AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE

MONDAY 12TH OCTOBER 2026 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 12th October 2026 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, D Peters, E Price and M Trant.

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 14th September 2026 and update on any matters arising. Document attached [page 3].

3. STRATEGY DELIVERY WORKING GROUPS
To consider any budgetary recommendations from the following (document attached, page 6):

a. Any grant funding recommendations from the Working Groups.

4. BUDGET MONITOR
To consider the Budget Monitor. Document to follow.

5. MAYOR'S ENGAGEMENTS AND BUDGET
To consider the Mayor's engagements since July 2026 and the current budget. Document attached [page 7].

6. ABSENCE MANAGEMENT POLICY
To review the Absence Management Policy. Document attached [page 8].

7. PENSIONS DISCRETION POLICY
To consider a Pensions Discretion Policy. Document attached [page 21].

8. PRIVACY POLICY
To review the Privacy Policy. Document attached [page 29].

9. EXTERNAL AUDIT CERTIFICATE
To note the external audit certificate. Document attached [page 41].

10. DATE OF NEXT MEETING
To note the date of the next meeting of the Council Matters Committee – Monday 9th November 2026 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)
To consider the bank statements and reconciliations for September (financial). Documents attached.

12. BIRDWOOD HOUSE REPORT
To consider a report of works required at Birdwood House (financial). Document to follow.

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

Catherine Marlton
Town Clerk
7th October 2026

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

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

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

DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 14TH SEPTEMBER 2026 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, E Price and M Trant.
Apologies: None.
In Attendance: C Marlton (Town Clerk).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted.

PUBLIC QUESTION TIME

There were no members of the public present.

2. CONFIRMATION OF MINUTES

To approve the minutes of 13th July 2026 and update on any matters arising.
The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendations from the following:
It was **AGREED** to review the authority required for expenditure recommended by the Working Groups.

a. Community Working Group, 8th September 2026.
It was **AGREED** to allocate an additional £44 for the Odd Object Competition.

b. Economy Working Group, 14th July and 6th September 2026.
No recommendations.

c. Environment and Public Realm Working Group, 15th July 2026.
Castle Meadow - It was **AGREED** to allocate £2,000 to Transition Town Totnes for the 30x30 project (ground preparation, seeds and plants) and that the area to the rear of Alpha Terrace is used.
Town Maintenance – it was **AGREED** to seek permission from utilities companies for the removal of graffiti and if granted for the Town Maintenance Team to undertake a clean up.

d. All grant funding recommendations for the Working Group.
None.

4. BUDGET MONITOR

To consider the Budget Monitor.

The budget monitor was **AGREED** unanimously.

5. GROUNDS MAINTENANCE TENDER SPECIFICATION

To consider the grounds maintenance specification for the Council's tendering of a two-year contract.

It was **RESOLVED** to tender for the 2-year contract as proposed in the specification. It was noted that submissions will be considered by the November Full Council to enable this to form part of the 2027/28 budget setting process.

6. HEALTH, SAFETY AND WELLBEING POLICY

To review the Health, Safety and Wellbeing Policy.

It was **RESOLVED** to adopt the revised Health, Safety and Wellbeing Policy subject to a minor amendment of wording to the summary of responsibilities around what the Town Councillors/Town Council body corporate are responsible for.

7. FIXED ASSETS POLICY

To review the Fixed Assets Policy.

To **RECOMMEND** to Full Council that the Fixed Assets Policy is adopted.

8. PAY POLICY

To review the Pay Policy.

To **RECOMMEND** to Full Council that the Pay Policy is adopted.

9. HOME WORKING POLICY

To review the Home Working Policy.

It was **RESOLVED** to adopt the revised Home Working Policy.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 12th October 2026 at 6.30pm in the Guildhall.

Noted.

*The Committee **RESOLVED** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

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

These were reviewed and **AGREED** unanimously.

12. TOTNES GUIDE

To consider the quotes for outsourcing the production of the Totnes Guide (commercial).

It was **RESOLVED** unanimously to:

- Appoint Left Bridge for one year (to be reviewed) to undertake the production, advertising management, printing and distribution of the 2027 Visit Totnes Guide;

- Ringfence £700 from the Visit Totnes budget as a contingency for additional printing costs as required; and
- Grant the Town Clerk delegated authority to finalize the contract and production timetable.

13. TRANSPORT FEASIBILITY STUDY

To consider the quotes received to undertake a Transport Feasibility Study (commercial).

It was **RESOLVED** unanimously to grant the Town Clerk delegated authority to instruct the chosen contractor (Gateway or Waterman) once Cllrs have liaised with Devon County Council and met with the companies. The work will be undertaken in Spring/Summer 2027 to ensure that the study is conducted at a busy time of year and therefore more representative of bridge use.

14. CIVIC HALL BUILDING MAINTENANCE

To consider the quotes received to undertake the following repairs at the Civic Hall (commercial).

It was **RESOLVED** to grant the Town Clerk delegated authority to:

a. Green Room roof; and

Appoint Coyde Construction to undertake the repairs.

b. Gable End structural repair.

Appoint Coyde Construction to undertake the works, subject to checking the remedial works resolve the issues outlined in the structural survey report on the gable end.

15. STAFFING UPDATE

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

a. Change of hours request; and

The change of hours request was **AGREED** unanimously.

b. Town Maintenance Officer job description and recruitment update

Deferred to the November meeting.

The meeting closed at 7.50pm

Catherine Marlton
Town Clerk
September 2026

ITEM 3 – STRATEGY DELIVERY WORKING GROUPS

There were no budget recommendations from the Community Working Group meetings held in September.

3a. Environment and Public Realm Community Grant Applications – To **RECOMMEND** to the Council Matters Committee that:

- the Totnes Trust application is not funded given the uncertainty over future public access of the site; and to make the Totnes Trust aware of the grants page on the Town Council website that may have grants for public art and sculpture.
- the Living Projects 'Grow Share' application is rejected as the project is based in Dartington and therefore does not conform with the policy requirement of being based within the Totnes parish boundary. It is suggested that they approach Dartington Parish Council for funding.

ITEM 5 – MAYOR'S ENGAGEMENTS AND BUDGET

Date	Event
July	
2	Opening of South Devon CAMRA Beer and Cider Festival
4	Sky Rise Festival
9	Opening of the Fringe Festival
10	Vire Twinning - Petanque Festival on Vire Island
20	Planet Israel Film at Totnes Cinema and Q&A
23	Tamar Nafar Palestinian Performance (Deputy Mayor)
24	Art and Architecture Celebration of 45 years of Harris and Sutton (Cllr Auletta attended)
30	Funeral of local person
August	
6	Funeral of Honored Citizen
11	Berry Pomeroy Parish Meeting - Local Government Reorganisation
26	Invitee at Opening Ceremony of Dartmouth Regatta
September	
12	Volunteer Fair - Civic Hall
19	Heritage Festival Walk of the Town

Civic Events Budget 26/27	As at 30/09/26	**Mayoral travel Budget 26/27**	
Tim Bennett		Allocation	200.00
Allocation	3500.00	Expenditure	
Expenditure			
Mayoral Choosing catering	385.00		
Mayoral Choosing catering	70.20		
Medal engraving	36.00		0.00
2 x wreaths	61.00		
Balance remaining	2947.80	Balance remaining	200.00
Event costs			
Mayoral Choosing	491.20		

ABSENCE MANAGEMENT POLICY

TOTNES TOWN COUNCIL
October 2025

1 Introduction

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

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

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

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

1.1 Aims

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

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

1.2 Responsibilities

It is important that employees read and understand this document. If employees are not sure about any part of it, they should ask their line manager, who will provide the necessary clarification.

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.
The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

1.3 Miscellaneous

It is important that employees comply with this procedure so that:

- The Council can monitor sickness absence across the workforce and identify any intervention/support needed;
- The Council can provide assistance to individual employees where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.

If an employee wilfully abuses the sickness absence/payments provisions or absented themselves without permission, then this will be dealt with in accordance with the Council's disciplinary process.

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

2 Absence Reporting

Employees who are unable to work due to illness/injury must telephone their Town Clerk or Line Manager. This should be done before their expected start time or, if this is not possible, within 30 minutes of this time. Text messages or emails are not sufficient. If the employee is unable to speak to the appropriate person, then they should leave a message for their Town Clerk or Line Manager to phone them back.

When reporting absent, the employee should provide some indication of:

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

If the employee is unable to report themselves absent, they must arrange for someone else to do this on their behalf.

The employee must maintain contact with their Town Clerk or Line Manager during any period of sickness absence lasting longer than one day, so that the Town Clerk or Line Manager is aware of any progress and the expected date of return to work.

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

3 Certification

3.1 Absence Period of up to Seven Days

Where the absence is for a period of up to seven days (including weekends) and not covered by a statement of fitness to work ("fit note"), the employee will be asked to complete a self-certification form on their return to work.

3.2 Absence Period Exceeding Seven Days

If the absence exceeds seven days and the employee has not already done so, they must provide medical evidence in the form of a fit note for the remainder of the absence. If the absence continues, the employee will need to ensure that the employer is always provided with a current fit note.

All fit notes must be certified by a healthcare professional who has assessed the employee's fitness for work. Healthcare professionals who are eligible to issue fit notes are doctors, nurses, occupational therapists, pharmacists and physiotherapists. The fit note should state whether or not the employee needs to see a doctor or other healthcare professional again before returning to work.

If the fit note states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will refer to the fit note and discuss with the employee whether there are any additional measures that may be needed to facilitate the return to work, taking into account the doctor's or healthcare professional's advice. This may take place at a Return-to-Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

4 Return to Work Meetings

When the employee returns to work after any period of absence, the Line Manager will arrange to meet with them. This meeting will occur on the first day back or as soon as possible.

The Return-to-Work form is shown at Appendix 1.

The purpose of the return-to-work meeting is:

- To provide an opportunity for the Line Manager to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;

- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- To fill out the Sickness Declaration Form.

Return to Work interviews should still be carried out following any absences that occur during any formal monitoring periods as set out below.

5 Short-Term Frequent Intermittent Absence

5.1 Absence Triggers

The Council will instigate a more formal review of attendance records and reasons for absence with an employee if there has been either (a) four episodes of absence or (b) a total of 10 working days' short-term sickness absence within any period of 12 months.

The number of days of sickness absence which consitutes the absence trigger point will be reduced pro rata for employees who work less than 5 days per week.

5.2 Action When Absence Triggers are Reached

The guidance in the following sections sets out the procedure for addressing short term absence when absence triggers are reached. A flow chart to support the guidance can be found at Appendix 2.

If an employee's level of attendance improves satisfactorily during a period of monitoring, then at the end of the monitoring period they will be informed that no further action will be taken.

There is, however, an expectation that a satisfactory level of attendance will then be sustained. If the employee's absence meets a trigger in situations where absence monitoring has recently ended or where an employee has repeatedly been subject to absence monitoring, consideration can be given to picking up the procedure at the next or most recent stage rather than starting the process from the beginning.

5.3 Stage 1 – Short-Term Absence Review Meeting

The relevant manager will arrange an absence review meeting with any employee whose absence record matches or exceeds the above criteria set out in 5.1 above. The employee will be invited in writing to attend the review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. The manager and the employee should also consider any steps that can be put in place to help the employee to improve their attendance as well as signposting them to any additional support that can accessed.

During the meeting, if the employee discloses an underlying health condition, then the advice in section 9 should be followed.

At the meeting, the employee will normally be advised that:

- They are being issued with a Stage 1 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed.
- A 6-month monitoring period will be put in place.
- During that time their absence is not expected to exceed half the annual triggers set out in 5.1 above.
- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 2, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.4 Stage 2 – Further Short-Term Absence Review Meeting

If the employee reaches the absence trigger set for their stage 1 monitoring period, the relevant manager will arrange a further absence review meeting. The employee should be reminded that the aim of the meeting is to find ways to improve their attendance. The employee will be invited in writing to attend the further review meeting and notified of their right to be accompanied by a Trade Union Representative or colleague.

During the meeting, the manager should remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The employee will normally be advised that:

- They are being issued with a Stage 2 Short-Term Absence Warning, to inform them that if they are unable to sustain an improved level of absence then this procedure will continue to be followed and their employment may be terminated.
- A further 6-month monitoring period will be put in place.
- During that time their absence is not expected to exceed half the annual triggers set out in 5.1 above.
- The manager will meet them at the end of the 6-month period to review their absence levels.
- If they exceed the half-year triggers above before the end of the 6-month monitoring period, the review meeting should take place at this point.
- If the half-year triggers are exceeded during the monitoring period, then a decision may be taken to move to Stage 3, as set out below.

This will be confirmed in writing and the employee will be notified of their right to appeal.

5.5 Stage 3 – Final Short-Term Absence Review Meeting

Where an employee's attendance has still not improved to the required level, the relevant manager will arrange a final absence review meeting. The employee should be made aware that the aim of the meeting is to review and discuss their attendance and for the manager to decide whether a Short-Term Attendance Hearing should be held to consider dismissal.

Although there is no statutory right of accompanied at this meeting, the relevant manager may extend this offer to the employee as a supportive measure.

During the meeting, the manager should review the employee's absence record and remind the employee of the problems caused by their absences. The manager and the employee should also review any steps that may have been put in place to help the employee to improve their attendance and consider any further support that may be needed. The employee should also be reminded of any additional support that they can access.

During the meeting, if the employee discloses an underlying health condition which hasn't previously been raised then the advice in section 9 should be followed.

The manager should then inform the employee whether the decision has been made to proceed to an Attendance Hearing or not. Alternative options made include a further period of monitoring or a review of the trigger levels.

5.6 Attendance Hearing for Short-Term Absence

Where the decision is made to proceed to an Attendance Hearing, the employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will normally be comprised of a Personnel Sub-Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence; details of absence monitoring carried out; support given; and other relevant information, including, where applicable, any medical advice received.

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

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

The decision to terminate the employee's employment may take place where the organisation can no longer tolerate the high level of absence.

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

1) The Panel's decision:

a) If a stage 3 warning has been issued, the timescale for this (normally 6 months), the level of improvement required and any other measures/support put in place;
b) If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and

2) The employee's right of appeal.

6 Long-Term Absence

All cases of long-term absence will be treated sympathetically, and every assistance will be given to the employee to return to work.

6.1 Long-Term Absence Review Meetings

The Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition.

The Council will hold regular Absence Review Meetings with the employee during their absence, as appropriate. The purpose of the meetings is to keep the employee up to date, review the on-going absence, and offer support to the employee where appropriate.

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

6.2 Final Long-Term Absence Review Meeting

Prior to an absence hearing being arranged for an employee on long-term sickness absence, the Town Clerk will normally meet with the individual for a final absence review meeting.

The purpose of the meeting is to provide a final opportunity to review and discuss the employee's current situation and for the Town Clerk to decide whether an Attendance Hearing should be held. Alternative outcomes from the final absence review meeting could include seeking further medical advice or setting a date for a further absence review (e.g. where a medical appointment is due).

In order to decide whether to proceed to an Attendance Hearing, the Town Clerk will make sure that they have fully explored all the relevant information relating to the employee's absence. This would also be provided to the Attendance Hearing Panel if a decision is made to proceed to an Attendance Hearing.

This will depend upon the individual case, but may include:

- Relevant absence history and the date on which the current absence started;
- The reason for the employee's current absence;
- Details of absence review meetings and other communications during this absence;
- Any treatment/investigations being undertaken and the timescales for these to be completed;
- Whether there has been any recent improvement in the employee's condition and whether this is expected to continue;
- Whether there is any prospect of them returning to work within a reasonable timescale;

- Any reasonable adjustments or other support which would enable the employee to return to work within a reasonable timeframe;
- Any vacant roles within the organisation which the employee would be capable of performing and, where applicable, whether they would wish for this to be considered.

It is usually advisable to seek up to date medical reports from an Occupational Health provider or the employee's medical professional prior to an Attendance Hearing.

6.3 Long-Term Absence Hearing

Where the decision is made to proceed to a Long-Term Absence Hearing, the employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or colleague.

The Hearing Panel will normally be comprised of three members on a Personnel Sub-Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and relevant information described in Section 6.2 above.

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

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

The decision to terminate the employees employment may take place where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment has not be found;
- The service can no longer support the employee's continued absence for operational/financial reasons.

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

- If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
- If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
- The employee's right of appeal.

7 Appeals

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

Appeals will be heard by a separate person/panel. For warnings short of dismissal, the appeal will normally be heard by another manager or the Town Clerk. For warnings issued at a Short-Term

Attendance Hearing or Long-Term Absence Hearing, the appeal will normally be heard by members of the Council Matters Committee.

Once the person/panel hearing the appeal has considered both the employee's appeal and the original Hearing Chair's case, and considered all other relevant information, the meeting will be adjourned to make a decision.

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

8 Occupational Health

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to cases of absence, employees may be referred to the Council's Occupational Health Advisor.

Examples of when an employee may be referred to occupational health include to:

- establish when the employee might be able to return to work;
- ask for guidance on an employee's health condition;
- discuss any adjustments that could be consider in order to support the employee.

Where the Occupational Health Advisor makes a recommendation that might affect the employee's continued employment, the relevant manager will discuss the advice and options going forward at an Absence Review Meeting with the employee. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

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

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

9 Underlying Medical Conditions

Where an employee and/or their manager identifies that the employee's attendance may be affected by an underlying medical condition, the Town Clerk will give consideration whether to request that an Occupational Health referral is arranged.

This process would involve discussing with the employee the proposal to undertake a referral to the Council's Occupational Health Service. The purpose of this referral would be to obtain independent medical advice on:

- The nature of any underlying/recurrent condition;

- How to support the employee to improve their attendance, e.g. suggestions for reasonable adjustments to the employee's work, which the Council could consider.

Any agreed adjustments should be taken into account when applying the following procedure, which may need to be adapted accordingly.

Where appropriate, an employee may be referred to Occupational Health on more than one occasion e.g. when there has been a change to an employee's underlying health condition or prior to an attendance hearing.

10 Personal, Domestic, or Work-Related Problems

Where an employee reveals that their absence has been a consequence of personal, domestic, or work-related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose.

Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Chair of the Personnel Committee can be contacted for a confidential interview.

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

11 Alcohol/Drug Dependency

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

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

12 Welfare

If, as a consequence of medically related issues, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, they should encourage them to seek advice from their GP. If necessary, consideration could be given to suspending them with pay or finding alternative duties whilst medical advice is sought from the Occupational Health Provider.

13 Monitoring of Absence Records

Monitoring is an important part of sickness absence management. In order for this to take place, it is important that all absence from the workplace is reported and recorded. All signed Sickness Declaration Forms and Return to Work Forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted.

The Town Clerk will ensure that absence records are maintained for all employees. These records will provide the base data for the compilation, as required, of statistics showing the level of sickness absence across the Council.

The absence monitoring system will also enable the Town Clerk to identify individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should not rely on this as a substitute for pro-actively identifying and addressing problems or potential problems.

Managers should ensure that records of contact during and after absence are completed thoroughly and correctly stored on the employee's personnel record. These could include Sickness Absence Declaration forms, return to work meeting records, fit notes, notes of absence review meetings, correspondence and medical reports. These should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

APPENDIX 1 – RETURN TO WORK DISCUSSION

Name:					
Date of Interview:					
Time of Interview:					
Period of Sickness Absence:		From		To	
Number of Working Days Absent					

* Self Certificate / fit note provided (*delete as appropriate) – Attached

Provide brief details of the content of the discussion:

Signed …… Date……

(Employee)

Signed …… Date……

(Line Manager/Town Clerk)

APPENDIX 2 – MANAGING SHORT-TERM ABSENCE – FLOW CHART

Has the employee's absence reached an absence trigger?

No. No absence review required.

Yes. Move to Stage 1.

Stage 1 – Short-Term Absence Review Meeting

Relevant manager to:

- Review and discuss absence record.
- Explain the impact and the need for attendance to improve.
- If the employee discloses an underlying health condition, then follow advice in section 9 of this policy.
- Put in place a 6-month monitoring period, with specified maximum acceptable days and episodes of absence during this time.
- Schedule the follow-up meeting to review this. State that if absence exceeds the maximum above the meeting will take place at that point.
- Confirm the above in writing.

Has absence remained within the specified maximum days and episodes during the stage 1 monitoring period?

Yes. Manager will confirm end of monitoring period.

No. Move to Stage 2.

Stage 2 – Further Short-Term Absence Review Meeting

Relevant manager to:

- Review and discuss absence record.
- Explain the impact and the need for attendance to significantly improve.
- If the employee discloses an underlying health condition, then follow advice in section 9 of this policy.
- Put in place a further 6-month monitoring period, with specified maximum acceptable days and episodes of absence during this time.
- Schedule the follow-up meeting to review this. State that if absence exceeds the maximum above the meeting will take place at that point.
- Confirm the above in writing.

Has absence remained within the specified maximum days and episodes during the stage 2 monitoring period?

Yes. Manager will confirm end of monitoring period.

No. Move to Stage 3.

Stage 3 – Final Short-Term Absence Review Meeting

Relevant manager to:

- Carry out a final review and discuss absence record.
- Consider whether to proceed to an Attendance Hearing or to implement an alternative option before holding another final absence review meeting or attendance hearing.

Short-Term Absence Attendance Hearing

- Invite employee, giving 5 working days' notice and the right to be accompanied.
- Review and discuss absence record.
- Panel will consider outcome including dismissal.
- If the panel decides to dismiss, the employee will be issued with notice of dismissal and offered the right of appeal.

Alternative options

Other outcomes could include:

- Seeking further medical advice.
- Amending the absence triggers.
- Issuing a stage 3 warning with an additional period of monitoring.

Pensions Discretions Policy

TOTNES TOWN COUNCIL

OCTOBER 2026

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)	**Policy Decision:**
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)*	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))	**Policy Decision:**
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].~~ within one year of returning to work and while remaining in the same employment held before	Totnes Town Council will not fund any employee's Additional Pension Contributions either in whole or in part.

the absence, to purchase a Qualifying Additional Pension Arrangement (QAPA) to replace the pension lost during that period. In such cases, employer contributions to the QAPA are compulsory where the authorised absence is thee years or less.	
'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 actuarily reduced. However, the Scheme employer can exercise a discretion to waive any actuarial reductions (at cost to the Scheme employer).	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.
Flexible Retirement **Regulation (R30(6) and TP11(2))**	**Policy Decision:**
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	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.

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 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.	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.
Waive actuarial reductions to members benefits TP3(1) & TP3(5), TPSch 2 (para(1), 3(1), 3(2) & 9) B30(5) & B30A(5)	**Policy Decision:**
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.	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.

Shared Cost Additional Voluntary Contribution Arrangement (SCAVC) R17 (1) and TP15 (2A) and A25 (3) and definition of SCAVC in RSch 1	**Policy Decision:**
An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution through a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.	Totnes Town Council will not contribute to any Shared Cost Additional Voluntary Contribution scheme.

Extend the time limit for member to elect for a Shared Cost Additional Pension Contribution (R16(16))	**Policy Decision:**
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).	Totnes Town Council will not extend the deadline.
Extend the 12-month time limit for transfer of pension rights (R100(6))	**Policy Decision:**
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.	Totnes Town Council will not extend the deadline.
Extend the 12-month time limit for a member to elect not to aggregate Post 31 March 2014	**Policy Decision:**

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).	Totnes Town Council will not extend the deadline.
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)	**Policy Decision:**
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.	Totnes Town Council will not extend the deadline.
How an employee's contribution band will be initially determined and thereafter reviewed (R9 and R10)	**Policy Decision:**
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 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))	**Policy Decision:**
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. A 'regular lump sum payment' is a payment for which the employer determines there is a	Not applicable – Totnes Town Council does not make regular lump sum payments.

reasonable expectation that such a payment would be paid on a regular basis.	
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)	**Policy Decision:**
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.	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.

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)	**Policy decision**
Early payment of benefits 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.	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.
Waive actuarial reductions to members benefits B30(5), TPSch 2, para 2(1) B30A(5)	**Policy Decision:**
An employer can decide whether, on compassionate grounds, to waive any actuarial	This may be exercised by Totnes Town Council in individual cases on compassionate grounds.

reduction that would normally be applied to deferred benefits which are paid before age 65.	

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	**Policy Decision:**
Employers can decide whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55	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.
'Switch on' the 85-year rule upon the voluntary early payment of deferred benefits TPSch 2, para 1(2) & 1(1)(f) & R60	**Policy Decision:**
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 after 14 May 2018) on or after age 55 and before age 60.	Requests will be referred to Totnes Town Council. A decision to waive any actuarial reduction will be considered in exceptional circumstances on compassionate grounds.
Waive actuarial reductions to members benefits (R31(5) 1997 & TPSch 2, para 2(1)	**Policy Decision:**
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.	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)	**Policy Decision:**
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.	This may be exercised by Totnes Town Council in individual cases on compassionate grounds.

Privacy Policy for Staff, Councillors and Role Holders

TOTNES TOWN COUNCIL

AGREED APRIL 2025

NEXT REVIEW OCTOBER 2026

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

Officer Note: The update reflects data retention for officer pensions shown in red.

Definitions:

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

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

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

Totnes Town Council is committed to protecting the privacy and security of your personal information and the personal information that you come into contact with through your Council

role. This privacy policy describes how we collect and use personal information about you during and after your working relationship with us, and how you as a Councillor, Staff or role holder should use information in accordance with the General Data Protection Regulation (GDPR). It applies to all employees, Councillors, workers and contractors.
Totnes Town Council is a "data controller". This means that we are responsible for deciding how we hold and use personal information. We are required under data protection legislation to notify you of the information contained in this privacy policy.

1. Personal Data - What Is It?

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

2. Other Data Controllers

2.1 The Council works together with:

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

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

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

3. Data Protection Law

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

- Used lawfully, fairly and in a transparent way.

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

4. What Data Does the Council Process?

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

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

5. Use of Your Personal Data

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

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

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

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

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

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

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

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

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

6. How We Use Sensitive Personal Data

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

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

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

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

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

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

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

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

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

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

8. Information About Criminal Convictions

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

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

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

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

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

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

10. Sharing Of Personal Data

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

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software.
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA.
- Staff pension providers.
- Former and prospective employers.
- Professional advisors.
- Trade unions or employee representatives.
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

11. Council Use of Personal Data to Conduct Business

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

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

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

12. How Long Do We Keep Personal Data?

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

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

13. Your Responsibilities

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

14. Your Rights and Your Personal Data

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

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

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

b. ***The right to correct and update the personal data we hold on you***
   - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

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

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

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

f. ***The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
   - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

g. ***The right to lodge a complaint with the Information Commissioner's Office.***
   - You can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

15. Retention for Pension Personal Data

15.1 We will retain personal data for a maximum period of fifteen years after termination of employment.

15.2 During any period when we retain personal data, we will keep that personal data up to date and take all reasonable steps to ensure that inaccurate data is either erased or rectified without delay. We will periodically review the personal data that we retain and consider whether it is still required; any personal data that we no longer require will be destroyed.

15.3 Member's and beneficiary's rights - Beneficiaries form a wider category of people who receive benefits from the Fund, for example the active/deferred/pensioner member's spouse / child(ren) / dependants. Members of the Fund and beneficiaries have a right to access and obtain a copy of the personal data that we hold about them and to ask us to correct personal data if there are any errors or it is out of date or incomplete.

15.4 In certain circumstances a Member / beneficiary has the right to:

- object to the processing of their personal data
- restrict the processing of their personal data until any errors are corrected;
- transfer their personal data; or
- erase their personal data.

15.5 If the exercise of the Member's / beneficiary's rights would prevent us from providing the personal data to the Devon County Council Pension Fund in order for the payment or continued payment benefits from the Fund, we will consider retaining a minimised version of that Member's / beneficiary's personal data in order to fulfil our legal obligations.

16. Transfer of Data Abroad

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

17. Further Processing

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

18. Changes to this Policy

18.1 We keep this Privacy Policy under regular review and we will place any updates on www.totnestowncouncil.gov.uk. This Policy was last updated in March 2025.

19. Contact Details

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

ANNEX A – TOTNES TOWN COUNCIL DOCUMENT RETENTION PROTOCOL

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

COUNCILLORS		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
Register of Interests	4 year term plus previous term	Best practice
Acceptance of Office	4 year term plus previous term	Best practice
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
DEMOCRACY/ COUNCIL BUSINESS		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
Agendas and Minutes	Indefinite	Archive and public record
Audio/Video recordings	Date of meeting plus 3 years	Public record
Civic/Mayoral Business: • Functions • Invites • Correspondence • Xmas card list	Current year plus 2 years	Public record
Subject Access Requests	Date request completed plus 3 years	Business need
Freedom of Information Requests	Date request completed plus 3 years	Business need
Electoral Register	Current year	Business need
Correspondence with outside organisations and individuals	Current year plus 6 years	Business need
Public consultation responses	Until data entered plus 6 months	Business need
Budget plan/budget monitoring	Current year plus 6 years	Business need
Risk assessments	Date of the event or until superseded plus 4 years	The Management of Health and Safety at Work Regulations (1992)
Health and Safety Checks • Fire • Fire extinguishers • Legionella	Date of check plus 6 years	Health and Safety at Work Act
Road Closure applications	Current year plus 6 years	Business need
Funding applications • <£5K • £5K-10K • £10K-50K	 Last project action plus 3 years Last project action plus 6 years Last project action plus 10 years	Management
Grant applications to the Council	6 years	Business need (linked to finance – VAT)
FINANCE/ASSETS		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
Scales of fees and charges [Guildhall, Civic Hall and Cemetery]	6 years	Management
Receipt and payment account(s)	Indefinite	Archive

Receipt books [TTC and Paige Adams Trust]	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
VAT Records	6 years	VAT
Petty Cash	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Time/Overtime sheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability or employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management
Investments	Indefinite	Audit, Management
Title Deed, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
Asset Register	Current year plus 6 years	Business need
STAFF		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
TOIL sheets	Last completed audit year	Audit
Absence/sickness	Current year plus 1 year	Management
Medical certificates	Tax year they relate to plus 3 years	Management
Disciplinary	Current year plus 6 years	Management
• Next of Kin information • Annual appraisals	Until termination of employment	Management
Personal files	Until termination of employment plus 15 years	Management
Display Screen Assessment	Life of assessment plus 4 years	Schedule to the Health and Safety (Display Screen Equipment) Regulations 1992
Accident records	Three years since the entry	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)
CEMETERY		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
• Register of fees collected • Register of burials • Register of purchased graves	Indefinite	Local Authorities Cemeteries Order 1977 (Sl.204), Archives

• Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Burial/disposal certificates • Certificates of grant of exclusive right of burial		
CIVIC HALL		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
• Application to hire/booking form • Market booking forms, risk assessments & public liability certificates • Banner booking forms • Lettings diaries • Copies of invoices to hirers	6 years	VAT
GUILDHALL		
DOCUMENT	**MINIMUM RETENTION PERIOD**	**REASON**
Weddings • Booking forms • Lettings diaries • Copies of invoices to hirers • Wedding photographs	6 years Until no longer required	VAT Business need
• Visitor Books	5 years (no legal requirement to retain them at all)	Business need