



# Okehampton Town Council

## **DRAFT** Civic/Council Protocol and the Role of the Mayor

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## **GENERAL INFORMATION AND GUIDANCE**

Councillors, in particular the Mayor, are expected to attend the events listed within this document where possible.

### **Dress Code**

When attending Civic events Councillors must be smartly dressed, wearing Council ties and badges as appropriate and in accordance with the type of event.

### **Town Clerk**

The Town Clerk is classed the second citizen, the first being the Mayor, and should accompany the Mayor on Civic occasions wearing the robe. In the event the Clerk is unavailable the Assistant Clerk may deputise but does not wear the robe.

As Proper Officer the Town Clerk, or Assistant Clerk if deputising, is responsible for the Council's Civic Events. Therefore, any instruction to other bodies, Councillors, and decisions falls within the remit of the Town Clerk and takes precedence over any others.

### **Mace Bearers**

The role of the Mace Bearers is to provide assistance and guidance to the Mayor as required at Civic events and to ensure the Mayor has a clear way ahead.

Mace Bearers must be smartly dressed in suitable attire when undertaking the Civic role.

### **Mayor's Chaplain**

Each year the Mayor, at their discretion, can appoint a Chaplain who will undertake to attend and have a role in the Council's Civic events. The Chaplain may also attend meetings of full Council to offer prayers.

### **Mayor's Cadet**

Annually on an alternating basis the Air and Army Cadet groups will be asked to nominate a Cadet to take up the position of the Mayor's Cadet. The role is to accompany and support the Mayor at the Town Council's Civic Events.

### **Town Crier**

Ms Ros Chard is the Town Crier and can be invited, as approved by the Mayor and Town Clerk, to attend Town Council events for the agreed fee which is paid from the event or Mayor's expense budget.

### **Death of a former Town Mayor**

On being informed of the passing of a former Town Mayor, the current Mayor will send a card on behalf of the Town Council and attend the funeral, providing it is held within a reasonable distance of the town, as the official Council representative. Unless the full Chain of Office is requested by the family the day chain will be worn. If the full Chain of Office is worn, it will be that purchased in 2025 and not the original.

The Deputy Mayor may attend the funerals of ex-Mayors if the Mayor is unable to attend as long as these funerals are in the town or very local.

Other Members of the Council attending will do so personally as a member of the public or as a fellow councillor. The Mayor will be in attendance as official council representative.

### **Death of a monarch**

On being informed of the passing of a monarch the Mayor may be required to undertake certain tasks, for example the reading of a proclamation.

## **THE MAYOR**

### **Background**

Section 245 (6) of the Local Government Act 1972 gave parish councils the power by resolution to give themselves the title of Town Council.

The Chairman of a Town Council is entitled to be called 'Town Mayor'. A Town Mayor has the same rights and duties as a local Council Chairman. Undertaking the role of Mayor is a Civic office and the Mayor has the opportunity to stimulate community pride, encourage business and promote the voluntary sector.

The Mayor is elected by the full Council at the Annual Council meeting in May. A Deputy is also elected at this meeting. The Mayor makes a Declaration of Acceptance of Office when accepting this role at the Mayor Choosing Ceremony/Annual Council Meeting. The Mayor's term of office is for one year and during this time the Mayor continues to be a Member of the Council and presides over the meetings of the Council. In accordance with Okehampton Town Council's (OTC) Standing Orders, a Councillor may not hold the Office of Mayor for more than two consecutive years.

The usual form of address for the Mayor is Mr/Madam Mayor.

### **Role of the Mayor**

During the Civic year, the Mayor supports a wide variety of events throughout the town. The Mayor receives invitations to all kinds of events and every invitation is considered equally. If the Mayor cannot attend a function, the Deputy Mayor may be asked to attend on their behalf.

Duties which the Mayor may carry out include:

- organising events to raise funds for the Mayors chosen charity
- acting as host on behalf of the Council at functions organised by the Council
- attending functions within Okehampton or, on occasions, outside the town as a ceremonial representative of the Council
- receive visiting dignitaries

The Mayor will choose their own consort who can be a partner, fellow Councillor, a family member or friend. If the consort is female, she is often referred to as the Mayoress.

The Mayors statutory functions include the chairing of Council meetings together with the casting vote in the event of a tie.

### **Civic Insignia**

The Mayor's robes, chains and badge of office are the outward signs of the Civic office held, i.e. its insignia.

It is important to maintain the dignity of the office and that any use of the robes is not overdone. Therefore, robes will only be worn on Civic or occasions named within this document.

When representing the Town Council, the Mayor and consort will normally wear the official Chains of Office. The Chains of Office will normally be worn at all Civic functions within the town, whilst the day-chain will be worn at the non-Civic functions. Chains can be worn at functions outside the town when invited in an official capacity although there are some exceptions to this which are usually specified in the official invitation.

The historic Chains of Office **and accompanying pendant** are only worn at Okehampton Town Council Civic events held within the council boundary when the robes are worn. These are as follows:

- Mayor Choosing and Annual Council Meeting
- Civic Service
- Remembrance Service and Parade
- Commonwealth Day

For other events and those outside of the town the new Chains of Office purchased in 2025 or the day-chain will be worn.

Mayoresses Chain:

- A Mayoress/Consort cannot represent the council on behalf the Mayor, this being the role of the Deputy Mayor. As such the Chain must only be worn in the presence of the Mayor when the full mayoral chain is worn.
- The medallion/day-chain attached to the Mayoress' chain must not be removed and worn separately to the full chain for any reason

The Chains of Office are held in the Town Hall for collection by the Mayor when attending functions, to be returned as soon as possible. If held at home, the Mayor's home insurance company must be advised that this may occur during the year. The regalia will be signed in and out, and inspected to make sure that nothing is damaged, broken or missing. Any damaged or missing part must be reported to the Town Clerk who, if the damage is significant, will bring it to the attention of the Council. Repeated breaches of the protocol will also be brought to the council's attention.

The Mayor ~~should~~ **must** not wear the Civic insignia in another area without express permission from the Council of that area.

#### **Dress Code**

The Office of Mayor is a formal role and casual clothes are inappropriate when the Mayoral Chain of Office is worn. ~~The type of dress to be worn at~~ **The dress code** for functions is usually given on the invitation.

#### **Administrative Support**

Day to day support for the Mayor is provided by the Assistant Clerk under the direction of the Town Clerk.

Invitations for the Mayor **must** be sent directly to the Assistant Clerk who liaises with the Mayor before accepting or declining invitations. A diary is kept in the Town Hall of all Civic events the Mayor is attending and the Mayor will always receive a copy of the invitation and reply for information; regular consultation with the Assistant Clerk is necessary. The Mayor will write their own thank-you letters after attending events.

The Mayor is responsible for the organisation of any fundraising events they may wish to hold during their term of office and for elements of events such as the Civic/Charity Dinner which must be self-funding.

If the Mayor is unsure of anything or requires guidance this should be raised with the Town Clerk who will provide necessary information.

## **Mayor's Charity and Fundraising Events**

### Charity

The Mayors chosen charity traditionally raises funds for local charities. It is advisable to choose the charity or charities to be supported at an early stage. The Mayor may decide on either one main charity to support or two or three local charities or good causes. The chosen charity will be announced at the Mayor Choosing Ceremony. The charity/charities will then be notified and all funds raised at the events will be held in the Mayors Charity Account and will be donated to the chosen charity at the next Mayor Choosing event.

### Fundraising Events

Fundraising events for the charity are organised by the Mayor, with some minor support by the Assistant Clerk, for example creation of posters for publicity, collection of entry/acceptance forms, and emailed invitations where details cannot be shared due to GDPR. Assistance does not include, for example attendance at events, making the catering arrangements, or requesting raffle prize donations from third parties.

The Charter Hall or Council facilities may be used free of charge for a maximum of two occasions throughout the Mayoral year for this purpose. Other bookings may be made which will be payable at the advertised hire rates. These events could include:

- Coffee Mornings
- Bowling Challenges
- Wine and Wisdom events
- Dinners

### **Mayor's Budget**

The Mayor may claim expenses relating to the Office of Mayor. The Local Government Act does not stipulate the type or category of expenditure for which the Mayor may use the Civic allowance, however it is commonly described as recompense for the expenses of maintaining the dignity of the office. Furthermore, general items include:

- clothing
- donations to charities
- collections
- one-off events held by the Mayor

When attending Civic dinners and other events to which the Mayor is invited the expense shall be met by the Mayor's budget. This includes expenses incurred by the consort and Deputy Mayor when attending events on behalf of the Mayor.

The Council's budget contains provision for certain Civic events including Mayor Choosing, Civic Service, Remembrance Sunday and receiving Civic visitors. It is important for the Mayor to plan to use the allowance over the year and once the budget level has been reached, no payments can be made or further orders placed by Council staff unless endorsed by Council from reserve funds.

### **Deputy Mayor**

The Member elected as Deputy Mayor will support the Mayor throughout the year by representing the Council when the Mayor is unable to do so. Some confusion has arisen in the past regarding the status of the Deputy Mayor. The Deputy Mayor has no standing as Deputy Mayor when the Mayor is present, but assumes the precedence and standing of the Mayor when he/she is deputising for the Mayor.

The Deputy Mayor must not wear the Deputy's Chain of Office in the presence of the Town Mayor.

Invitations to the Deputy Mayor must be dealt with as follows.

- All invitations must be sent for consideration by the Mayor as first citizen and, if the Mayor cannot attend, it may be appropriate to pass the invitation to the Deputy Mayor
- Invitations to functions must not be sent directly to the Deputy Mayor. The Deputy Mayor should not normally attend functions as Deputy Mayor when the Mayor is in attendance, except for Remembrance Day.

### **Civic Year Events**

Below is a list of typical events which take place during the Mayors year in office.

Mayor Choosing Ceremony - This event is held in May as part of the Annual Council Meeting and ratifies the appointment of Town Mayor and Deputy Mayor in a ceremony held in the Town Hall or Charter Hall; Civic robes are worn on this occasion. Refreshments are held in the Charter Hall after the formal meeting.

Ten Tors - The Mayor is usually invited to the Ten Tors event in May.

Okehampton Agricultural Show – The Mayor is usually invited in some capacity in August.

Civic Service - The Civic Service is usually held in September in one of the town's churches. There is a parade from the Town Hall to the church and back requiring a road closure which is organised by the Town Council. OTC appoints a Parade Commander. A Mayor's Cadet is appointed each year (usually at the Mayor Choosing Ceremony) from either the Army Cadets or the Air Cadets. After the Parade has returned from the Church, the Mayor inspects the Parade. Civic robes are worn on this occasion.

Okehampton Carnival - This takes place in October. The Mayor is invited to ~~act as judge in the afternoon followed by crowning of the Prince and Princess and the Children's Parade. In the evening the Mayor is then asked to~~ judge floats, crown the carnival Queen and takes part in the Parade through the town. A car is ~~usually no longer~~ provided by the Carnival Committee ~~and the Mayor will need to walk the carnival route or make their own arrangements, any cost of which can be reclaimed from the Mayor's expense budget.~~

Remembrance Parade - Organised by the Okehampton Branch of the Royal British Legion in conjunction with OTC. The road closure is organised by OTC and the Royal British Legion appoint the Parade Commander. Members of the Royal British Legion march to the church in front of the Town Councillors. The Mayor is expected to read the Role of Honour at the War Memorial and lay a wreath and may be asked to light a candle during the church service, if an indoor service is held. The Mayor will be asked to inspect the Parade on return to Fore Street. Full robes are worn. Upon invitation the Deputy Mayor attends the service at the Catholic Church.

Armistice Day – If a service is held at St James Chapel on Remembrance Day, 11<sup>th</sup> November, the Mayor is expected to attend.

Edwardian Evening - In recent years the Mayor has held a small reception in the Council Chamber for visiting Mayors, Chairmen and local guests. This is followed by the Mayor's Carol Singing. Edwardian Evening is organised by the Okehampton BID. The Excelsior Silver Band provides the music for the singing of the Mayor's Carols. The Mayor is then expected (with the Mace Bearers and Clerk) to tour the shops.

Commonwealth Day - This takes place in March with a flag raising ceremony outside of St James' Chapel and the Mayor reads the Commonwealth Affirmation.

Charity Dinner/event - This is usually held in the Town Hall/Charter Hall **at the discretion of the Mayor**. Invitees can include Civic dignitaries from the Borough and neighbouring Town and Parish Councils, Town Councillors and representatives of local organisations and others at the discretion of the Town Mayor from Devon and Launceston. This event must be self-funding and is organised by the Mayor with minor support by the Assistant Clerk.

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### **Other Town and City Invitations**

The Mayors of other Councils generally invite the Mayor of Okehampton to various events ranging from Civic services, mayor choosing events, Civic/charity dinners and ancient fairs.

Examples of these events are:

Great Torrington May Fair - Local schools perform maypole dancing. The town is closed to traffic and many thousands of people line the streets for the Mayor's Parade.

Holworthy Pretty Maids Fair - This is a morning event followed by a formal lunch. In the morning the Mayor is expected to be involved, a good event to socialise with other Mayors.

Tavistock Goose Fayre - Goose Fayre is on a Wednesday in October and The Mayor is usually invited to a tour of the Fayre on Tuesday evening followed by a small reception. This is usually attended by the Mayor of Tavistock and Mayor of West Devon.

### **Official Positions Held**

On appointment as Mayor you automatically hold the following positions as ex-officio:

- Trustee of Okehampton United Charity/Okehampton Foundation
- Trustee of Simmons Homes
- President of the Friendly Circle - as president the Mayor will be asked to chair the Annual General Meeting and invited to their Christmas dinner.
- Become an honorary member of Okehampton Rotary

### **Other Annual Events**

- Start of the bowling season (to throw the first jack)
- Rotary Fair

## TOWN COUNCIL ANNUAL CIVIC EVENTS

Mayor Choosing Ceremony	May (2 <sup>nd</sup> Wednesday, except in an election year)
Civic Service and Parade	September (3 <sup>rd</sup> Sunday)
Remembrance Parade and Service	November
Commonwealth Day	March

### Invitations

Invitations to other councils will be limited to those in Devon and the bordering Cornish town of Launceston.

### Mayor Choosing Ceremony

#### General Information

The Mayor Choosing Ceremony is the first event in the Mayoral Year and takes place on the second Wednesday in May, except in the year of ordinary elections when it is usually the third Wednesday. This is combined with the Annual Council Meeting. This is a formal event when the Robes and Chain are worn and to which other Mayors, Chairman, employees and other persons are invited.

#### Nominations Meeting

In the weeks leading up to the event an informal nominations meeting is held when the Mayor Elect is chosen, Committee members are appointed, and other positions are voted upon and agreed in principle.

#### The Annual Council Meeting

Invitations to the event are agreed by the Town Clerk and outgoing Mayor, with the Mayor elect being given the opportunity to invite personal guests.

Immediately prior to the official Meeting, a short Presentation Ceremony is held during which the outgoing Mayor presents the Mayor's Awards, having previously been agreed by the Council and the recipients having been invited to the event.

An annotated agenda is provided to all Councillors by the Clerk which details who speaks and when as agreed at the nominations meeting and which provides an outline of proceedings.

Councillors should be aware that this is a very public civic occasion. Members of the public attending often have no idea what happens at council meetings and limited knowledge about what the council does. Councillors must speak clearly and obviously raise their hands when voting. It is useful for members of the public if Councillors give an explanation when making a proposal, for example a Councillor proposing committee members could give a brief explanation of what that committee is responsible for.

The outgoing Mayor, whether or not they have been re-elected in the year of a local election, presides over the meeting until the incoming Mayor is officially appointed. Election of the Mayor for the coming year must be the first item on the agenda of the Annual Council Meeting.

Both the outgoing and incoming Mayors are invited to give a short speech,

Following the appointment of the Mayor, the outgoing and ingoing Mayors retire for a short period and, with the support of the or Assistant Clerk or another person if required, swap the robe and chain.

At the end of the meeting an official photograph of the newly appointed Mayor and invited Mayors and Chairs is taken and invited guests are welcomed to the Charter Hall for refreshments.

## **Civic Service**

### General Information

The Civic Service is an annual Town Council event that usually takes place on the third Sunday of September, at a time and location agreed annually by the Mayor in conjunction with the Church. The Service is led by the Mayor's Chaplain or a nominated person.

If the service is held at Fairplace Church, the outgoing route is Fore Street/Mill Road with the return route being via George Street to enable the Mayor to accept the salutes. If the service is held at another location, the Clerk will determine the route to be taken in consultation with the Mayor.

Being a Council event, the arrangements are made by Council Officers, including the road closure for the Parade.

Half an hour before the Parade is due to form up, Council facilities and refreshments will be made available for Members and Guests. Refreshments will consist of tea/coffee and water/orange juice (or similar).

Members of the Council are requested to be in attendance in the Council Chamber to welcome visiting dignitaries.

Beadles from visiting Councils do not form part of the procession and should follow either alongside or behind the Parade. When in Church they will be expected to find themselves a seat. Beadles are welcome to refreshments before and after the event.

### Parade Formation

The Parade will form up in Fore Street in front of the Town Hall shortly prior to marching off at the direction of the Parade Commander. The formation of the Parade and route being dependent upon the location of the service.

The Parade Commander, appointed by the Town Clerk, will normally be from the same organisation as the Mayor's Cadet.

The Order of Procession will be as follows (based on historical council records and Civic protocol):

Okehampton Excelsior Silver Band  
Lord Lieutenant (or Deputy if present)  
Mayor and Consort (flanked on either side by the Mace Bearers)  
Mayor's Cadet and Town Clerk  
Chairman of Devon County Council  
Mayor and Mayoress/Consort of West Devon Borough Council  
Town Councillors (in order of length of servitude) with partners  
Visiting Town Mayors and Consort  
Visiting Parish Council Chairmen  
Other Organisations  
Members of the public

#### On arrival at the Church

Visiting dignitaries (whose seats are reserved), other organisations and members of the public make their way into the Church and take their seats.

Standard Bearers peel off as their organisation enters and then stand outside the entrance as their organisations enter the Church. They then enter before the council and stand at the rear of the church.

The Council will file into the Church in the following order:

Mace Bearers  
Mayor and Consort  
Mayor's Cadet and Town Clerk  
Town Councillors (in order of length of servitude)  
Lord Lieutenant (or Deputy if present)

Seating for the Lord Lieutenant and Mayor's Party will be reserved, and names placed thereon on the right-hand side as walking down the aisle. Town Councillors partners will be seated in reserved pews alongside the Councillors. Mace Bearers will sit in the front row on either side of the aisle. DCC, WDBC and other visiting dignitaries will be seated on the left-hand side.

Standard Bearers present their standards at the altar prior to the service as indicated by the stewards and take their seats.

The Deputy Mayor, if undertaking a reading, will sit on the end of a row.

#### The Service

Normally the service is conducted by the Mayor's Chaplain, or nominated person, in conjunction with the appointed Church.

The Order of Service is prepared by the Mayor and Chaplain, or whoever is leading the Service.

Readings will be read by persons at the discretion of the Mayor, although this is usually the Mayor and Deputy Mayor.

An offering will either be collected by the Church during the Service or on exit and will be divided between the Mayor's Charity and the Church.

In the event that the Mayor may not wish to hold the service in a Church, an alternative service may be held in another location; for example, the Charter Hall with a speaker of the Mayor's choice. In these circumstances the Parade can go ahead in its normal format.

#### Exit from the Church

Standard Bearers exit first after the National Anthem and stand at the entrance.

Exit is as follows in accordance with the processional Order:

Lord Lieutenant (or Deputy if present)  
Mayor and Consort (flanked on either side by the Mace Bearers)  
Mayor's Cadet and Town Clerk  
Chairman of Devon County Council  
Mayor and Mayoress/Consort of West Devon Borough Council

Town Councillors (in order of length of servitude) with partners  
Visiting Town Mayors and Consort  
Visiting Parish Council Chairmen  
Other Organisations  
Members of the public

#### Parade Formation

The Parade will form up on the direction of the Parade Commander.

#### Parade Salute and Inspection

The following will peel off at the designated point in Fore Street:

Lord Lieutenant  
Mace Bearers  
Mayor and Consort  
Town Clerk and Mayor's Cadet  
Chairman of Devon County Council  
Mayor and Mayoress/Consort of West Devon Borough Council  
Town Councillors (in order of length of servitude)  
Visiting Town Mayors and Consorts  
Visiting Parish Council Chairmen

Lord Lieutenant, Mace Bearers, Mayor and Consort accept salutes from the detachments as they pass.

Once the Parade has been called to a halt the Parade Commander will invite the Mayor, accompanied by the Mace Bearers, Lord Lieutenant and Mayor's Cadet to inspect the Parade and will accompany the Mayor back to the Town Hall. Following which the Parade will be brought to attention for the National Anthem, prior to dismissal.

#### Refreshments

Once the Parade has been dismissed the Mayoral Party and Guests will be invited back to a location, usually the Council Chamber or Charter Hall, for light refreshments that take the form of sherry, tea/coffee, soft drinks, biscuits and/or cakes.

#### **Remembrance Day Service and Parade**

##### General Information

Remembrance Day Service and Parade is an annual event on or around 11<sup>th</sup> November. This event is organised and run by the Royal British Legion (RBL) in conjunction with The Town Council. The RBL appoint the Parade Commander and make the arrangements apart from the road closure which is applied for and the responsibility of Okehampton Town Council.

The Deputy Mayor attends the service in St Boniface Church where they will be met by a representative of the Church and provided with assistance and information relating to the service. There is a service in the Church followed by a short ceremony at the memorial during which the Deputy Mayor is requested to lay a wreath, provided by the Church, in front of the wooden crucifix. In the event the Deputy Mayor is unable to attend the previous Mayor or another Councillor may attend at the discretion of the Mayor and Clerk.

The Town Council wreath is collected by the Mayor's Cadet, unless it has been delivered directly to the Council offices, who carries it to the Church to be laid by the Mayor.

The Memorial is located in the Churchyard at All Saints Church and is cleaned by Okehampton Town Council parks staff in the week leading up to the parade and service.

Half an hour before the Parade is due to form up, Council facilities and refreshments are made available for Members and Guests. Refreshments consist of tea/coffee and water/ orange juice (or similar).

All Members are expected to take part in this event for which full Civic Robes are worn. The Mayor is supported by the Mace Bearers, Mayor's Cadet and Town Clerk. The wearing of Medals is encouraged.

For those who are unable to attend the external wreath-laying and reading of the Roll of Honour service, the Church may ask a member of the public to read the Roll of Honour inside All Saints Church.

Service sheets are provided by Okehampton Town Council at the request of the Rector and are placed on the front rows by the Church Stewards, if the service is held inside, or handed out by stewards on entering the Churchyard.

#### Parade Formation

The Parade will form up in Fore Street opposite the Town Hall at 10.20am, prior to marching off at the direction of the Parade Commander at 10.30am.

#### The Order of Procession will be:

Town Band  
Royal British Legion  
Lieutenant/Deputy Lieutenant  
Devon County Council  
West Devon Borough Council  
Mayor and Consort (flanked by the Mace Bearers)  
Mayor's Cadet and Town Clerk  
Town Councillors (in order of length of servitude)  
Other visiting Mayor's/Chairmen  
Other Organisations  
Members of the public

Councillors may be accompanied by their partners.

#### On arrival at the Memorial – if there is an outdoor service only

All persons will be directed into the Churchyard by stewards arranged by the Church and/or RBL to enter through the bottom gate and gather at the Memorial.

A Service of Remembrance is led by the Rector at the Memorial in accordance with the order of service. The Mayor will read the Roll of Honour and wreaths will be laid, commencing with the Lieutenant/Deputy Lieutenant, The Mayor, Other representatives.

Following the National Anthem the Parade will reform in the road outside of the Churchyard and return to Fore Street in the following order:

Town Band  
Royal British Legion  
Lieutenant/Deputy Lieutenant (if present)  
Devon County Council  
West Devon Borough Council

Mayor and Consort (flanked by the Mace Bearers)  
Mayor's Cadet and Town Clerk  
Town Councillors (in order of length of servitude)  
Other visiting Mayors/Chairmen  
Other Organisations  
Members of the public

In the event the RBL wish the Lieutenant/Deputy Lieutenant and Mayor to take a salute from them, the Lieutenant/Deputy Lieutenant, Mayor, Mace Bearers and Clerk must lead the parade on the return. In this event the rest of the Council and other visiting dignitaries remain behind the RBL in the parade.

On arrival at the Churchyard – if there is an indoor service

The Band continue to the top entrance of the Church.

The Parade enters the Churchyard through the bottom gate and gathers at the Memorial.

A Service of Remembrance is led by the Rector at the Memorial in accordance with the order of service. The Mayor will read the Roll of Honour and wreaths will be laid, including one by the Mayor.

The Parade will then make their way along the path to the Church. Okehampton Town Council Members will stand aside in their parade order whilst other contingents and members of the public file into the Church.

On invitation by the rector/stewards/or RBL the Council enter the Church as follows:

Mace Bearers  
Mayor and Consort  
Mayor's Cadet and Town Clerk  
Town Councillors (in order of length of servitude)  
Lieutenant/Deputy Lieutenant (if present)

Seats are normally reserved for Councillors on the righthand side front rows of the Church (looking from the rear). Both on entering and leaving the church, the Mayor and Council will be preceded by the Mace Bearers.

The Service

The Service will be led and prepared by the Rector, during which an offering will be collected.

The Mayor and nominated persons attending the service may be asked to light a candle.

Exit from the Church

Standard Bearers exit first after the National Anthem and stand at the entrance, followed in reverse order from entry:

Lieutenant/Deputy Lieutenant (if present)  
Devon County Council  
West Devon Borough Council  
Mace Bearers  
Mayor and Consort  
Mayor's Cadet and Town Clerk  
Town Councillors (in order of length of servitude)

Other Organisations  
Members of the public

#### Parade Formation for return to the town

The Parade will reform in Church Avenue. The Lieutenant/Deputy Lieutenant, Mayor and Council party peel off at Town Hall or agreed location in Fore Street where they take the salute.

Parade leader invites Lieutenant/Deputy Lieutenant and Mayor accompanied by the Mace Bearers and Mayors Cadets inspect the parade. Following dismissal of the Parade, the National Anthem will be played again.

Refreshments will be available to participating contingents and any other persons who took part in the parade in the Council Chamber or Charter Hall unless alternative arrangements are made by the RBL. If refreshments are provided by the Council this will be in the form of sherry, tea/coffee, soft drinks and biscuits.

#### **Commonwealth Day**

This takes place in March and a short ceremony and takes place outside of St James' Chapel in the morning.

The Mayor, wearing the Robes and Chain, supported by the Clerk and Mace Bearers, reads the Commonwealth Affirmation and a flag on the Church Tower is raised.

Councillors and members of the public are encouraged to attend the event.

#### **Civic/Charity Dinner**

##### General Information

The Civic/Charity Event/Dinner can be held annually on a date agreed by the Mayor. This is an event to which other Mayors/Chairmen, dignitaries, representatives of local organisations and others are invited at the discretion of the Mayor.

A reception can be held in the Council Chamber at the discretion of the Mayor, followed by the dinner and any entertainment that may have been arranged in the Charter Hall by the Mayor.

The Council have resolved that from the 2023/24 budget year the event must be self-funding and that no duty 'free' tickets will be provided to any person, including Councillors and Mace Bearers. The Town Clerk can be invited to attend by the Mayor to assist but does not have to be present unless it is a formal Civic event. If the Clerk is in attendance, the cost can be reclaimed through expenses.

Any Mace Bearers in attendance are guests at the event and not there in an official capacity other than to assist the Mayor to robe/de-robe if required. They will not wear the Mace Bearer robes.

A caterer is appointed at the discretion of the Clerk following liaison with the Mayor who also agree the menu and ticket prices unless it is a fundraising Dinner whereby the Mayor along will select the cater and make the arrangements.

**Commented [EJ2]:** Committee to consider if this is still required as the last Dinner was approximately 5 years ago. Instead should a section be included about Mayoral Fundraising events - see page 5

It is the Mayors responsibility to arrange the entertainment for the evening and any flower or table arrangements they may like.

Preceding the Dinner, the Mayor, assisted by the Clerk and Assistant Clerk undertake to set the seating arrangements, if required. Seating plans are made available in the Council Chamber, if used, for the information of guests, and in the Charter Hall.

If this is a formal Civic event the Town Clerk and Assistant Clerk will be responsible for making the rest of the arrangements including the purchasing of wine, for selling at the event unless other arrangements have been made. However, if a fundraising event, this must be arranged by the Mayor, and the Town Clerk and Officers/members of staff are not expected to work or attend.

Permission to sell alcohol must be requested from the Property Committee.

Reception (if a formal Civic dinner, if a Charity event this does not apply)

If required by the Mayor, a reception, commencing at 7pm, can be held in the Council Chamber prior to the dinner.

Guests are welcomed by the Mayor who is dressed in full Robes and Chains. Refreshments are provided, as agreed by the Mayor and Clerk.

At approx. 7.20pm Clerk announces the move to the Charter Hall for guests, with the exception of the Chairs and Mayors for an official photo to be taken by the Okehampton Times or another person as arranged by the Town Clerk. Guests then make their way to the Charter Hall, either before or behind the Mayor at their discretion. The entrance of the Mayor and Lieutenant/Deputy Lieutenant, if present, can be announced by the Clerk at the request of the Mayor, following which guests are asked to be seated.

Dinner and Entertainment

Guests are welcomed by the Mayor who invites the Mayor's Chaplain or a person at their discretion to say Grace, following which dinner is served, table by table, commencing with the Mayor.

After the meal the Mayor can if they wish, ask guests to stand for the Loyal Toast which is then proposed by the Deputy Mayor – 'The King'.

A short speech may be made by the Mayor followed by any entertainment that may have been arranged.

## ROKEHAMPTON TOWN ANNUAL EVENTS

These are annual events organised by others that the Mayor and/or Council may be invited to attend in a Civic capacity. As such the Mayor may wear the Robes and Chain of Office, as clarified below, for some parts of the proceedings and may be accompanied by the Mace Bearers and Clerk, with the exception of the Annual Town Meeting.

Carnival (Chain purchased in 2025)	October (3 <sup>rd</sup> Saturday)
Armistice Day (Chain purchased in 2025)	11 <sup>th</sup> November
Edwardian Evening (Chain purchased in 2025)	December (1 <sup>st</sup> Thursday)
Annual Town Meeting (Chain purchased in 2025)	March/April

### Carnival

The Carnival is normally held annually on the 3<sup>rd</sup> Saturday of October, it is organised and arranged by the Carnival Committee.

This is a full day for the Mayor and commences with a Coffee Morning which the Mayor traditionally attends.

The Mayor is invited to judge the children's classes in the afternoon (wearing the day chain). Full Civic robes and chains (those purchased in 2025) are worn for the crowning and procession. Note – these must be collected from the Town Hall in advance of the event which is on a Saturday.

In the evening, if requested by the Carnival Committee the Mayor judges entries, crowns the Carnival Queen and takes part in the evening Procession in full Civic robes and chains (those purchased in 2025). The Carnival Committee organise a vehicle and driver for the evening procession.

### Armistice Day – 11<sup>th</sup> November

Traditionally a service has been held at St James' Chapel every year on 11<sup>th</sup> November. The service is attended by the Mayor who may read the Roll of Honour if requested to do so.

### Edwardian Evening

This event is organised by the BID, previously Everything Okehampton and the Chamber of Trade, and is usually held on the first Thursday of December, depending on the date.

In recent years the Mayor has held a small reception, ~~commencing at 6pm~~, in the Council Chamber for visiting Mayors, Chairmen and local guests. Light refreshments including mulled wine and mince pies are provided by the Council.

This is followed by the Mayor's Carol Singing outside of St James' Chapel. The Excelsior Silver Band provides the music for the singing and the Mayor's Chaplain or nominated person assists by saying a few words and introducing the Carols. The Carols will be printed in the Okehampton Times as agreed by the Mayor, Assistant Clerk and Clerk. The sleigh and PA system can be provided by the Round Table on request and if available.

The Mayor is then expected (with the Mace Bearers and Town Clerk) to visit a selection of the shops and businesses that are taking part in the event.

### **Annual Town Assembly/Meeting**

This is not a meeting of the Council, it is called by the Mayor and held in the Charter Hall, usually on the last Monday of March or first Monday in April at 7pm. If the Chain of Office is worn, it will that purchased in 2025.

A report is given by the Mayor about the activities of the Council in the previous year and plans for the next and opportunity for members of the public to raise questions or make comments is given.

There is also opportunity for presentations from groups or organisations that may be of interest to the community.

The meeting is followed by refreshments provided by the Council.

## **TOWN COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**

Okehampton Town Council is occasionally asked to nominate a councillor to sit on an outside body. This is a group or organisation that seeks the support of the Town Council but it is not a Town Council committee, function or working party.

### **The Role of Okehampton Town Councillors as Representatives**

A Town Council representative on an outside body is exactly that: they represent the Council as a body rather than acting in a personal capacity. This means that a Town Council representative must always act in accordance with Council policies. They must bear in mind the limitations of the Council as a corporate body, as well as the opportunities which Council involvement can offer to any outside group.

A councillor nominated to serve on an outside body should ensure that details of their appointment are declared on their Register of Interests.

At meetings when the Council considers issues relating to or affecting the outside body the Council representative must declare a personal interest, in accordance with the Council Code of Conduct.

Appointments to outside bodies will be made by the Full Council.

Following the Council's decision, the Town Clerk will write to the organisations and advise them of the Town Council's representative. The councillor will not attend any of the organisation's meetings until the organisation has confirmed they are happy for the councillor to be involved.

A Town Council representative must not commit Council resources or support, whether financial or 'in kind', to an outside body but should bring all such requests back to Council in writing for consideration.

Administrative support by Council staff is not available to outside bodies nor to Town Council representatives on outside bodies. Town Council representatives are responsible for carrying out the administration to support their own role.

Town Council representatives should update Council regularly about the outside bodies they are involved in. Ideally this should be done by providing reports to Council meetings. Minutes of outside bodies' meetings should be shared with all councillors and the Town Clerk.

Town Council representatives should attend as many meetings of an outside body as they are reasonably able and send apologies if they are not able to attend a meeting.

The Council expects its representatives to be kept informed of all meetings of outside bodies in a timely fashion and also expects that all paperwork will be shared with them.

A Town Council representative must always observe duties of confidentiality both to the Town Council and outside body. Deliberate leaking or disclosing of confidential information will be a breach of the Council's Code of Conduct.

Any outside body is free to reject a specific Council representative on the understanding that their replacement will be nominated by Council, not by the outside body. Repeated non-attendance at meetings without good reason offers valid grounds to reject a specific Council representative.

All outside groups are free to inform the Council at any time that Council representatives are no longer required, if their constitution so allows.

**General advice to Representatives on Outside Bodies**

- Ensure that you know the legal status of the organisation – read their constitution.
- Make any general declarations of interest at the first meeting.
- Act with integrity.
- Discuss any new activities with relevant Council Officers (you may need to provide them with papers).
- Ask questions and make reasonable enquiries.
- Observe duties of confidentiality (in both directions).
- Carefully consider any conflicts of interest, declare interests, and if appropriate, leave the room for consideration of the business.
- Do not vote on any matters unless Council has requested you vote on their behalf.
- Take advice from the Monitoring Officer, and the Town Clerk, as appropriate.

## TOWN COUNCILLOR GUIDANCE/PROTOCOL

### Meeting Apologies

Under S85 of the Local Government Act 1972 Councillors who have not attended meetings of the council for 6 months consecutively automatically cease to be Members of the council. For this reason and in accordance with the LGA 1972 apologies should be approved by councils.

The only statutory excuse for apologies is service under the Crown in connection with a war or emergency as in the Secretary of State's opinion entitles the Member to relief (LGA 1972 S85(3)).

On 28<sup>th</sup> April 2025 the Council resolved that apologies should be more explanatory and recorded as such in the minutes and also that attendance figures, reported annually in the Council's Annual Report, should include the reasons for absence; for example, that a Councillor has been unwell.

Apologies must be tendered using the following categories for consideration of approval. They will be recorded as such within the minutes and used within the annual report from the commencement of the 2025/26 Mayoral year.

- Personal
- Illness (including that of dependants)
- Work
- Prior/Other Commitment (Arrangements made **prior** to the approval of the Annual Council Schedule of meetings and events, or appointments such as parents' evenings, award ceremonies, attendance by the Mayor/Deputy Mayor at other Civic events)

Absences without reason will not be considered for approval and Councillors will be recorded as being 'Absent'.

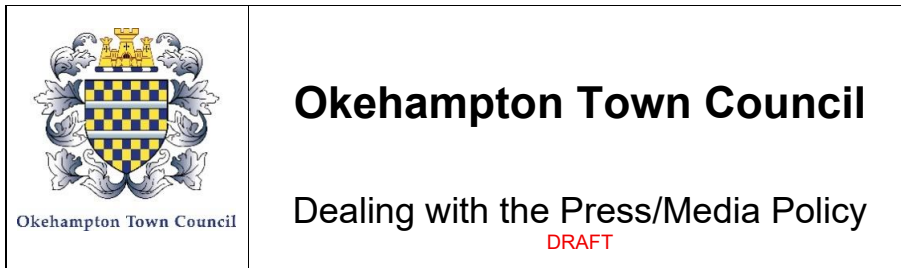
In order for apologies to be able to be considered by the Council/Committee, they must be conveyed to the Officer who will be attending the meeting by no later than 5pm, along with the reason. If in doubt apologies should be sent to both the Clerk and Assistant Clerk. Apologies sent after this time may not be received prior to the meeting and the Councillor will be recorded as being Absent.

### Working Groups

Councillor attendance at meetings of working groups must be sent to the relevant Officer by 5pm the day before. Attendance will be recorded and may be reported to the Council on occasion.

### External Bodies Representation

Councillors must send apologies to the relevant organisation if they are unable to attend a meeting or event.



### **Introduction**

The purpose of this policy is to define the roles and responsibilities within the Town Council for working with the media and the day-to-day relationship between the Council and the media.

It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.

### **Keys Aims**

The Council is accountable to the local community for its actions, and this can only be achieved through effective two-way communications. The media, including press, radio, television and the internet, are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.

It is important that the press has access to the Town Clerk, Councillors and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

### **Contact with the Media**

The Clerk and Councillors should always have due regard for the long-term reputation of the Council in all their dealings with the media.

Confidential documents including exempt minutes, reports, papers and private correspondence should not be provided to the media. If such leaks do occur, an investigation will take place and appropriate action taken.

When the media wishes to discuss an issue that is, or is likely to be, subject to legal proceedings then legal advice should be taken before any response is made.

There are a number of personal privacy issues for the Clerk and Councillors that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Councillor

contact details are in the public domain); disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Clerk before any response is made to the media.

When responding to approaches from the media, the Clerk and Mayor are authorised to contact or respond to the press. Statements made by the Clerk and Mayor must be factual and reflect the Council's opinion.

Other Councillors can respond to the media but must ensure it is clear that the opinions given are their own and not necessarily those of the Council as a corporate body.

There are occasions when it is appropriate for the Council to submit a letter, for example, to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letters should be kept brief and balanced in tone and correspondence should not be drawn out over long periods. All correspondence must come from the Clerk.

#### **Attendance of Media at Council Meetings**

The right to record, film and to broadcast meetings of the Town Council, its committees and sub committees was established following the Local Government Audit and Accountability Act 2014. The "Openness of Local Government Bodies Regulations 2014" became active legislation in August 2014.

This is in addition to the rights of the press and public to attend such meetings.

#### **Press Releases**

The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of the Clerk and Councillors to look for opportunities where the issuing of a press release may be beneficial.

The Clerk or any Councillor may draft a press release, however, they must all be issued by the Clerk in order to ensure that the principles outlined in the legal framework are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.



Okehampton Town Council

# Okehampton Town Council

## DRAFT Document Retention Policy

### 1. Introduction

The purpose of this document is to provide a policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the appropriate timescale.

This policy gives Okehampton Town Council a system for the management of paper and electronic records. The Town Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note 40 'Local Councils' Documents and Records' dated August 2022, which outlines the legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

### 2. Retention of Documents

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings.

Subject to the above reasons, and any other statutory legislation for retaining documents, papers and records will be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy is the appropriate document retention periods.

### 3. Retention of Documents for Legal Purposes

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

Category	Limitation Period
Negligence (and other 'Torts')	6 years
Defamation	1 year

Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years (adults) 3 years from reaching 18 years of age (young persons)
To Recover Land	12 years
Rent	6 years
Breach of Trust	None

Where the limitation periods above are longer than other periods specified in the Legal Topic Note, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories:

- Contracts (6 years) – because all tenancies and leases are contracts
- Leases (12 years) – if the arrears are due under a lease
- Rent (6 years) – if the arrears are due under a tenancy (and not a lease)

In these circumstances the relevant documentation will be kept for the longest of the limitation periods.

There is no limitation period in respect of trusts, and as advised by NALC, the Council will never destroy trust deeds and schemes and any other similar documentation it may hold.

It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (eg in the case of disease)
- Where damage is hidden (eg to a building)
- Where a person is a child or suffers from a mental capacity
- Where there has been a mistake or where one party has defrauded another or concealed facts

Where the limitation periods above are longer than other periods specified in this policy, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

#### **4. Disposal**

All Council documents will be handled in the correct manner for their sensitivity.

Any document which contains data on an individual or contains personal data will be disposed of by shredder within the Council offices.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so through the Council office.

## **5. Data Protection and Freedom of Information**

All documentation will be held in line with the most recent Data Protection and Freedom of Information regulations.

## APPENDIX A

Document	Minimum Retention Period	Reason
Accident books/reports	30 years from date of incident	Insurance requirement (2024) Limitation At 1980
Allotments – agreements	12 years from end date	Accounts & Audit, Land dispute
Approved Contractors Scheme – Public Liability insurance certificates, contact details, bank details	Whilst part of the scheme and as required in relation to work completed	Management Warrantee periods
Audit Documentation and Annual Return	Indefinitely (Annual return must be publicly accessible for minimum 5 years)	Accounts & Audit Regulations 2015 (SI 2015/234)
Assets	Documentation from gifts to be kept as long as is relevant and useful	Management Audit
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Budget	Indefinitely	Archive
Card Payment Facility transaction details	6 years	Audit
CCTV and Body Worn CCTV footage and documentation	Captured images up to 30 days Incident sheets and other related documentation 6 years	GDPR Management
Certificates for Insurance against liability for employees	40 years from date of which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management
Cemetery Burial, associated Registers EROB documentation Stonemason insurance and qualifications	Indefinite  Duration of the EROB and whilst stonemasons are in operation	Archives, Local Authorities Cemeteries Order 1977 (SI.204) Audit and Management purposes
Cheque book stubs	Last completed audit year	Audit
Complaints – formal complaints made under the Council's Complaints procedure	6 years	Management
Councillor Register of Interests, statutory forms	Whilst in Office	Management Insurance

including Declarations of Office, emails and any other documentation		
Freedom of Information and Subject Access requests received	6 years	Management
General correspondence other than related to that listed within this Policy	Along as is relevant and useful	Management
Grant Applications	6 years	As other financial information
Health & Safety – risk assessments, COSHH records	40 years	Insurance purposes
Hire booking forms and related paperwork	6 years	VAT
Information from other Bodies (eg NALC, SLCC, DALC, WDBC, DCC)	As long as useful and relevant	Management
Insurance policies	While valid	Management
Investments	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
Minute Books (Council, Committees & Sub-Committees) and related papers	Minutes – Indefinite Meeting papers/reports – 6 years	Archive Management
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
Petty cash	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Planning Papers	As long as useful	Management
Property Inspections Sheets	6 years Play area inspections for 21 years	Insurance Management
Quotations, tenders and purchase orders	6 years	Limitation Act 1980 (as amended)
Receipt and payments account (s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Recruitment paperwork	1 year for all except successful candidate	Recommended practice
Scales of fees and charges	6 years	Management
Safeguarding - policy revisions, training records, records of allegations or referrals and action taken	30 years from date of amended policy, training or incident/allegation date	Insurance Requirement

Simmons Park Parking Permits	Purchaser contact information for the length of the permit Register of purchases including purchaser name and vehicle registration for 6 years	Management  Audit
Staff Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
Staff personal data	12 years after employment terminates - salary related information. 30 years after employment terminates - employment & engagement applications, references, identity verification, records of DBS checks <b>Training Records</b>	Superannuation  Safeguarding purposes
<b>Staff Annual Leave Holiday pay calculation Payment in lieu of annual leave</b>	<b>6 years (from 1<sup>st</sup> April 2026)</b>	<b>Employment Rights Act (ERA) 2025</b>
Statutory maternity, paternity and adoption pay records and evidence	3 years after the end of the tax year in which the pay period ends	Maternity and Parental Leave etc Regulations 1999
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
VAT records	6 years generally but 20 years for VAT on rents	VAT
Volunteers including Simmons Park Volunteer Group and Mace Bearers – registration and contact details	Whilst volunteering for the Council	Management Insurance
Wages	12 years	Superannuation
Youth Councillors – registration details, emails and documentation	Whilst appointed as Youth Councillor to Okehampton Town Youth Council	Management Insurance



**Okehampton  
Town Council**

**DRAFT** Employee Handbook

# Okehampton Town Council

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## Introduction

### **WELCOME TO OUR TEAM**

We would like to wish you every success during your employment whether you recently joined us or whether you are an existing employee. We hope that your experience of working here will be positive and rewarding.

This Employee Handbook is designed both to introduce you to our council and to be of continuing use during your employment.

We ask that you study carefully the contents of this Employee Handbook as, in addition to setting out our rules and regulations, it also contains information on some of the main employee benefits that may be available to you and the policies and procedures relating to your employment. If you require any clarification or additional information please refer to the Town Clerk.

Please note that we provide equal opportunities and are committed to the principle of equality in accordance with legislative provisions. We expect your support in implementing these policies. We will not condone any unlawful discriminatory act or attitude in the course of your employment or in your dealings with our customers, suppliers, contract workers, members of the public or with fellow employees. Acts of unlawful discrimination, harassment or victimisation will result in disciplinary action.

General amendments to the Employee Handbook will be issued from time to time.

## Joining Our Council

### **INDUCTION**

At the start of your employment with our Council, you are required to complete an induction programme, during which all our policies and procedures (including Health and Safety) will be explained to you. Information relating to these will be given to you at the induction.

### **WORK PERMITS**

All employees are required in law to provide evidence of their eligibility to work in the UK. As an employer we have the legal obligation to comply with the applicable immigration legislation which includes ensuring that employees provide the appropriate documentation prior to the commencement of employment.

In the event that an employee is unable to provide satisfactory evidence of their eligibility to work in the UK the Council reserve the right to terminate the employment without notice. Acceptable evidence is set out in our Work Permits and Eligibility to Work Policy.

All costs relating to any immigration application must be borne by the employee in question and will be deducted from your salary.

### **JOB DESCRIPTION**

Amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

## STAFF APPRAISAL SCHEME

We have a staff appraisal scheme in place for the purpose of monitoring staff performance levels with a view to maximising the effectiveness of individuals, details of which are available separately.

## JOB FLEXIBILITY

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative duties within our Council. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volumes of work are always subject to change.

## STAFF MEETINGS, TRAINING AND OTHER ACTIVITIES

We hold regular meetings and training sessions in normal working hours where possible. It is a condition of your employment that you attend these meetings and training sessions as it is mandatory for all staff to attend, you will be given adequate notice.

## DISCLOSURE AND BARRING CERTIFICATE(S)

Your initial employment is conditional upon the provision of a satisfactory Disclosure and Barring Certificate of a level appropriate to your post. You may be required to undertake subsequent criminal record checks from time to time during your employment as deemed appropriate by the Council. In the event that such certificate's are not supplied, your employment with us will be terminated.

Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

## CONVICTIONS AND OFFENCES

During your employment, you are required to immediately report to the Council any convictions or offences with which you are charged, including traffic offences. Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

## OTHER POLICIES AND PROCEDURES

The Council has a number of other policies and procedures that will have been explained to you during your induction. Copies of these will have been provided to you separately or are available on request from the office.

## Information For Apprentices

## TIME OFF FOR LEARNING

As an apprentice, you have joined the Council for a fixed period during which you will receive training from the Council in the skill/trade/occupation specified in your Apprenticeship Agreement. The Council will permit you time off during working hours to undertake your studies at your place of learning. You may be requested to provide proof of your required attendance at your place of learning.

Where applicable, you will also be permitted time off to attend examinations (this includes all examinations/tests that are required by your course). You will be expected to attend work both before and after examinations where this is reasonably required by your Line Manager. You may be required to undertake workplace assessments where it is a requirement of your apprenticeship that you do so. The conditions attached to attendance/performance in these examinations and/or assessments are set out in your Apprenticeship Agreement. Alternatively, your learning will take place on the job.

You are expected to use annual leave to cover any time off you may require during working time for examination revision.

### **EXAMINATIONS AND ASSESSMENTS**

As the Council is investing in your learning, you are expected to apply due diligence in your examinations and/or assessments in order to perform at the required level. The conditions attached to your attendance and performance in those examinations and/or assessments is set out in your Apprenticeship Agreement. Failure to meet those standards is likely to result in the termination of your Apprenticeship Agreement.

You are required to provide notification to your Line Manager of the date/time of any examinations or assessments within two working days of your being informed that an examination will take place. If the date subsequently changes, or the examination or assessment is cancelled for any reason, you are required to inform your Line Manager at the earliest opportunity, and in all circumstances, before the examination or assessment was due to take place. If upon attendance for an examination or assessment, you are informed that it will not take place, you must contact your Line Manager immediately and attend work, unless instructed otherwise by your Line Manager.

You are subsequently required to provide notification of your examination results to your Line Manager at the soonest possible opportunity. Photocopies of hard copy results will be taken. If you are informed by e-mail, you must forward the e-mail to your Line Manager and this e-mail will be stored.

### **COMMUNICATION WITH LEARNING PROVIDER**

Where necessary, the Council will undertake communications with your learning provider regarding, amongst other matters which may arise, your performance.

## Salaries and Wages, etc

### ADMINISTRATION

#### Payment

a) For salaried staff the pay period is the calendar month. Basic salaries are paid by the 24<sup>th</sup> of the month

b) You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, e.g. Income Tax, National Insurance, etc.

c) Any pay queries that you may have should be raised with the Town Clerk.

#### Overpayments

If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

#### Income Tax and National Insurance

At the end of each tax year, you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them for tax purposes.

#### Pay Reviews

Salaries are normally reviewed annually and any increase is at our discretion. The review does not imply an automatic increase in salary.

### LATENESS/ABSENTEEISM

You must attend for work punctually at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your area of work.

All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.

Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

### TIMESHEETS

You may be required to complete and submit timesheets as directed in order to ensure that you receive the correct payment. Incorrectly completed, or late submission of, timesheets may result in incorrect or delayed payment of wages. Deliberate falsification of timesheets will be regarded as a disciplinary offence and may lead to your summary dismissal.

## SHORTAGE OF WORK

In the event that the Council is faced with a shortage of work, or is unable to provide you with work for any other reason, then you agree that the Council may temporarily:

- a) place you on short-time working, in which case you will be paid for those hours worked; or
- b) lay you off from work, in which case you will be paid in accordance with the statutory guarantee pay provisions in place at that time; or
- c) designate you as a furloughed (or similar) worker, in accordance with the terms of any Government furlough (or similar) scheme in place from time to time, in which case during such period, if required, you agree to a reduction in your hours or will cease to carry out any work for the Council. (For this purpose you agree that the Council may adjust your hours, salary and benefits by an appropriate amount to reflect the needs of the Council at that time and ensure that it receives reimbursement of salary and benefits under the said scheme to the fullest extent possible).

The entirety of this section entitled "Shortage of work" forms part of your contractual terms and conditions.

## PENSION SCHEME

We operate a contributory pension scheme to which you will be auto-enrolled into (subject to the conditions of the scheme). The scheme enables you to save for your retirement using your own money, together with tax relief and contributions from the Council.

## Holiday Entitlement and Conditions

### ANNUAL HOLIDAYS

Your annual holiday entitlement is shown in your individual Statement of Main Terms of Employment (Form SMT).

All annual leave should be taken in the leave year during which it is accrued. A maximum of five days' leave can be carried over into the next leave year with the permission of the Town Clerk who will take into consideration recommendation from the employees line manager.

Holiday dates will normally be allocated on a "first come - first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

We operate an online system for booking holidays via BrightHR. You will be given the rights to request absence online and you will also be able to view your holiday entitlement online at any time. This is to give you the facility to easily plan your holidays throughout the year.

Once you have registered your holiday request online, you will receive an e-mail from your Line Manager authorising or declining your request. If you feel that your request has been unreasonably refused for any reason you should refer the matter to the Town Clerk. They will endeavour to ensure that you have every opportunity to take your holidays at the time you request them, but they will need to balance your requests with the needs of the department.

You should give at least four weeks' notice of your intention to take holidays of a week or more and one week's notice is required for odd single days.

You may not normally take more than two working weeks consecutively.

Payment for holidays will be at the rate shown in your individual Statement of Main Terms of Employment.

## PUBLIC/BANK HOLIDAYS

Your entitlement to public/bank holidays is shown in your individual Statement of Main Terms of Employment.

## Sickness/Injury Payments and Conditions

### NOTIFICATION OF INCAPACITY FOR WORK

You must notify us by telephone on the first day of incapacity at the earliest possible opportunity and by no later than 9.30am. Other than in exceptional circumstances notification should be made personally, to your Line Manager.

You should try to give some indication of your expected return date and notify us as soon as possible if this date changes. The notification procedures should be followed on each day of absence unless you are covered by a medical certificate.

If your incapacity extends to more than seven calendar days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

### EVIDENCE OF INCAPACITY

Medical certificates are not issued for short-term incapacity. In these cases of incapacity (up to and including seven calendar days) you must sign a self-certification absence form on your return to work.

If your sickness has been (or you know that it will be) for longer than seven days (whether or not they are working days) you should obtain a medical certificate and forward this to us without delay. Subsequently you must supply us with consecutive medical certificates to cover the whole of your absence.

In some situations, in line with government guidance, an extension of self-certification of absence will be temporarily accepted. You will be informed of any such changes should these apply.

## PAYMENTS

You are entitled to statutory sick pay (SSP) if you are absent because of sickness or injury provided you meet the statutory qualifying conditions. Statutory sick pay is treated like wages and is subject to normal deductions for tax and national insurance contributions.

Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. SSP is payable from the first day of sickness absence for a maximum of 28 weeks. If you have any queries regarding your entitlement to SSP you should contact the Town Clerk.

Any contractual sickness/injury payments are shown in your individual Statement of Main Terms of Employment.

Any days of contractual sickness/injury payments that qualify for SSP will be offset against SSP on a day-to-day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

If you are entitled to any payments in excess of SSP and your entitlement expires, full or part payment may be allowed at our discretion where it is considered that there are special circumstances warranting it.

Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by us.

## SICK PAY AND PHASED RETURN TO WORK

### Sick Pay Entitlement

Occupational Sick Pay is calculated on a rolling 12-month basis. To determine your entitlement on the first day of any new absence, the council will review the total number of paid sick days you have taken during the 12 months immediately preceding that date. This aggregate will be deducted from your maximum entitlement to determine the remaining period and rate of pay available to you.

### Phased Return to Work

If you return to work on reduced or amended hours following the expiry of your full-pay entitlement (typically after six months), your compensation will be structured as follows:

- Worked Hours: You will receive full pay for all hours physically worked.
- Unworked Hours: You will receive half-pay Council Sick Pay (CSP) for the remaining hours of your contracted week that you are unable to work due to your phased return.

### Using Annual Leave During Phased Return

You may choose to use your accrued holiday entitlement to supplement your income and "top up" your hours to full pay.

Example (based on a 24-hour contract):

If you are fit to work 12 hours per week:

**12 hours:** Paid at the full hourly rate (Worked Hours).

**6 hours:** Paid at half-pay CSP (Unworked Hours).

**6 hours:** Taken as Annual Leave to ensure you receive full pay for these hours.

Note: The use of annual leave for this purpose is subject to standard departmental notice and approval requirements.

## RETURN TO WORK

You should notify your Line Manager as soon as you know on which day you will be returning to work if this differs from the date of return previously notified.

If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

On return to work after any period of sickness/injury absence (including absence covered by a medical certificate), you are also required to complete a self-certification absence form and hand this to the Town Clerk.

Upon returning to work after any period of sickness/injury absence, you may be required to attend a “return to work” interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with the strictest confidence.

## GENERAL

Submission of a medical certificate or sickness self-certification absence form, although giving us the reason for your absence may not always be regarded by us as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to us.

In deciding whether your absence is acceptable or not we will take into account the reasons and extent of all your absences, including any absence caused by sickness/injury. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces our efficiency.

We will take a serious view if you take sickness/injury leave which is not genuine, and it will result in disciplinary action being taken. In addition, we will take a serious view if you are found to be undertaking any activity during sickness absence which we reasonably believe is inconsistent with being incapable of work at that time despite the presence of an illness, injury or medical condition. Disciplinary action will be taken in this instance.

If we consider it necessary, we may ask your permission to contact your doctor and/or for you to be independently medically examined by our Occupational Health Specialists, Health Assured Limited.

## Other Benefits

### EMPLOYEE ASSISTANCE PROGRAMME

We recognise that sometimes you may face certain challenges in your work and home life that are difficult to deal with. We subscribe to a confidential and professional life management service that provides you with a qualified counsellor who can offer personal support for any practical or emotional challenges you may be facing. The service is initially provided via telephone and online advice but face to face meetings will be arranged where this is felt clinically appropriate. This service is totally confidential. You can use the Health Assured App or call 0800 0474097. More details of this service are available from the Town Clerk.

As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, Wisdom AI, which you can use to find fast answers to any wellbeing questions you have. You can access Wisdom AI at any time via the Health Assured portal. The link in the menu bar will take you directly to the Wisdom AI homepage, where you can ask your question. More details of this service are available the Town Clerk.

### BRIGHT EXCHANGE

We currently subscribe to an online HR tool, Bright HR. Through Bright HR you have exclusive access to Bright Exchange. Bright Exchange is an online marketplace exclusive to Bright HR users giving you access to hundreds of products, services and special offers from a wide range of different companies. You can use your Bright HR credentials to log in to Bright Exchange and take advantage of these offers. More details are available from the Town Clerk.

## Safeguards

### RIGHTS OF SEARCH

Although we do not have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or Council, we would ask all employees to assist us in this matter should we feel that such a search is necessary.

Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search. This will also apply at the time that any further questioning takes place.

We reserve the right to call in the police at any stage.

### CONFIDENTIALITY

All information that:

a) is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence;

b) relates particularly to our Council, or that of other persons or bodies with whom we have dealings of any sort; and

c) has not been made public by, or with our authority;

shall be confidential, and (save in the course of our Council or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our prior written consent.

You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.

You must make yourself aware of our policies on data protection in relation to personal data and ensure compliance with them at all times.

## DATA PROTECTION

The General Data Protection Regulation (GDPR) and the current Data Protection Act regulates our use of your personal data. As an employer, it is our responsibility to ensure that the personal data we process in relation to you is done so in accordance with the required principles. Any data held shall be processed fairly and lawfully and in accordance with the rights of data subjects.

We will process data in line with our privacy notices in relation to both job applicants and employees.

You have several rights in relation to your data. More information about these rights is available in our "Policy on your rights in relation to your data". We commit to ensuring that your rights are upheld in accordance with the law and have appropriate mechanisms for dealing with such.

We may ask for your consent for processing certain types of personal data. In these circumstances, you will be fully informed as to the personal data we wish to process and the reason for the processing. You may choose to provide or withhold your consent. Once consent is provided, you are able to withdraw consent at any time.

You are required to comply with all Council policies and procedures in relation to processing data. Failure to do so may result in disciplinary action up to and including dismissal.

## COUNCIL PROPERTY AND COPYRIGHT

All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and, where appropriate, our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

## STATEMENTS TO THE MEDIA

Any statements to reporters from newspapers, radio, television, etc. in relation to our Council will be given only by, or with the approval of the Town Clerk.

## INVENTIONS/DISCOVERIES

An invention or discovery made by you will normally belong to you. However, an invention or discovery made by you will become our property if it was made:

- a) in the course of your normal duties under such circumstances that an invention might reasonably be expected to result from those duties;
- b) outside the course of your normal duties, but during duties specifically assigned to you, when an invention might reasonably be expected to result from these; and
- c) during the course of any of your duties, and at the time you had a special obligation to further our interests arising from the nature of those duties, and your particular responsibilities.

## VIRUS PROTECTION PROCEDURES

In order to prevent the introduction of virus contamination into the software system, the following must be observed:

- a) unauthorised software including public domain software, USBs, external hard drives, CDs or internet downloads must not be used; and
- b) all software must be virus checked using standard testing procedures before being used.

## USE OF COMPUTER EQUIPMENT

In order to control the use of the Council's computer equipment and reduce the risk of contamination the following will apply:

- a) the introduction of new software must first of all be checked and authorised by the Town Clerk before general use will be permitted;
- b) only authorised staff should have access to the Council's computer equipment;
- c) only authorised software may be used on any of the Council's computer equipment;
- d) only software that is used for Council applications may be used;
- e) no software may be brought onto or taken from the Council's premises without prior authorisation;
- f) unauthorised access to the computer facility will result in disciplinary action; and
- g) unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal.

## E-MAIL AND INTERNET POLICY

Please refer to the Council IT policy for further information.

## USE OF SOCIAL NETWORKING SITES

Any work related issue or material that could identify an individual who is a customer or work colleague, which could adversely affect the Council, a customer or our relationship with any customer must not be placed on a social networking site. This means that work related matters must not be placed on any such site at any time either during or outside of working hours and includes access via any computer equipment or mobile device.

## KEYHOLDING/ALARM SETTING

If you are an allocated key holder, you must ensure that all procedures and guidelines are followed when securing the building prior to leaving. The keys and any security measure such as alarm codes must be kept safe at all times. You must not give the keys or alarm code to any third party unless authorisation is obtained from the Town Clerk. Any loss or damage caused as a result of your failure to follow procedures or your negligence in ensuring the safekeeping of the keys and alarm code will result in disciplinary action which could lead to your summary dismissal. We also reserve the right to deduct the cost of any loss, repair or replacement from any monies owing to you.

Any breaches or security issues including the loss or theft of keys must be reported immediately to the Town Clerk.

To satisfy the requirements of our insurers and to protect us from fire and theft, you must secure all properties and premises when unattended. The last person to leave the premises must ensure lights and appropriate electrical equipment are switched off, windows and doors are secure and alarms are set accordingly.

## CLOSED CIRCUIT TELEVISION

CCTV is operated on some of our Council premises for several reasons, including the prevention of crime and the safety of employees and customers.

We will ensure all personal data obtained in this way is processed in line with the current Data Protection Act. You may refer to the employee privacy notice for more information on the data we hold, the reasons we hold it and the lawful basis which applies.

### PROFESSIONAL BOUNDARIES

Staff must ensure that communication with young people/children is within clear and explicit professional boundaries. Communication via telephone, e-mail, text or social networking sites between an adult and a child under the age of 18 outside of professional protocol may lead to disciplinary action. Never reveal personal numbers or e-mail addresses to young person.

The council regard the private lives of staff as being nobody's business but their own. Staff must be careful, however, to ensure that nothing they say or do, including through the use of social networking sites, brings the Town Council's name into disrepute. Gossip in communities can be very damaging.

## COMPLAINTS POLICY & PROCEDURE

Please refer to the Council policy for further information.

## Standards

### WASTAGE

We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of our council.

You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:

- a) handle machines, equipment and stock with care;
- b) turn off any unnecessary lighting and heating. Keep doors closed whenever possible;
- c) ask for other work if your job has come to a standstill; and
- d) start with the minimum of delay after arriving for work and after breaks.

The following provision is an express written term of your contract of employment:

- a) any damage to vehicles, stock or property that is the result of your carelessness, negligence or deliberate vandalism may render you liable to pay the full or part of the cost of repair or replacement;
- b) any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work may render you liable to reimburse to us the full or part of the cost of the loss; and
- c) in the event of an at fault accident whilst driving one of our vehicles you may be required to pay the cost of the insurance excess up to a maximum of £250.00.

In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

### STANDARDS OF DRESS

As you are liable to come into contact with customers and members of the public, it is important that you present a professional image with regard to appearance and standards of dress.

Where uniforms are not provided, you should wear clothes and footwear appropriate to your job responsibilities, and they should be kept clean and tidy at all times.

Where uniforms are provided, these must be worn at all times whilst at work and laundered on a regular basis.

## HOUSEKEEPING

Both from the point of view of safety and of appearance, work areas must be kept clean and tidy at all times.

## Health, Safety, Welfare and Hygiene

### SAFETY

You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.

You must not take any action that could threaten the health or safety of yourself, other employees, customers or members of the public.

Protective wear and other equipment that may be issued for your protection because of the nature of your job must be worn and used at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear/equipment is your responsibility.

You should report all accidents, near misses and injuries at work, no matter how minor, in the accident book, your Line Manager or the Town Clerk.

You must ensure that you are aware of our fire and evacuation procedures and the action you should take in the event of such an emergency.

### First-Aid at Work

We will comply with our obligations regarding first-aid at work and ensure that all employees are given details of our first-aid arrangements, in accordance with current legislation. This may include (but is not limited to) providing trained first-aiders, depending on the outcome of our first-aid needs assessment.

### REFRESHMENT MAKING FACILITIES

We provide refreshment making facilities for your use, which must be kept clean and tidy at all times.

### ALCOHOL & DRUGS POLICY

Under legislation we, as your employer, have a duty to ensure so far as is reasonably practicable, the health and safety and welfare at work of all our employees and similarly you have a responsibility to yourself and your colleagues. The use of alcohol and drugs may impair the safe and efficient running of the Council and/or the health and safety of our employees.

If your performance or attendance at work is affected as a result of alcohol or drugs, or we believe you have been involved in any drug related action/offence, you may be subject to disciplinary action and, dependent on the circumstances, this may lead to your dismissal.

## NO SMOKING POLICY

Smoking on the premises or in Council vehicles is not permitted. You may only smoke during authorised breaks. Whilst there is no designated smoking area, you should ensure that you are away from the premises and any windows/doors. This includes the use of vapes and e-cigarettes.

## PERSONAL HYGIENE

Your highest attention to your own personal hygiene is requested at all times, as you work in close proximity with our customers and fellow colleagues.

### FITNESS FOR WORK

If you arrive for work and, in our opinion, you are not fit to work, we reserve the right to exercise our duty of care if we believe that you may not be able to undertake your duties in a safe manner or may pose a safety risk to others, and send you away for the remainder of the day with or without pay and, dependent on the circumstances, you may be liable to disciplinary action.

## MANUAL HANDLING

You are required, in accordance with the Manual Handling Regulations 1992, to advise us of any condition which may make you more vulnerable to injury.

## Lone Worker Policy

The Council will avoid the need for employees to work alone where reasonably practicable. Where lone working is necessary, the Council will take all reasonable steps to ensure the health and safety of employees working alone.

The Council will ensure that a risk assessment is conducted and that arrangements are in place prior to employees working alone.

The Line Manager will ensure that:

- a) loneworking is avoided as far as is reasonably practicable;
- b) emergency procedures are in place so that members of staff working alone can obtain assistance if required;
- c) a risk assessment is completed by a person competent to do so prior to employees working alone;
- d) any employee working alone is capable of undertaking the work alone;
- e) where possible, arrangements are in place so that someone else is aware of a lone worker's whereabouts at all times;
- f) persons working alone are provided with adequate information, instruction and training to understand the hazards and risks and the safe working procedures associated with working alone; and

- g) training records are kept;
- h) whilst lone working, please ensure your mobile is with you at all times.

The person conducting the lone working assessment will:

- a) give consideration to the greater risks to expectant mothers and young persons;
- b) involve the employee who is working alone in the assessment process and the development of safe working methods;
- c) advise the employee undertaking the lone working of the findings of the assessment; and
- d) maintain a file of all lone working.

Employees working alone will:

- a) follow the safe working arrangements developed by the Council for lone working;
- b) take reasonable steps to ensure their own safety; and
- c) inform their Line Manager of any incidents or safety concerns.

### Leading Statutory Authority

Health and Safety at Work etc. Act 1974 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242).

Employers have a general duty under the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of their employees as far as is reasonably practicable, which includes providing safe systems, a safe place of work and suitable arrangements for employees' welfare.

Regulation 3 of the Management of Health and Safety at work Regulations 1999 requires a suitable and sufficient assessment of risks arising from work activities (including lone working) to be undertaken.

Regulation 13 of the Management of Health and Safety at Work Regulations 1999 requires employers to consider the physical and mental capabilities of employees when deciding on the tasks they will undertake.

Lone working is not permitted under certain legislation. It is prudent for employers to review any regulations specific to their Council prior to allowing lone working.

In relation to a lone working risk assessment consideration should be given to:

- a) the remoteness of the workplace;
- b) potential communication problems;
- c) the likelihood of a criminal attack;
- d) potential for verbal and physical abuse;
- e) vulnerability of lone workers to feelings of isolation, stress and depression;

- f) whether all the plant, equipment, materials, etc. can be handled safely by one person;
- g) whether the person is medically fit and suitable to work alone;
- h) how the lone worker will be supervised;
- i) how the lone worker will obtain help in an emergency such as an assault, vehicle breakdown, accident or fire; and
- j) whether there is adequate first-aid cover.

## General Terms and Procedures

### CHANGES IN PERSONAL DETAILS

You must notify us of any change of name, address, telephone number, etc., so that we can maintain accurate information on our records and make contact with you in an emergency, if necessary, outside normal working hours.

### OTHER EMPLOYMENT

You are expected to devote the whole of your time and attention during working hours to the Council. If you propose taking up employment with an employer or pursuing separate business interests or any similar venture, you must discuss the proposal with the Town Clerk in order to establish the likely impact of these activities on both yourself and the Council. You will be asked to give full details of the proposal and consideration will be given to:

Working hours;

Competition, reputation and credibility;

Conflict of Interest;

Health, safety and welfare.

You will be notified in writing of the Clerk's decision. The Clerk may refuse to consent to your request. If you work without consent this could result in the termination of your employment.

If you are unhappy with the decision, you may appeal using the Grievance Procedure.

### PRIVATE WORK

You are forbidden from undertaking any private work without authorisation from the Council. You will not be allowed to undertake any work which could otherwise have been undertaken by the Council. In the event of you being approached to undertake such work you must report the approach to the Town Clerk.

## TIME OFF

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. Where this is not possible, depending on the length of time off needed, you may at our discretion be able to make up the time otherwise it will be unpaid. To minimise the impact you should try and get the first/last appointment of the day.

## LEAVE WITHOUT PAY

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

## IMPLICATIONS OF AUTHORISED UNPAID LEAVE AND INDUSTRIAL ACTION FOR LOCAL GOVERNMENT PENSIONABLE SERVICE

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the lost pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the lost pension by making an Additional Pension Contribution. In order to do so they must write to the Town Clerk as above; however there is no time limit and the entire cost will be met by the employee.

## MATERNITY/PATERNITY/ADOPTION LEAVE AND PAY

You may be entitled to maternity/paternity/adoption leave and pay in accordance with the current statutory provisions. If you (or your partner) become pregnant or are notified of a match date for adoption purposes you should notify the Town Clerk at an early stage so that your entitlements and obligations can be explained to you.

## NEONATAL CARE LEAVE

Eligible employees are entitled to neonatal care leave and pay in line with current statutory provisions. If you need time off in these circumstances you should speak with your Manager who will explain your entitlements and agree time off.

## PARENTAL/SHARED PARENTAL LEAVE

If you are entitled to take parental leave or shared parental leave in respect of the current statutory provisions, you should discuss your needs with the Town Clerk who will identify your entitlements and look at the proposed leave periods dependent upon your child's/children's particular circumstances and the operational aspects of the Council.

## PARENTAL BEREAVEMENT LEAVE

In the unfortunate event that you experience the loss of a child, you may be entitled to parental bereavement leave and pay in accordance with the current statutory

provisions. You should discuss your circumstances with the Town Clerk and agree time off.

You are reminded that you have access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where you can talk to a trained counsellor about your circumstances. You can access this by accessing online resources or calling the number provided, further details are available from the Town Clerk.

### **BEREAVED PARTNER'S PATERNITY LEAVE**

In the unfortunate event that the primary carer of your child dies, you may be entitled to bereaved partner's paternity leave in accordance with the current statutory provisions. You should discuss your circumstances with the Town Clerk and agree time off.

You are reminded that you have access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where you can talk to a trained counsellor about your circumstances. You can access this by accessing online resources or calling the number provided, further details are available from the Town Clerk.

### **CARER'S LEAVE**

Employees with caring responsibilities may be entitled to take Carer's Leave in line with current statutory provisions. You should discuss your situation with your Manager who will explain your entitlements and if appropriate, agree time off.

### **FLEXIBLE WORKING**

You have the right to request flexible working in accordance with the current statutory provisions. Further information on the application process can be obtained from the Town Clerk.

### **TIME OFF FOR DEPENDANTS**

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with the Town Clerk who, if appropriate, will agree the necessary time off.

### **COMPASSIONATE LEAVE WITH PAY**

Up to three days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending the funeral.

Employees may also wish to consider taking a period of parental bereavement leave following the loss of a child under the age of 18. See parental bereavement leave.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

## PUBLIC DUTIES

Up to five days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

## JURY SERVICE

If you are required to undertake jury service or to attend court you must advise the Town Clerk in order that the necessary arrangements for your work can be made. You are normally eligible for loss of earnings, travel and subsistence allowances. You will be permitted reasonable time off to carry out such public duty, but you should not volunteer for jury service beyond 14 days without referral and permission from the Town Clerk.

## EXPENSES

We will reimburse you for any reasonable expenses incurred whilst travelling on our Council. The rules relating to travelling expenses will be issued separately. You must provide receipts for any expenditure. Please refer to the council expense policy.

## EMPLOYEES' PROPERTY AND LOST PROPERTY

We do not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight. Articles of lost property should be handed to the Town Clerk who will retain them whilst attempts are made to discover the owner.

## FRIENDS AND RELATIVES CONTACT / TELEPHONE CALLS / MOBILE PHONES

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency. Personal telephone calls, both incoming and outgoing are discouraged. Permission to make outgoing personal calls from council phones should be sought from the Town Clerk. Personal mobile phones should be switched to silent during working hours. Personal use of personal mobile

phones should be kept to a minimum and not interfere with your duties during working hours.

It is illegal to hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving.

It is our Council policy that you should not hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving. You should ensure you are safely parked and you have turned off the engine before making or receiving any telephone calls. In the event of you being unable to answer a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible after you have safely parked and turned off the engine.

You can use a device held in your hand in the following circumstances only:

- you need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- you are safely parked
- you are making a contactless payment in a vehicle that is not moving, for example at a drive-through restaurant
- you are using the device to park the vehicle remotely.

You can use devices with hands-free access, such as a built-in sat nav, provided you do not hold the device at any time during usage.

## COUNCIL TOOLS/EQUIPMENT

The Council provides the tools and/or equipment necessary to carry out your duties. You should keep these in good repair and take all reasonable steps to ensure that they are secure at all times. You must report any lost, damaged or mislaid tools and/or equipment to the Town Clerk. You must return all Council tools and/or equipment upon termination of employment by either party. Failure to return any tools and/or equipment, or any loss or damage suffered as a result of your negligence, will result in a deduction to cover the cost of the tools and/or equipment being made from monies due to you.

## BEHAVIOUR AT WORK

You should behave with civility towards fellow employees, and no rudeness will be permitted towards customers or members of the public. Objectionable or insulting behaviour, or bad language will render you liable to disciplinary action. You should use your best endeavours to promote the interests of the Council and shall, during normal working hours, devote the whole of your time, attention and abilities to the Council and its affairs. Any involvement in activities which could be construed as being in competition with us is not allowed.

## BEHAVIOUR OUTSIDE OF WORK

The Council recognises the importance of work/life balance. However, owing to the nature of the Council, the Council insists on employing staff of the highest integrity, we expect you to maintain these standards outside of working hours. Activities that result in adverse publicity to ourselves, or which cause us to lose faith in your integrity, may give us grounds for your dismissal.

## ADVERSE WEATHER/TRAVEL ARRANGEMENT DISRUPTION

Every reasonable effort should be made to attend work in accordance with your contract. In the event that you are unable to attend work owing to inclement weather conditions and/or severe disruption to your travel arrangements, you should report your absence through the normal absence reporting procedures. Your absence will be unpaid unless you have sufficient annual leave in which case you may request to use this. Alternatively, you may be able to work additional hours to compensate for the lost hours at the sole discretion of your Line Manager.

## COUNCIL FUEL/CREDIT CARDS

If you have been provided with a Council fuel/credit card, you are responsible for its security and safekeeping. In the event that it is lost or stolen, it is imperative that you report this to the Town Clerk immediately. The card is to be used exclusively for Council purposes only and receipts should be obtained for every transaction. Usage will be regularly monitored therefore it is in your interest to keep a personal record of transactions in order that you are able to explain them if necessary.

Personal use of a Council fuel/credit card is not permitted under any circumstances. Misuse of the card and/or failure to comply with Council procedures will result in disciplinary action, which may result in your dismissal. You will be required to reimburse us the cost of any unauthorised expenditure. In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

## DRIVING LICENCE

If driving is a necessary part of your role it is imperative that you maintain a valid driving licence suitable for the vehicle you operate at all times during your employment. You are required upon request to produce your driving licence to the Town Clerk. We may also require you to provide us with the ability to access your driving licence details online. If at any time your licence is endorsed, or you are disqualified from driving, we must be informed immediately. If you are required to drive as part of your job and we are unable to find alternative employment, your employment may be terminated.

Data collected about driving licences will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

## FINES

Any fines imposed by relevant authorities including (but not limited to) speeding and parking will be payable by the employee. The Council takes no responsibility for the payment of fines incurred by the employee during their employment.

## CAR INSURANCE

If your position requires you to use your own car for Council purposes, you must ensure that your car insurance provides adequate cover. Proof of adequate insurance, Driving Licence, Tax and an MOT Certificate must be produced for scrutiny by the Council, upon renewal and at any time when so requested.

## THIRD PARTY INVOLVEMENT

We reserve the right to allow third parties to chair any meeting, for example disciplinary, capability, grievance, this is not an exhaustive list. Where we are required to share special category data to any third parties as part of that hearing, we ensure that a relevant condition of processing is met and we do not rely upon your consent for the processing.

## RECORDING OF FORMAL MEETINGS

We reserve the right to record any formal meetings whether conducted by us or a third party, a copy of the recording can be made available on request. All personal data collected for this purpose will be processed in line with the current Data Protection Act.

# Flexible Working Policy

## INTRODUCTION

The Council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best workforce, and utilising all the talent and experience available within the community. We also appreciate that the workforce is becoming increasingly diverse and includes a high percentage of those with caring responsibilities, as well as those whose interests and aspirations impact on their time. We therefore appreciate that standard or established working hours are, in many cases, incompatible with increasing demand for a better work-life balance.

The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

This policy aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Council and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency, productivity and competitiveness. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to

both employees and the Council, but also raising possible drawbacks and areas of potential concern.

This policy applies to flexible working requests received by the Council on or after 6 April 2024. Requests received before that date which have not reached conclusion will continue to be considered under our previous policy.

The policy considers the following options as types of flexible working but we recognise that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- job-sharing;
- part-time working;
- annualised hours;
- compressed hours;
- flexitime;
- term-time working;
- swapping hours;
- working from home;
- career breaks;
- flexible shift working.

#### **THE COUNCIL NEED**

Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.

Where an instance of flexible working is requested, we will take into account a number of criteria including (but not limited to):

- Additional burden of costs;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality
- Detrimental effect on customer service;
- Detrimental impact on performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

#### **ELIGIBILITY**

Although we recognise that not all of the flexible working patterns considered will be suitable for all sections of the Council's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, pregnancy, marital/civil partnership status, gender reassignment or disability. However, there is no automatic right for employees to change to any of the flexible working patterns. Each application will be considered on its own merits save for

where it is made as a reasonable adjustment under disability legislation in which case it will be considered under the rules applying to our duty under those laws.

#### **RIGHT TO REQUEST FLEXIBLE WORKING**

You are entitled to make a statutory request for flexible working from the first day of your employment.

You can make a maximum of two statutory flexible working requests during any 12-month period. A request cannot be made until any previous request has been concluded in full.

While it is the Council's policy to be flexible on working patterns for all its employees, in order to ensure that we are complying with our legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

#### **THE APPLICATION**

You can get an application form to complete from the Town Clerk in order to make a request.

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Town Clerk. It should set out clearly:

- The desired change in working pattern;
- How it will impact upon the work of the Council;
- How the employee will manage their work to ensure there is no loss in efficiency;
- The impact of the change of the work pattern on the employee's colleagues;
- How any potential problems will be overcome; and
- When the employee wishes to start the new way of working.

The application must also state whether you are requesting the variation as a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

#### **PROCEDURE FOR DEALING WITH AN APPLICATION**

##### **Consultation on your Application**

The Town Clerk will consult with you as part of a discussion following receipt of the application, unless we notify you in writing of agreement to the variation. The time and place of the discussion will be convenient to both of us. The consultation will include exploration of alternative arrangements that may be acceptable to you if we are unable to agree to the exact variation requested.

##### **Notice of Decision**

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting of the Personnel Sub-Committee. The request may be granted in full or in part: for example, the Council may propose a modified version of

the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

Where the decision is to refuse the application, the notice will state which of the specified grounds for refusal are considered to apply, with an explanation of why those grounds apply in relation to the application, and set out the appeal procedure.

### **Right of Appeal**

You may appeal against the Council's decision to refuse an application. An Appeal should be submitted in writing to the Town Clerk who will arrange an appeal meeting. Appeals will be heard by a panel set up by the Personnel Sub-Committee who will notify the employee of the outcome, following the meeting.

The notice of appeal must be in writing, setting out the grounds for appeal and be dated.

We will discuss the appeal with you once the grounds for appeal are received, unless we give you written notification that the original decision has been overturned and specifies the variation which has now been agreed and the date on which it will take effect. If an appeal meeting is held, the time and place will be convenient to both of us.

After the appeal meeting has been held, we will give you written, dated, notice of the decision on the appeal. Where we uphold the appeal, the notice will specify the contract variation agreed to and state the date on which it is to take effect. Where our decision to reject the application remains, the notice will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

### **Acceptance of Variation**

Where we accept your application, it will mean a permanent variation of your contract, unless we agree otherwise. This means that once a change has been made, there is no right for you to revert back to your previous terms and conditions. Further requests will count towards the maximum amount permitted in any 12 month period.

### **Timescale**

We will deal with and conclude your application for flexible working within two months of the date of the application, unless we both agree on an extension in which case we will confirm this in writing.

### **Accompaniment**

At any meetings held to discuss the application, including any appeal meetings, you can be accompanied by a colleague of your choice.

### **Conflicting requests**

Where conflicting requests for flexible working are received from employees, the Council may require a compromise to be found so that all requests may be accommodated albeit on different terms as those set out in each request. If no

compromise is achievable after consultation with the employees involved, the Council may use a random selection method to determine the granting of individual requests.

#### **WITHDRAWAL OF APPLICATION BY EMPLOYEE**

The Council will treat an application as withdrawn under the statutory provisions where you:

- notify us, orally or in writing, that you are withdrawing the application; or
- without reasonable cause, fail to attend a meeting to discuss your application or appeal meeting more than once.

The Council will confirm the withdrawal of the application to you in writing unless you have already provided written notice of the withdrawal.

#### **EMPLOYEE CONSULTATION/PARTICIPATION**

While some approaches to flexible working practices will involve changes to individual contracts of employment and be relatively easy to implement, the Council recognises that others such as flexitime or the imposition of annualised hours will have a greater impact on sections of the workforce as a whole. Before any such working pattern is implemented it is therefore committed to in-depth consultation with employees and their representatives, and recognises that gaining their agreement is likely to have a positive impact on the success of the scheme. The Council works on the basis that consultation gives all parties the opportunity to raise the issues that are of greatest importance to them and ensures that they are considered from all angles.

Consultation will usually take the form of an employee survey followed by focus groups and a pilot scheme of the new working pattern. The findings of any consultation will be communicated to the workforce, along with any proposed action resulting from the consultation.

## **Council Mobile Phone Policy**

The following policy applies to all employees of the Council who are issued with a Council mobile phone. The following guidelines should be adhered to:

Council mobile phones are provided to you in order for you to fulfil your duties professionally and efficiently. The mobile phone provided does not belong to you. It is to be used strictly for business purposes, only except in the case of an emergency. Text messages should not be sent from your Council phone unless they are work related.

Security is imperative, and the mobile phone must be password/pin protected. This password must not be shared with anyone else.

Internet (where applicable) should not be accessed at any time. We reserve the right to monitor internet use on a Council mobile phone to ensure compliance with our policy and any personal use will be recharged back to you. Council policy in relation to inappropriate internet use (contained within the E-mail and

Internet Policy in the Employee Handbook) applies to internet use on Council mobile phones and you should make yourself aware of its provisions.

The Council reserves the right to monitor all use of Council mobile phones, and all communication made using any means including text message, email or any application added to the phone. Therefore, communicating in this way via a Council mobile phone is done in the knowledge that those communications may be read by those in the Council responsible for monitoring mobile phone use.

Software must not be added to Council mobile phones without express prior authorisation from the Town Clerk.

For security and privacy reasons, it is strictly prohibited to download, access or install any apps to Council mobile phones, including but not limited to TikTok and YouTube, without express prior authorisation from the Town Clerk

When using a Council phone you are an ambassador of the Council therefore you should deal with all calls courteously and professionally.

If you are issued with a Council mobile phone you are responsible for its safe-keeping, ensuring that its batteries are fully charged and that it is switched on at all times when on duty. However, there are some circumstances where it may be necessary to set the phone to silent or divert to voicemail – for example when attending a meeting.

When you are on annual leave, you should change your voicemail to reflect this; clearly stating who can be contacted for assistance in your absence.

It is illegal to hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving.

It is our Council policy that you should not hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving. You should ensure you are safely parked and you have turned off the engine before making or receiving any telephone calls. In the event of you being unable to answer a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible after you have safely parked and turned off the engine.

You can use a device held in your hand in the following circumstances only:

- you need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- you are safely parked
- you are using the device to park the vehicle remotely.

You can use devices with hands-free access, such as a built-in sat nav, provided you do not hold the device at any time during usage.

If you lose or have your Council mobile phone stolen you must report this immediately to the Town Clerk so the SIM card can be cancelled so no unauthorised user can make calls. You must also report it immediately to the local police station and obtain a crime reference number.

On termination of employment, your Council mobile phone, accessories and password/pin must be handed in to the Town Clerk on your last date of employment.

## Capability Procedures

### INTRODUCTION

We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

The procedure aims to ensure that consistent and fair treatment is given to all individuals.

## **SCOPE**

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or ill health, the Absence Management Policy will be used.

## **GENERAL PRINCIPLES**

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their line manager.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals.

In the event of a formal warning or a dismissal, the employee has the right of appeal.

## **REPRESENTATION**

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative or a work colleague.

Representatives can take an active part in review meetings.

## **JOB CHANGES/GENERAL CAPABILITY ISSUES**

If the nature of your job changes or if we have general concerns about your ability to perform your job we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve.

If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on our organisation or reputation, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and

maintained.

If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

#### **PERSONAL CIRCUMSTANCES/HEALTH ISSUES**

Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

#### **SHORT SERVICE STAFF**

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal.

#### **THE INFORMAL PROCEDURE**

The Town Clerk or line manager (or Chair of the Personnel Sub- Committee in relation to matters concerning the Town Clerk) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the Town Clerk or line manager. Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the Town Clerk or line manager. The Town Clerk or line manager will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or
- The performance is so poor that informal discussions are unlikely to help.

## THE FORMAL REVIEW

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Town Clerk or line manager then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

### Stage 1: The Capability Review

The Capability Review should build on the informal discussions. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard. The Town Clerk (or Chair of the Personnel Sub- Committee, in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

1. To allow the Town Clerk to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
2. To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
3. To allow the Town Clerk and the employee to explore other options, such as: (i) additional instruction, training, or personal development activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.
4. To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Ideally, standards of performance should be agreed between the Town Clerk and employee. However, in the absence of such an agreement, the Town Clerk must satisfy himself or herself that any targets set are reasonable and non-discriminatory.

If training has already been given, then its effectiveness should be reviewed and any further training and support agreed.

If the Town Clerk is satisfied at the conclusion of the review that there is a shortfall in performance, the employee will be issued with a formal warning and an action plan, including timescales, to achieve. It will also be made clear that failure to achieve the action plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The Town Clerk should confirm the outcome of the meeting in writing to the individual within 5 working days.

### **Stage 2 – The Capability Review**

If the employee fails to achieve the standards or the timescales set out in the action plan, then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by the Town Clerk (or Chair of the Personnel Sub- Committee, in relation to matters concerning the Town Clerk). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with an action plan giving details of the standards of performance required and the timescales within which these must be achieved. The employee should be reminded that if the action plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

### **Stage 3 – The Final Capability Review**

The Final Capability Review will be heard by three members of the Personnel Sub-Committee.

The Town Clerk and line manager who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity to improve. If they consider that the employee's performance remains unsatisfactory, they must

inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal.

The employee's dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

## LEVELS OF AUTHORITY

Guidance is given here on the appropriate levels of authority, although alternative arrangements may have to be made on occasion.

Formal	Officer	Authority
Stage 1 & 2	Town Clerk	Formal warnings
Stage 3	Personnel Sub-Committee	Dismissal

## THE RIGHT OF APPEAL

In the event of a formal warning or dismissal, the employee has the right of appeal to the Town Clerk (or Chair of the Personnel Sub-Committee, in relation to matters concerning the Town Clerk). The Appeal must be made in writing within 10 days of the date of the letter confirming dismissal.

Three members of the Appeal Committee, being either members of the Personnel Sub-Committee or Policy & Resources Committee, will hear the appeal, providing that they have had no previous involvement in the matter. They may be assisted by an independent adviser.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chair of the Final Capability Review and will consider the comments of the employee.

The decision of any appeal hearing is final.

## Disciplinary Procedures

### INTRODUCTION

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence

It is necessary to have a minimum number of rules in the interests of the whole council.

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

a) the correct procedure is used when requiring you to attend a disciplinary hearing;

b) you are fully aware of the standards of performance, action and behaviour required of you;

c) disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;

d) you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Town Clerk (or Personnel Sub Committee) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

On some occasions we may implement temporary measures in order that an uninterrupted investigation can take place.

These measures may include, for example:

- working in a different department, or from a different office or site
- a change to your usual duties
- working with different customers, or away from customers
- working from home
- suspension on contractual pay.

This list is not exhaustive, and we may implement other measures which are appropriate to the circumstances. None of these measures are to be regarded as disciplinary action or a penalty of any kind.

Where an employee on temporary suspension tells us that they are sick, the employee will be considered to be on sickness absence, rather than suspension, until the employee notifies us that they are no longer sick, at which point suspension will resume where appropriate.

e) other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;

f) you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and

g) if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

## ARRANGING A HEARING

If, following the recommendations of the Investigating Officer, the Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk. The employee will be given at least 5 clear working days' notice in writing. The letter to the employee should include a clear written statement of the allegation, state the potential outcome of the hearing and a reminder of the employee's right to be represented. Enclosed with the letter should also be the investigation pack which would normally include a copy of the investigation report, supporting appendices and the relevant policy. The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that they rely upon to attend the hearing.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Hearing Chair at least 3 clear working days prior to the hearing.

## DISCIPLINARY RULES

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

## RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a) failure to abide by the general health and safety rules and procedures;
- b) smoking in designated non-smoking areas;
- c) consumption of alcohol on the premises;
- d) persistent absenteeism and/or lateness;
- e) unsatisfactory standards or output of work;
- f) rudeness towards customers, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- g) failure to devote the whole of your time, attention and abilities to our Council and its affairs during your normal working hours;
- h) unauthorised use of e-mail and internet;
- i) failure to carry out all reasonable instructions or follow our rules and procedures;
- j) unauthorised use or negligent damage or loss of our property;
- k) failure to report immediately any damage to property or premises caused by you;
- l) use of our vehicles without approval or the private use of our commercial vehicles without authorisation;
- m) failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- n) if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- o) carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
- p) loss of driving licence where driving on public roads forms an essential part of the duties of the post.

## SERIOUS MISCONDUCT

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

## RULES COVERING GROSS MISCONDUCT

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a) theft or fraud;
  - b) physical violence or bullying;
  - c) deliberate damage to property;
  - d) deliberate acts of unlawful discrimination or harassment;
  - e) possession, or being under the influence, of drugs\* at work and/or testing positive for drug use in a test carried out in line with our policy; and
- \*For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.
- f) breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

## CONDUCTING A HEARING

The objective of the Hearing panel is:

To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and

If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

1. Introduction of the Panel members and outline of their roles;
2. Statement of the purpose of the hearing and the allegation(s);
3. Presentation of the case by the Investigating Officer with witnesses called as necessary;
4. Questions by employee or their representative;
5. Questions by the Panel;
6. Presentation of the case by the employee or their representative with witnesses called as necessary;

7. Questions from Investigating Officer;
8. Questions from Panel;
9. Concluding statement by Investigating Officer;
10. Concluding statement by employee or their representative;
11. Adjournment of the Panel to make their decision;
12. The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal. Requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days.

The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee's right to appeal.

## ROLES AND RESPONSIBILITIES

It is advisable to determine the roles and responsibilities of those potentially involved in the disciplinary procedure at the earliest opportunity so that those roles are not compromised.

### **Line Manager**

The Line Manager is normally responsible for considering minor disciplinary issues and resolving them, if they can, without recourse to the formal procedure. The Line Manager could also be the Town Clerk. Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk.

### **Town Clerk**

The Town Clerk is normally responsible for managing the formal disciplinary procedure including appointing an appropriate Investigating Officer. Alternatively, they may appoint another individual to manage the process, if required.

### **Personnel Sub-Committee**

The Personnel Sub-Committee is normally responsible for managing the disciplinary process and appointing an appropriate Investigating Officer for misconduct which relates to the Town Clerk.

### **Investigating Officer**

The Investigating Officer is responsible for collecting evidence and gathering all documentation in relation to the allegation. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case. Where appropriate, an external investigating officer may be used. The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure.

**Hearing Panel**

The Panel for a hearing will normally comprise of the Town Clerk, and Chairman of the Personnel Sub-Committee. For matters concerning the Town Clerk then the panel would normally comprise of three members of the Personnel Sub-Committee. The responsibilities and objective of the panel is set out in section

The panel members hearing a case should not have been involved in the investigation beforehand. The panel must not include the Investigating Officer. An independent HR representative can be called upon to advise the panel, if appropriate.

**Appeal Panel**

The Appeal Panel will normally comprise of three members, of the Personnel Sub-Committee or the Policy & Resources Committee as necessary. The responsibilities and objective of the appeal panel is set out in section

The appeal panel members should not have had any previous involvement in the matter. An independent HR representative can be called upon to advise the panel, if appropriate.

**Note Taker**

During each stage of the disciplinary procedure, it is recommended that a note taker is present to capture the context of the meetings

**DISCIPLINARY PROCEDURE**

Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	<i>Formal Verbal Warning</i>	<i>Written Warning</i>	<i>Final Written Warning</i>	<i>Dismissal</i>
Misconduct	<i>Written Warning</i>	<i>Final Written Warning</i>	<i>Dismissal</i>	
Serious Misconduct	<i>Final written warning</i>	<i>Dismissal</i>		
Gross Misconduct	<i>Dismissal</i>			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

### DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

<b>Levels of Disciplinary Action</b>		
	Disciplinary Authority for All Employees	Town Clerk
Formal Verbal Warning	<i>Town Clerk</i>	<i>Personnel sub-Committee</i>
Written Warning	<i>Town Clerk</i>	<i>Personnel sub-Committee</i>
Final Written Warning	<i>Town Clerk</i>	<i>Personnel sub-Committee</i>
Dismissal	<i>Personnel-Sub-Committee</i>	<i>Policy &amp; Resources Committee</i>

### PERIOD OF WARNINGS

#### Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.

#### Written warning

A written warning will normally be disregarded for disciplinary purposes after a six month period.

#### Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

### GENERAL NOTES

If you are in a supervisory or Managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

Gross misconduct offences will result in dismissal without notice.

You have the right to appeal against any disciplinary action.

#### **Representation**

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure. Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

#### **Informal Procedure**

**Informal Advice and Guidance** Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager (who also be the Town Clerk) will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct. The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing to the employee the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

## **Capability / Disciplinary Appeal Procedure**

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate. An employee who wishes to appeal must do so in writing to the Town Clerk (or Chair of the Personnel Sub Committee, in relation to matters concerning the Town Clerk).

It may be necessary, because of the size of our council, for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.

If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

You may be accompanied at the appeal hearing by a fellow employee of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.

Please refer to our full Capability Procedure for further details

### **Arranging an Appeal**

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Personnel Sub Committee, in relation to matters concerning the Town Clerk). It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Chair of the original Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 clear days prior to the hearing.

### **Conducting an Appeal Hearing**

The objective is:

To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and

If the action is not warranted, to determine what action if any is appropriate; In doing so, the Appeal Panel will have regard to the seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

1. Presentation of the case by the Manager (the Chair of the previous hearing) who took the disciplinary action;
2. Questions by the appellant to the Manager;
3. Presentation of the appellant's case, including calling any witnesses;
4. Questions by the Manager to the appellant and their witnesses;
5. Questions by the Appeals Panel to both parties and their witnesses;
6. Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
7. Adjournment of the Panel to make their decision;
8. The appeal is reconvened if possible and both parties are informed of the decision;
9. Written confirmation of the Appeals Panel's decision within 5 working days of the hearing.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

## Grievance Procedure

Okehampton Town Council recognises that individual employees or groups of employees may, from time to time, feel they have been treated unfairly and wish to raise a concern about an aspect of their employment. The Council accepts that each employee has the right to raise a grievance and to expect that management will consider it and respond.

The purpose of the counselling procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to encourage communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Matters that have already been considered in accordance with this procedure;
- Matters arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Matters in respect of issues over which the Council has no control. e.g. external legislation;
- Matters that are already the subject of a collective grievance or dispute; and
- Matters relating to Councillors who have allegedly breached the Council's Code of Conduct. (See section 2 for further information regarding how these matters should be addressed). The timescales shown in the following procedure may be altered by mutual agreement.

Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.

You have the right to be accompanied at any stage of the procedure by a fellow employee or a Trade Union Official who may act as a witness or speak on your behalf to explain the situation more clearly.

If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure, you should first raise the matter with the person specified in your Statement of Main Terms of Employment, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.

If you wish to appeal you must inform the Town Clerk within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the Council will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).

Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

## **GRIEVANCES RELATING TO BREACHES OF THE COUNCIL'S CODE OF CONDUCT BY COUNCILLORS**

A grievance or complaint which relates to a breach of the Council's Code of Conduct by one or more Councillors of Okehampton Town Council can initially be addressed informally as described in 3.2. below. However, if this is not possible/successful then a complaint should be made to the Monitoring Officer at West Devon Borough Council rather than being addressed via the formal stages of this Grievance Procedure. As a matter of courtesy, the Town Clerk should be informed if the matter has been raised with the Monitoring Officer.

Where only part of a grievance or complaint relates to a Code of Conduct complaint, consideration should be given to which part(s) can be addressed under the Council's Grievance Procedure and which must be referred to the Monitoring Officer.

A copy of the Councillor Code of Conduct may be accessed from the Town Council's website or obtained from the Town Clerk.

### **Procedural Guideline General Principles**

The grievance procedure should not be used as a substitute for constructive dialogue between employees or difficult conversations between employees and managers.

Grievances will be handled as quickly and fairly as possible.

Throughout any investigation that takes place, the Town Clerk or other nominated point of contact will ensure that any employees affected by this process are informed of likely timescales.

All employees involved in a grievance process should respect confidentiality and the privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The Council will take all grievances seriously. However, where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious this may be addressed as a disciplinary matter.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may wish to seek the advice of a trade union representative or work colleague when considering raising a grievance or when doing so.

## INFORMAL RESOLUTION

In many cases the most effective way to resolve a grievance is to do so quickly and informally. Employees are encouraged to try to do this wherever possible.

Grievances should be raised informally as soon as possible and, other than in exceptional circumstances, within twenty working days of the incident or event. However, it is recognised that in some cases a recent grievance can include a series of directly related incidents which have had a cumulative effect and have happened over a longer time period.

Options include:

- The employee can discuss their grievance with the person/people who are the subject of those concerns in order to resolve the situation.
- The employee can have an informal discussion with their line manager to explain their grievance and ask them to assist in resolving it.
- The employee can have an informal discussion with the Town Clerk to explain their grievance and ask them to assist in resolving it.
- Mediation (see below).

Where the employee approaches their line manager or the Town Clerk for assistance, the line manager/Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not informal resolution proves possible, the employee should in every case be given relevant feedback.

## MEDIATION

Workplace mediation is a voluntary and confidential process that can be used to attempt to resolve workplace conflict.

This option is available to the Town Council as a means to resolve the grievance informally, although mediation may also be used at any stage of the grievance process.

During mediation a trained, impartial mediator works with the parties to try to:

- clarify each person's concerns, perspectives and desired outcomes;
- support them to express this to the other party/parties in a safe and controlled environment;
- facilitate further discussion to explore the issues and reach a shared understanding;
- reach agreement about how things will work in future to resolve their differences and avoid future conflict.

## FORMAL RESOLUTION

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk in writing, stating the nature of the grievance. This should be done within ten working days of receiving feedback on the informal process.

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within ten working days.

Having heard the employee's grievance submission, it may be decided that further investigation is required. In this case the meeting will be adjourned while an appropriate investigator (who may be external to the Town Council) conducts any necessary investigation. This may include interviewing other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties to the grievance would attend the meeting. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved employee during the course of the meeting.

A formal written response to the grievance should be issued within 5 working days of either the initial or the reconvened grievance meeting as appropriate.

## **APPEAL**

If the employee is still aggrieved, there is a right of appeal to a panel of members of the Personnel Sub-Committee. The notice of appeal should be submitted in writing within ten working days of receipt of the formal written response issued by the Town Clerk. The Appeal Panel shall consider the appeal within twenty working days of receipt of the written appeal.

There is no further right of appeal.

## **GRIEVANCES RELATING TO THE TOWN CLERK**

If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Mayor or the Chairman of the Policy & Resources Committee who will oversee the investigation process and respond to the grievance as outlined above.

If the grievance is being raised by the Town Clerk the grievance should be submitted in writing to the Mayor or the Chairman of the Policy & Resources Committee as above.

## **REPRESENTATION**

An individual raising a formal grievance may be accompanied throughout the formal stages of the process by a trade union representative or work colleague of their choice.

## **Termination of Employment**

## RESIGNATIONS

All resignations must be supplied in writing, stating the reason for resigning your post.

## TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE

If you terminate your employment without giving or working the required period of notice, as indicated in your individual Statement of Main Terms of Employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay, if you fail to give or work the required period of notice.

## RETURN OF OUR PROPERTY

On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

## RETURN OF VEHICLES

On termination of your employment you must return any Council vehicle in your possession to our premises. Failure to return the vehicle will result in the cost of its recovery being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

## GARDEN LEAVE

If either you or the Council serves notice on the other to terminate your employment the Council may require you to take "garden leave" for all or part of the remaining period of your employment.

**NB.**

**During any period of garden leave you will continue to receive your full pay and any other contractual benefits.**

## Other Policies

The Council has a number of other policies and procedures, copies of these will have been provided to you separately or are available via the Council website, please ensure you have read and understood the following:-

- **Anti-Bribery Policy**
- **Anti-Tax Evasion Policy**
- **Whistle-blowers**
- **Personal Harassment Policy and Procedure**
- **Sexual Harassment Policy**

- **Equality, Inclusion and Diversity Policy**

If you require any clarification or additional information please refer to the Town Clerk.



Okehampton Town Council

## Okehampton Town Council **DRAFT** Fire Safety Policy

Fire is a hazard that could affect all parts of our premises. The consequences of fire include the threat to the life or health and safety of people, damage to or loss of property and severe interruption to normal business activities and opportunities.

Our fire safety measures include preventing outbreaks of fire and mitigating the direct and consequential damage by early detection, reducing the risk of fire spread by structural containment, providing escape routes, emergency evacuation procedures and means for firefighting and detection.

This policy expands on our general health and safety and environmental policies. Its primary objective is the creation of a fire safety management system, which together with the structure and maintenance of our buildings seek to protect human life as well as the assets and business opportunities of this organisation. The policy applies to all our buildings including any occupied under a tenancy agreement. Its requirements extend to everyone on the premises, legitimately or otherwise. In jointly occupied premises our objective is to co-operate and coordinate action with other occupiers.

The aim of this policy is to achieve a 'fire safe' environment for all workers and building occupants, which will reduce to a minimum the risks to life, to property, to business loss and of personal injury. To achieve this, we will provide the time and resources necessary to formulate a fire safety strategy for our premises. We will ensure that we inform, instruct and train all the relevant people.

Achievement of these objectives will demonstrate compliance with fire safety legislation and current good practice.



Okehampton Town Council

## Okehampton Town Council

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## **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.

- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may only speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.

- q A point of order shall be decided by the chairman of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## MEETINGS GENERALLY

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend relevant to the business of the council or committee as appropriate
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed twenty minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes unless otherwise directed by the Chairman of the meeting. Before speaking a member of the public must identify themselves to the meeting.
- h Invited visiting speakers shall not speak for more than fifteen minutes, including time for questions, unless otherwise directed by the Chairman of the meeting who may use their discretion to extend the time.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise his hand when requesting to speak and remain seated when speaking unless requested to stand by the chairman.
- k A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- l A Member shall address other Members using the correct title eg. Chairman, Councillor, Madam/Mr Mayor, Madam/Mr Clerk.
- m At full Council meetings Members are expected to dress formally, not in leisure wear.

- n A Member who wishes to leave a meeting before it is declared closed is expected to excuse themselves via the Chairman before leaving.
- o Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- p **Subject to standing order 3(q), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- q **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- r **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- s **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council (if there is one).** Anything authorised or required to be done by, to or before the Chairman of any of the Committees may in their absence be done by, to or before the Vice-Chairman of the Committees (if there is one). For Okehampton Town Council, the term ‘Chairman of the Council’ shall be synonymous with ‘Mayor’ and the term ‘Vice-Chairman of the Council’ synonymous with ‘Deputy Mayor’ throughout these standing orders.
- t **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- u **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.** (For clarity this means that Councillors who abstain are counted as present and voting because they could vote but have chosen not to. Councillors who cannot vote, either because they are not there or because they have declared an interest, do not count towards the quorum.)
- v **The chairman of a meeting may give an original vote on any matter put**

- **to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**
- 

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- w **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda. This will result in the names for and against the motion or amendment or those abstaining from voting will be taken down in writing and recorded in the minutes. A demand for a recorded vote will override a demand for a written ballot except when voting for appointments. In accordance with the Co-Option Policy, voting on co-option may be undertaken by written ballot.

- x The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.

- y **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- 

- z **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- aa **If a meeting is or becomes inquorate no business shall be transacted.**

- The Chairman, at their discretion, may adjourn or delay the start of the meeting for a maximum of 15 minutes and if the meeting is still inquorate the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
  -
- bb A meeting shall not exceed a period of one hour thirty minutes.

## COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.** Councillors are expected to sit on two standing Committees (Parks, Property, Policy & Resources or Planning). The Mayor and Committee Chairmen are all members of each Committee with full voting rights and are included within the quorum for that meeting. Vice-Chairmen can take the place of Chairmen if absent with full voting rights.
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees (for Okehampton Town Council these are Parks, Policy & Resources, Planning and Property as at the date of this policy review) or other committees as may be necessary, and:
- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, permit the standing committee or committee to appoint its own chairman and vice-chairman at the Annual Meeting (Mayor Choosing) of the council.
  - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three.
  - vii. shall determine if the public may participate at a meeting of a committee;
  - viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required

for the meetings of a sub-committee;

- ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- x. may dissolve a committee or a sub-committee.

## ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman (Mayor) and Vice-Chairman (Deputy Mayor) (if there is one) of the Council. Councillor/s being nominated for election as Chairman or Vice-Chairman to the Council are not required to be present at the meeting at which the election will take place.**
- f A councillor shall not be Mayor for more than two consecutive years.
- g **The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- h **The Vice-Chairman of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- i **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- j **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

- k Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Appointment of members to existing committees;
  - iii. Appointment of any new committees in accordance with standing order 4;
  - iv. Review of representation on or work with external bodies and arrangements for reporting back;
  - v. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- l At the first meeting of the council following the annual meeting (Mayor Choosing Ceremony), the business shall include: (these may be delayed as directed by the Council but all must take place at least once during each year):
- i. Confirmation of the accuracy of the minutes of the last meeting of the council;
  - ii. Receipt of the minutes of the last meeting of a committee;
  - iii. Consideration of the recommendations made by a committee;
  - iv. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - v. Review of the terms of reference for committees;
  - vi. Review and adoption of appropriate standing orders and financial regulations;
  - vii. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - viii. In an election year, to review eligibility of the Council to continue to exercise the general power of competence in the future;
  - ix. Review of inventory of land and assets including buildings and office equipment;
  - x. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - xi. Review of the council's and/or staff subscriptions to other bodies;
  - xii. Review of the council's complaints procedure;
  - xiii. Review of the council's policies, procedure and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
  - xiv. Review of the council's policy for dealing with the press/media;
  - xv. Review of the council's Internal Controls policy and;
  - xvi. Review of the council's Investment Policy.
  - xvii. Determining the time and place of ordinary meetings of the Council and Committees up to and including the next annual meeting of the Council.

## EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by any two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

## PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## VOTING ON APPOINTMENTS

*This paragraph does not apply to the election of the Mayor and Deputy Mayor; this is covered in Section 5 (h) and (i).*

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

## MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least ten clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. A motion may be moved without notice at a meeting providing it relates to an agenda item under discussion.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i A Member may require that an item be placed on a committee agenda on giving written notice to the Town Clerk at least ten clear days before the date of the meeting (except in cases of urgency determined by the Proper Officer in consultation with the Chairman) **provided that** that Proper Officer shall determine whether or not the item can be properly considered by the committee and shall advise the Chairman accordingly.

## MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper

Officer:

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## DRAFT MINUTES

Full Council meetings ●  
Committee meetings ●  
Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:  
  
"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e ● **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes of the meeting for which approved minutes exist shall be destroyed.

## CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(y).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**

- iii. it is otherwise appropriate to grant a dispensation.

## CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.

## PROPER OFFICER

- a The Proper Officer is the Clerk, and maybe other staff member(s) as nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming their withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the Chairman or in their absence the Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extra ordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning Committee;
- xv. manage access to information about the Council via the publication scheme; and retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. (*see also standing order 23*).
- xvi. **Following consultation with the Mayor or relevant Committee Chairman, the Clerk may call an extra ordinary meeting of the council or one of its committees as required.**

## RESPONSIBLE FINANCIAL OFFICER

- a The Responsible Financial Officer is the Clerk and in the event of prolonged absence such as long-term sick leave the Council shall appoint appropriate staff member(s) to undertake the work.

## ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after the end of each month in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the month being reported and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors before the end of the following month of June. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £60,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

## HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of the Policy & Resources Committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Policy & Resources Committee or, if they are not available, the vice-chairman of the Policy & Resources Committee of absence occasioned by illness or other reason.
- c. The Mayor of the Council and the Chairman of the Policy & Resources Committee shall review the performance and annual appraisal of the work of the Town Clerk. The review and appraisal shall be reported in writing and is subject to approval by resolution by the Policy & Resources Committee.
- d. For day to day matters, for example the approval of holiday by the Mayor, the Clerk's line managers are the Mayor and Chairman of Policy & Resources Committee. In the event that these two persons are related\* to each other and/or the Chairman of the Personnel Sub-Committee the following will be apply:

- i) In the event that the Mayor and Chairman of Policy & Resources Committee are related, the Line Managers will be the Mayor and Vice- Chairman of Policy & Resources Committee. The Vice-Chairman of Policy & Resources Committee will take the place of the Chairman on the Personnel Sub-Committee.
- ii) In the event that two Committee Chairmen are related, only one will be a member of the Personnel Sub-Committee, being the Chairman of Policy & Resources Committee if relevant, or as agreed by Full Council, the other being replaced by the relevant Committee Vice-Chairman.

\* In this instance 'related' means – spouse, civil partner, parent, child, brother or sister.

- e Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of Policy & Resources Committee or in their absence, the vice-chairman of the Policy & Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of an appropriate sub-committee.
- f Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the chairman or vice-chairman of the Policy & Resources Committee this shall be communicated to another member of the Policy & Resources Committee OR the Mayor unless it is the same person, or another Committee chairman, which shall be reported back and progressed by resolution of the Policy & Resources Committee.
- g Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- h The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- i In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).
- j Access and means of access by keys and/or computer passwords to records of employment referred to in 19 (f) and 9G) shall be provided only to the Town Clerk and secured in an envelope in the main council safe.

**k RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations**

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## RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- a The Council ~~may~~ **has** appointed the Clerk as the Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## EXECUTION AND SEALING OF LEGAL DEEDS

*See also standing orders 15(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

## COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Borough and County Council representing the area of the Council.

- b Unless the Council determines otherwise, a copy of each letter sent to the Borough and County Council shall be sent to the ward councillor(s) representing the area of the Council.

## **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no councillor shall:
  - i inspect any land and/or premises which the Council has a right or duty to inspect;  
or
  - ii issue orders, instructions or directions.

## **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.