drives following a recent incident.

a. OIS log Number and Date or Crime Reference Number

OR

b. Which occurred at about(time/date/location)

i. I also ask that you retain the original exhibited master copy DVD(s) and produce an
exhibited working copy with a supporting statement of evidence if required. (The Master
DVD(s) must be retained under secure storage until the Police Liaison Officer confirms
criminal proceedings have concluded).

ii. IN RELATION TO MAJOR INCIDENTS ONLY – that you produce a master and working copy
DVD(s) from the digital hard drive and hand both to the officer against signature.

Yours faithfully

.....
Requesting Officer

.....
(Printed surname)

Time.....



COUNCIL ASSETS & PUBLIC REALM WORKING GROUP NOTES

TUESDAY 21ST February 2023, 12PM

Present: Cllr Adams (Chair), Cllr Hodgson, Cllr Piper, Cllr Price.

Absent: Cllr Collinson, Cllr Skinner

Officers: Town Clerk

1. To note the minutes of the last CA &PR Working Group.

The minutes of the last meeting were agreed as accurate and noted.

2. Matters Arising from the last meeting - October 2022

Matters arising and actions as below:

a) A381 Roundabout - it was agreed to wait until DCC have reviewed and adopted a new policy on roundabouts.

b) It was **RECOMMENDED** to Council Matters that TTC should write to SHDC regarding the future of waste services, including split collections of waste from public bins and commercial waste collection in Totnes.

c) It was agreed that whilst planning permission should be applied for a good interim measure for the Civic Hall doors is to paint them to match the ramp entrance side. This saves the Council money but still allows for the replacement as required in the next few years.

3. To consider Civic Hall Occupancy Options – Update

A verbal update was given on the occupancy. Subject to planning permission and structural surveys the additional exits should increase the hall capacity to 520 from 305. Cllrs asked for thanks to be extended to Christina for her work on this.

4. To consider a defibrillator in Totnes- donated by WWU

It was agreed to thank WWU for the offer and request a grant, some of which to be used to upgrade existing defibrillators, to consider possible need for a new additional location with a community partner, and any remaining balance to be used for community events for local residents (such as the Christmas Light Switch On). It was agreed that the Town Council should not take on the insuring and maintenance of further defibs. ACTION: Sara to reply to WWU.

Councillors should note there is already a page on the TC website on defibs

- <https://www.totnestowncouncil.gov.uk/your-community/information/town-defibrillators/>

5. To note any update on the Market Square project - interim uplift and longer term

The latest on the Market Square was noted. Advice on permission to fit the remaining mosaic panels is being sought and Lisa is chasing the pillar arts project with local schools. The Clerk was asked to write to SHDC to express serious concerns about the current state of the Civic Hall steps and the impact of the new Piano bar (due to open this year) and it being their only emergency exit. ACTION: Clerk to write to Laura Wotton at SHDC.

6. To note an update on an Enerveo quote - Additional Streetlighting on the Totnes, Cycle Track from Dartington Lodge to Borough Park Road

Lighting along the cycle track. The cost and impact on wildlife was raised. It was agreed not to pursue this project further.

7. To consider continued funding for Totnes Meadows and work on the Cemetery and Castle Meadow

The proposal from Park Life was considered. Concerns were raised about the Smithfields and Railway boundary proposals. It was **RECOMMENDED** to Council Matters that Park Life be asked to proceed with the Cemetery roundabout and Chapel area works and to submit a map and plans for the Railway area to ensure no interference with plots. Budget wise the proposal is to allocate £1000 from the Climate Change budget and request up to a further £700 from Cllr Hodgson in May 23 from her renewed Locality budget. ACTION: Sara to add recommendation to Council Matters. Maiken to respond to Park Life asking for further information on the Railway area. Maiken to submit a rejigged Climate Change budget to Council Matters for approval. Jacqi to verbally update the Climate Emergency Working Group.

8. Date of the next meeting: Tuesday 20th June 2023, 12pm

The date of the next meeting was noted.

9. AOB - The office approval was noted and Cllrs asked for thanks to be extended to Sara for her work on this.