



AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 10TH FEBRUARY 2025 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 10th February 2025 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam, E Price and T Robshaw.

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 13th January 2025 and update on any matters arising. Document attached.

3. BUDGET MONITOR

To consider the Budget Monitor including (documents to follow):

- a. The reserves projection.
- b. Proposed earmarked reserves and budget expenditure.
- c. The Community/Economy /Environment and PR and Strategic Priorities budgets.

4. STRATEGY DELIVERY WORKING GROUPS

To consider:

- a. the format and frequency of the Working Group and Strategy Delivery Group meetings; and any budgetary recommendations from the following (document attached):
- b. Community Working Group, 6th January 2025.
- c. Economy Working Group, 15th January 2025.
- d. Environment and Public Realm Working Group, 29th January 2025.

5. COUNCIL RISK ASSESSMENTS

To consider a summary of the Council's Risk Assessments. Document attached.

6. ASSET TRANSFER POLICY

To consider a draft Asset Transfer Policy for the Council. Document attached.

7. COUNCIL GRANTS POLICY

To review the Council Grants Policy and proposed timeline and budget for 2025/26. Document attached.

8. CLOSED-CIRCUIT TELEVISION POLICY

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

9. PENSIONS DISCRETION POLICY

To review the Pensions Discretion Policy. Document attached.

10. BULLYING AND HARASSMENT POLICY

To review the Bullying and Harassment Policy. Document attached.

11. FIXED ASSET REGISTER

To note the Council's Fixed Asset Register. Document attached.

12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 10th March 2025 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)*

13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

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

14. GUILDHALL COTTAGE GARAGE

To note an enquiry about the ownership of the Guildhall Cottage Garage (legal). Verbal update.

15. STAFFING UPDATE

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

Catherine Marlton
Town Clerk
5th February 2025

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.

ITEM 2 CONFIRMATION OF MINUTES



DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 13TH JANUARY 2025 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), C Beavis, T Bennett, J Chinnock, J Hannam (from 1858) and T Robshaw.

Apologies: Cllr Price and Hannam (running late).

In Attendance: Cllrs Auletta, Collinson and Cummings, C Marlton (Town Clerk).

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

Cllr Collinson asked to speak on item 4b relating to the Economy Working Group. It was **AGREED** to suspend standing orders to allow debate at the appropriate time on the agenda.

The Committee will reconvene to consider the following items:

2. CONFIRMATION OF MINUTES

To approve the minutes of 9th December 2024 and update on any matters arising.

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

3. RESERVES POLICY

To review the Reserves Policy.

To **RECOMMENDED** to Full Council that the policy is amended to reflect a minimum of 3-6 month in General Reserves.

4. BUDGET MONITOR

To consider the Budget Monitor including:

d. The reserves projection.

Noted.

e. Proposed earmarked reserves and budget expenditure.

To **RECOMMEND** to Full Council the creation of the following Earmarked Reserves:

Reserves Impact 2024/25		
Reserves at the start of 2024/25	£694,039	
Expected 2024/25 outturn (spend from reserve)	-£1,983	
Earmarked reserve (EMR) - Green Travel	£5,993	Already agreed
Earmarked reserve (EMR) - Van replacement	£20,000	Already agreed
NEW - Suggested EMR - Council website	£8,000	RECOMMEND to Full Council
NEW - Suggested EMR - Replacement of Christmas Lights	£30,000	RECOMMEND to Full Council
NEW - Suggested EMR - Civic Funeral	£1,000	RECOMMEND to Full Council
NEW - Suggested EMR - Emergency Capital Repairs	£100,000	RECOMMEND to Full Council
NEW - Suggested EMR - Community facilities (from Strategic Priorities underspend)	£45,000	RECOMMEND to Full Council
NEW - Suggested EMR - Devolution/Transfer of Assets/Localism	£50,000	RECOMMEND to Full Council
Total est EMR at end 24/25	£259,993	RECOMMEND to Full Council
Total est general reserves end of 24/25	£436,029	

f. The Community/Economy /Environment and PR and Strategic Priorities budgets.

To **RECOMMEND** to Full Council the proposed allocations (highlighted) for: a one off 'tidy up by an external contractor (£10K); and transport feasibility Phase 1 (£10K).

The Committee **AGREED** allocations for: vehicle activated signage purchase (£6K); new bins phase 1 (£5K); Vire Island tidy up (£2.5K); community mapping (£5K); and the removal of £1.5K allocated to community composting in the current financial year.

Community Development 24 25		
Environment/Public Realm		
Committed and spent	5057	
Green travel - Vehicle Activated signage	6000	AGREED by Council Matters
Community Composting Survey	300	Agreed previously
Community composting - next steps after further discussion	0	It was AGREED to remove this £1500 item from the budget plan for the current year
New Bins Phase 1	5000	AGREED by Council Matters
Initial tidy up Vire Island	2500	AGREED by Council Matters
One off 'tidy' up by external contractor	10000	RECOMMENDATION to Full Council
TOTAL	28857	
OVERSPEND	7762	
Economy		
Committed and spent	675	Previously agreed
Transport Feasibility Phase 1	10000	RECOMMENDATION to Full Council
TOTAL	10675	
UNDERSPEND	4325	

Community		
Committed and spent	39328	
Community mapping	5000	AGREED by Council Matters
50% generator cost	355	Previously agreed
TOTAL	44683	
UNDERSPEND	5817	
Strategic Priorities		
Away Day	473	Previously agreed
Emergency resilience grants	15000	Previously agreed
TOTAL	15473	
UNDERSPEND	50859	Please note that £45000 of this underspend is proposed for allocation to Community Facilities EMR
Total Community Development budget	152927	
Total proposed expenditure	99688	
Total UNDERSPEND	53239	

5. DRAFT 2025/26 BUDGET

To consider an initial draft budget for financial year 2025/26 (document attached). Recommendations to Full Council needed on:

a. Annual budget for 2025/26.

To **RECOMMEND** to Full Council the Annual Budget for 2025/26 as drafted, with the caveat that the Community Development budgets are reviewed by each Working Group to ensure that the outlined projects are the priorities.

b. Anticipated spend from Reserve in 2025/26.

To **RECOMMEND** to Full Council the anticipated spend from Reserve in 2025/26 as drafted, noting that the figures are based on estimated year-end figures for 2024/25.

6. MAYOR'S ENGAGEMENTS AND BUDGET

To consider the Mayor's engagements since October 2024 and the current budget.

The Mayor's engagements and budget was **AGREED** unanimously.

7. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 10th February 2025 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)*

8. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for September (financial).

These were reviewed and **AGREED**.

9. STAFF ATTENDANCE

To note sickness and overtime balances (personal details).

Noted.

10. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing).

None.

The meeting closed at 8.20pm

Catherine Marlton

Town Clerk

January 2025

ITEM 4 – STRATEGY DELIVERY WORKING GROUP RECOMMENDATIONS

4a. Community Working Group, 6th January 2025.

No recommendations.

4b. Economy Working Group, 15th January 2025.

Item 2 - To discuss a mid-summer festival : link to TTT celebrations / other ideas/ theme of wellbeing and community / cycle event / community picnic / Pilates in the park (vire) / who and how to organise. It is **RECOMMENDED** to Council Matters that £3,000 of the Economy budget be allocated for the support of this event in expanding into the evening and potentially events on the Sunday.

Item 3 - To discuss a potential partnership with Dartmouth and/Dartington on events marketing It is **RECOMMENDED** to Council Matters that £500 be allocated from the Economy Working Group budget to support this marketing project.

4c. Environment and Public Realm Working Group, 29th January 2025.

Item 2a - **To discuss the locations in the town for larger heritage style bins (PRD2.f).**

It was **AGREED** that the street scene would be improved if all bins were of the same colour to provide continuity throughout the town.

To **RECOMMEND** to the Council Matters Committee that the seven new extra-large heritage style litter bins replace existing bins in the following locations (see attached image):

- 1 at front of Civic Square (removing two existing black bins).
- 1 by Birdwood House/end of Civic Hall ramp (removing one existing black metal bin).
- 1 on pavement outside St Mary’s Church on the High Street (removing one existing black bin).
- 1 at Heath Gardens (removing one existing black bin)
- 1 on The Plains near Fone Shop/Curator (removing one black bin).
- 1 on Vire Island, bottom of the ramp (removing one black bin).
- 1 held in reserve for placement.

and

To **RECOMMEND** that the Town Council:

- Relocates the removed black bins to replace the green bins on High Street up from Birdwood House, Happy Apple and near the corner of Castle Street. [Post-meeting note: the TMO suggests that the bin is located further away from the Butterwalk – it is currently very close to a pillar and presents a fire risk.]
- Removes one of the two existing green metal bins near the Dartmouth Inn to near the posts on The Plains where there has previously been a bin.
- Relocates the metal bin from the Civic Square to the bus shelter on Coronation Road to increase capacity from the post-mounted bin currently in place.

Item 2a. Bins to be replaced by Extra-Large Heritage Bins:



Green bins to be replaced by black bins:



Bins near Dartmouth Inn and proposed removal of one bin and place a black bin next to the pillar posts on The Plains:



Item 3 – Bus Shelters (PRD2). To consider a request from Bridgetown Alive to fund the placing of maps in Totnes, including in the TTC shelter on Higher Westonfields.

It was **AGREED** that the request was supported for use of the Coronation Road and Higher Westonfields Bus Shelters, which is **RECOMMENDED** to the Council Matters Committee. However, more information is required in terms of costs, fabric for the sign which will last (for example printing on metal) and consideration of additional points, for example at Steamer Quay (near the Galleon, by the public toilets, under the flag pole), outside Seymour Court in the flowerbed.

Item 5a – Budget 2024/25 (current year).

Noted. The Vehicle Activated Signage could be more expensive than the £6K budgeted – there will be an update following the Traffic and Transport Forum.

Item 5b – Budget 25/26 (next year).

Noted. This will be discussed in more detail at the next meeting and the proposed allocations are supported at this time.

ITEM 5 – COUNCIL RISK ASSESSMENTS

<u>Area/ activity</u>	<u>Date completed</u>	<u>Risk</u>	<u>Findings</u>	<u>Action required</u>	<u>By whom?</u>	<u>By when?</u>	<u>Action taken</u>
Finance	Apr-24	Inadequate maintenance of buildings etc.	Buildings conditions survey carried out in January 2018 and all appropriate recommendations were actioned. The 2024/25 budget includes allocations for replacing the Civic Hall Annexe roof and the Chapel roof as well as allocations for general maintenance of all the Council’s buildings. The Town Maintenance Officer (TMO) has responsibility for the Town Council’s facilities, buildings and assets specified in his job description and carries out regular monitoring checks	Continue to monitor the conditions of the buildings and consider the need for a new conditions survey when appropriate	Town Clerk & TMO	Ongoing	New conditions surveys carried out in 2024 and TMO is working through the findings. TMO will carry out repair work where possible or arrange contractors for larger works.
		Loss of data through system failure or theft.	Finance and Payroll packages backed-up to server on completion of each input session. Sever backed-up daily to icloud. Anti-virus software installed on server. Contractor used for all hardware and software issues	Establish written terms of service with IT support contractor.	Clerk	By end of Aug 2023.	Completed.
Fire - Civic Hall	29/10/2024	Fire	Fire-resisting doors are not maintained in sound condition and self-closing.	To refit/ renew all fire doors to the correct standard. In line with codes of practice	Town Maintenance Officer	By end of April 2025	

		Fire	Compartmentation is not of a reasonable standard.	To seal any open voids between compartments to prevent fire spread between floors. Two 12.5 mm plasterboards with plastered finish to provide an hour fire resistance.	Town Maintenance Officer	By end of Dec 2024	
		Fire	Southhams District Council have authorised the storage of 3 waste receptacles under our fire exit and next to our ground floor window. We are currently concerned and in direct discussion to have these receptacles removed as a matter of urgency to prevent antisocial behaviour from setting fire to the bins.	To request Southhams Council remove trade waste bins from the Market Square.	Town Maintenance Officer	W.i.e.	Done and being monitored.
		Fire	Weekly Market held by South Hams District Council on market square including under the Civic Hall.	Request Emergency Action Plan and Fire Risk Assessment from Southhams District Council for the weekly Market to enable both Fire Risk Assessments to work in conjunction with each other.	Town Maintenance Officer	W.i.e.	
		Fire	Lack of separation between compartmentations both in Council owned property and Birdwood Court property.	Request Fire Risk Assessment from Birdwood Court to enable our Fire Risk Assessment to work in conjunction with theirs. Especially where our Flying Freehold sits over their property.	Town Maintenance Officer	W.i.e.	

		Fire	Two market trader storerooms below The Green Room and boiler room of Civic Hall. These are not areas controlled by the Town Council. Gas utility meter for Civic Hall in larger store. Trader access to both these rooms for storage of Market items.	Consider installing a Heat detector into the Market storerooms that is linked to our Fire Alarm system.	Town Maintenance Officer	W.i.e.	
Fire - Guildhall	04/01/2025	Fire resulting from smoking and candles	Candles seen in cottage during conditions survey.	Lettings Agency to notify Guildhall Cottage tenants not to use candles.	Lettings and Finance Officer	W.i.e.	Done.
		Fire	Fire extinguishers are situated in the Guildhall on the ground and first floors, and in the Guildhall Offices on the ground and first floors.	Training on using Fire extinguishers to be given to staff.	Town Maintenance Officer	By 31/3/25	
		Fire	L3 alarm system requires updating and a repeater panel fitted to allow Responders to interrogate panel without entering the building.	Repeater to be fitted	Town Maintenance Officer	By 31/3/25	
		Fire	Further familiarisation visits by the Fire Service and evacuation exercise required.	To be scheduled.	Town Maintenance Officer	By 30/6/25	
		Lack of means of giving warning in the case of fire.	It is currently necessary to walk through the entire building to interrogate the Fire Panel.	Consideration is being given to extending the fire warning and detection system to include the basement as this area is to be brought into use as a workshop for non-hazardous work. It is also being proposed to provide a remote (repeater	Town Maintenance Officer	By 31/3/25	

				panel) at the main entrance to the offices along with zone plans and other relevant information for first responders.			
		Salvage of irreplaceable artifacts	The list exists of artifacts that should be salvaged by the Fire Service if possible in the event of a fire has not been recently reviewed.	The Artifacts list should be checked and updated where necessary. Once updated a copy of the list should be sent to Devon and Somerset Fire and Rescue Service (DSFRS) for logging onto the Operational Risk Information that is available to operational crews.	Administrator	By 31/3/25	
		Fire spread	Ground Floor: Office off Reception 2 and Cell 3 do not have fire doors fitted.	Doors to be changed to a 30 minute fire doors.	Town Maintenance Officer	By 30/6/25	
		Fire spread	There are air vents into the corridor from cells 1, 2 & 3 in the ground floor offices.	Block in the air vents.	Town Maintenance Officer	By 30/6/25	
		Fire spread	Part of the ceiling is missing in the basement/cellar.	Fill in the void with 60min fire resistance	Town Maintenance Officer	By 31/8/25	
Legionella - Civic Hall & Guildhall	10/01/2025		None				

Civic Hall	10/01/2025		None				
Guildhall	10/01/2025		None				
Guildhall Offices	10/01/2025		None				
Lightning	14/10/2024		None	Annual inspections carried out by professional contractor.			
Totnes Cemetery	10/01/2025		None				
Castle Meadow	10/01/2025		Cattle trough near Castle Hill entrance containing water that is not readily drained and may contain water borne diseases which could cause gastric illness.	Remove cattle trough to eliminate risk.	Town Maintenance Officer	By 28/2/25	
Trees	15/10/2024		Totnes Cemetery: T002 (Willow) - Vitality poor. Bark death- major @ 1 metre from ground level. Minor deadwood within canopy (<50mm in diameter).Prolific ivy restricting visual inspection of tree. Dieback within canopy.	Town Maintenance Officer to arrange tree surgeons to pollard tree at 2 metres from ground level retaining a stump for ecological purposes.	Town Maintenance Officer	By 10/4/25 (6 Months)	
			Totnes Cemetery: TO912 (Bird cherry) - dead tree.	Town Maintenance Officer to arrange tree surgeons to sectionally dismantle and fell - tree marked with paint.	Town Maintenance Officer	By 10/4/25 (6 Months)	
			Totnes Cemetery: TO013 (Common Ash) - Vitality poor. Ash Dieback Health Class 4: 0% to 25%.	Town Maintenance Officer to arrange tree surgeons to sectionally dismantle and fell.	Town Maintenance Officer	By 10/4/25 (6 Months)	
Bus shelters	10/01/2025		None				

Display screen equipment	Reviewed annually or new ones completed when new staff start or staff move desks.		Individual risk assessments on file for all staff.	Any actions required as a result of the DSE risk assessments completed by staff are addressed immediately.	Finance & HR Manager	Completed.	
Lone working	Reviewed annually or new ones completed when new staff start who may be required to work alone.		Individual risk assessments on file for relevant staff. For the Guildhall Offices it has been agreed that the offices will be closed to the public if staff find themselves lone working due to staff sickness or leave.	Any actions required as a result of staff lone working risk assessments are addressed immediately.	Clerk and Finance & HR Manager	Completed	
Events & Other	When required.		Individual risk assessments for each event are on file.	Any actions required are addressed at the time of the event. All individuals identified to take action or involved in the management of the event/activity receive a copy of the risk assessment.	Clerk and Finance & HR Manager & any staff identified in the individual risk assessments	Completed at time of the event/activity.	
New and expectant mothers	When required.		Individual risk assessments on file.	Any actions required are addressed at the time of the risk assessment.	Finance & HR Manager	Completed at the time of the risk assessment.	



DRAFT Asset Transfer Policy

TOTNES TOWN COUNCIL

FEBRUARY 2025 COUNCIL MATTERS

MARCH 2025 FULL COUNCIL

1. Introduction

- This policy provides a framework and set of guidelines for Totnes Town Council to evaluate the transfer of assets or services from other authorities or organisations.
- It outlines the due diligence requirements, assessment criteria for both assets and services, and essential initial questions to develop a comprehensive business case.

2. Key Assessment Principles

a. Asset Evaluation Criteria Each potential asset transfer will be evaluated based on the following criteria:

- **Ownership and Tenure**
 - Determine whether the asset is owned or leased by the transferring authority.
 - Establish whether the transfer involves freehold or leasehold ownership.
 - Ensure all necessary legal due diligence of title is carried out by legal advisors and include appropriate searches and enquiries are raised. Indemnities and where appropriate indemnity insurance, will be required where advised as necessary.
- **Occupancy and Use**
 - Identify any current lessees, tenants or other occupiers and obtain and examine terms of occupancy agreements. Obtain specialist legal advice on the occupancy agreements as part of the due diligence of the acquisition.
 - Review any restrictions, covenants, obligations or agreements that may affect the future use or disposal of the asset in the title.

- Undertake due diligence in connection with the occupiers including details of any rent or service charge arrears, any legal claims or disputes or threatened claims or disputes involving the transferring authority. Agree a formula for dealing with the arrears on transfer. Also any ongoing or potential insurance claims,
- Legal advice may be necessary to confirm whether existing tenant agreements will transfer to Totnes Town Council and to address potential future liabilities related to these agreements.
- **Condition and Maintenance**
 - Review any available condition surveys, noting that independent assessments may be advisable.
 - Examine existing maintenance plans, historical maintenance spending, and current condition.
 - Request new structural or conditions surveys as necessary and liaise with the Town Council insurers from the outset regarding asset condition.
 - Determine whether Totnes Town Council is expected to assume responsibility for current or deferred maintenance obligations upon transfer; obtain legal input on potential indemnities or warranties from the transferring authority regarding the asset's condition.
 - Agree a method and timescale for the takeover of repair responsibilities up to the day of completion depending on the urgency of the repair.
- **Statutory Testing and Compliance**
 - Confirm the status of statutory testing (e.g., electrical, gas, asbestos surveys, RoSPA) to ensure compliance and ensure all are up to date.
 - Obtain details of any breaches and action to date.
 - Include provision to ensure responsibility for statutory testing is clarified before the transfer. Seek legal guidance on any compliance certifications required to avoid future liability.
- **Financial Implications**
 - Assess operational expenses such as business rates, insurance, and ongoing costs including training and additional staff.
 - Check the date of the last insurance valuation and consider potential cost adjustments.
 - Request a breakdown of income and expenditure related to the asset over a representative period (e.g., 5-10 years).
 - Determine if financial support accompanies the transfer or if the asset will be brought up to standard prior to transfer.
 - To request and consider a record of insurance claims history including any ongoing or potential claims.
 - Verify whether the council's insurers require any specific conditions for liability coverage or if exclusions apply for certain types of assets. Seek advice on insurable risks and conditions.
 - Consider any existing service or maintenance contracts and the implications of keeping them or terminating them.
 - Identify any debts and goodwill if the transfer is of a business asset and obtain legal advice regarding the same.
- **Strategic Fit and Risk Assessment**
 - Evaluate the asset's development potential or intrinsic value and identify any risks, including any historic or current complaints or proceedings.

- Liaise with the Police and local community groups or residents to understand if there is a history of anti-social behaviour to consider.
- Determine if the asset is listed or protected and if it aligns with the council's broader strategic or long-term plans.
- Clarify if legal protections or indemnities are advisable for risks related to listed or protected assets. Obtain legal advice on clauses to limit liability in cases of unforeseen regulatory changes.

b. Service Evaluation Criteria Transferred services should align with Totnes Town Council's strategic priorities and be assessed based on the following:

- **Nature of Service**
 - Establish whether the service is statutory or discretionary.
 - Define baseline standards, requirements, and legal compliance obligations.
 - Seek legal input on any specific compliance standards for statutory services, including penalties or liabilities for non-compliance.
 - Identify notification obligations upon acquisition of the asset including statutory or to other third party bodies or agencies.
- **Fit with Council Capabilities**
 - Evaluate Totnes Town Council's capacity to manage and deliver the service effectively.
 - Assess resource needs, including any skills, equipment, or facilities required.
 - Legal and HR advice may be required to address workforce needs, especially where additional qualifications or certifications are needed.
- **Financial and Staffing Considerations**
 - Review budget implications, including any financial support, revenue sources, and ongoing costs.
 - Determine if TUPE (Transfer of Undertakings Protection of Employment) applies and conduct due diligence on staffing needs, performance, and employment terms.
 - Assess any impacts on the council's staffing structure, salary grades and collective agreements.
 - Seek specific advice on employment law and TUPE implications to prevent future liabilities. Clarify if indemnities or warranties may be needed from the transferring body regarding employment obligations.

c. Business Case Development A business case must be prepared for all potential transfers to ensure clarity and informed decision-making. Core questions to address include:

- **Rationale for Transfer**
 - Understand why the transferring authority wishes to divest the asset/service and its importance.
 - Clarify what is being transferred, including any limitations.
 - Request legal advice on potential restrictions or limitations that may not be immediately apparent but could impose future liability on Totnes Town Council.
- **Strategic and Operational Fit**
 - Assess how the transfer aligns with Totnes Town Council's strategic plans and any relevant district plans.

- Ensure legal guidance is obtained if strategic alignment creates any implied long-term obligations or restrictions on council activities.
- **Support and Future Obligations**
 - Determine the level of support available if Totnes Town Council assumes responsibility, as well as implications if the transfer does not proceed.
 - Consult insurers to verify future obligations and ongoing liability coverage; confirm any specific legal clauses to clarify support expectations or indemnities.

- **Transparency and Community Engagement**

Totnes Town Council recognises the importance of engaging with the community in a transparent and inclusive manner to ensure that any asset or service transfer reflects the needs and aspirations of its residents. As part of this process, the following considerations will be addressed:

- Stakeholder Mapping: Identify and consult with relevant community stakeholders, including local user groups, residents, and other interested parties, to ensure broad representation of views.
- Assessment of Interest Group Proportionality: Evaluate the size and representativeness of the interest groups supporting or opposing the asset transfer. Consider whether the level of interest is proportionate to the broader community's needs and priorities, ensuring resources are allocated equitably.
- Consideration of Pressure Groups and Agendas: Identify any active pressure groups or advocacy agendas related to the asset or service. Assess their motivations and potential influence on public opinion and decision-making, ensuring that Council decisions remain impartial and focused on the broader public interest.
- Transparent Communication: Clearly outline the Council's decision-making process, potential impacts of the transfer, and how feedback will be incorporated. Ensure this information is accessible to all sectors of the community.

3. Approval and Governance

- Each potential transfer will be reviewed by Totnes Town Council, with final approval subject to a comprehensive review by professional advisers as needed. This will follow the usual processes of operational investigation by officers, informal engagement with members and partners, committee and final ratification by Full Council.
- The Council will refer to relevant best practice guidelines and ensure alignment with all legal and regulatory requirements.
- The Council is required to ensure they have the legal and regulatory requirements to spend public funds on the service or asset.

4. Legal and Insurance Considerations

- The Council must include specific steps to involve legal and insurance advisors throughout the transfer process, especially in drafting and approving terms regarding liability, indemnity, and potential future claims and carrying out all necessary legal due diligence and to ensure all post completion matters (e.g registration at Land Registry) are carried out.
- Where there are either know liabilities existing or potential liabilities that will remain unsettled at the time of transfer, there shall be a need to obtain an indemnity for the benefit of Totnes Town Council. This will need to be by way of a direct indemnity from the transferring body or an indemnity policy where appropriate.

5. Policy review and monitoring process

This policy provides a structured approach for evaluating asset and service transfers, incorporating due diligence throughout. Regular reviews and updates of this policy are recommended to maintain alignment with evolving legal standards and Council objectives.

Checked by Tozer's January 2025

Author – Totnes Town Council

ITEM 7 - COUNCIL GRANTS POLICY

Full Council has confirmed a budget of £30K allocated for Council Grants in financial year 2025/26. The following proposed timeline is suggested for the council grant funding application process to ensure summer projects/activities can be met:

24 March – any grant application process opens.

8 May – grant applications close.

19 May – Council Matters Committee considers grant applications and makes a recommendation to Full Council on allocations.

2 June – Full Council considers grant application recommendation.

3 June – Applicants informed.



Council Grants Policy

TOTNES TOWN COUNCIL

AGREED FEBRUARY 2024

NEXT REVIEW FEBRUARY 2025

The Totnes Town Council Grant Scheme is designed to support local charities and community organisations providing services or events within the Totnes parish boundary. This policy sets out the criteria for applying for a grant from the Town Council, regardless of which grant fund is being applied to (for example, community, arts/events).

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 the 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 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.
- 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 cost of living crisis.
- Costs associated with youth support, mental health, bereavement and emotional needs, not already funded as a statutory service.
- Organisation of a community arts event which is open to town participation and attendance.

The following guidelines should be considered:

- The grant period will be for the financial year in which it is granted and applicants are asked to submit a six month progress update as well as an end of project completion statement (should the project run longer than six months).
- 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

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 annual 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 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.



Close-Circuit Television (CCTV) Policy

TOTNES TOWN COUNCIL

AGREED MARCH 2023

NEXT REVIEW MARCH 2025

This Policy outlines the principles for the Council's use of CCTV around the exterior of the Guildhall building and Civic Hall. [Proposed new text in red at serials 1.1, 1.5, 2.1, 4.4 and 5.1]

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; and
- the Civic Hall external doors on the step and ramp entrances, and the fire exits

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. The Civic Hall CCTV cameras will be linked to a data recorder within the building which can be accessed remotely by authorised users.

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 the historic Guildhall and the Civic Hall.

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, 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 and 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 Offices; and in a secure non-public room at the Civic Hall (where the data can be viewed remotely).

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 days, unless they are required to be used as evidence in any legal proceedings. After 30 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 USBs/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 (e.g. 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 (e.g. 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 2. 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

NameLocation.....

SignatureDate.....

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.....

ITEM 9 – PENSIONS DISCRETION POLICY



Pensions Discretions Policy

TOTNES TOWN COUNCIL

FEBRUARY 2024

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

(as at 14th May 2018)

Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)

Power of employing authority to grant additional pension
(Regulation R31)

An employer can choose to grant extra annual pension* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

**(Please see [our website](#) for the maximum additional pension purchase limit for the current year)*

Policy Decision:

Any request to award additional pension to an active member dismissed by reason of redundancy or business efficiency will be considered by Totnes Town Council on a case by case basis.

Shared Cost Additional Pension Contribution
(Reg 16(2)(e) and R16(4)(d))

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension through a Shared Cost Additional Pension Contribution (SCAPC)

**(Please see [our website](#) for the maximum additional pension purchase limit for the current year)*

Please note: this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, An employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Policy Decision:

Totnes Town Council will not fund any employee's Additional Pension Contributions either in whole or in part.

'Switch on' the 85-year rule
TPSch 2, para 1(2) & 1(1)(c)

Policy Decision:

The 85-year rule does not automatically fully apply to members who would have had the protection under old regulations, and who choose to voluntarily draw their benefits on or after age 55 and before age 60. An employer can decide to switch the 85-year rule back on in full for such members.

Where the Scheme employer does not switch back on the 85-year rule, the member's benefits will be actuarially reduced. However, the Scheme employer can exercise a discretion to waive any actuarial reductions (at cost to the Scheme employer).

Flexible Retirement

Regulation (R30(6) and TP11(2))

An employer can decide whether to permit flexible retirement for staff aged 55 or over who reduce their working hours and/or grade and wish to access their pension benefits.

In such cases, pension benefits may be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds.

The employee must reduce either their hours, and/or their grade and the employer must agree to the release of the pension.

You will need to consider:

- The minimum reduction in hours or grade required.
(The specific reduction required is not set out in the regulations, but instead must be determined by the employer and specified in this flexible retirement policy).
- Whether the employee should commit to a reduction in hours or grade for a minimum period.
- Whether the employee should commit to remaining in employment with the employer for a minimum period

You must also state whether, in addition to the benefits the member has accrued prior to 1st April

The decision to 'switch on' the 85 year rule will be considered by Totnes Town Council on a case by case basis, taking into account factors including the financial cost to Totnes Town Council.

A decision to waive any actuarial reduction will be considered in exceptional circumstances on compassionate grounds.

Policy Decision:

Totnes Town Council will consider employee requests to take flexible retirement on a case by case basis after taking into factors such as service delivery and any costs that may apply. The Town Council will be responsible for agreeing or denying all requests to take flexible retirement.

2008 (which the member must draw), you permit the member to choose to draw:

- All, part, or none of the benefits they accrued after 31st March 2008 and before 1st April 2014 and/or,
- All, part, or none of the benefits accrued after 31st March 2014, and,
- Whether to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement before normal retirement age (R30(8)).

Note: If flexible retirement is agreed for a member aged between 55 and 60, there could be a Strain cost to be paid to the Pension Fund by the employer in respect of the pension benefits paid. There would also be a Strain cost payable by the employer where you have waived any actuarial reduction, in whole or in part.

Waive actuarial reductions to members benefits

TP3(1) & TP3(5), TPSch 2 (para(1), 3(1), 3(2) & 9) B30(5) & B30A(5)

An employer can decide whether to waive in whole or in part any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement

This applies to:

- active members voluntarily retiring on or after age 55 and before Normal Pension Age, who elect to immediately draw benefits, and
- deferred members and suspended tier 3 ill health pensioners who elect to draw benefits (other than on ill health grounds) on or after age 55 and before Normal Pension Age.

Totnes Town Council does not give blanket consent for staff in the Local Government Pension Scheme aged 55 or over to flexibly retire and draw immediate payment of pension benefits. Requests will be referred to Totnes Town Council and assessed on their merits, taking into account such factors as cost and service delivery. Totnes Town Council will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the Town Council.

Policy Decision:

A decision to waive any actuarial reduction will be considered by Totnes Town Council in exceptional circumstances, on compassionate grounds or in circumstances where there will be a financial or other benefit to Totnes Town Council.

Recommended LGPS 2013 & 2014 discretions (non mandatory)

There is no requirement to have a written policy in respect of non-mandatory discretions. However, there are some non-mandatory discretions where it is recommended for Scheme employers to have a written policy so that both members and the Pension Fund administering authority can be clear on the employer's policy on these matters.

<p>Shared Cost Additional Voluntary Contribution Arrangement (SCAVC)</p> <p>R17 (1) and TP15 (2A) and A25 (3) and definition of SCAVC in RSch 1</p>	<p>Policy Decision:</p>
<p>An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution through a shared cost arrangement (SCAVC).</p> <p>An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.</p>	<p>Totnes Town Council will not contribute to any Shared Cost Additional Voluntary Contribution scheme.</p>
<p>Extend the time limit for member to elect for a Shared Cost Additional Pension Contribution (R16(16))</p>	<p>Policy Decision:</p>
<p>An employer can decide to extend the 30 day deadline for a member to elect to purchase additional pension by way of a Shared Cost Additional Pension Contribution (SCAPC) upon return from a period of unpaid absence (other than because of illness or injury, relevant child-related leave or reserve forces service leave).</p>	<p>Totnes Town Council will not extend the deadline.</p>
<p>Extend the 12-month time limit for transfer of pension rights (R100(6))</p>	<p>Policy Decision:</p>

An employer can decide to extend the 12-month time limit for a member to elect to transfer pension rights from another registered pension scheme into the LPGS, if an election has not been made within 12 months of joining the LGPS in that employment.

Extend the 12-month time limit for a member to elect not to aggregate Post 31 March 2014 deferred benefits (R22(7) and (8))

An employer can extend the 12 month time limit for a member to elect **not** to aggregate their Post 31 March 2014 (or combinations of Pre & Post 2014) deferred benefits with their new LGPS employment (or ongoing concurrent LGPS employment), if an election has not been made within 12 months of joining the LGPS in that employment (or within 12 months of ceasing the concurrent membership).

Extend the 12-month time limit for a member to elect to aggregate Pre 1 April 2014 deferred benefits (TP 10(6) as amended by A27 (2018))

Employers can decide whether to extend the 12-month time limit for a member to elect to aggregate their Pre 1 April 2014 deferred benefits with their new LGPS employment that commenced on or after 14 May 2018 in order to purchase earned pension.

How an employee's contribution band will be initially determined and thereafter reviewed (R9 and R10)

Employers must decide how the pension contribution band to which an employee is to be allocated on joining the Scheme will be determined and reviewed at each subsequent April. Circumstances in which the employer will review the pension contribution band will also need to be determined. For example, following a material change which affects the member's pensionable pay during the Scheme year (1 April to 31 March)

Totnes Town Council will not extend the deadline.

Policy Decision:

Totnes Town Council will not extend the deadline.

Policy Decision:

Totnes Town Council will not extend the deadline.

Policy Decision:

Totnes Town Council will allocate employees joining the scheme to the contribution band for employees set out in the LGPS scheme based on actual annual pay. The pension contribution band for each employee will be reviewed whenever their pay changes.

Whether to include a regular lump sum payment when calculating assumed pensionable pay (APP) (Reg 21(4)(a)(iv), 21(4)(b)(iv) and 21(5))
<p>When calculating assumed pensionable pay, employers can decide to include the amount of any ‘regular lump sum payment’ received by the member in the 12 months preceding the date the absence began or the ill health retirement or death Occurred.</p> <p>A ‘regular lump sum payment’ is a payment for which the employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.</p>
Whether to substitute a higher level of pensionable pay when calculating assumed pensionable pay (R21(5A) and 21(5B) backdated to 1 April 2014 by A7 2018)
<p>When calculating assumed pensionable pay (APP), an employer can decide to substitute a higher level of pensionable pay if, in their opinion, the pensionable pay received in the 3 months/12 weeks before the commencement of APP, is materially lower than the level of pensionable pay the member would have normally received.</p>

Policy Decision:
<p>Not applicable – Totnes Town Council does not make regular lump sum payments.</p>
Policy Decision:
<p>Totnes Town Council will make a decision on whether to substitute a higher level of pensionable pay when calculating assumed pensionable pay on a case by case basis.</p>

Pre LGPS 2014 discretions

Discretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 2008 and 31 March 2014

‘Switch on’ the 85-year rule TPSch 2, para 1(1)(c) & 1(2)
Early payment of benefits

Policy decision
The decision to ‘switch on’ the 85 year rule will be considered by Totnes Town Council

The 85-year rule does not automatically fully apply to members who would have had the protection under old regulations, and who choose to voluntarily draw their benefits on or after age 55 and before age 60. An employer can decide to switch the 85-year rule back on in full for such members. This also applies to members with deferred benefits or a suspended tier 3 ill health pension who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60.

Waive actuarial reductions to members benefits B30(5), TPSch 2, para 2(1) B30A(5)

An employer can decide whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

on a case by case basis, taking into account factors including the financial cost to Totnes Town Council.

Policy Decision:

This may be exercised by Totnes Town Council in individual cases on compassionate grounds.

Discretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 1998 and 31 March 2008

Grant application for early payment of deferred benefits R31(2) LGPS Regulations 1997

Employers can decide whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55

‘Switch on’ the 85-year rule upon the voluntary early payment of deferred benefits TPSch 2, para 1(2) & 1(1)(f) & R60

The 85-year rule does not automatically fully apply to members who would have had the protection under old regulations. An employer can decide to “switch on” the 85-year rule in full for a member with deferred benefits voluntarily drawing benefits (on or

Policy Decision:

Totnes Town Council does not give blanket consent for this. Requests will be referred to Totnes Town Council and assessed on their merits taking into account such factors as cost.

Policy Decision:

Requests will be referred to Totnes Town Council. A decision to waive any actuarial reduction will be considered in exceptional circumstances on compassionate grounds.

after 14 May 2018) on or after age 55 and before age 60.

Waive actuarial reductions to members benefits
(R31(5) 1997 & TPSch 2, para 2(1))

An employer can decide whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65.

Policy Decision:

This may be exercised by Totnes Town Council in individual cases on compassionate grounds.

Discretions to be exercised on and after 1 April 2014 in relation to members who ceased active membership before 1 April 1998

Grant application for early payment of deferred benefits
(TP3(5A)(vi), TL4, L106(1) 1997 Transitional & D11(2)(c) 1995 Regs)

Employers can decide whether to grant applications early payment of deferred pension benefits on or after age 50 and before normal retirement age on compassionate grounds.

Policy Decision:

This may be exercised by Totnes Town Council in individual cases on compassionate grounds.



BULLYING AND HARASSMENT POLICY

**TOTNES TOWN COUNCIL
FEBRUARY 2025**

Policy Statement

Employees are Totnes Town Council's most valuable and important resource, and the organisation has a legal, moral, and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us). The organisation is also legally obliged to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.

Totnes Town Council believes that all its employees have the right to be treated with dignity and respect, and that victimisation and all forms of harassment is totally unacceptable and unlawful. We therefore adopt a zero-tolerance approach to instances of bullying or all forms of harassment. This applies to everyone in the organisation, regardless of role or status. You should take the time to ensure you understand what types of behaviour are unacceptable under this policy.

The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

Scope of the Policy

This policy should be read in conjunction with other policies and procedures of the organisation, such as the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors, except for sexual harassment. However, the organisation has a duty of care towards its employees. Therefore, in all cases of bullying or harassment, employees should report any such behaviour to their line manager, who will decide upon the appropriate action.

Aims of the Policy

The information given below shows how harassment and bullying can affect both individuals and the organisation and demonstrates the need for a policy.

The aims of having a bullying and harassment policy are as follows:

- To ensure that all the organisation's employees are treated with dignity and respect.
- To ensure that harassment and bullying, including sexual harassment, is prevented and, if it does occur, that action is taken to stop it.
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work.
- To ensure that all the organisation's employees know what harassment and bullying are and what the organisation's policy is.
- To explain the responsibilities of Members, management, and employees.
- To explain the procedures for dealing with harassment and bullying.

Harassment

4.1 Who is protected from harassment?

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- age
- disability
- gender reassignment
- race (including ethnic origin, skin colour, nationality and national origin)
- religion or belief
- sex
- sexual orientation.

Pregnancy, maternity, marriage and civil partnership are not specifically protected under the legal provisions on harassment. However, the organisation also considers harassment on these grounds to be unacceptable. Any such harassment will be dealt with in the same way as for the characteristics above.

4.2 Definition of harassment

Harassment is defined by ACAS as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of:

- violating an individual's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because their colleagues believe they are homosexual).

4.3 Examples of harassment

Harassment can, for example, take place:

- in a work situation.
- during any situation related to work, such as at a social event with colleagues.
- against a colleague or other person connected to the employer outside of a work situation, including on social media.
- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.

Harassment can also occur in many forms. Examples include:

Sexual orientation harassment:

- Homophobic remarks, innuendos, jokes.
- Offensive actions.
- Physical attack.

Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames.
- Deliberate isolation or different treatment.

Harassment on the grounds of disability:

- Name calling.
- Uninvited, patronising or unnecessary assistance.

Harassment on the grounds of religion or belief:

- Ridicule and religious jokes.
- Scorning of belief.

Age harassment:

- Negative comments generalising about the age group of the individual.
- Exclusion from informal groups such as social events due to the individual's age.

4.4 Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment include:

- asking questions about someone's sex life or discussing their own sex life.
- making sexual remarks about someone's body, clothing or appearance
- telling sexually offensive jokes.
- making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- overt staring, leering, whistling or making sexually suggestive gestures.
- displaying or sharing pornographic or sexual images, or other sexual content.
- making propositions and sexual advances.
- making promises in return for sexual favours.
- unwelcome touching or touching someone against their will, for example hugging, kissing or massaging.
- sexual assault or rape.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

5 Bullying

ACAS states that bullying can be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance; this is not bullying. It is also the manager's role to ensure that corrective processes are put in place when individuals do not reach targets. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses their authority.

It should be noted that bullying does not only occur in manager/subordinate relationships. It can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. elected Members.

Examples of bullying behaviour can include:

- Spreading malicious rumours.
- Making the employee the butt of jokes.
- Aggressive, insulting and unco-operative attitude.
- Destructive innuendo and sarcasm.
- Constant unjustified criticism.
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead.
- Shouting at employees.

- Unreasonable refusal of requests (e.g. leave or training).
- Deliberately ignoring or excluding individuals from activities.
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines.
- Constantly undermining an employee in terms of their professional or personal standing.
- Undervaluing an employee's efforts.
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Totnes Town Council recognises the fact that employees may initially submit to a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

6 Victimisation

Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as a result. Totnes Town Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

7 Responsibilities of Managers, Town Clerk, Employees, Members and Third Parties

7.1 Managers

Managers will have the following responsibilities:

- Compliance with this policy.
- Creating/ensuring that there is a supportive working environment.
- Ensuring employees comply with this policy.
- Making sure that their employees know the details of this policy and the consequences of breaching this policy.
- Making sure that their employees know how to report bullying and harassment, including sexual harassment.
- Making sure that their employees know what standards of behaviour are expected of them.
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible.
- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation).
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below).
- Ensuring that matters are dealt with confidentially and impartially.
- Ensuring that their employees attend any training requirement; and
- Liaising with the Town Clerk on how to deal with cases that arise.

7.2 Town Clerk

In addition to the above, the Town Clerk will have the following additional responsibilities:

- commitment to analysing data around allegations of bullying or harassment; reviewing this policy at regular intervals; monitoring its effectiveness; and implementing any changes that may be required.
- monitoring workplace culture to identify and address any issues in relation to bullying and/or harassment.
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace and by third parties with whom you may have contact.
- ensuring that the organisation's zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and to third parties with whom you may have contact.
- reviewing this policy regularly and, if necessary, amending to ensure that it remains effective.

7.3 Employees

Employees will have the following responsibilities:

- Compliance with this policy.
- Treating their colleagues with dignity and respect.
- Having an awareness of their own standards of behaviour.
- Making it clear that they find harassment and bullying unacceptable.
- Reporting harassment and supporting management with the investigation of complaints.
- Intervening to stop harassment and/or bullying and give support to victims.

7.4 Members

Members will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

7.5 Third Parties

Third parties will have the following responsibilities:

- Compliance with this policy.
- Treating employees with dignity and respect.

Bullying and Harassment Complaints Procedure

1. Introduction

No employee need put up with bullying or harassment. Totnes Town Council recognises that making a complaint may be a distressing experience. However, all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice, a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

Some acts of harassment may also amount to a criminal offence, in this situation we will speak to you about whether you wish for the matter to be reported to the police and support you to do so.

2. Stage One

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive, and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

3. Stage Two

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint, then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to the Town Clerk (or in the case of the Town Clerk to the Staffing/Personnel Committee), giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the organisation's Grievance Procedure.

The Town Clerk (or in the case of the Town Clerk members of the Staffing/Personnel Committee) will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the Town Clerk will, if appropriate, explore with you whether there are any informal measures that you feel able to pursue in order to attempt to resolve the situation before requesting that formal action is taken. These could include meetings with the alleged harasser/bully facilitated by your line manager or the Town Clerk (or in the case of the Town Clerk members of the Staffing/Personnel Committee), or more structured mediation.

The formal process must, however, be followed if the particular concern brought to the organisation's attention is serious. For example, where the offence could be considered a criminal matter.

If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Town Clerk (or in the case of the Town Clerk members of the Staffing/Personnel Committee), or their representative, will thoroughly investigate the complaint in accordance with the appropriate procedure which could be Grievance or Disciplinary Procedure.

Decisions made in accordance with the relevant policy could include taking disciplinary action against the alleged bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; making changes to working arrangements; or taking no further action. In cases where there has been abuse of power over more junior staff by the alleged bully/harasser, consideration will be given to this when deciding what disciplinary action will be taken.

It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel. Nor do you have the right to raise a grievance about any decision affecting the alleged bully/harasser following a disciplinary hearing or investigation.

4. Confidentiality

Any complaint received, either formally or informally, will be treated with as much confidentiality as possible. However, in order to enable your complaint to be investigated and/or resolved the individuals concerned will have to be made aware of your complaint, and it may not be possible to do this without identifying you.

The knowledge that a complaint has been made will be restricted to the minimum number of people necessary to investigate what happened. All those involved in any complaint must respect this and ensure that they are sensitive to the needs of both the complainant and the alleged harasser/bully.

All involved in investigating a complaint will do so impartially and make no inferences that either party is at fault until the investigation is complete. Breaches in confidentiality may result in disciplinary action.

5. Complaints About the Town Clerk

If the matter involves a complaint against the Town Clerk, you should inform the Chair of the Council, who will determine the most appropriate means of dealing properly with the complaint.

6. Complaints About Members

If the matter involves a complaint in relation to a member's conduct, you should inform the Town Clerk, and consideration should be given regarding the need to consult the Monitoring Officer to establish the most appropriate way to deal with this matter.

7. Complaints Involving Third Parties

Bullying and harassment by third parties, such as customers, clients, suppliers and/or contractors, will not be tolerated.

If a matter involving a third party does occur, you should inform the Town Clerk who will determine the most appropriate means of dealing properly with the complaint.

Action may include warning the third party about their behaviour, banning a customer, reporting any criminal acts to the police or sharing information with other branches of the business.

8. Malicious/Unfounded Complaints

This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However, making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

9. Support and Advice for Employees Affected by Bullying and Harassment, Including Sexual Harassment

If you would like further information about support and advice services available to you as the complainant or alleged harasser, you can contact the Town Clerk.

You can also access external support and advice such as:

- the Equality Advisory and Support Service (EASS).
- ACAS www.acas.org.uk/discrimination-and-bullying - For information and advice on all aspects of workplace relations and employment law.
- Rights of Women - [Sexual harassment at work advice | Rights of Women](#).
- Protect (the whistleblowing charity).
- helplines which have been set up to deal with specific forms of harassment (such as the helplines provided to deal with sexual harassment and Rights of Women in England and Wales).
- the EHRC (Equality and Human Rights Commission) have produced technical guidance in this area: Sexual Harassment and harassment at work: technical guidance 2024: <https://www.equalityhumanrights.com/guidance/sexual-harassment-and-harassment-work-technical-guidance-responding-to-harassment>.
- [Sexual harassment and harassment at work: technical guidance | EHRC](#).