



## AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 8<sup>TH</sup> JULY 2024 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 8<sup>th</sup> July 2024** 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, J Hodgson and E Price.

### 1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

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

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

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

*The Committee will adjourn for the following items:*

### PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

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

### 2. CONFIRMATION OF MINUTES

To approve the minutes of 20<sup>th</sup> May 2024 and update on any matters arising. Document attached.

### 3. SOUTH HAMS COMMUNITY ACTION

To receive an update from South Hams Community Action in relation to their Community Grant application. Verbal update.

### 4. BUDGET MONITOR

To:

- a. Consider the Budget Monitor including the reserves projection. Document attached.
- b. Note the Civic Funeral expenditure from General Reserve.

5. MAYOR'S ENGAGEMENTS AND BUDGET

To consider the Mayor's engagements since April 2024 and the current budget Documents attached.

6. FINANCIAL REGULATIONS

To revise Financial Regulations (sections XX) and agree an update to Standing Orders. Document attached.

7. CEMETERY – MEMORIAL STONE CHARGING

To consider a clarification of the fees chargeable for the erection of memorial stones. Document attached.

8. INFORMATION AND DATA PROTECTION POLICY

To review the Information and Data Protection Policy. Document attached.

9. FREEDOM OF INFORMATION PUBLICATION SCHEME

To review the Council's Freedom of Information Publication Scheme. Document attached – note additional text is highlighted.

10. COMPLAINTS PROCEDURE

To review the Complaints Procedure. Document attached.

11. VEXATIOUS BEHAVIOUR POLICY

To review the Vexatious Behaviour Policy. Document attached.

12. STAFF LOANS POLICY

To review the Staff Loans Policy. Document attached.

13. WORKING TIME AND LEAVE POLICY

To review the Working Time and Leave Policy. Document attached.

14. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 9<sup>th</sup> September 2024 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)*

15. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

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

16. HONORARY FREEMAN

To consider two nominations for honorary freeman awards (personal details). Document attached.

17. EASTGATE SUB LEASES

To consider the Eastgate sub leases (financial and contractual). Documents attached.

18. STAFF APPOINTMENT

To ratify the appointment of a Town Maintenance Officer (personal details). Verbal update.

19. STAFF ATTENDANCE

To note sickness and overtime balances (personal details). Verbal update.

20. STAFFING UPDATE

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

Catherine Marlton

Town Clerk

3<sup>rd</sup> July 2024

**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 20<sup>TH</sup> MAY 2024 AT 6.30PM IN THE GUILDHALL

**Present:** Councillors D Peters (Deputy Chair), C Beavis, T Bennett, J Chinnock, J Hodgson and E Price (left at 8.15pm).

**Apologies:** Councillor J Hannam.

**In Attendance:** Cllr Auletta and 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 Auletta spoke in support of the community grant applications submitted by Totnes Skatepark (where she has been liaising with young people) and (supported by Cllr Bennett) the Leechwell Garden Association.

*The Committee will reconvene to consider the following items:*

### 2. CONFIRMATION OF MINUTES

**To approve the minutes of 15<sup>th</sup> April 2024 and update on any matters arising.**

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

### 3. BUDGET ALLOCATION

**To consider a budget allocation for the community, economy, and environment and public realm objectives.**

To **RECOMMEND** to Full Council that an allocation of £15,000 be transferred from the Strategic Priorities budget to each of the community, economy, and environment and public realm budget lines to allow work to continue and expenditure to occur under delegated authority.

### 4. BUDGET MONITOR

**To consider the Budget Monitor including the reserves projection.**

These documents were considered and **AGREED**. The Clerk was asked to add a summary sheet to the budget monitor for future months to present the budget information in a different way.

### 5. BUDGET OUTTURN STATEMENT

**To note the budget outturn statement for financial year 2023/24.**

Noted.

## 6. COMMUNITY GRANTS

To review the Community Grant applications and make a recommendation to Full Council.

Cllr Hodgson declared a personal interest as Chair of TRAYE. To **RECOMMEND** to Full Council: the allocation of the following grants under the Totnes Town Council Community Grant Applications 2024; and the transfer of an extra £15500.74 from the Strategic Priorities budget line.

Totnes Town Council Community Grant Applications May 2024				PROPOSED BUDGET: £40,500 - plus an allocation from EM Reserves		
Applicant	Project	Amount requested	Total project cost £	Committee recommendation	% proposed	Committee notes
Bridgetown Alive	Sky Rise Festival 20 Jul 24	£3,400.00	£8,000.00	£1,700.00	50	
TRAYE	Totnes Youth Leisure Night and Bridgetown Youth Club	£8,750.00	£24,600.00	£8,750.00	100	
Totnes Carnival	Totnes Carnival Summer/Christmas Programme	£3,170.00	£3,170.00	£2,377.50	75	
Totnes Hospital League of Friends	Chairs for Dart Ward	£3,231.00	£3,731.00	£0.00	0	
KEVICC Parents Association	Enrichment and Community Engagement Pupil Programme.	£6,450.00	£10,850.00	£0.00	0	Once agreed, write suggesting an application to the KEVICC Foundation Governors.
Bike Hub	Earn a Bike Project	£1,475.00	£3,150.00	TAKEN FROM Earmarked Reserves		
SASHA	Running Costs for FY 2024	£1,143.48	£3,162.50	£571.74	50	
South Hams Community Action	Volunteer recruitment support for groups in Totnes	£3,000.00	£36,401.00	£750.00	25	
Totnes Caring	Community Intergenerational Projects	£3,262.00	£8,155.00	£2,446.50	75	
TADPOOL	Co-funded training for 10 high potential sports stars in Totnes who are 'Pupil	£1,250.00	£2,500.00	£0.00	0	

	Premium'/ Low Income children					
St Mary's Church	St.Mary's Servedy and Community Space	£2,000.00	£63,250.00	£1,000.00	50	
Youth Mental Health Foundation	Zoom support group for parents of young people struggling with mental health in Totnes	£3,532.00	£7,948.00	£0.00	0	
SPACE Youth Services	Totnes Summer Programme	£1,000.00	£2,000.00	£1,000.00	100	
Food In Community	Improving Food Security for Totnes Residents	£6,708.00	£13,416.00	£5,031.00	75	
Future Challenges	Strive Together	£3,500.00	£5,000.00	£0.00	0	
Totnes Skate Park	Totnes Skate Park Fundraising Project	£8,000.00	£300,000.00	£8,000.00	100	
Leechwell Garden Association	Sustaining Leechwell Garden: Ensuring continuity for our residents young and old	£4,000.00	£4,000.00	£2,000.00	50	Funding for one year.
Fusion	Warm Spaces Bouncy Fun (Oct 24 - Feb 25)	£1,948.00	£1,948.00	£1,461.00	75	
Jamming Station	Family Chill Café (sep 24 - Feb 25)	£4,000.00	£6,656.25	£1,000.00	25	Once agreed, further information to be requested reference the costs of running the sessions.
Stepping Stones	The Warms Hearts Café	£22,740.00	£23,340.00	£0.00	0	
Transition Town	Who owns Totnes? A workshop of mapping and visioning. Mid-Jun and Jul 2024	£591.00	£591.00	£0.00	0	

The Mansion	Secondary glazing of the Lovelace Room at the Mansion. Jul-Oct 2024	£1,600.00	£1,600.00	£0.00	0	Once agreed suggest applying to SHDC for funding.
Citizens Advice	Totnes outreach and partnership with Totnes Caring	£8,826.00	£17,651.00	£4,413.00	50	
<b>Total</b>		<b>£103,576.48</b>	<b>£551,119.75</b>	<b>£40,500.74</b>		Transfer extra £15500.74 from Strategic Priorities
				<b>£1,475</b>		EAR MARKED RESERVES - Green Travel
				<b>£41,975.74</b>		TOTAL AWARDED

The Committee **RESOLVED** to extend the meeting to no later than 8.45pm.

#### 7. COMMUNITY ECONOMIC PLAN

To consider engagement in the South Hams District Council's Community Economic Plan process.

It was **AGREED** to defer this item to the next meeting in July.

#### 8. INVESTMENT STRATEGY

To review the Council's investment strategy.

It was **AGREED** to defer this item to the next meeting in July.

#### 9. COMPLAINTS PROCEDURE

To review the Complaints Procedure.

It was **AGREED** to defer this item to the next meeting in July.

#### 10. STAFF LOANS POLICY

To review the Staff Loans Policy.

It was **AGREED** to defer this item to the next meeting in July.

#### 11. FIXED ASSET REGISTER

To note the amendment to the Fixed Asset Register.

It was **AGREED** to defer this item to the next meeting in July.

#### 12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 8<sup>th</sup> July 2024 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)*

**13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)**

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

These were reviewed and **AGREED**.

**14. BUILDING CONDITIONS SURVEY**

**To consider a quote to carry out the 5-yearly building conditions survey (commercial).**

It was **AGREED** to commission a buildings conditions survey as quoted.

**15. STAFFING UPDATE**

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

The Clerk updated on a staff resignation and the recruitment timeline and advert/job description were **AGREED**. The interview panel will consist of Cllr Peters, Cllr Bennett and the Town Clerk.

The meeting closed at 8.50pm

Catherine Marlton

Town Clerk

May 2024



ITEM 4A

Budget Summary - June 2024		2024/25				
		21/22 YEAR END	22/23 YEAR END	23/24 YEAR END	Agreed Budget	Expected year end
Administration*		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Actual 31st March 2024 YEAR END	Expected year end
EXPENDITURE SUBTOTAL		378944	413547	451177	442922	442922
INCOME SUBTOTAL		40	180	102	0	0
SUB TOTAL income/expenditure		-378904	-413367	-451075	-442922	-442922
Civic and Democratic		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
EXPENDITURE SUBTOTAL		19114	12074	8601	20580	21391
INCOME SUBTOTAL		0	717	667	0	0
SUB TOTAL income/expenditure		-19114	-11357	-7934	-20580	-21391
Tourism		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
EXPENDITURE SUBTOTAL		31613	29875	32479	24200	24200
INCOME SUBTOTAL		15572	12740	13890	10000	10000
SUB TOTAL income/expenditure		-16041	-17135	-18589	-14200	-14200
Guildhall		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
EXPENDITURE SUBTOTAL		28811	29569	52176	57152	43152
INCOME SUBTOTAL		4478	6249	7674	6000	6000
SUB TOTAL income/expenditure		-24333	-23320	-44502	-51152	-37152
Civic Hall		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
EXPENDITURE SUBTOTAL		29555	23664	46616	74320	68120
INCOME SUBTOTAL		37304	40661	44911	41500	41500
SUB TOTAL income/expenditure		7749	16997	-1705	-32820	-26620
Property Maintenance		Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
EXPENDITURE SUBTOTAL		15238	48817	3231	9347	9347
INCOME SUBTOTAL		19420	18804	11700	13201	13201
SUB TOTAL income/expenditure		4182	-30013	8469	3854	3854

ITEM 4A

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	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF 30th June 2024	Expected year end
<b>Cemetery</b>						
EXPENDITURE SUBTOTAL	25933	19453	28208	32519	6467	32519
INCOME SUBTOTAL	12032	17250	6753	9450	6064	9450
<b>SUB TOTAL income/expenditure</b>	-13901	-2203	-21455	-23069	-403	-23069
<b>Open Spaces</b>				<b>Agreed Budget</b>	<b>ACTUAL AS OF 30th June 2024</b>	<b>Expected year end</b>
EXPENDITURE SUBTOTAL	1127	6415	150	4015	35	4015
INCOME SUBTOTAL	200	200	200	200	0	200
<b>SUB TOTAL income/expenditure</b>	-927	-6215	50	-3815	-35	-3815
<b>Precept and Income</b>				<b>Agreed Budget</b>	<b>ACTUAL AS OF 30th June 2024</b>	<b>Expected year end</b>
EXPENDITURE SUBTOTAL	104	189	189	275	33	275
INCOME SUBTOTAL	545986	546699	721905	658522	330723	661022
<b>SUB TOTAL income/expenditure</b>	545882	546510	721716	658247	330690	660747
<b>Community Development</b>				<b>Agreed Budget</b>	<b>ACTUAL AS OF 30th June 2024</b>	<b>Expected year end</b>
EXPENDITURE SUBTOTAL	90978	183129	109107	194000	19941	194000
INCOME SUBTOTAL	34370	32705	3390	0	0	0
<b>SUB TOTAL income/expenditure</b>	-56608	-150424	-105717	-194000	-19941	-194000

	2022	2023	2024	Agreed Budget	ACTUAL AS OF 30th June 2024	Expected year end
<b>SUMMARY OVERVIEW</b>						
TOTAL EXPENDITURE	£621,417	£766,732	£731,934	£859,330	£162,755	£839,941
TOTAL INCOME	£669,402	£676,205	£811,192	£738,873	£344,207	£741,373
<b>TOTAL INCOME OVER EXPENDITURE</b>	£47,985	-£90,527	£79,258	-£120,457	£181,452	-£98,568

Please note a red total indicates a spend from general reserves

	General Reserves	Earmarked Reserves
<b>Reserves impact</b>		
At start of 2024/25	£694,039	£0
Moved to Earmarked Reserves in 2024/25	-£7,468	£7,468
Planned spend from reserves in 2024/25	-£98,568	-£1,475
<b>Total expected reserves at end of 2024/25</b>	<b>£588,003</b>	<b>£5,998</b>

Budget Monitor - June 2024		21/22 YEAR END	22/23 YEAR END	23/24 YEAR END	2024/25	Comments
	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	Expected year end
Administration						
Salaries and pensions for all staff	294138	350889	388968		365000	365000
Staff Training, Travel and Expenses	4244	2988	2910		4675	4675
Staff Recruitment	1930	984	0		3025	3025
Phone and Broadband	2932	2984	3032		3850	3850
Office Supplies & Hospitality	1100	1370	998		2530	2530
Photocopier	1536	1575	1469		1760	1760
Subscriptions	4463	4191	4203		4840	4840
Professional Fees	53812	15062	3395		11000	11000
Insurance	7514	26105	30902		33992	33992
Website and IT	3696	4618	7179		8250	8250
Office Equipment	1999	1412	5970		1500	1500
Van Maintenance	258	207	441		1000	1000
TMO Tools and Consumables	1322	1162	1710		1500	1500
Miscellaneous income	-40	-180	-102		0	0
<b>SUB TOTAL</b>	<b>378904</b>	<b>413367</b>	<b>451075</b>		<b>442922</b>	<b>442922</b>
Civic and Democratic						
Mayor Allowance	557	0	0		100	100
Civic and Mayoral Events (expenditure)	959	3014	3682		3500	3500
Civic Funeral	0	-717	-667		0	0
Civic Events (income)	110	212	95		230	230
Civic Regalia	7	185	170		330	330
Mayoral Travel	356	14	82		1500	1500
Councillor IT equipment	210	514	495		1120	1120
Councillor Training and Travel	9524	0	0		6000	6000
Elections	2644	1970	4077		7800	7800
Councillor Allowances	4747	6165				
Moved to COMMUNITY DEVELOPMENT Community						
Outreach/Christmas	19114	11357	7934		20580	21391
<b>SUB TOTAL</b>						
Tourism						
Visit Totnes Marketing and event sponsorship	18966	20595	24655		24150	24150
Visit Totnes Guide and Website	12308	9056	6828			
Other TIC expenditure (Post/Phone/Uniform/etc)	306	220	996		50	50
Bank Charges/Paypal fees	33	4	0		-10000	-10000
Totnes Guide and Website Income	-12283	-10990	-9707			
Advertising	-3289	-1750	-4183			
<b>SUB TOTAL</b>	<b>16041</b>	<b>17135</b>	<b>18589</b>		<b>14200</b>	<b>14200</b>
Guildhall						
Cleaning	2644	2581	4260		7150	7150
Building Maintenance	6554	5226	22562		7500	7500
Business Rates	6113	6469	9998		11000	11000
Water	269	331	617		550	550
Utilities	4801	11603	10729		27500	27500
Equipment Maintenance	5996	2669	2970		1452	1452
Wedding Licence renewals and marketing	2434	690	1040		2000	2000
Admissions income	0	-2699	-4770		-3000	-3000
Weddings & Hire Income	-478	-3550	-2904		-3000	-3000
<b>SUB TOTAL</b>	<b>24333</b>	<b>23320</b>	<b>44502</b>		<b>51152</b>	<b>37152</b>

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Underspend expected  
CCTV vandalism repairs of £1500 unplanned

Civic Hall	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF June 2024	Expected Year end
Cleaning and supplies	4605	3835	3805	6050	782	6050
Feed in Tariff	2501	3081	2906	2600	0	2600
Water	1055	1156	1280	1650	206	1650
Utilities	3044	6012	5515	13200	567	7000
Building Maintenance	13955	6917	26347	45000	6050	45000
Licences	70	70	70	70	0	70
Misc & Marketing Civic Hall	26	567	538	750	50	750
Equipment Maintenance	4299	2026	6155	5000	206	5000
Paige Adams Grant towards Caretaking, Cleaning and Management costs	-30000	-33500	-33500	-35000	0	-35000
Feed in tariff income and Water refund income	-6304	-7161	-7932	-6500	892	6500
Grant for boiler			-3479			
Equipment sales	-1000					
<b>SUB TOTAL</b>	-7749	-16997	1705	32820	-5536	26620
Property Maintenance	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF June 2024	Expected Year end
Guildhall Cottage Maintenance	588	341	96	1100	716	1100
Flat 5a Loan repay	9148	43159				
Flat 5a Maintenance	1853	1805				
Guildhall Office Maintenance	13					
Rental Property Management Fees	2001	1774	1111	1197	276	1197
Town Clocks	1437	1599	1207	1000	177	1000
Museum Maintenance	198	139	817	6050	0	6050
Museum Rent income	-1	-1	0	-1	0	-1
Eastgate Clock Rental	-3	0	0	-600	0	-600
Guildhall Cottage Income (£975 a month)	-10756	-11700	-11700	-12600	299	12600
Flat 5a Rental Income	-8660	-7103				
<b>SUB TOTAL</b>	-4182	30013	-8469	-3854	-2097	3854
Cemetery	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF June 2024	Expected Year end
Business Rates	4441	4441	4291	4441	725	4441
Water	173	167	212	193	35	193
Waste collection	706	329	376	385	78	385
Grounds Maintenance (Grass cutting and tree work)	20613	14516	23329	27500	2065	27500
Works and Maintenance (Memorials, Paths, Fences)	-32	0	200	550	272	550
Chapel	0	0	0	2000	0	2000
Cemetery Fees Income	-12000	-17250	-6953	-12000	6586	12000
<b>SUB TOTAL</b>	13901	2203	21455	23069	706	23069
Open Spaces	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF June 2024	Expected Year end
General Maintenance	162	502	29	605	17	605
St Marys Churchyard (Walls and trees)	857	5868	39	3300	0	3300
Castle Meadow Maintenance and Water	108	45	82	110	110	110
Castle Meadow and allotments income	-200	-200	-200	-200	0	-200
<b>SUB TOTAL</b>	927	6215	-50	3815	35	3815
Precept and Income	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL AS OF June 2024	Expected Year end
Bank Charges	104	189	189	275	35	275
<b>Precept and Income</b>	-545986	-545986	-610253	-656022	-328001	-656022
Investment Income		-713	-11652	-2500	2709	-5000
Charity of Paige Adams RATE ABATEMENT	0	0	-100000	0	0	0
<b>SUB TOTAL</b>	-545982	-546510	-721716	-658247	-330690	-660747

Community Development	Actual 31st March 2022 YEAR END	Actual 31st March 2023 YEAR END	Actual 31st March 2024 YEAR END	Agreed Budget	ACTUAL as of 30th June 2024	Expected year end
Community Outreach/Christmas			52727			
Community Grants (incl. S137 Funding)	52508	49770	24953	41073	15161	41073
Strategic Priorities				66332		66332
Environment & Public Realm				21095	1923	21095
Economy				15000		15,000
Community				50500	2857	50500
Community Projects	0	13200	502			
Neighbourhood Plan	3720	3234	0			
Arts and Culture and Events	9500	31806	19812			
Public Realm and Community Assets Projects	see below	75980	5306			
Climate Change/Green Travel	2312	9139	5807			
Community projects SHARED SPACE and public realm	22938					
Grant Funding/Projects Income	-34370	-32705	-3390	0	0	0
SUB TOTAL	£56,608	£150,424	£105,717	£194,000	£19,941	£194,000
<b>TOTAL EXPENDITURE OVER INCOME</b>	<b>-£47,985</b>	<b>£90,527</b>	<b>-£79,258</b>	<b>£120,457</b>	<b>-£181,452</b>	<b>£98,568</b>
						£21,889





**ITEM 5 - MAYOR'S ENGAGEMENTS**

Date	Event	Venue
<b>April</b>		
6	Totnes Park Run Visit	PROW up from the Steam Packet
10	Easter Event at the Mansion	The Mansion, Fore St
14	Lord Mayor of Plymouth Civic Service	
28	Dartmouth Civic Lunch	Royal Castle Hotel
<b>May</b>		
12	Art Exhibition	Birdwood House, High St
13	Opening of new communal workspace	The Mansion, Fore St
17	Lord Mayor of Plymouth Choosing Ceremony	Crown Plaza Hotel
17	Lord Mayor of Plymouth Civic Dinner	The New Continental Hotel
21	Mayor Making, Totnes	Guildhall, Totnes
22	Mayors and Clerks Meeting	South Hams District Council
24	Art Exhibition private viewing	Town Mill, Coronation Rd
31	Party for new owners	Elmhurst Lodge, Totnes
<b>June</b>		
2	Prize Giving Totnes Regatta	Dart Totnes Rowing Club, Steamer Quay
2	Fashion Museum Private Viewing	Fashion Museum, High St
6	Church Service for D-Day	St Mary's Church
6	Zoom meeting with Mayor of Salfit	Zoom
6	D-Day Beacon Lighting	Kingsbridge Hill
14	Blackawton School event (Deputy Mayor)	Blackawton Primary School
23	New Shop Opening	Blossom and Sparkle, Rotherfold

Civic Events Budget 24/25

As at 30/6/24

Mayoral travel Budget 24/25

Allocation	3500.00
<u>Expenditure</u>	
Stamps for invitations	10.20
Plymouth Mayor's dinner x 2 tickets	104.00
Bellringer for Mayor Making	160.00
Catering for Mayor Making	231.00
Medal engraving	39.75
Groceries for Mayor Making	57.79
Lanyards for medals	6.57
Flowers and groceries for Mayor Making	29.85
Organist for Mayor Making	60.00
Enscribing Mayor's board	95.00

Allocation	330.00
<u>Expenditure</u>	
Rail tickets to Plymouth x 2	21.40
Rail ticket to plymouth x 1	12.00
P.Bethel travel claim	13.50

794.16

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	46.90
Balance remaining	<u>283.10</u>

Balance remaining 2705.84

Event costs

Mayoral Choosing 578.69



## **Financial Regulations**

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TOTNES TOWN COUNCIL

AGREED SEPTEMBER 2023

NEXT REVIEW JULY 2024

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*These Financial Regulations are produced in accordance with Governance and Accountability for Local Councils and were considered by the Council at its meeting of 8<sup>th</sup> July 2024.*

# TOTNES TOWN COUNCIL FINANCIAL REGULATIONS

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## 1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - "Approve" refers to an online action, allowing an electronic transaction to take place.
  - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 'Proper practices' means those set out in *The Practitioners' Guide*
  - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
  - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
  - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and control systems;
  - ensures the accounting control systems are observed;
  - ensures the accounting records are kept up to date;
  - seeks economy, efficiency and effectiveness in the use of council resources; and
  - produces financial management information as required by the council.

1.6. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts; and
- authorise any grant or single commitment in excess of £10,000.

## **2. Risk management and internal control**

2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The Clerk shall prepare, for approval by the council, a risk register covering all activities of the council. This register and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3. When considering any new activity, the Clerk shall complete a risk assessment including risk management proposals.

2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

2.5. **The accounting control systems determined by the CLERK must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

2.6. At least once in each quarter, and at each financial year end, a member who is a cheque signatory shall verify the bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this.

2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall

put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

### 3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the Clerk must be sufficient to explain the council's transactions and to disclose its financial position with reasonably accuracy at any time. In particular, they must contain:**
  - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
  - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The Clerk shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the Clerk shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the Clerk, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
  - is competent and independent of the financial operations of the council;
  - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
  - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - has no involvement in the management or control of the council

3.9. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The Clerk shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

3.12. The Clerk shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

#### **4. Budget and precept**

**4.1. Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in December for the following financial.

4.3. No later than December each year, the Clerk shall prepare a draft budget with detailed estimates of all income and expenditure for the following financial year along with the reserves forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.

4.5. The draft budget, including any recommendations for the use or accumulation of reserves, shall be considered by the Council Matters committee and a recommendation made to the council.

4.6. Having considered the proposed budget and three-year reserves forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.



- 4.7. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.8. The Clerk shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 4.9. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.10. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council {or relevant committee}.

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The Clerk should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed [£60,000] including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.
- 5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the advertising of contract opportunities and the publication of notices about the award of contracts. The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.**
- 5.8. For contracts greater than £5,000 excluding VAT the Clerk shall seek at least 3 fixed-price quotes;

- 5.9. where the value is between £1000 and £5,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.
- 5.10. For smaller purchases, the Clerk shall seek to achieve value for money.
- 5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. specialist services, such as legal professionals acting in disputes;
  - ii. repairs to, or parts for, existing machinery or equipment;
  - iii. works, goods or services that constitute an extension of an existing contract;
  - iv. goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council or Council Matters committee. Avoidance of competition is not a valid reason.
- 5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:
- Members of the Management Team for specific budget lines as decided by the Clerk for any items below £1000.
  - the Clerk, under delegated authority, for any items below £5,000 excluding VAT.
  - The Council Matters committee for all items of expenditure over £5,000 excluding VAT.
  - the council for all items over £10,000.
- Such authorisation must be supported by a minute in the case of council or committee decisions, or other auditable evidence trail.
- 5.16. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.
- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference, except in an emergency.
- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the Clerk may authorise expenditure of up to £5,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such

action to the Chair as soon as possible and to the council as soon as practicable thereafter.

- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

## **6. Banking and payments**

- 6.1. The council's banking arrangements shall be made by the Clerk and authorised by the council; banking arrangements shall not be delegated to a committee. All members shall be signatories on the bank mandate for the current account.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment that do not have a supporting signed requisition form shall be examined, verified and certified by the Clerk or budget holder if under £1000, to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council. The Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading
- 6.4. A schedule of the payments required shall be prepared by the Clerk and, together with the relevant invoices, be presented to a member who is a bank signatory to sign the schedule confirming the invoices match the schedule and approving them for payment
- 6.5. All payments shall be made by online banking, unless the council resolves to use a different payment method.
- 6.6. The Clerk shall have delegated authority to authorise payments only in the following circumstances:
- i. any payments of up to £5,000 excluding VAT, within an agreed budget.
  - ii. payments of up to £5,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
  - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998, where the due date for payment is before a member is able to review the invoice, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a member reviews the invoice retrospectively.
  - iv. Fund transfers within the councils banking arrangements up to the sum of £10,000.

- v. A payment for an online/telephone order that is made by debit card in advance of receiving the goods and invoice provided that a member reviews the invoice retrospectively.
- 6.7. A record of regular fixed and variable Direct Debits made shall be drawn up and signed by one member annually or when new DDs are added to authorise the regular payments.

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. A minimum of two people will be involved in any online approval process.
- 7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. The Finance & HR Manager shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be signed by an authorised signatory.
- 7.4. In the prolonged absence of the Finance & HR Manager the Lettings & Finance Officer shall set up any payments due before the return of the Finance & HR Manager.
- 7.5. The Clerk shall check the payment details against the invoices before approving each payment using the online banking system. In the absence of the Clerk the Governance & Projects Manager shall approve the payments using the online banking system.
- 7.6. Evidence shall be retained showing which member of staff approved the payments online and a printout of the transaction confirming that the payment has been made shall be appended to the payment listing for audit purposes.
- 7.7. Regular payments (such as gas, electricity, and water) may be made by variable direct debit, provided that the instructions are signed by two authorised signatories.
- 7.8. Wages payments may be made by BACS provided that each payment is approved online by the Clerk and evidence is retained.
- 7.9. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by two members and evidence of this is retained.
- 7.10. Account details for suppliers may only be changed upon written notification (including by e-mail) by the supplier verified by the Finance & HR Manager. This is a potential area for fraud and the individuals involved should ensure that any change is genuine.
- 7.11. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

7.12. Remembered password facilities {other than secure password stores requiring separate identity verification} should not be used on any computer used for council banking.

## **8. Payment cards**

- 8.1. Any debit card issued for use will be in the name of the Clerk and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed.
- 8.2. The debit card shall not be used to make cash withdrawals.
- 8.3. The debit card will be securely stored by the Finance & HR Manager and will only be provided to staff with the PIN on receipt of a signed requisition form detailing the proposed purchase. The card will be signed out and signed back in and the Finance & HR Manager will, within 24 hrs of the card use, confirm the amount on the requisition form matches the amount paid out of the bank.
- 8.4. Proper VAT invoices must be obtained for all purchases made with the debit card and invoices must be signed retrospectively by a member.

## **9. Petty Cash**

- 9.1. The council will not maintain any form of cash float. All cash received must be banked intact.

## **10. Payment of salaries and allowances**

- 10.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 10.2. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 10.3. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council or relevant committee.
- 10.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 10.5. Deductions from salary shall be paid to the relevant bodies within the required timescales.
- 10.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the Clerk to ensure that the correct payments have been made.
- 10.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 10.8. Before employing interim staff, the council must consider a full business case.

## **11. Loans and investments**

- 11.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 11.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 11.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 11.4. All investment of money under the control of the council shall be in the name of the council.
- 11.5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk.
- 11.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

## **12. Income**

- 12.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk.
- 12.2. The council will review all fees and charges for statutory work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk shall be responsible for the collection of all amounts due to the council.
- 12.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the Clerk and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 12.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the Clerk considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 12.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 12.6. The Clerk shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.
- 12.7. Where significant sums of cash are regularly received by the council, the Clerk shall ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control record such as ticket

issues where possible, and that appropriate care is taken for the security and safety of individuals banking such cash.

- 12.8. Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

### **13. Payments under contracts for building or other construction works**

- 13.1. Where contracts provide for payment by instalments the Clerk shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 13.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

### **14. Stores and equipment**

- 14.1. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

### **15. Assets, properties and estates**

- 15.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- 15.2. The Clerk shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 15.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 15.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed [£500]. In each case a written report shall be provided to council with a full business case.

## **16. Insurance**

- 16.1. The Clerk shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 16.2. The Clerk shall give prompt notification to the Council's Insurance Broker of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 16.3. The Clerk shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The Clerk shall negotiate all claims on the council's insurers.
- 16.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

## **17. Suspension and revision of Financial Regulations**

- 17.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 17.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 17.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.



## **Appendix 1 - Tender process**

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order section 15 and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.



## **ITEM 7 CEMETERY FEES – MEMORIAL STONE APPLICATIONS CHARGING**

### **Issue**

Whether to link memorial application fees to the rate applied for the deceased's burial, rather than the deed holder's address, in response to a rising number of complaints.

### **Recommendation**

That the Council Matters Committee considers the following policy clarification:

- In cases where the Deed of Grant holder lives outside of the Totnes Parish, memorial application fees will be charged at the same rate as the deceased's burial fee for up to three years after the interment was made.

### **Background**

The Council routinely gets complaints about the rate at which memorial application fees are charged when grave ownership moves to the next generation. For example, the deceased was a resident of Totnes and so the burial was charged at single/resident fee rate, but the new deed holder is not a resident and therefore would be charged double to erect a memorial stone on the plot. With the one exception of the named deed holder being buried into the plot they own, there is a requirement for the Deed of Grant to be held by a living person for instructions such as memorial applications. The Deed of Grant is proof of ownership of the burial plot, and therefore when an owner dies this must be transferred to the lawful next of kin or whoever a will states as inheriting the deceased's estate. Officers ensure that this process is followed before a memorial application is approved but are increasingly getting complaints from families about the charging rate as they do not live in Totnes and are therefore being charged more.

The proposed recommendation looks to address this situation, whilst setting a boundary around when the relevant fee will be applied as memorials should not be erected for a minimum of six months on a full burial plot and probate can take up to a year to obtain.

### **Presentation**

The cemetery is an emotive issue and with wider media attention on how funeral companies and council look to 'cash in' on the bereaved, any positive change in approach would go some way to meeting the concerns and complaints that have been raised with officers.

### **Financial**

The number of memorial applications fluctuates year on year, but the loss of income is judged to be minimal.





## **Information and Data Protection Policy**

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TOTNES TOWN COUNCIL

AGREED JULY 2021

NEXT REVIEW JULY 2024

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*This Policy sets out the information that the Town Council routinely uses in the course of its work and how the information will be handled and protected. It should be read in conjunction with the General Data Protection Regulations Privacy Notice and Privacy Policy.*

## Introduction

In order to conduct its business, services and duties, the Council processes a wide range of data, relating to its own operations and some of which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

The Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Council will seek to ensure information considerations are central to the ethos of the organisation.

The Council will periodically review and revise this Policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of information which is not personal or confidential, it will be prepared to make it available to partners and community. Details of information which is routinely available is contained in the Council's Freedom of Information Publication Scheme which is based on the statutory model publication scheme for local councils.

## Protecting Confidential or Sensitive Information

The Council recognises it must at times keep and process sensitive and personal information about both employees and the public and it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018, like the Data Protection Act 1998 before it, seeks to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Council with legitimate reasons for using personal information.

The Policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## Data Protection Terminology

**Data Subject** – means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of the Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal Data** – means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive Personal Data** – includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data Controller** – means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

**Data Processor** – in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** – means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- Organising, adapting or altering it.
- Retrieving, consulting or using the information or data.

- Disclosing the information or data by transmission, dissemination or otherwise making it available.
- Aligning, combining, blocking, erasing or destroying the information or data, regardless of the Technology used.

## Processing of Data

The Council processes **personal data** in order to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities.
- Fulfil its duties in operating the business premises including security.
- Assist regulatory and law enforcement agencies.
- Process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- Process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- Undertake research, audit and quality improvement work to fulfil its objects and purposes.
- Carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing.
- Processing is necessary for the performance of a contract or agreement with the individual.
- Processing is required under a legal obligation.
- Processing is necessary to protect the vital interests of the individual.
- Processing is necessary to carry out public functions.
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Town Council will ensure that at least one of the following conditions is met:



- Explicit consent of the individual.
- Required by law to process the data for employment purposes.
- A requirement in order to protect the vital interests of the individual or another person.

## Processing of Data

The Council processes personal data in order to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
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Particular attention is paid to the processing of any sensitive personal information and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual.
- Required by law to process the data for employment purposes.
- A requirement in order to protect the vital interests of the individual or another person.

## Who is Responsible for a Person's Personal Data?

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Town Clerk.

- Email: [clerk@totnestowncouncil.gov.uk](mailto:clerk@totnestowncouncil.gov.uk)
- Phone: 01803 862147
- Correspondence: Town Clerk, The Guildhall Offices, 5 Ramparts Walk, Totnes, Devon, TQ9 5QH

## Diversity Monitoring

The Council monitors the diversity of its employees in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council gives guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Policy to enable individuals on whom personal information is held are kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## Information Provided to Us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council individuals are deemed to be giving consent for their personal data provided to be used and

transferred in accordance with this Policy. However, where appropriate specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party other than for law enforcement or regulatory purposes or otherwise be used for any purpose other than that for which it was provided.

## The Councils Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)  
Processing is with consent of the data subject, or  
Processing is necessary for compliance with a legal obligation.  
Processing is necessary for the legitimate interests of the Council.

## Information Security

The Town Council takes care to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

## Children

In general the Council will not hold or process data relating to a child. In exceptional circumstances if it does it will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

## Rights of a Data Subject

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting the Town Clerk.

**Information Correction:** If the individual believes that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Town Clerk.

**Information Deletion:** If the individual wishes the Town Council to delete the information about them, they can do so by contacting the Town Clerk.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk.

The Town Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk, or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

## Making Information Available

The Freedom of Information Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The Scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its Committees are subject to statutory notice being given on notice boards and the Website. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public question session at each Council meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will endeavour to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

## Data Transparency

The Council acts, as appropriate and required, in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011).





## Freedom of Information Act Publication Scheme

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TOTNES TOWN COUNCIL

AGREED JULY 2021

NEXT REVIEW JULY 2024

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*This Policy sets out the information that the Town Council routinely makes available to the public and by what methods, and how requests for information can be made to Totnes Town Council.*

*[Note: proposed new text as at July 2024 in the table is in **bold italics**]*

## Background

To meet the requirements of the Freedom of Information Act, Totnes Town Council has examined the range of documents it holds and resolved to make many of these available to the public.

The Town Clerk will take responsibility for the Scheme and full contact details are given at Appendix I.

Classes of information for publication are attached at Appendix II.

These are based on the Model Scheme for Local Councils and reflect the responsibilities of Totnes Town Council.

## Availability of Information

The details of the Scheme will be available:

1. In person from the Guildhall Offices, 5 Ramparts Walk, Totnes, Devon, TQ9 5QH from 10am – 4pm Monday to Friday
2. On the notice board under the Civic Hall
3. On the website [www.totnestowncouncil.gov.uk](http://www.totnestowncouncil.gov.uk)

## Charges for Information

The Council will not charge for the inspection of documents or for viewing the information. However, if copies are required, the first 10 pages of photocopied information will be made available free of charge but thereafter will be charged as follows:

10 or under	FREE
10-20	£1.00 and 10p per copy thereafter

## Rights and Complaints

Any person has the right to receive a copy of the information described in the Publication Scheme and, where that information is available in printed format, the Council will endeavour to provide copies within 20 working days of receiving the request.

If you are unhappy with the way in which Totnes Town Council has dealt with your request under the Freedom of Information Act 2000 you should raise the matter in accordance with our usual Complaints Procedure.



## APPENDIX I - FREEDOM OF INFORMATION ACT PUBLICATION SCHEME

Totnes Town Council has resolved to adopt the Model Scheme for Local Councils as outlined at Appendix II.

### DECLARATION

Totnes Town Council, Guildhall Offices, 5 Ramparts Walk, Totnes, Devon, TQ9 5QH has adopted the Model Scheme entitled 'Totnes Town Council – Access to Information Policy' produced in accordance with Section 20 of the Freedom of Information Act 2000 and will publish information in accordance with that scheme.

The contact details for the person who will be responsible for maintaining the Publication Scheme and who should be contacted if any issues arise concerning the organisation's compliance with the Freedom of Information Act is:

Town Clerk  
Totnes Town Council  
Guildhall Offices  
5 Ramparts Walk  
Totnes  
Devon  
TQ9 5QH

01803 862147  
[clerk@totnestowncouncil.gov.uk](mailto:clerk@totnestowncouncil.gov.uk)

APPENDIX II – INFORMATION AVAILABLE FROM TOTNES TOWN COUNCIL  
UNDER THE MODEL PUBLICATION SCHEME

Information to be published	How the information can be obtained	Cost
<b>Class 1 – Who we are and what we do</b>	Hard copy and via website <a href="http://www.totnestowncouncil.gov.uk">www.totnestowncouncil.gov.uk</a>	
Who's who on the Council and Committees	Council Offices Website	
Contact details for Town Clerk and Councillors	Council Offices Website	
Location of main Council office and accessibility details	Website	
Staffing structure	Council Offices Website	
<b>Class 2 – What we spend and how we spend it</b>		
Current and previous year financial as a minimum	Hard copy	First 10 pages free
Annual return form and report by auditor	Hard copy Website Notice Board	Free
Finalised budget	Hard copy Website	First 10 pages free
Precept	Hard copy	First 10 pages free
Borrowing Approval Letter	Hard Copy	Free
Financial Regulations	Hard Copy or email Website	First 10 pages free
Grants given and gifts received	Hard copy Website	Free
List of current contracts awarded and value of contract	Hard copy	First 10 pages free
Members' allowances and expenses	Hard copy	Free
<b>Payments over £500</b>	<b>Hard Copy Website</b>	<b>First 10 pages free</b>
<b>Class 3 – What are our priorities and how are we doing</b>		
Strategic Priorities	Hard copy Website	Free
<b>Class 4 – How we make decisions</b> Decision making processes and records of decisions	Hard copy Website	Free
Timetable/Notification of meetings	Hard copy Website Notice board Social Media	Free

Agendas of meetings	Website Notice Board <i>Links on Social Media</i>	Free
Minutes of meetings (excluding any information which is properly confidential to the meeting)	Hard copy Website	Free
Reports presented to Council meetings	Hard copy Website	First 10 pages free
Responses to consultation papers	Hard copy Website	First 10 pages free
Responses to planning applications	Hard copy Website	First 10 pages free
Bye-laws	Hard copy	First 10 pages free
<b>Class 5 – Our Policies and Procedures</b> Current information only	Hard copy	First 10 pages free
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Hard copy Website	First 10 pages free
Policies and procedures for the provision of services and about the employment of staff: Internal policies relating to the delivery of services Equality and Diversity Policy <b>Health, Safety and Wellbeing Policy</b> Recruitment Policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy Website	First 10 pages free
General Data Protection Regulations Privacy Notice (Information Security)	Hard copy Website	Free
General Data Protection Regulations Privacy Policy (including records management -retention, destruction and	Hard copy Website	Free

archive)		
Schedule of Charges (for the publication of information)	Hard copy	Free
<b>Class 6 – Lists and Registers Currently maintained lists and registers only</b>		
Assets Register	Hard copy	Free
Disclosure Log (indicating the information that has been provided in response to requests)	Hard copy	First 10 pages free
Register of Members' Interests	Hard copy Website	First 10 pages free
Register of Gifts of Hospitality	Hard copy	Free
<b>Class 7 – The Services we Offer</b>		
Burial grounds and closed churchyards	Hard copy Website	
The Civic Hall	Hard copy Website	
The Guildhall	Hard copy Website	
The Totnes Information Office	Hard copy Website	
The Eastgate Clock	Hard Copy Website	
Memorials and fountains	Hard Copy Website	
Bus Shelters	Hard Copy Website	
A summary of services for which the Council is entitled to recover a fee, together with those fees eg burial fees	Hard Copy Website	

### Schedule of Charges

#### **Type of Charge**

Disbursement Cost

#### **Description**

Photocopying @ 10p per sheet (black and white)  
Photocopying @ 50p per sheet (colour)

#### **Basis of Charge**

Cost of toner for printer

Postage

Actual cost of stamp



## **Complaints Policy and Procedure**

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TOTNES TOWN COUNCIL

AGREED MAY 2021

NEXT REVIEW MAY 2024

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*This Policy outlines how members of the public can make a complaint about the Council of the service it has received from one of its officers.*

*[Officer note: proposed new text is underlined and that suggested for deletion struck through.]*

## Introduction

The Town Council aims to provide all our customers with a good, prompt and courteous service. However, there may be times when things go wrong and you do not feel that you have received the service you expected or required. We want to know when this happens so that we can do our best to put things right. In order to do this we have a standard complaints procedure. Our complaints procedure is designed to make sure:

- It is easy for you to make your complaint
- It gets to the right person
- It is dealt with promptly
- If something is wrong, it gets put right

## How To Make A Complaint

There are a number of ways you can make your complaint:

- You can write to us at Totnes Town Council, The Guildhall Offices, 5 Ramparts Walk, Totnes, Devon, TQ9 5QH
- You can come into the Council's reception (open 10am-4pm Monday to Friday)
- You can telephone us: 01803 862147
- You can email us at: [administrator@totnestowncouncil.gov.uk](mailto:administrator@totnestowncouncil.gov.uk)

You need to make it clear that you are making a complaint and not just passing on information or making a comment. The Complaints procedure will only cover certain complaints (see list below).

## Is It An Enquiry Or General Feedback?

If you want to contact us regarding an enquiry or with general feedback please visit, email or write in and clearly state that you are passing on information or making a comment.

## How To Provide Information On Your Complaint

You can write a letter, visit us in reception or telephone us on 01803 862147. You will need to supply your name, address and telephone number so that we can reply to you.

You will need to provide details of your complaint.

The Council will not discriminate against a member of the public in the provision of services or goods based on their protected characteristics. These protected characteristics include age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. If you feel your complaint means that you are receiving a different level of service based on your protected characteristic, or that

you are the victim of an incident based on your protected characteristic, please say so in your complaint.

The Council has a policy for recording, monitoring and investigating racist incidents. If you feel your complaint means that you are receiving a different level of service based on your race, or that you are the victim of a racist incident, please say so in your complaint.

The Council also records basic details about the person making the complaint to ensure that our complaints system is applied equally. You will find a tear off panel on the complaints form you fill in.

## What The Council Will Do

The Council will acknowledge your complaint within 3 working days and provide a response in 10 working days or let you know if it will take longer to investigate.

## How Does The Complaint Process Work?

**Internal Stage 1:** An Officer from the relevant service will respond to your complaint. This will also be looked at and signed off by the Town Clerk. They will try to resolve your complaint by providing relevant information or by taking appropriate action.

**Internal Stage 2:** If you are unhappy with the department's response please contact the Town Clerk who will investigate whether an independent review needs to take place or confirm the Council's first response in the Internal Stage 1 is still accurate and appropriate. The Mayor will also look at the response and sign the letter to confirm.

**Internal Stage 3:** If you are unhappy with the response received from the Town Clerk and the Mayor please contact the Town Clerk and request that your complaint is placed on the agenda for the next Full Council Meeting.

The Internal Stage 3 is the final stage of the internal complaints procedure. If you remain unhappy with the response you are entitled to refer the matter externally to the Monitoring Officer at South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE, Tel 01803 861234.

## What We Investigate

- Failure to follow the Councils: procedures, policies, systems or rules
- Delays in providing any Council service
- Failing to provide any Council service
- Failing to meet published or advertised Council service standards
- Failing to meet statutory obligations
- Complaints against employees– attitudes and/or actions (either by employees or members of the public. Including racist incidents - but extreme racial incidents to be reported to Police)

- Failing to provide all relevant information when required to inform a decision. For complaints about Town Councillors please see our Local Code Of Conduct for Councillors.





## **Policy for Dealing with Habitual or Vexatious Complainants**

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TOTNES TOWN COUNCIL

AGREED JUNE 2022

NEXT REVIEW JULY 2024

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*This policy sets out guidance and procedures to help deal with people who repeatedly complain to the Council or who complain in an unreasonable way.*

*There are times when nothing further can be done to solve a real or perceived problem and continual contact with the person complaining is time consuming and costly for the Council in both Councillor and officer time.*

*This policy explains how to decide if a complaint should be classed as habitual or unreasonable. It then gives advice about how the complaint should be recorded. Finally, options are listed to help process such complaints or cease contact with particular complainants.*

## 1. Introduction

1.1 As with any organisation, there will be times when Totnes Town Council receives complaints from members of the public, also calls on staff time from people who may visit and raise issues more often than others. Some complaints are received by telephone or in writing, and some by a visit to the Town Council Offices. To set out the procedure for dealing with complaints, the Town Council has an established Complaints Policy.

1.2 In the event that a complainant or a visitor/correspondent begins to make an unreasonable level of contact with the Town Council and has the potential to impact on/hinder the normal day to day running of the Town Council, the Town Clerk will implement a policy for dealing with frequent or vexatious complainants/correspondents.

1.3 Habitual or vexatious complainants can be a problem for Council Officers and Councillors. The difficulty in handling such complainants is that they are time consuming and can be wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and empathy to the needs of all complainants there are times when there is a need to be realistic about the extent to which the matter can reasonably be resolved, to assist or to rectify a real or perceived problem.

1.4 It is recognised that complainants can use repeated Freedom of Information (FOI) or Subject Access Requests (SAR) as a means of perpetuating a complaint which has been determined and therefore the term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 as well as those made under the Council's complaints procedure.

## 2. Habitual or Vexatious Complainants

2.1 Definitions. For the purposes of this policy, terms used are clarified below:

Complainant – a person raising a complaint.

Correspondent – a person contacting the Town Council to notify of matters, ask questions or request information (in writing, email, by phone or in person).

Habitual – 'done repeatedly or as a habit'.

Town Council – relates to both Councillors and Officers.

Unreasonable - it is the element of unreasonableness that means that complaints or complainants may be treated in accordance with this policy.

Vexatious – a term recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

2.2 For Totnes Town Council, unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their complaints or of the Council's day to day business.

2.3 A complaint in itself may be reasonable or unreasonable. Similarly, the persistent nature of a complainant may be reasonable or unreasonable. In some situations a complainant needs to be persistent to achieve the right outcome. This is why some complaints get referred to the Local Government Ombudsman and are upheld. In other situations, the level of persistent behaviour becomes unreasonable. It is appreciated therefore that there needs to be a balance when applying this policy.

2.4 Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

2.5 Sometimes the situation between the Council and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening. Such complainants are in a very small minority, but their behaviour may result in the Council having to restrict access to Council premises.

2.6 This policy covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, such as an accumulation of incidents or behaviour over a longer period.

### 3. Process

3.1 Stage 1. Where complaints continue and are considered to be habitual or vexatious in accordance with the criteria set out in Schedule A, the Clerk of the Council will inform the individual informally that their behaviour is considered by the Council to be unreasonable or unacceptable, and request a changed approach.

3.2 Stage 2. After taking into account the considerations set out in Schedule B and if there is no improvement in behaviour the Council will consider the matter, and, if considered necessary, will inform the complainant in writing that their behaviour falls under the terms of the habitual and vexatious complaints policy.

3.3 A copy of the Policy will be sent to the individual with a letter giving details of any restrictions which will apply. Schedule C details the options available for dealing with such complainants.

3.4 The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint made in an acceptable manner will always be considered.

3.5 Review. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk and three of the

Members listed in Schedule C after six months and, if applicable, at the end of any extension period agreed.

The complainant will be informed if the review results in an extension of restrictions to their contact with the Council.

3.6 Stage 3. Where there is dispute about action taken or not taken by the complainant may refer the matter to the Local Government Ombudsman.

#### 4. Schedule A – Criteria for Determining Habitual or Vexatious Complainants

4.1 Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet any of the following criteria:

4.2 Where complainants:

- a. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
- b. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed separately.
- c. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- d. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- e. Regularly focus on matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used in applying this criterion.
- f. Have threatened verbally, or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. A complainant who threatens either verbally or in writing or uses actual physical violence towards an employee will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made. It should also be noted that Totnes Council in consultation with the affected individuals will refer any actual or threatened verbal or physical abuse to Devon and Cornwall Police for investigation.
- g. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax or any other means. excessive contact will be determined taking into account the specific circumstances of each individual case.

- h. Have harassed or been verbally abusive towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health problem and there is a need to be sensitive in circumstances of that kind.
- i. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- j. Make unreasonable demands on the Council and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- k. Make unreasonable complaints which impose a significant burden on the resources of the Council and where the complaint:
  - clearly does not have any serious purpose or value; or
  - is designed to cause disruption or annoyance; or
  - has the effect of harassing the Council; or
  - can otherwise fairly be characterised as obsessive or manifestly unreasonable
- l. Make repetitive complaints and allegations which ignore the replies which have been supplied in previous correspondence.

## 5. Schedule B – Considerations Prior to Taking Action under the Policy

5.1 Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the complainant simply refusing to take no for an answer, and the Council has the option of ending all communication with the complainant, and where appropriate referring the complainant to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

5.2 The decision to designate someone as a habitual and vexatious complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied Councillors should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint or that the way in which the complainant has acted is unreasonable.

## 6. Schedule C – Options for Dealing with Habitual or Vexatious Complainants

6.1 When complainants have been identified by the Clerk as potentially fulfilling the criteria set out later in this document, the Clerk will convene a panel of three Members drawn from: the Mayor, Deputy Mayor, Chairman of Council Matters Committee (or the Deputy Chair), to seek

agreement to treat the complainant as a habitual or vexatious complainant and for the appropriate course of action to be taken.

6.2 The Clerk on behalf of the Council will notify complainant, in writing, of the reasons why their behaviour has been treated as habitual or vexatious and the action that will be taken unless the behaviour is changed.

6.3 If the disruptive behaviour continues, the Town Clerk will issue a reminder letter (or other means of notification if absolutely necessary) to the complainant, advising them that their way in which they will be allowed to contact the Town Council in future will be restricted. The Town Clerk will make this decision in consultation with three Members drawn from those listed at the start of this section.

6.4 Any restriction imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which the restriction will be in place. In most cases restrictions will apply for 6 months at which time they will be reviewed. (Restrictions may be lifted sooner if the complainant's behaviour merits this.)

6.5 Where a complainant continues to behave in a way that is unacceptable, the Town Clerk, in consultation with the panel of three Members set out above, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

6.6 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with them, will be recorded and notified to those who need to know within the Council.

6.7 Examples of restrictions - restrictions will be tailored to the individual circumstance and may include:

- a. Banning the complainant from making contact either in person or by telephone except through a third party (eg solicitor, Councillor or friend acting on their behalf).
- b. Banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- c. Requiring contact to take place with one named member of staff only.
- d. Restricting telephone calls or personal visits to the Council to specified days and/or times and/or duration.
- e. Requiring any personal contact to take place in the presence of an appropriate witness.
- f. Letting the complainant know that the Town Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint.



# STAFF LOANS POLICY

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TOTNES TOWN COUNCIL

MAY 2024

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## Introduction

In certain circumstances the Council provides financial loans to its employees. The amount and conditions under which loans are provided may be varied from time to time, added to or even withdrawn.

This policy applies to all permanent employees not in a probationary period and also not under notice of dismissal. Temporary employees are not eligible for loans.

Loans must be used for their stated purpose. Failure to do so constitutes fraud and is regarded as a serious matter. This will lead to disciplinary action being taken which could result in dismissal.

Employees should carefully consider whether they are able to meet the loan repayments before applying for a loan under this scheme.

All applications should be completed and authorised in line with the procedure and forwarded to the Finance & HR Manager for processing. Loans must be processed through the Accounts Payable System and not paid through the payroll system.

The employee will be responsible for providing proof of purchase of the items concerned. Should the employee's employment be terminated for whatever reason, then the balance of the loan must be repaid to the Council before the last day of service in accordance with the loan agreement.

## Personal Development Loan

An interest free loan of up to £250 for any tuition or course fees, including any supporting books, software, equipment and learning materials, to facilitate the personal development of the employee. This may be for skills based practical training such as driving lessons, swimming lessons, cookery lessons, etc. or educational training such as GCSEs, Open University courses, learning a foreign language, arts & crafts courses and other adult education training.

Course enrolment records must be in the employee's name and any equipment delivered must be to their home address.

Equipment purchased must be new and bought from a reputable dealer providing a minimum of a twelve month guarantee.

A copy of the personal development loan form is attached as Appendix 1.

### **Conditions relating to the granting of personal development loan**

▶ Totnes Town Council (the Council) agrees to provide an interest free loan to the employee indicated on the attached form subject to the following conditions:

▶ The loan will be used solely to pay for tuition or course fees or for the purchase any supporting books, learning resources, equipment or software. Failure to do so constitutes fraud and is regarded as a serious matter. This will lead to disciplinary action being taken which could result in dismissal.

▶ The employee agrees to repay the loan by deductions from monies payable by the Council to the employee by way of salary due each month over 24 month.

▶ Should the employee's employment be terminated for whatever reason, the employee agrees to repay the balance of the loan in full. The outstanding sum will be deducted from any other sum due to the employee on termination

▶ Should monies still be owed to the Council at termination and remain outstanding one month later, then the employee agrees to repay to the Council the balance of the loan and interest on that balance at the Council's bankers' base rate plus an additional three per cent. The council reserves the right to recover any outstanding amount through application to the Courts

▶ The employee agrees to present a copy of receipts for the use of the loan to the Finance, HR & lettings Manager within one month of receiving the loan.

▶ The employee should discuss any difficulties arising from these arrangements with the Town Clerk.

▶ The employee's signature on the attached form signifies that they understand these conditions and agree to be bound by them.



## Staff Personal Development Loan Application

Section A: Applicant's details					
Title		First name		Surname	
Address					
Job title					
<p>I understand and agree to abide by the terms and conditions attached with my personal development loan application.</p> <p>I agree to the loan being deducted from my salary in 24 monthly instalments. I also understand that should I leave the Council's employment before the loan is repaid in full, the whole outstanding balance will become repayable immediately and that some, or all, of this amount will be deducted from my final salary.</p> <p>Signed: _____ Date: _____</p>					
Please return the completed form to the Finance, HR & Lettings Manager.					

Section B: Personal Development training details	
Training provider	
Course/training details	
Cost of tuition/course	£
Start date	
Duration	
Books, learning materials, equipment, software etc required for the course/training	
Cost	£
Expected outcome/qualification/	65

achievement from the course	
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<b>Section C: Approval</b>			
Date application received		Monthly deduction	£
Start date for deduction element		End date for deduction element	
Cost centre			
Loan approved by (Town Clerk)		Date	

<b>Terms and conditions</b>	
1.	The loan will be used solely to pay for tuition or course fees or for the purchase any supporting books, learning resources, equipment or software. Failure to do so constitutes fraud and is regarded as a serious matter. This will lead to disciplinary action being taken which could result in dismissal.
2.	The loan is issued for standard (2nd) class travel between the employee's home and the University only.
3.	The loan must not exceed the duration of the employee's contract.
4.	The employee must have sufficient net pay to cover the monthly deduction of the loan.
5.	The loan is repayable by deduction from net salary over 24 months. It is not possible to extend this period of repayment. The first deduction will be made in the month following the one in which the loan is paid. For clarification, the Council determines the payment date to be that which it releases the money from its bank account and not when your bank credits your account.
6.	The maximum amount for a personal development loan is £250.
7.	An existing loan cannot be altered and must be repaid before a new loan can be granted. No further personal development loans will be made until the respective loan has been repaid. Only one loan will be made per annum.
8.	Employees are required to forward a copy of their receipts the Finance, HR & Lettings Manager within one month of receipt of the loan. Failure to produce this will result in the full repayment of the outstanding loan from the next available salary payment.
9.	In the case of termination of employment for whatever reason (e.g. resignation, retirement, redundancy, dismissal) before the loan has been repaid, the outstanding balance will be recovered from the final salary payment. If there is insufficient payment to cover the sum outstanding, then payment for the difference must be made by alternative means prior to the employee's last day of employment. By applying for the loan, the borrower agrees to repay immediately any amount outstanding after such final salary recovery has been effected.
10.	The Council reserves the right to withdraw this arrangement, or to add to or vary, these conditions at any time without prejudicing any agreement already in existence.
11.	The Council reserves the right to refuse personal development loans to individuals at its discretion and the existence of this scheme does not confer any right on any person to loans or advances against salary for other purposes.



Item 13

# WORKING TIME AND LEAVE POLICY

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**TOTNES TOWN COUNCIL**  
**MAY 2022**  
**REVISED JULY 2024**

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## INTRODUCTION

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

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

## HOURS OF WORK

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

## OVERTIME

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

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

## TIME OFF IN LIEU (TOIL)

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

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

## ANNUAL LEAVE

Entitlement for Totnes Town Council employees is as follows

On appointment	23 days + 5 Statutory + Bank Hols
After 5 yrs continuous LG service	27 days + 5 Statutory + Bank Hols
After 10 yrs continuous LG service	29 days + 5 Statutory + Bank Hols

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

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

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

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

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

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

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

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

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

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

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

## **PUBLIC HOLIDAYS**

There are normally 8 public holidays per calendar year:

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

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

## **EXTRA STATUTORY LEAVE DAYS**

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

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

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

## **SPECIAL LEAVE**

Compassionate leave of up to five working days with full pay may be granted to an employee by the Town Clerk upon the death or serious illness of a partner, child, close relative or person of significant connection. In exceptional circumstances, this period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

Supported leave of up to five working days **with pay** may be granted to an employee by the line manager in circumstances where a partner, child, close relative or person of a

significant relationship has been diagnosed with a serious illness or undergoes a serious medical procedure. In exceptional circumstances, the period may be extended by up to a further five working days with or without pay at the discretion of the Town Clerk. Any further leave will be considered by Council Matters under their delegated authority.

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

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

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

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

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

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

### **Ante-natal care**

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic. An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship

with her. Employees who are adopting a child are entitled to take time off to attend adoption appointments.

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

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

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

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

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

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

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

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

### **OTHER AUTHORISED PAID LEAVE**

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

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

### **COVID-19 Self-isolation**

Self-isolation is no longer a legal requirement and any absence due to COVID-19 will be included as sickness absence.

Please refer to the current government guidance. (see <https://www.gov.uk/coronavirus> )

## **PARENTAL LEAVE**

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

Each parent can take up to 18 weeks of parental leave in total for each child, until the child turns 18. If you have two children, you can take up to 36 weeks in total. Parents with three children can take up to 54 weeks. And so on.

You can take up to 4 weeks per child per year. If you have two children, you can take up to 8 weeks per year.

You have to take parental leave in blocks of one week. A week is the length of time you are normally required to work over 7 days. For instance, if you normally work three days a week, one 'week' is equivalent to three working days.

You must notify the Town Clerk of your intention to take parental leave at least 21 days in advance. The Town Clerk cannot refuse to let you go on parental leave but can postpone your leave for up to six months where the business would be particularly disrupted if the leave were taken at the time requested. If you are taking the leave immediately after the birth of your child (or placement of your child in your family for adoption), the Town Clerk cannot postpone your leave. In addition, the leave cannot be postponed beyond the child's 18th birthday.

## **CARERS LEAVE**

Employees have a statutory right to one week's unpaid Carer's leave to enable employees to give or arrange care for a dependent with long term care needs.

'Long term care needs' are defined as someone who has:

- A physical or mental illness or injury that means they're expected to need care for more than 3 months
- A disability (as defined in the Equality Act 2010)
- Care needs because of old age.

Carer's leave can be taken on separate days over a rolling 12-month period or in a week's block.

## **OTHER UNPAID LEAVE**

In addition to annual leave staff are entitled to request up to a maximum of one working week off as unpaid leave. This must be taken as a minimum of half a day and will align with the annual leave year (April – March).



The Town Clerk will consider any requested for unpaid time off in relation to the business need and other pre-booked leave within the team.

Any unpaid time off taken to deal with emergencies involving a 'dependant' will be included in this unpaid leave entitlement.

## **FLEXIBLE WORKING**

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

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

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

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

### **Making the request**

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

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- A statement saying if and when you've made a previous application.

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

### **Responding to your request**

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

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

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

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

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

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

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

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

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

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

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

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

### **Appealing the decision**

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

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

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

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

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

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

