

# Public Document Pack

## **SALTASH TOWN COUNCIL**

### **Minutes of the Meeting of the Policy and Finance Committee held at the Guildhall on Tuesday 12th July 2022 at 6.30 pm**

**PRESENT:** Councillors: R Bickford, R Bullock, J Dent, J Foster, S Gillies, M Griffiths, S Miller (Chairman), J Peggs, B Samuels, P Samuels (Vice-Chairman), B Stoyel and D Yates.

**ALSO PRESENT:** S Burrows (Town Clerk) and M Thomas (Senior Policy and Data Compliance Officer).

**APOLOGIES:** G Challen, L Challen, S Lennox-Boyd and S Martin.

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#### **29/22/23 HEALTH AND SAFETY ANNOUNCEMENTS.**

The Chairman informed those present of the actions required in the event of a fire or emergency.

#### **30/22/23 DECLARATIONS OF INTEREST:**

- a. To receive any declarations from Members of any registerable (5A of the Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.

<b>Councillor</b>	<b>Agenda Item</b>	<b>Pecuniary/Non-Pecuniary</b>	<b>Reason</b>	<b>Left Meeting</b>
Dent	15b	Non-Pecuniary	Member of RBL	Yes
Samuels B	15b	Non-Pecuniary	Member of RBL	Yes

- b. Acting Town Clerk to receive written requests for dispensations prior to the start of the meeting for consideration.

None.

#### **31/22/23 QUESTIONS - A 15-MINUTE PERIOD WHEN MEMBERS OF THE PUBLIC MAY ASK QUESTIONS OF MEMBERS OF THE COUNCIL.**

None.

**32/22/23      TO RECEIVE AND APPROVE THE MINUTES OF THE POLICY AND FINANCE COMMITTEE HELD ON 10TH MAY 2022 AS A TRUE AND CORRECT RECORD.**

Please see a copy of the minutes on the STC website or request to see a copy at the Guildhall.

It was proposed by Councillor Miller, seconded by Councillor Bickford and **RESOLVED** that the minutes of the Policy and Finance Committee held on 10<sup>th</sup> May 2022 were confirmed as a true and correct record.

The Chairman asked the Town Clerk to report on the next finance items in the absence of a Finance Officer.

**33/22/23      ALL ACCOUNTS AND BANK ACCOUNTS RECONCILED UP TO 31ST MAY 2022.**

It was **RESOLVED** to note.

**34/22/23      PETTY CASH RECONCILED UP TO 31ST MAY 2022.**

It was **RESOLVED** to note.

**35/22/23      TO RECEIVE A REPORT ON VAT.**

It was **RESOLVED** to note.

**36/22/23      TO RECEIVE A REPORT ON INVESTMENTS.**

It was **RESOLVED** to note.

**37/22/23      TO NOTE THAT AN AUDIT ON RECENT SUPPLIER PAYMENTS WAS CONDUCTED BY THE CHAIRMAN OF POLICY & FINANCE IN LINE WITH THE COUNCIL'S FINANCIAL REGULATIONS. IT WAS NOTED THAT THERE ARE NO DISCREPANCIES TO REPORT.**

It was **RESOLVED** to note.

**38/22/23      TO RECEIVE THE CURRENT STC AND COMMITTEE BUDGET STATEMENTS.**

It was **RESOLVED** to note.

**39/22/23      TO RECEIVE A REPORT FROM THE FINANCE OFFICER.**

1. It was **RESOLVED** to note the report.
2. It was **RESOLVED** to note. The Town Clerk reminded Members that the CIL (Community Infrastructure Levy) income received should be spent within five years and asked that potential projects are considered at the next meeting.
3. It was proposed by Councillor Miller, seconded by Councillor P Samuels and **RESOLVED** to reappoint Parkinson Partnership as VAT Consultants for the year 2022-23 at a cost of £600.00 allocated to P&F budget code 6224 Professional Fees.

**40/22/23      TOWN CLERKS REPORT ON DELEGATED AUTHORITY TO SPEND.**

No report.

**41/22/23      TO CONSIDER RISK MANAGEMENT REPORTS AS MAY BE RECEIVED.**

No report.

The Chairman brought forward agenda item 16 as the next item of business to be considered.

**42/22/23      TO RECEIVE AND NOTE A REPORT FROM THE TAMAR PRESERVATION SOCIETY - MARY NEWMAN'S COTTAGE ON FUNDING AWARDED.**

It was **RESOLVED** to note the report and that the organisation is the Tamar Protection Society.

43/22/23

**TO CONSIDER COMMUNITY CHEST AND FESTIVAL FUND APPLICATIONS:**

a. Community Chest.

Application Number	Organisation	Amount Requested
CC258	Safe 38	£434.00

It was proposed by Councillor Dent, seconded by Councillor B Samuels and **RESOLVED** to award £434.00.

Councillors Dent and B Samuels declared an interest in the next item and left the room.

b. Festival Funds

Application Number	Organisation	Amount Requested
FF112	RBL	£850.00

It was proposed by Councillor Bickford, seconded by Councillor Stoyel and **RESOLVED** that the application did not meet the criteria for a Festival Fund application, but did meet the criteria for a Community Chest application and would be scored against that criteria. The organisation is to be advised that future applications should be made to the Community Chest fund.

It was proposed by Councillor Stoyel, seconded by Councillor Peggs and **RESOLVED** to award £850.00 from the Community Chest fund.

Councillors Dent and B Samuels were invited and returned to the meeting.

**TO RECEIVE AND CONSIDER RECOMMENDING THE FOLLOWING POLICIES TO FULL COUNCIL:**

## a. Data Retention and Disposal

It was proposed by Councillor Miller, seconded by Councillor Gillies and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to the Data Retention and Disposal Policy as attached.

## b. Receiving Public Questions at Meetings

It was proposed by Councillor Miller, seconded by Councillor P Samuels and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to the Receiving Public Questions at Meetings Policy as attached.

## c. Standing Orders

Councillor Foster left the meeting.

Councillor Foster returned to the meeting.

It was proposed by Councillor Miller, seconded by Councillor Gillies and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to Standing Orders as attached.

## d. Terms of Reference STC Committees and Sub Committees

It was proposed by Councillor Miller, seconded by Councillor Yates and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to the Terms of Reference STC Committees and Sub Committees document as attached.

## e. Customer Feedback

It was proposed by Councillor Miller, seconded by Councillor Dent and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to adopt the replacement Code of Practice for Handling Complaints Policy, in place of the Customer Feedback Policy as attached.

## f. Unreasonable Customer Behaviour and Persistent Complaints

It was proposed by Councillor Miller, seconded by Councillor Griffiths and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to the Unreasonable Customer Behaviour and Persistent Complaints Policy as attached.

g. Provision of IT Equipment and Acceptable Use

A discussion took place regarding provision of IT for Town Council Members.

The Town Clerk asked Members to be mindful of the importance of having a Town Council device to house Town Council related emails and documents for Councillors protection as well as the Town Council in reducing a potential data breach.

The Town Clerk advised the Chairman that the Provision of IT to Town Councillors is not included on this evening's agenda.

It was proposed by Councillor Miller, seconded by Councillor Foster and resolved to **RECOMMEND** to Full Council to be held on 4<sup>th</sup> August 2022 to approve the amendments to the Provision of IT Equipment and Acceptable Use Policy as attached.

**45/22/23      TO RECEIVE AND NOTE A REPORT ON FREEDOM OF INFORMATION REQUESTS.**

It was **RESOLVED** to note the report. Members requested that future reports include details of the number of hours spent on Freedom of Information requests.

**46/22/23      TO RECEIVE AND NOTE A REPORT ON UK GDPR.**

It was **RESOLVED** to note.

**47/22/23      TO CONSIDER REVIEWING THE TOWN COUNCIL SOLICITOR SERVICES AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

It was proposed by Councillor Miller, seconded by Councillor Dent and **RESOLVED** to delegate to the Town Clerk to obtain quotes reporting back to a future P&F meeting.

**48/22/23      TO RECEIVE A REPORT ON A DEFIBRILLATOR IN THE TOWN AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

The Town Clerk updated Members on the background to the agenda item with authority required for the continuing maintenance costs to be paid by the Town Council.

It was noted that the defibrillator and cabinet housing recently removed from Appleby Westward and the defibrillator and cabinet housing located outside Bloom Hearing in Fore Street were purchased from public fundraising with the support of Saltash Rotary.

It was further noted that the cabinet housing for the defibrillator outside Bloom Hearing will need upgrading to enable continued support from the emergency services. Authority is required for the Town Council to continue to pay for the annual maintenance of the defibrillator in Fore Street.

It was noted that at the time of receiving the information/cost it was evident there were insufficient funds in the Services budget. To avoid delay the Chairman approved for the item to be received and considered at the next P&F meeting.

It was proposed by Councillor Miller, seconded by Councillor Bullock and **RESOLVED** to note the update and that:

1. Members submit suggestions to the Administration Officer for locations for a defibrillator that has recently been removed from a site at Appleby Westward;
2. Councillor B Samuels circulates the defibrillator map link to Members.

It was proposed by Councillor Miller, seconded by Councillor Bullock and resolved to **RECOMMEND** to the Extraordinary Services Committee that:

3. Saltash Rotary report to the next Extraordinary Services Committee Meeting regarding the cabinet access and if they wish to request that the Town Council continues to pay for the annual maintenance.

**49/22/23      TO RECEIVE AND NOTE A REPORT FROM LIVEWIRE YOUTH PROJECT.**

It was **RESOLVED** to note the report and thank Livewire for their continued work in the community.

**50/22/23      TO RECEIVE REPORTS FROM WORKING GROUPS AND OUTSIDE BODIES:**

a. Neighbourhood Plan Steering Group

No Report.

b. Saltash Team for Youth

It was **RESOLVED** to note the report and thank the Saltash Team for Youth for their ongoing work supporting the local youth organisations in the Town.

c. Section 106 Panel

It was **RESOLVED** to note.

**51/22/23      PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960:**

To resolve that pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 the public and press leave the meeting because of the confidential nature of the business to be transacted.

**52/22/23      TO CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA.**

None.

**53/22/23      PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960:**

To resolve that the public and press be re-admitted to the meeting.

**54/22/23      TO CONSIDER URGENT NON-FINANCIAL ITEMS AT THE DISCRETION OF THE CHAIRMAN.**

None.



55/22/23 **TO CONFIRM ANY PRESS AND SOCIAL MEDIA RELEASES  
ASSOCIATED WITH ANY AGREED ACTIONS AND EXPENDITURE  
OF THE MEETING.**

It was proposed by Councillor Foster, seconded by Councillor Gillies and **RESOLVED** to issue the following press and social media releases:

- a. Community Chest grants awarded.

**DATE OF NEXT MEETING**

Tuesday 13 September 2022 at 6.30 pm

Rising at: 8.18 pm

Signed: \_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_

Policy Group: General

# Data Retention & Disposal Policy

RESPONSIBLE COMMITTEE: P&F

*This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.*

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Current Document Status			
Version	<del>2/2022 DRAFT</del>	Approved by	
Date	<del>June 2022</del>	Date	
Responsible Officer	AJT	Minute no.	
Next review date	Annual or as required		

Deleted: 1/2022

Deleted: ATM

Deleted: 05/2018

Deleted: 05.05.2022

Deleted: 54/22/23b(iv)

Version History			
Date	Version	Author/Editor	Notes
052018	1	SLCC/ajt	New
May 2021	1/2021	AJT	Readopted – new council
May 2022	1/2022	AJT	Readopted
June 2022	2/2022	AJT	Appendix B added

Document Retention Period
Until superseded

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## **Saltash Town Council Data Retention and Disposal Policy**

**NOTE:** This document refers to the now repealed Data Protection Act 1998 which has been replaced by the Data Protection Act 2018.

### **1. Introduction**

- 1.1 The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the UK General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

### **2. Scope and Objectives of the Policy**

- 2.1 The aim of this document is to provide a working framework to determine which documents are:
  - Retained – and for how long; or
  - Disposed of – and if so by what method.
- 2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
  - 'With compliments' slips.
  - Catalogues and trade journals.
  - Non-acceptance of invitations.
  - Trivial electronic mail messages that are not related to Council business.
  - Requests for information such as maps, plans or advertising material.
  - Out of date distribution lists.

- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

### **3. Roles and Responsibilities for Document Retention and Disposal**

- 3.1 The Council is responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the UK General Data Protection Regulations.
- 3.2 The Council should ensure that all employees are aware of the retention/disposal schedule.

### **4. Document Retention Protocol**

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
- Facilitate an audit or examination of the business by anyone so authorised.
  - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
  - Verify individual consent to record, manage and record disposal of their personal data.
  - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the UK General Data Protection Regulations
  - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

## 5. Document Disposal Protocol

- 5.1 Documents should only be disposed of if reviewed in accordance with the following:
- Is retention required to fulfil statutory or other regulatory requirements?
  - Is retention required to meet the operational needs of the service?
  - Is retention required to evidence events in the case of dispute?
  - Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
  - Confidential records or records giving personal information: shred documents.
  - Deletion of computer records.
  - Transmission of records to an external body such as the County Records Office.
- 5.4 The following principles should be followed when disposing of records:
- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the UK General Data Protection Regulations.
  - the Freedom of Information Act or cause reputational damage.
  - Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
  - Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
  - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
  - The date the document was destroyed.
  - The method of disposal.

**6. Data Protection Act 1998 (REPEALED AND REPLACED BY THE Data Protection Act 2018 23<sup>rd</sup> May 2018)– Obligation to Dispose of Certain Data**

6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or
- b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

6.3 Councils are responsible for ensuring that they comply with the principles of the under the UK General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

**7. Scanning of Documents**

7.1 In general, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, **except** for those prescribed by HM Revenue and Customs.

7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.

7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

## 8. Review of Document Retention

8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the Code of Practice on the Management of Records issued by the Lord Chancellor).

8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- *Local Council Administration*, Charles Arnold-Baker, 910<sup>h</sup> edition, Chapter 11
- Local Government Act 1972, sections 225 – 229, section 234
- *SLCC Advice Note 316 Retaining Important Documents*
- *SLCC Clerks' Manual: Storing Books and Documents*
- *Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000*

## 9. List of Documents

9.1 The full list of the Council's documents and the procedures for retention or disposal can be found in Appendix A: List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

9.2 The management of email/Office 365 accounts for Members or employees leaving the council is contained in Appendix B: Management of Member and Employee Email/Office 365 Accounts and Mailboxes.

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## Saltash Town Council

## Appendix A: List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Minutes	Indefinite	Archive		Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority
Agendas	5 years	Management		Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Scales of fees and charges	6 years	Management		Bin
Receipt and payment accounts	Indefinite	Archive		N/A
Receipt books of all kinds	6 years	VAT		Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit		Confidential waste
Bank paying-in books	Last completed audit year	Audit		Confidential waste
Cheque book stubs	Last completed audit year	Audit		Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)		Confidential waste A list will be kept of those

Document	Minimum Retention Period	Reason	Location Retained	Disposal
				documents disposed of to meet the requirements of the GDPR regulations.
Paid invoices	6 years	VAT		Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)		Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT		Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)		Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)		Bin
Wages books/payroll	12 years	Superannuation		Confidential waste
Insurance policies	While valid (but see next two items below)	Management		Bin
Insurance company names and policy numbers	Indefinite	Management		N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management		Bin
Town Park equipment inspection reports	21 years			
Investments	Indefinite	Audit, Management		N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management		N/A

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant			Bin
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).		N/A

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Magazines and journals	<p>Council may wish to keep its own publications</p> <p>For others retain for as long as they are useful and relevant.</p>	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 <sup>st</sup> February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.		Bin if applicable
	<b>Record-keeping</b>			
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> <li>A list of files stored in cabinets will be kept</li> </ul>	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management		Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
<ul style="list-style-type: none"> <li>Electronic files will be saved using relevant file names</li> </ul>				A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management		Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
	<b>Documents from legal matters, negligence and other torts</b> Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods.			
Negligence	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Contract	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Leases	12 years			Confidential waste.
Sums recoverable by statute	6 years			Confidential waste.
Personal injury	3 years			Confidential waste.
To recover land	12 years			Confidential waste.
Rent	6 years			Confidential waste.
Breach of trust	None			Confidential waste.
Trust deeds	Indefinite			N/A
<b>For Halls, Centres, Recreation Grounds</b>				
<ul style="list-style-type: none"> <li>• Application to hire</li> <li>• Invoices</li> <li>• Record of tickets issued</li> </ul>	6 years	VAT		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT		N/A
Terms and Conditions	6 years	Management		Bin
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management		Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
	<b>For Allotments</b>			
Register and plans	Indefinite	Audit, Management		N/A
Minutes	Indefinite	Audit, Management		N/A
Legal papers	Indefinite	Audit, Management		N/A
	<b>For Burial Grounds</b>			

Document	Minimum Retention Period	Reason	Location Retained	Disposal
<ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• Register/plan of grave spaces</li> <li>• Register of memorials</li> <li>• Applications for interment</li> <li>• Applications for right to erect memorials</li> <li>• Disposal certificates</li> <li>• Copy certificates of grant of exclusive right of burial</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)		N/A
	<b>Planning Papers</b>			
Applications	1 year	Management		Bin
Appeals	1 year unless significant development	Management		Bin
Trees	1 year	Management		Bin
Local Development Plans	Retained as long as in force	Reference		Bin
Local Plans	Retained as long as in force	Reference		Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes		N/A
	<b>CCTV</b>			
Daily notes	Daily	Data protection		Confidential waste
Radio rotas	1 week	Management		Confidential waste
Work rotas	1 month	Management		Confidential waste



Document	Minimum Retention Period	Reason	Location Retained	Disposal
Observation sheets	3 years	Data protection		Confidential waste
Stats	3 years	Data protection		Confidential waste
Signing in sheets	3 years	Management		Confidential waste
Review requests	3 years	Data protection		Confidential waste
Discs – master and working	For as long as required	Data protection		Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management		Confidential waste
Code of Practice	Destroy on renewal Review annually	Management		Confidential waste
Photographs/digital prints	31 days	Data protection		Confidential waste

## **Appendix B –**

### **Data Retention and Disposal Policy – Management of Member and Employee Email/Office 365 Accounts and Mailboxes**

This procedure is to be followed when a Member resigns from the Council or a member of staff leaves the employment of the Council.

Members:

Town Clerk notified of the resignation.

Town Clerk or delegated Officer - instruct IT Consultant by email to remove access to account immediately.

IT Consultant to archive mailbox and account contents for 12 months.

IT Consultant deletes account, mailbox and all contents after 12 months and notifies Town Clerk or delegated Officer in writing.

Employees:

a. Personal accounts

Town Clerk or delegated Officer – instruct IT Consultant by email to remove Office 365 access at 5.00pm on last day of employment

Mailbox to have out of office divert message for three months (keeping the account live)

After 3 months IT Consultant to archive mailbox for 2 years

After 2 years – IT Consultant to check with Town Clerk/delegated Officer for email confirmation that the account mailbox can be deleted.

b. Officer role specific accounts (eg Town Clerk, Finance Officer, Accounts, HR, Enquiries)

Town Clerk/delegated Officer – instruct IT Consultant by email to change password at 5.00pm on last day of employment maintaining access for other authorized staff.

c. Accounts where more than one employee has access

Town Clerk/Delegated Officer to instruct IT Consultant by email to change password at 5.00pm on last day of employment of departing team member maintaining access for other authorised staff.

d. Teams

Once the IT Consultant has removed Office 365 access is automatically removed. Chats should be deleted from Teams.

# Receiving Public Questions, Representations and Evidence at Meetings

RESPONSIBLE COMMITTEE: P&F

*This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.*

1

DRAFT 06/2022; Updated from meeting for FTC 040822

**Deleted:** Receiving Public Questions at Meetings

**Deleted:** Readopted 05/2022

Current Document Status			
Version	<del>3/2022 DRAFT</del>	Approved by	
Date	June 2022	Date	
Responsible Officer	AJT	Minute no.	
Next review date	Annual or as required		

Deleted: 2/2022

Deleted: ATM

Deleted: 1

Deleted: 05.05.2022

Deleted: 54/22/23b(xvii)

Version History			
Date	Version	Author/Editor	Notes
April 2018	1	AJT	New – Min no.07/18/19g
March 2021	2 DRAFT	AJT	Revised
June 2021	2	AJT	For readoption – new council
May 2022	2/2022	AJT	Reviewed for reapproval
<u>June 2022</u>	<u>3/2022DRAFT</u>	<u>AJT</u>	<u>Revised to include Planning &amp; Licensing Committee amendments; amended deadline for questions to be received</u>

Document Retention Period
Until superseded

Deleted: Readopted 05/2022

## SALTASH TOWN COUNCIL

### RECEIVING PUBLIC QUESTIONS, REPRESENTATIONS AND EVIDENCE AT MEETINGS

Members of the public have a legal right to attend decision making meetings of the Town Council and its Committees, except where they are excluded for specific items which need to be discussed in confidence (e.g. staffing matters or tenders for contracts). A period of fifteen minutes will be designated for public participation at a meeting and this session is recorded in the minutes of the meeting.

#### Submission of Questions, Representations and Evidence

Questions, representations and evidence must be submitted in writing **no later than 12 noon the day before the meeting** either by email to [enquiries@saltash.gov.uk](mailto:enquiries@saltash.gov.uk) or sent to The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX. Please provide your full name and address and indicate if you will be present at the meeting.

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No person may submit more than one question to a meeting and no more than one question may be asked on behalf of an organisation.

Any questions submitted after the deadline will be referred to the next meeting.

Anonymous questions will not be answered.

#### Order of Questions

Questions will be taken in the order in which notice was received but the Chairman of the meeting may group together similar questions. Where the enquirer is unable to be present their letter will be read out by the Town Clerk.

All questions shall be put to the Chairman and no member of the public may speak for longer than three minutes. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman shall direct in which order this will be.

A public question shall not start a debate at the meeting.

#### Scope of Questions

Questions must relate to a matter to which the Council has powers or duties or which affect the town of Saltash.

Questions will not be allowed on matters which have previously been determined.

The Chairman of the meeting will reject a question if it:

- Is not about a matter for which the Town Council has a responsibility or which affects the town of Saltash.
- Is defamatory, frivolous or offensive.
- Requires the disclosure of confidential information.

Deleted: Readopted 05/2022

- Is the same, or substantially the same question as one asked in the previous six months.

### **Response to Questions**

Questions may be answered by the Mayor, Deputy Mayor, Town Councillors or the Town Clerk and will be dealt with in one of the following ways:

- A verbal response may be made at the meeting.
- The Town Clerk will be asked to respond in writing.
- The Town Council may decide to place the item on an agenda for a future meeting (or refer it to a Committee) for further consideration.
- Where the enquirer was not present at the meeting a copy of the response will be provided if made at the meeting.

### **Procedure in respect of planning applications**

Members of the public wishing to speak about a planning application should register by email **no later than 12 noon the day before the meeting** where the application will be considered.

The Chairman will introduce the application and invite speakers in the following order:

- The applicant or their agent
- Objector
- Supporter
- Ward Members

Following this, Members of the Committee may debate and will then vote on the application.

Where more than one objector/supporter has registered to speak, the first received will be permitted to speak. Where there are number of interested parties in an application, they are advised to coordinate their response and nominate a speaker.

### **Time Limits**

Each public speaker has a time limit of three minutes to make their representation. At the discretion of the Chairman and with the approval of Members, a further two minutes may be permitted where new information is available.

### **Protocol**

Members of the public should not interrupt other speakers or the Committee debate. Where Members of the Committee ask questions of a public speaker this does not entitle them to participate in the debate.

All speakers must respect the Chairman and respond to instructions accordingly.

Speakers should restrict their comments to material planning considerations only

**Please note that offensive or threatening behaviour will not be tolerated. If a member of the public interrupts the proceedings of any meeting the Council reserves the right to curtail the contribution of that person and exclude a disorderly person or clear the public gallery.**

#### Version History

Date	Details
September 2018	Note: Words importing the masculine gender only shall include all other genders and vice versa.

# Standing Orders 2022-23 DRAFT

Deleted: [Standing Orders 2022-23](#)

RESPONSIBLE COMMITTEE: P&F

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*This is a policy/procedure document of Saltash Town Council to be followed by both Council Members and Employees.*

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Current Document Status			
Version	<u>07/2022</u>	Approved by	FTC
Date	<u>July 2022 DRAFT</u>	Date	09.06.2022
Responsible Officer	AJT	Minute no.	89/22/23a
Next review date	Annual or as required		

Deleted: June 2022

Version History			
Date	Version	Author/Editor	Notes
May 2021	02/2021	AJT	Amendment 6a(i) p18 part not legally required (SB) Removal of front appendix re SI 2020 No.392
July 2021	07/2021	AJT	Deleted 2m
August 2021	08/2021	AJT	New 2m; Version history pre 2021 moved to back of document
May 2022	2022	AJT	Readopted
June 2022	06/2022	SB/AJT	Section 17 p28 Section 19 p30
<u>July 2022</u>	<u>07/2022 DRAFT</u>	<u>AJT</u>	<u>Section 2 f.g.i.i</u> <u>Section 2m</u> <u>Section 2e.i</u> <u>2i deleted (2i applies)</u>

Document Retention Period
Until superseded

Deleted: 06/2022

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## 1. General principles

- a. These Standing Orders apply to the meetings and actions of Saltash Town Council, and to its Committees and Sub Committees and supersede as and when required any delegated authorities as required and as may be in place from time to time. over relevant legislation and in particular the relevant provisions of the Local Government Act, 1972 Schedule 12, Part IV.
- b. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- c. A motion to add to, vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least six (6) Councillors to be given to the Proper Officer in accordance with Standing Order 10.
- d. Any variation or amendment to these Standing Orders, including their Appendices, will not come into force until they have been adopted by resolution passed by a two-thirds majority of the full Council, having given one month's notice of the agreed changes.
- e. A printed copy of these Standing Orders and their Appendices shall be kept by the Proper Officer and shall be available for inspection by any member of the Public and made available on the Council website. An electronic or printed copy of the Standing Orders shall be given to each member of the Council by the Clerk as soon as possible following the member's Declaration of Acceptance of Office, and a printed or electronic copy, as requested, of the Standing Orders and their Appendices be given to all Members by the Clerk on request.
- f. The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

## 2. Meetings generally

- 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. 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.
- d. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend at that point identified on the agenda for public participation.
- e. At the Chairman's discretion and with the agreement of the Council, a member of the public may be invited to speak in regard to the item under consideration by the Council at that point on the agenda where the matter is being discussed.
- f. The period of time designated for public participation at a meeting in accordance with standing order 2(d) above shall not exceed 15 minutes unless directed by the Chairman of the meeting and with the approval of Members of the Council.
- g. Subject to standing order 2(e) above, a member of the public shall not speak for more than 3 minutes.
- h. In accordance with standing order 2(d) above, 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.
- i. Any member of the public wanting to put a question, make a representation or give evidence to the Council must do so no later than 12 noon on the day before the meeting by writing or email to enquiries@saltash.gov.uk
- j. A person who speaks at a meeting shall direct their comments to the Chairman of the meeting.

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k. 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.

l. ~~The Mayor will attend meetings of the Personnel Committee as an observer.~~

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m. 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.

n. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in their absence be done by, to or before the Deputy Mayor of the Council.

o. The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

p. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.

q. 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 they gave an original vote.

r. 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 to the vote and will be taken in alphabetical order of those present at the meeting and eligible to vote.

s. 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 present and absent;
- iii. interests that have been declared by Councillors and non-Councillors with voting rights;
- iv. the grant of dispensations (if any) to Councillors with voting rights;

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- 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.
- t. **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 the 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.**
- u. **No business may be transacted at a meeting unless at least 7 (seven) members of the Council are present.** The Terms of Reference for each standing committee will define its quorum which in no case be less than three (3).
- v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w. A meeting shall not exceed a period of 2 ½ hours.

### 3. 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.
- j. Subject to standing order 3(k) below, 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 of 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 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. in exercise of a right of reply.

- p. During the debate of 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 3(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

#### **4. 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.



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- c. If a resolution made under standing order 4(b) above 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.

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## **5. 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.**
- 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 has established Terms of Reference for the governance of its Committees which are attached as an appendix to these Standing Orders. They confirm the membership, voting rights, delegated authority and training requirements, and may only be varied by resolution of a meeting of the Policy and Finance Committee.
- e. The Council may appoint committees as may be necessary, and:
  - i. shall determine their terms of reference including the scheme of delegation and the role of Chairman and Vice Chairman as ex officio members with or without voting rights;
  - 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 full 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 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. shall permit a committee to appoint its own Chairman at the first meeting of the committee;
  - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which 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 subcommittee that they are permitted to attend; and
- x. may dissolve a committee.
- f. Members of the Town Council shall have the right to attend the Policy and Finance, Services, Planning and Licensing and Burial Authority Committees.

Six members of the Town Council will be appointed to the Personnel Committee and all members of the Committee must be willing to commit to undertake employment law training as soon as they are elected subject to course availability.

Members of the Town Council shall have the right to attend all Sub Committees and Working Parties as non-voting members. They may sit at the table at the discretion of the Committee and may speak at the invitation of the Chairman.

All members of the Planning and Licensing Committee are to undertake Planning training within six months of their appointment subject to course availability.

- g. Where the press and public are excluded from any part of a meeting, members of the Council not appointed to serve on the committee will also be excluded from that part of the meeting.

## **6. Meetings**

The following shall be considered as full Council meetings:

- a. Annual Town Council meeting**
- b. Ordinary meetings of the Council**
- c. Extraordinary meetings of the Council**

### **a. Annual Meetings**

- i. In an election year, the Annual Meeting of the Council shall be held on the third Thursday of May, or the first Thursday after the Elections if the date is varied and must in any case take place within 14 days following the day on which the new Councillors elected take office.**
- ii. In a year which is not an election year, the Annual Meeting of a Council shall be held on the first Thursday in May at 7pm.**
- iii. The first business conducted at the Annual Meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- iv. The Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected.**
- v. The Deputy Mayor, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next Annual Meeting of the Council.**
- vi. In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.**
- vii. In an election year, if the current Mayor of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Mayor of the Council has been elected. They may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.**
- viii. Following the election of the Mayor and Deputy Mayor of the Council at the Annual Meeting of the Council, the business of the Annual Meeting shall include:**

- a) **In an election year, delivery by the Mayor 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 Mayor of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
- b) Confirmation of the accuracy of the minutes of the last meeting of the Council;
- c) Receipt of the minutes of the last meeting of a committee;
- d) Consideration of the recommendations made by a committee;
- e) Review of delegation arrangements to committees, subcommittees, staff and other local authorities;
- f) Review of the terms of reference for committees;
- g) Appointment of members to existing committees;
- h) Appointment of any new committees in accordance with standing order 5 above;
- i) In an election year, to confirm that the Council has met the eligibility criteria and is able to adopt and exercise the general power of competence;
- j) Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.

**b. Ordinary Meetings**

- i. **Ordinary Full Council meetings shall be held on the first Thursday of each month excepting May, unless otherwise determined by resolution at the Annual Meeting of the Council.**
- ii. **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 directs.**
- iii. At Ordinary Full Council Meetings the order of business shall be:
  - a) Health and safety announcements.
  - b) To choose a person to preside if the Mayor and Deputy Mayor be absent.
  - c) Prayers, where permitted by Motion of the Council and desired by the Mayor/Chairman.
  - d) Apologies for absence.

- e) To receive Declarations of Interests as required by the Code of Conduct or by relevant legislation and consider written requests for dispensations.
- f) Guest speakers should normally be limited to one per meeting with the permission of the Council and shall not exceed 10 minutes unless directed by the Chairman.
- g) To receive reports from the Mayor, Police crime figures, Saltash Gateway CIC, Cornwall Gateway Community Network Area, and other bodies or Members at the discretion of the Mayor.
- h) To consider Written Questions from Members of the Public.
- i) To read and approve as a correct record the Minutes of Full Council.
- j) Meetings not yet approved but ready for approval.
- k) To consider Financial Matters.
- l) To consider Correspondence.
- m) To receive and note Minutes of Committees of the Council, and of Sub Committees reporting to Full Council, and consider any recommendations therein.
- n) To consider other matters placed on the agenda.
- o) To consider other matters submitted by motion.
- p) To consider Planning and Licensing Matters.
- q) To consider matters of public engagement and communication.
- r) To note the Dates of the Next Meetings.
- s) To move to order that the Common Seal of the Council be affixed to all deeds and documents necessary to give effect to the foregoing acts and proceedings.

**c. Extraordinary meetings of the Council and committees and sub committees**

- i. **The Mayor of the Council may convene an extraordinary meeting of the Council at any time.**
- ii. **If the Mayor of the Council does not or refuses to 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 must be signed by the two Councillors.**

- iii. The Chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- iv. If the Chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or the subcommittee may convene an extraordinary meeting of a committee or a sub-committee.
- v. **At Extraordinary Full Council Meetings, the order of business shall be:**
  - a) Health and safety announcements.
  - b) To choose a person to preside if the Mayor and Deputy Mayor are absent.
  - c) Apologies for absence.
  - d) To receive Declarations of Interests as required by the Code of Conduct or by relevant legislation and consider written requests for dispensations.
  - e) To consider the matters specified when the meeting was called.
  - f) To note the Dates of the next meetings.
  - g) To move to order that the Common Seal of the Council be affixed to all deeds and documents necessary to give effect to the foregoing acts and proceedings.

d. **Annual Town Meeting**

- i. The Annual Town Meeting shall be held between March 1<sup>st</sup> and June 1<sup>st</sup>, at a time fixed by resolution of the full Council.
- ii. At the Annual Town Meeting the order of business shall be:
  - a) Health and safety announcements.
  - b) To choose a person to preside if the Mayor and Deputy Mayor be absent.
  - c) Prayers, where permitted by Motion of the Meeting and desired by the Mayor/Chairman.
  - d) Apologies for absence.
  - e) To adopt the minutes of the last Annual Town Meeting of electors.

- f) To receive annual reports from the Mayor, Saltash Town Council, Cornwall Council, Police, Saltash Gateway, CIC and representatives of outside partners within the area of Saltash.
- g) To consider questions from members of the public.
- h) To note the date of the next Annual Town Meeting with electors.

## **7. Filming and recording meetings**

### **a. Filming and Recording Council meetings**

- i. **When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:**
  - a) **film, photograph or make an audio recording of a meeting;**
  - b) **use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
  - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- ii. **Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the Council, its committees and sub committees.**
- iii. An individual must be present and able to use their equipment in order to film, photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the Council has resolved to exclude the press and public.

### **b. Disruptive behaviour whilst filming and recording**

- i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
- ii. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their behaviour whilst filming or recording, any Councillor or the Chairman of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
- iii. If a resolution under standing order 7 b(ii) above 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.

- iv. Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

## **8. Previous resolutions and Rescission of minutes**

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six (6) Councillors to be given to the Proper Officer in accordance with standing order 10 below.
- b. The Mayor or Chairman of the relevant committee may call an Extraordinary meeting to consider a written notice to rescind a decision of that meeting when in receipt of a notice under standing order 10.
- c. When a motion moved pursuant to standing order 8 (a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. Voting on appointments**

### **a. Election of Officers**

- i. Where two or more persons have been nominated for a position to be filled as an officer of the Council, election will take place by recorded ballot.

Where more than two persons have been nominated for a position to be filled by the Council, the vote will be taken by a written ballot of those members present and eligible to vote. The outcome of the vote will be reported by the Clerk.

- ii. 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.
- iii. A tie in votes may be settled by the casting vote of the Chairman of the meeting.

#### **10. 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 to 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. A written notice of motion received in accordance with these Standing Orders may be referred to any meeting of the Council or its committees or sub committees. The final decision as to where the motion will be considered will be made by the Proper Officer.
- c. 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 (10) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- d. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10 (b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- e. If the Proper Officer considers the wording of a motion received in accordance with standing order 10 (b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least eight (8) clear days before the meeting.
- f. 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 relevant Committee meeting or the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- g. A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.
- h. Subject to standing order 10 (e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

#### **11. 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 sensitive 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 requirements).
- xvi. to adjourn the meeting or
- xvii. to close a meeting.

## **12. 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, policy 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 the 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.

## **13. Minutes**

- a. The Minutes of all Committees shall be reported to Full Council to consider any Recommendations and matters arising from them. If a copy has been circulated to each member of the Council not later than the date of issue of the summons to attend the Meeting, the minutes will be taken as read.
- b. Minutes of Sub Committees will be received and considered by the relevant Committee. Working Groups may keep notes but shall not be required to keep Minutes except by resolution of the Full Council.
- c. 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 11 (a) i above.
- d. 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.
- e. 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."

- f. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

#### **14. Code of Conduct and dispensations**

##### **General**

- a. The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to Councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

- b. Members must have particular regard to their obligation to record and leave the room for matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c. The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

##### **Members and the Code of Conduct**

- a. All Councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- b. All Councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- c. All Councillors shall undertake training in the Code of Conduct within 6 months of the delivery of their declaration of acceptance of office.
- d. Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

- e. Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- f. Where a non-registerable interest arises from membership of an outside body as defined in 3.5A of the Council's Code of Conduct, a Councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman.
- g. Members must record in a Register of Interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £25 or over.
- h. A Member of the Council may, for the purposes of their duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

#### **Code of Conduct Complaints**

- i. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full Council.
- j. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor or Deputy Mayor of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer as set out in this Standing Order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- k. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- l. The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

- m. References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.
- n. Upon notification by the Monitoring Officer of Cornwall Council that a Councillor or Non-Councillor with voting rights has breached the Council's Code of Conduct, the Council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from Office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.
- o. **In the event of a complaint received by the Proper Officer or Administration Staff relating to a standing Council member (submitted by either a Council member or member of the public), the complainant shall be directed to the Chairman of the Council to resolve or referred to the Monitoring Officer.**

## Dispensations

- a. The Council has adopted the Cornwall Association of Local Councils, A Guide To Awarding Dispensations 2012, for the issuing of dispensations which is in accordance with the Council's Code of Conduct. It is attached to these Standing Orders as an appendix.
- b. The Guide shall apply to all meetings of the Council, its Committees and Sub Committees.
- c. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.
- 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 meeting of the Council, or Committee or Sub Committee for which the dispensation is required that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest of 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. A dispensation may be granted in accordance with Standing Order 14(a) above if having regard to all relevant circumstances the following applies:
  - i. without the dispensation the number of person 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 or
  - 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



## 15. Proper Officer

- a. The Proper Officer shall be either (i) the Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall put in place arrangements to:
  - i. **at least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer;**
  - ii. **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);**
  - iii. **convene a meeting of full Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in their office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. retain acceptance of office forms from Councillors;
  - vi. retain a copy of every Councillor's register of interests;
  - vii. prepare and make available all agendas and minutes in line with the provisions of these Standing Orders;
  - viii. To act as the exempting officer and respond to requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Council's policies and procedures relating to the same;
  - ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
  - xi. arrange for legal deeds to be executed; (See also standing order 22 below);
  - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
  - xiii. refer a planning and or a licensing application received by the Council to the Mayor or the Chairman of the Planning and Licensing Committee within two working days of receipt to facilitate an

extraordinary meeting if the nature of a planning and or licensing application requires consideration before the next ordinary meeting of the Council or Planning and Licensing Committee;

- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect;  
(See also standing order 21 below).
- xvi. receive and retain copies of byelaws made by other local authorities.

## 16. Responsible Financial Officer

- a. When the Responsible Finance Officer is absent, the Council will appoint a Member to an unpaid post to undertake the work of the Responsible Finance Officer if required.

## 17. Procurement

- 1.1. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2015 including thresholds shall be followed. UK tendering thresholds are set by Parliament every two years (01.01.22) and aligned to the European Union (EU) and World Trade Organisation (WTO) agreements.
  - Up to £25,000 (including VAT) requirements in the Councils standing orders and financial standing orders.
  - Over £25,000 (including VAT) use of the Contract Finder website, Official Journal of the European Union (OJEU), Find a Tender ([www.gov.uk/find-tender](http://www.gov.uk/find-tender)) and other light touch rules in the Public Contracts Regulations 2015. If the Council is inviting specific firms and not opening up to wider competition, the Council does not have to advertise the opportunity on Contracts Finder (Public Contracts Regulations 2015, Reg 110(5)(b))
  - European Union requirements and the 'threshold' EU requirements apply to any contract the value of which exceeds the 'threshold'. The threshold is reviewed every two years. For contracts commencing on or after 1st January 2022 the threshold is:
  - Over £213,477 for goods or services, or £5,336.937 for public works (construction), must comply with the full requirements of the Public Contracts Regulations 2015. These include specific tendering methods and timescales, as well as a requirement to advertise on both the Contracts Finder website and Find-a-Tender (the UK e-notification service).

## 18. Orders for Work, Goods and Services

- a. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- b. Order books shall be controlled by the RFO.
- c. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 20.a below.
- d. A member may not issue an official order or make any contract on behalf of the Council.
- e. The Finance Officer shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the Finance Officer shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## 19. Contracts

Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by legal professionals acting in disputes;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

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- b. Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from an appropriate approved list.
- c. The Town Council must not split contracts to avoid the contract rules.
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed or secure email address (which account has access restricted to the Assistant Town Clerk and Administration Officer) until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or Assistant Town Clerk in the presence of at least one member of the Council. Tenders received in the secure email account will be opened by either the Assistant Town Clerk or Administration Officer in the presence of the Town Clerk.
- g. If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- h. Any invitation to tender issued under this regulation shall refer to the Anti-Bribery Policy Statement and Anti-Fraud and Corruption Strategy.
- i. When it is intended to enter into a contract of less than £50,000 and above £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or FO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 19.a (ii) above shall apply.
- j. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- k. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or

quote who was present when the original decision making process was being undertaken.

## **20. Payments Under Contracts for Building Or Other Construction Works**

- a. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- b. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- c. Any variation to a contract or addition to or omission from a contract must be approved by the Council or delegated committee and Clerk to the contractor in writing, the Council or delegated committee being informed where the final cost is likely to exceed the financial provision.

## **21. Handling staff matters**

- a. A matter personal to a member of staff that is being considered by a meeting of the Personnel Committee is subject to standing order 12 above.
- b. Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of Personnel Committee or in their absence the Vice Chairman of the Personnel Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Personnel Committee in accordance with its terms of reference.
- c. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Personnel Committee of absence occasioned by illness or other reason and that person shall report such absence to Personnel Committee at its next meeting.
- d. The Mayor and Chairman of the Personnel Committee shall conduct a review of the performance and annual appraisal of the work of Proper Officer. The review and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer shall advise the Chairman of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall

be reported back and progressed by resolution of the Personnel Committee or its appointed representatives.

- 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 and relates to the Mayor or Chairman of the Personnel Committee, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.
- g. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- 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 and encrypted.
- i. In accordance with Standing Order 18(b) the Council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 18(g) & (h).
- j. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 18(f) and (g) above shall be provided only to the Proper Officer and the Chairman of the Personnel Committee.

## **22. Responsibilities to provide information**

(See also standing order 19)

- 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 2015.**

## **23. Responsibilities under Data Protection Legislation**

(See also standing order 12)

- a. **The Council may appoint a 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 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 effect 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 the processing activities.

#### **24. Relations with the press/media**

- a. Requests from the press or other media for an oral or written comment of 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.

#### **25. Execution and sealing of legal deeds**

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Clerk to the Council, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person.

#### **26. Communicating with Unitary Authority Councillors**

- a. An invitation to attend a meeting of the Council shall be sent to the ward Councillor(s) of the Unitary Authority representing the area of the Council, together with the agenda for the meeting and other relevant papers.
- b. Unless the Council determines otherwise, a copy of relevant correspondence sent to the Unitary Authority shall be sent to the ward Councillor(s) representing the area of the Council.
- c. At the Chairman's discretion and with the approval of the Council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

## **27. Restrictions on Councillor activities**

- a. Unless authorised by a resolution, 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;
  - iii. issue any order respecting any works which are being carried out by or on behalf of the Council;
  - iv. incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.



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## Appendix

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## CORNWALL ASSOCIATION OF LOCAL COUNCILS

UNIT 1/1A,  
1 RIVERSIDE HOUSE, HERON WAY, NEWHAM, TRURO, CORNWALL, TR1  
2XN  
*Serving the parish and town councils of Cornwall*

### A GUIDE TO AWARDING DISPENSATIONS 2012

#### Introduction

Parish Councils are now responsible for determining requests for a dispensation by a parish councillor under Section 33 of Localism Act 2011. This is because they are a "relevant authority" under section 27(6) (d) of the Act.

This guide explains:-

- a. the purpose and effect of dispensations
- b. the procedure for requesting dispensations
- c. the criteria which are applied in determining dispensation requests
- d. the terms of dispensations

#### a. Purpose and effect of Dispensations

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable or Non Registerable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31(4) of the Localism Act 2011 states that dispensations may allow the Councillor:

- a. to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b. to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and if the dispensation allows may also vote.

***Please note: If a parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.***

**b. Process for making requests**

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the Proper Officer of the council (ie. the Clerk) as soon as possible before the meeting at which the dispensation is required.

Applications may also be made at the parish council meeting itself (if parish councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself.

**c. Consideration by the Parish Council**

The Parish Council can either delegate to the parish clerk the authority to grant dispensations or reserve such decisions for the full parish council.

In either case, the decision must be based on one or more of the following criteria:

- a. so many members of the decision-making body have Non Disclosable or Non Registerable Pecuniary Interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- b. the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- c. it is otherwise appropriate to grant a dispensation.

The parish clerk or parish council should formally notify the Councillor and the Monitoring Officer of its decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision. A copy of any dispensation should be held with the Member's Register of Interests.

**d. Delegation to the Clerk**

If the parish council decides to delegate this role to the parish clerk then it will need to make a formal resolution to this effect, on the lines of:

“RESOLVE that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).

**e. Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the parish council or the parish clerk (as appropriate) will take into account:

- a. the nature of the Councillor's prejudicial interest
- b. the need to maintain public confidence in the conduct of the Council's business
- c. the possible outcome of the proposed vote
- d. the need for efficient and effective conduct of the Council's business
- e. any other relevant circumstances

**f. Terms of Dispensations**

Dispensations may be granted:

- for one or more meetings of the Council; or
- for a named period not exceeding 4 years (normally the annual meeting after the next elections)

**g. Disclosure of Decision**

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests.

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## Terms of Reference of Committees

Please refer to the document on the Town Council website [www.saltash.gov.uk](http://www.saltash.gov.uk) or the individual committee pages.

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## Version History

Version History			
Date	Version	Author/Editor	Comments
14.02.2019	2019	AJT/SB	P&R Min193/18/19(d)
23.10.2019	10/2019	SB/AJT	Contracts & procurement (Sections 17-19)
14.05.2020	05/2020	AJT	Front appendix added re SI 2020 No. 392
June 2020	06/2020	AJT	P&F Min157/19/20 Pages 12,16,17,34
January 2021	01/2021	AJT	Removed 9b (appts to outside bodies)

# Terms of Reference STC Committees and Sub Committees

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*This is a policy/procedure document of Saltash  
Town Council to be followed by both Council  
Members and Employees.*

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Current Document Status			
Version	<del>03/2022 DRAFT</del>	Approved by	
Date	06/2022	Date	
Responsible Officer	AJT	Minute no.	
Next review date	Annual or as required		

Deleted: 2/2022

Deleted: FTC

Deleted: 09.06.2022

Deleted: 91/22/23

Version History			
Date	Version	Author/Editor	Notes
<del>01.2022</del>		AJT	Sub committee quorum reduced to four. Approved FTC 13.01.2022 Min. no 336/21/22
<del>May 2022</del>	<del>1/2022</del>	AJT	Readopted
<del>June 2022</del>	<del>2/2022</del>	AJT	Amendment to Burial Authority membership, quorum and meeting requirements
<u>June 2022</u>	<u>3/2022</u>	<u>AJT</u>	<u>Page 4 – General re questions at P&amp;L</u>

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Document Retention Period
Until superseded



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(Committees listed in order as appear on website)

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April 2022 Note: incomplete document see annotations.

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Terms of reference also available under each committee heading on website

### Introduction

Saltash Town Council has appointed a number of Committees to undertake work for and on behalf of the Council. The specific responsibilities of each Committee are confirmed by Terms of Reference.

This policy sets out the Terms of Reference of each Committee of the Council and confirms the following:

- Membership and number of seats
- Role of the Mayor and Deputy Mayor
- Frequency of meetings
- Remit of the Committee and reporting structure
- Delegated Authority

In the absence of any policy, a Committee of the Council will abide by the criteria established for Full Council as prescribed by the Council's Standing Orders.

These terms of reference apply to Committees and Sub Committees.

Saltash Town Council has the General Power of Competence as a power of first resort. Where the Council becomes ineligible, it will refer to the Powers quoted in these Terms of Reference for the conduct of its business.

## General

### **General Terms of Reference Applicable to all Committees, Sub Committees and Joint Burial Board:**

The Terms of Reference of all Committees, Sub Committees and Joint Burial Board are subject to the following principles:

1. That powers be exercised in accordance with any policy adopted or directions given by the Town Council.
2. That powers be subject to the Council's Standing Orders and Financial Regulations.
3. That any unresolved differences between Committees shall be referred to Full Council for determination.
4. That any proposal which involves any change in the existing policies already approved by the Council shall be submitted to the Council for approval.
5. Day to day management of Council matters rests with the Town Clerk.
6. Urgent/emergency matters may be dealt with as they arise by the Town Clerk in consultation with the Chairman of Committee (or in his/her absence the Vice Chairman) and Mayor and reported to the next appropriate Committee or full Council meeting, whichever is first.
7. Committees and Sub Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Saltash.
8. Guest speakers should normally be limited to one per meeting with the permission of the Council and shall not exceed 10 minutes unless directed by the Chairman of the meeting in accordance with Standing Order 6(6b.iii.f).
9. Public participation:
  - a. There will be, during each Committee meeting, a quarter of an hour public session with members of the public being able to speak and ask questions concerning the business of the Committee in accordance with the Standing Orders.
  - b. The period of time designated for public participation at a meeting in accordance with standing order 2(d) shall not exceed 15 minutes unless directed by the Chairman of the meeting.
  - c. Subject to Standing Order 2(e) above, a member of the public shall not speak for more than 3 minutes.
  - d. ~~There will be no public participation at meetings of the Personnel Committee.~~
10. Committees will receive and approve their own minutes.
11. Committees will monitor/respond with critical appraisals to minutes, reports, documentation which from time to time are received from Cornwall Council or other bodies which have been brought to the Council's attention by the Town

**Deleted:** NOTE: #9Amendment to P&F Sept 2021 not approved. Awaiting working party review.¶

**Deleted:** <#>During Planning and Licensing Committee meetings members of the public who have registered to do so may speak at the discretion of the Chairman and with the approval of members of the Planning and Licensing Committee.¶

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Clerk/individual Councillors or member of the public which may have an adverse or beneficial effect on the area of Saltash.

12. From time to time a Committee may appoint up to two (2) members of the public to serve on a Council Committee or Sub Committee as non-voting members. Appointed members will be required to abide by the Council's Code of Conduct.

13. All members of the Personnel and Planning and Licensing Committee will attend training relevant to the work of the Committee as identified and provided by the Council.

**Delegation of Authority to Sub Committees:**

Where a function within the Terms of Reference of a Committee has been further delegated to a Sub Committee that Sub Committee will report its findings and any recommendations back to the appropriate Committee or direct to the Council, as per the remit.

#### Burial Authority Committee

Composition:	Six members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four members
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Full Council
Remit:	Management and operation of Churchtown Cemetery and to work within the individual delegated authority budget.

#### Terms of Reference & Matters Delegated to the Committee:

1. The provision and management of a burial and cremated remains service.
2. The improvement, maintenance and management of the grounds in Churchtown Cemetery.
3. To consider such matters as may be delegated by the Council from time to time.
4. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
5. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
6. Authorization of expenditure within the Committee budget, provided that the payment is made from a budget that is within the limits of the scheme of delegation or previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years.
7. The virement of funds within the Committee total budget must be authorized by the P & F Committee.
8. All aspects of Health and Safety that fall within the remit of the Committee.
9. Making recommendations to the Council on all matters not within existing policy.

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10. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: 09.06.2022

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#### Planning and Licensing Committee

Note that Proposed amendment to S/O P&F Sept 2021 not adopted. Working party to review in relation to public questions at P&L – may affect ToR

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Training:	All members of the Committee are to undertake Planning training within 6 months of their appointment subject to course availability
Quorum:	Seven members
Meetings:	Every Third Tuesday of the month
Timing:	6:30 p.m.
Venue:	Guildhall
Reporting WP:	Saltash Neighbourhood Plan
Reports to:	Town Council
Remit:	To consider and make responses on behalf of Saltash Town Council for all Planning and Licensing related matters.

#### Terms of Reference & Matters Delegated to the Committee:

1. Full delegated authority to make responses on behalf of Saltash Town Council to all applications for licensing or development in and outside the Saltash Town Council area (including Listed Building, Conservation Area consents, consent for advertisement displays etc.) received from Cornwall Council.
2. To consider any request for pre-application discussions with any developer and make a response on behalf of the Council in accordance with the Town and Parish Councils in Cornwall Guiding Principles for Pre-Application discussions.
3. To review the Council planning policy and procedure and make recommendations to Council to ensure that the Council is able to meet any additional requirements of the planning process.
4. To respond to consultation documents regarding tree preservation and other matters regarding general land development.

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5. To consider all appeals against planning refusal by Cornwall Council within Saltash Town Council area and to submit comments to the Planning Inspectorate.
  6. To consider any proposals for new and reviews of the Core Strategy and any other consultation documents of a planning nature and to make resolutions to the Council.
  7. During Planning Committee meetings members of the public who have registered to do so may speak at the discretion of the Chairman and with the approval of members of the Planning Committee.
  8. The period of time designated for public participation at a meeting in accordance with standing order 2(d) shall not exceed 15 minutes unless directed by the Chairman of the meeting.
  9. Consultation with other relevant bodies with similar interests, including other Local Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy including neighbourhood planning.

Terms of Reference last updated:



#### Policy and Finance Committee

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Seven members
Meetings:	Bi-Monthly
Timing:	6:30 p.m.
Venue:	Guildhall
Reports to:	Full Council
Remit:	Policy Administration and Finances of the Town Council and to work within the individual delegated authority budget.

#### Terms of Reference & Matters Delegated to the Committee:

1. To consider such matters as may be delegated by the Council from time to time.
2. To review, from time to time, policy objectives within the Committee's Terms of Reference for consideration by the Council.
3. To prepare annual estimates and update a 5-year forecast of income and expenditure of the Council on continuing services and of payments on capital account for the next financial year and to make a recommendation to the Council as to the precept in time for its annual budget meeting each year.
4. To regulate and control the finance of the Council and to have charge of the financial and accounting arrangements of the Council.
5. To consider matters arising from the report of the internal and external auditors and where considered necessary make changes to the Council's system of controls.
6. To receive and approve schedules of payments.
7. To agree virements between approved budget headings.
8. To make recommendations to the Council on the use of financial reserves.
9. To make recommendations to the Council on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year.

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10. To consider grants to local organisations in accordance with the Council's adopted grants policy.
  11. To undertake annually the risk assessment in relation to the Council's insurance cover.
  12. To insure against such risks as the Committee deems necessary to cover.
  13. To make resolutions to the Council regarding the promotion and expenditure on tourism.
  14. To make resolutions to the Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies.
  15. To make resolutions to the Council regarding town twinning.
  16. To make resolutions to the Council regarding the prosecution or defence of any legal proceedings.
  17. To make resolutions to the Council for the use of powers to acquire by agreement, to appropriate, to dispose of land.
  18. To make resolutions to the Council for the use of its powers to promote a lottery.
  19. To make resolutions to the Council for the use of its powers to accept gifts, including land.
  20. To make resolutions to the Council regarding the future provision of civic regalia.
  21. To agree the use by any other organisation of the Town Crest.
  22. To review the Standing Orders and Financial Regulations on a regular basis and make recommendations to the Council.
  23. To make recommendations to the Council regarding the review of existing policy matters.
  24. The delegated power to keep all procedures under active review.
  25. The delegated power to maintain the Council's eligibility for General Power of Competence.
  26. The delegated power to exercise the Town Council's powers to direct as to the custody of parish property and documents.
  27. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not

confirmed or from future years. The virement of funds within the P & F Committee's total budget must be authorised by the Council.

28. The negotiation of tenders which do not fall within the Terms of Reference of any other Committee and the acceptance of tenders and supervision of contracted projects (provided expenditure is within the budgetary provision) with the practical implementation of the contract devolved to the appropriate Committee.
29. All aspects of Health and Safety that fall within the remit of the Committee.
30. Making recommendations to the Council on all matters not within existing policy.
31. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
32. Monitoring the physical environment within the Council's area and carrying out improvements within budgetary provision. To recommend to the Council any matters outside this budgetary provision.
33. The consideration of recommendations of sub- Committees, working groups etc. under the control of the P & F Committee.
34. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
35. Matters not already delegated to the Town Clerk which relate to the Town Council newsletter, websites, webcam, publicity and press and social media releases.
36. To consider such other matters of a general nature not clearly falling within the Terms of Reference of any other Committee referred either by the Council or the Town Clerk.
37. To draft, negotiate with the lessee/licensee terms and conditions of leases/licences for all Town Council property and land and submit resolution to Council.
38. To consider the renewal of leasing/licensing agreements and make proper resolution to Council if it is not felt appropriate to continue such an agreement.
39. To maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry.

**Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated:

## Services Committee

Composition:	Sixteen members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Seven members
Meetings:	Bi-monthly
Timing:	6:30 p.m.
Venue:	Guildhall
Reports to:	Full Council
Remit:	<p>The provision, maintenance, management, marketing and service function of all Town Council property, buildings, land and structures and to work within the individual delegated authority budget:</p> <ul style="list-style-type: none"><li>• Property</li><li>• Allotments</li><li>• Open Spaces</li><li>• Cemetery</li><li>• Waterfront</li><li>• Structures</li><li>• Footpaths</li><li>• Grounds Maintenance</li><li>• Public Toilets</li><li>• Christmas Lights</li></ul>

### Terms of Reference & Matters Delegated to the Committee:

1. To consider such matters as may be delegated by the Council from time to time.
2. To consider and submit to the P & F Committee for the annual budget estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast plan.

3. Authorization of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committees total budget must be authorised by the P & F Committee.
4. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
5. All aspects of Health and Safety that fall within the remit of the Committee.
6. Making recommendations to the Council on all matters not within existing policy.
7. Monitoring the physical environment and property within the Council's area and carrying out improvements within budgetary provision. To recommend to the Council any matters outside this budgetary provision.
8. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
9. The consideration of recommendations of Sub Committees, working groups etc. under the control of the Committee.
10. Consultation with other relevant bodies with similar interests, including other Town Council Committees and Sub Committees, and consideration of their recommendations.
11. The implementation of agency agreements for the delegation of services from Cornwall Council which fall within the remit of the Committee and have been negotiated and agreed by Full Council.
12. To consider such matters as may be delegated by the Council from time to time.
13. To consider the securing and security of all Town Council property and land and make resolutions to the Council.
14. To maintain the exterior and structural fabric of all Council buildings/structures.
15. To review the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
16. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
17. Authorization of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.

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18. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee.
  19. All aspects of Health and Safety that fall within the remit of the Committee.
  20. Making recommendations to the Council on all matters not within existing policy.
  21. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.
  22. Consultation with other relevant bodies with similar interests, including other Local Councils and Cornwall Council.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: Oct 2021

#### Devolution Sub Committee

Composition:	Eight members
Chairmanship:	Chair and Vice-Chair to be elected from the members of the Committee at the first meeting in each Council year.  The serving Mayor will not be eligible for either of these positions.
Quorum:	Four
Meetings:	As required
Timing:	6.30pm
Venue:	Guildhall
Reports to:	Full Council

Remit:

#### **Terms of Reference & Matters Delegated to the Committee:**

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To investigate and potentially progress devolution of assets from Cornwall Council to Saltash Town Council working with the Community Link Officer.
2. To explore funding options for remedial works from Cornwall Council upon the transfer of assets.

#### **Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: Oct 2021

#### Library Sub Committee

Composition:	Eight members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Services Committee
Remit:	

#### **Terms of Reference & Matters Delegated to the Committee:**

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget.

1. To oversee the management and maintenance of the library premises working within budget.
2. To oversee the transformation programme of the library premises and services.
3. To act as liaison with Cornwall Council library service.
4. To monitor performance of the library service provided by the Town Council.
5. To undertake public consultations where required making appropriate recommendations to services.
6. To receive and consider tenders for works to the library premises making appropriate recommendations to Full Council.
7. To work with the appointed Building Surveyor to Project Manage and carry out Construction (Design and Management) Regulations (CDM) works on behalf of the Town Council making appropriate recommendations to Full Council.
8. To approve applications to the Public Works Loan Board (PWLB) for works to the library premises making appropriate recommendations to Full Council.



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**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: Nov 2021

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Property Maintenance Sub Committee

**ToR to be reviewed**

Composition:	Eight members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Services Committee
Remit:	

**Terms of Reference & Matters Delegated to the Committee:**

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

Terms of Reference last updated:

#### Station Property Sub Committee

Composition:	Eight members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four
Meetings:	As required
Timing:	TBA
Venue:	Guildhall
Reports to:	Policy and Finance Committee
Remit:	

#### Terms of Reference & Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To oversee the station building development project.
2. To identify and apply for appropriate grant and funding opportunities.
3. To act as liaison with Network Rail and GWR and other agencies.
4. To manage the appointment of tenants to the building.
5. To encourage and develop uses and a programme of activities at Isambard House.

#### Matters not delegated to the Committee:

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: August 2021

#### Town Vision Sub Committee

Composition:	Eight members
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four
Meetings:	As required
Timing:	6.30 p.m.
Venue:	Guildhall
Reports to:	Full Council
Remit:	

#### Terms of Reference & Matters Delegated to the Committee:

Finance delegated authority:

Expenditure up to £20,000 on any separate occasion within the budget

1. To establish and work towards a long term vision for Saltash.
2. To incorporate the goals of the declared Climate Emergency within decision making.
3. To establish clear engagement and consultation with the Town community.
4. To utilise the available advice and support of Cornwall Council for a shared vision for Saltash.
5. To establish an STC asset register (benches, bins, signage, buildings etc.) and ensure all STC assets are cleaned and maintained.
6. Recognise Saltash Fore Street as the central element to become a mixed use destination, shopping, leisure, residential and employment.
7. To recognise and support initiative throughout the Town.
8. Review traffic movement and usage of Fore Street to support a more welcoming pedestrian environment and improve air quality.
9. To seek funding and partnership opportunities for Town initiatives.
10. To recognise, celebrate and protect Saltash Heritage.
11. To consider the long term impact of Covid 19 on the local economy.

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**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of reference last updated: Dec 2021

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#### Joint Burial Board Committee

Composition:	Membership established by separate constitution - Four elected members.
Chairmanship:	Two Co-Chairmen to be elected (one from STC and one from St Stephens Church) from the members of the Joint Burial Board at the first meeting in each Council year.
Non-members:	Any member of the Council is able to attend and may participate at the discretion of the Chairman but may be asked to leave if the press and public are excluded.
Quorum:	Any 3 members for non-financial matters, 3 STC members for financial matters
Meetings:	Quarterly
Timing:	6:00 p.m.
Venue:	Guildhall
Reports to:	Full Council
Remit:	Maintenance and operation of St Stephen's Cemetery and to work within the individual delegated authority budget.

#### Terms of Reference & Matters Delegated to the Committee:

1. The improvement, maintenance and management of the open section of cemetery grounds in St Stephen's Cemetery.
2. To consider such matters as may be delegated by the Council from time to time.
3. Reviewing the level of fees and charges of the Committee's functions and making appropriate recommendations to the P & F Committee.
4. To consider and submit to the P & F Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year and 5-year forecast.
5. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits of the scheme of delegation or previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years.
6. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.
7. All aspects of Health and Safety that fall within the remit of the Committee.

- |
8. Making recommendations to the Council on all matters not within existing policy.
  9. Preparation and review of a plan for future requirements within the scope of the Committee regardless of feasibility.

**Matters not delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated:

DRAFT

### Personnel Committee

Councillors appointed to the Personnel Committee must be willing to commit to undertake employment law training as soon as they are elected to the Committee. The Town Council recognizes that a stable membership of the Committee is desirable and as such membership of the Committee should be seen as a long-term commitment.

Members of the Personnel Committee are advised to refrain from taking notes when in part two confidential session and to refer to the P&C reports.

Composition:	Six members  There are no ex-officio members of the Personnel Committee.  <b>Note:</b> A member will not be eligible for nomination to the Committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year. The serving Mayor will not be eligible for either of these positions.
Quorum:	Four members
Meetings:	Bi-monthly
Time:	6:30 p.m.
Venue:	Guildhall
Public attendance:	The meeting is open to members of the public and press up until the Public Bodies (Admission to Meetings) Act 1960.
Training:	All members of this Committee will undertake employment law training every 6 months provided by the Council subject to course availability.
Reports to:	Full Council
Remit:	Staff recruitment, grievance, appraisal, sickness, annual leave, maternity & paternity records, training, employment policies, health & safety and welfare matters and to work within the individual delegated authority budget.



#### **Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as delegated by Council or any Committee of the Council.
2. The overall performance and welfare of the staff, delegating the day to day line management to the Town Clerk.
3. To receive reports from the Town Clerk in respect of attendance, short- and long-term sickness, return to work interviews, annual leave, maternity leave, paternity leave, adoption leave, compassionate leave, and flexible leave requirements and with delegated powers to resolve any associated matters.
4. To review and recommend all employment policies to Council in consultation with members of staff.
5. To maintain the staffing levels necessary to efficiently discharge the work required by the Council and to review the workloads periodically and report any recommendations for change to the relevant Committee and or Full Council.
6. To oversee the recruitment process of all staff and where required, assist, when required, the Town Clerk in the recruitment of new staff.
7. To undertake the recruitment of the Town Clerk with any associated expenditure and making the appointment.
8. To review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment.
9. To maintain confidentiality over all staffing matters as required under the 2018 General Data Protection Regulations and the 2018 Data Protection Act as well as the Code of Conduct.
10. To deal with all matters relating to staff conduct.
11. Staff Appraisals:
  - a. To ensure that annual appraisals for all staff are carried out, agree and monitor any associated actions and outcomes.
  - b. The annual appraisal of the Town Clerk will be undertaken by the Mayor and Chairman of the Personnel Committee.
  - c. To oversee staff and member development including identify training opportunities and ensure that all training needs are met.
12. To consider and implement any changes which are required to comply with legislation and Terms and Conditions of Service as laid down by the National Joint Council (Green Book) and recommended by the National Association of Local Councils and Society of Local Council Clerks.
13. To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure referred by the Town Clerk.

- |
14. Where appropriate, appoint a panel to hear complaints made under the Council's Grievance and Disciplinary Procedure and full delegated responsibility to take whatever action necessary. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter.
  15. To prepare and submit to the P & F Committee budget proposals in respect of salaries and training - for all staff.
  16. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committee's total budget must be authorised by the P & F Committee.
  17. All aspects of Health and Safety that fall within the remit of the Committee.
  18. Making resolutions to the Council on all matters not within existing policy.
  19. Saltash Town Council recognises the Transfer of Undertakings Protection of Employment regulations 2006 known as TUPE.
  20. Saltash Town Council is committed to working with accredited trade unions to promote a good working relationship with its staff.

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the Committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

Terms of Reference last updated: Feb 2022

# Code of Practice for Handling Complaints

RESPONSIBLE COMMITTEE: P&F

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*This is a policy/procedure document of Saltash  
Town Council to be followed by both Council  
Members and Employees.*

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Current Document Status			
Version	1 DRAFT	Approved by	
Date	June 2022	Date	
Responsible Officer	AJT	Minute no.	
Next review date	Annual or as required		

Version History			
Date	Version	Author/Editor	Notes
June 2022	1 DRAFT	CALC/AJT	Replacement for Customer Feedback Policy (CALC model)

Document Retention Period
Until superseded

## **SALTASH TOWN COUNCIL**

### **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

Saltash Town Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint, or have been unfairly treated in their dealings with the Council staff, Councillors, the Council or its Committees.

#### **VERBAL COMPLAINTS**

1. On receipt of a complaint by telephone, letter, fax or email the Clerk will try to satisfy the complainant immediately or as soon as is practicable.
2. If the Clerk is unable to answer the complaint immediately, then full details of the complaint together with the complainant's telephone number etc. will be recorded so that a further verbal response can be made as soon as possible.
3. If a verbal response is unable to satisfy, then the Clerk will ask that the complaint is put in writing in order that it can be investigated more fully.

#### **WRITTEN COMPLAINTS**

1. On receiving a written complaint, the Clerk shall try to settle the complaint directly.
2. If the complaint is about the behaviour of an employee or contractor of the council, the Clerk will also notify the person and offer the opportunity for comment on the manner in which it is intended to try and settle the complaint.
3. If necessary, the Clerk will send a holding letter to the complainant to allow further time to address the issues raised.
4. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date of the meeting. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting.
5. The Clerk shall consult with the Chairman/Vice Chairman to consider whether the written complaint warrants discussion at a Council meeting in the absence of the press and public, with the decision on the complaint shall be announced at the Council meeting in public.
6. The Clerk will communicate in writing the decision that has been made by the Council and the nature of any action taken by the Council.

#### **COMPLAINTS AGAINST AN OFFICER OF THE COUNCIL**

1. Any complaint against an officer must be submitted in writing.

2. If the complaint is against the actions of the Clerk, it should be submitted in writing to the Chairman.
3. If the complaint is made against the actions of an employee, it will be considered as an employment issue and the Clerk will present the complaint to the Personnel Committee of the Council for consideration at a meeting held in the absence of the press or public.
4. If the complaint is made against the actions of the Clerk, it will be considered as an employment issue and the Chairman will present the complaint to the Personnel Committee of the Council for consideration at a meeting held in the absence of the press or public.
5. The Complainant may be invited to attend part of the meeting to explain the nature of their complaint, in the absence of the public and press.
6. Persons mentioned in the complaint will have the opportunity to will explain the nature of their actions to the meeting, in the absence of the public and press.
7. The result of any council consideration of a complaint will be announced at a Council meeting in public.

## **COMPLAINTS AGAINST A MEMBER OF THE COUNCIL**

The Council is unable to investigate complaints against any of its members. Town Councillors sign up to a Code of Conduct on taking office which adheres to the principles of public life. If you wish to submit a complaint for breach of this code this should be sent to the Monitoring Officer at Cornwall Council.

Mr S Mansell  
Cornwall Council  
Treyew Road  
TRURO  
Cornwall

Further information can be accessed from [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

# Unreasonable Customer Behaviour and Persistent Complaints

RESPONSIBLE COMMITTEE: P&F

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*This is a policy/procedure document of Saltash  
Town Council to be followed by both Council  
Members and Employees.*

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Current Document Status			
Version	<u>3 DRAFT</u>	Approved by	
Date	<u>June</u> 2022	Date	
Responsible Officer	AJT	Minute no.	
Next review date	Annual or as required		

Deleted: 2

Deleted: FTC

Deleted: April

Deleted: 09.06.2022

Deleted: 93/22/23

Version History			
Date	Version	Author/Editor	Notes
02.07.2019	1	AJT	NEW (P&F Min 36/19/20)
April 2021	1/2021	AJT	Review for reapproval – new council. 20.05.2021 Min 46/21/22c(xv)
April 2022	2 DRAFT	AJT	Policy reviewed and updated from CC model and LGSCO guidance. Approved FTC 062022
<u>June 2022</u>	<u>3 DRAFT</u>	<u>AJT</u>	<u>Section 9 deleted; ref to Customer Feedback Policy amended to Complaint Handling Procedure</u>

Document Retention Period
Until superseded



## **Saltash Town Council**

### **Unreasonable Customer Behaviour and Persistent Complaints Policy**

#### **1. Purpose of the policy**

The aim of this policy is to help customers and staff to understand how Saltash Town Council manages unreasonably persistent and unreasonable behaviour by customers. It gives clear guidance as to the definition of unreasonable behaviour and explains what actions staff should take when presented with such behaviour or unreasonable requests. This Policy has been based on guidance issued by the Local Government and Social Care Ombudsman and the Information Commissioner's Office (ICO) and relates to unreasonably persistent written and verbal communication with the Council. This policy is not a replacement for the Zero Tolerance Policy.

#### **2. Summary**

Dealing with correspondence from customers, a complaint or information requests is usually a straightforward process. However, in a minority of cases, people pursue correspondence in a way that can impede the investigation of their complaint or can have significant resource implications for the Council. This policy has been formulated to deal with the small number of customers who make it necessary for special arrangements to be made. It should be noted that there are differences between Freedom of Information (FOI) and non-FOI related cases although the general principles below apply to both instances.

FOI references also apply to Environmental Information Regulation (EIR) requests which may relate to the environment, land or property. These will be dealt with under the guidance issued by the ICO.

Requests for personal information may fall under the UK General Data Protection Regulation (UK GDPR). These will be dealt with under guidance issued by the ICO.

We aim to deal with any correspondence or complaints in a way that is open, fair and transparent. Complaints and requests for information will be dealt with impartially and proportionately. We have developed this policy so that people who complain and the staff who manage those complaints understand what to do if people start to behave unreasonably.

**IT SHOULD BE NOTED** – This policy only deals with the conduct of the customer, not the substance of the complaint or concerns raised. The adopted procedures relating to the processing of complaints should be followed regardless of whether this policy is engaged, unless it is considered there are reasons for not doing so. If this is the case the customer should be advised of this at the earliest opportunity and if appropriate provided with an alternative route to remedy his complaint, such as referral to the Local Government Ombudsman.

### **3. Background**

We do not normally limit the contact people have with us. Whether they are complaining, making a request for service, an information request or seeking help and guidance, we are committed to dealing with all requests fairly and impartially and to providing a high quality of service. We are keen to resolve any dispute and/or complaint as early as possible.

Occasionally, the behaviour of some customers can make it very difficult for us to deal with their concerns. In a small number of cases the actions of some customers become unacceptable because they involve abuse of processes, or violence and aggression to staff or other people, including Members of the Council. When this happens, we have a responsibility to our staff and Members to take appropriate steps to limit the customers contact with the Council. On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others. Such actions can occur while either the complaint is being investigated, or once we have completed the investigation.

We understand that people sometimes feel frustrated about matters, but we will not tolerate behaviour which we deem to be unacceptable, threatening, abusive or unreasonably persistent towards staff or Members or imposes such a burden on the council that is an unreasonable drain on our resources.

### **4. Scope**

We define unreasonably persistent and unreasonable customers (referred to as Vexatious or Manifestly Unreasonable under FOI/EIR) and Manifestly Unfounded under UK GDPR, as those customers, who because of the frequency or nature of their contacts with us hinder our consideration of their or other people's issues or complaints.

These are generally covered under two key areas:

- customers who feel that the Council has not dealt with their issue, complaint or information request properly and are not prepared to leave it there; and
- customers who may have a justified dispute, complaint, information request or grievance, but these are either being pursued in inappropriate ways, or customers may be intent on pursuing the issue which appears to have no substance, or which may have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on employee time, or they may be very emotionally charged and distressing for all involved.

Sometimes a situation between the Council and a customer can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is totally unacceptable.

Any decision resulting from the implication of the policy normally applies to the nature of the dispute, complaint or subject matter and not to the customer themselves. However, it is very likely that the customer's previous behaviour will have some

bearing on how to proceed with unrelated future correspondence or contact with the Council, particularly where there has been an element of extreme behaviour or verbal abuse.

**5. Unreasonable Complainant Conduct**

**We will not** tolerate racist, sexist, homophobic or other discriminatory language, or offensive, threatening, aggressive or violent behaviour towards our staff or Members of the Council.

If you use such language or behaviour, we will ask you to stop doing so in order to protect the wellbeing of our staff or Members of the Council. In exceptional circumstances we may immediately restrict your access to our services without prior warning. We will then write to you and explain the action we have taken.

If your use of language is because of a medical condition, we will discuss with you any reasonable adjustments we need to make to how we work with you. However, some language and behaviour is always unacceptable and we will always draw your attention to this and take appropriate action.

Where your behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give you prior warning.

**6. Examples of unreasonable behaviour/actions?**

The following is a list of some actions and behaviours which may be deemed as unreasonable, unreasonably persistent, (or vexatious/manifestly unreasonable under FOI/EIR). This list is by no means exhaustive and is designed to give an indication of the type of behaviour that is considered to be unreasonably persistent. For further advice, please contact the Town Clerk.

- Refusing to specify the grounds of a dispute and/or complaint, despite offers of assistance from Council employees;
- Refusing to co-operate with the complaints investigation process (Complaint Handling Procedure) while still wishing their complaint to be resolved;
- Refusing to accept that certain issues are not within the scope of the Council’s complaints procedure despite having been provided with information about the scope of the Complaint Handling Procedure;
- Insisting on the dispute and/or complaint being dealt with in ways which are incompatible with the Council’s adopted complaints procedure (Complaint Handling Procedure) or with good practice;
- Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced or harbouring personal grudges;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;

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- Raising numerous, detailed and unimportant questions and insisting they are all fully answered;
- Covertly recording meetings and conversations without the prior knowledge and consent of other persons involved;
- Submitting falsified documents from themselves or others;
- Adopting a ‘scattergun’ approach: pursuing parallel disputes and/or complaint(s) on the same issue with a variety of officers, Members, departments or services;
- Making unnecessarily excessive demands on the time and resources of employees whilst a dispute and/or complaint is being looked into. Making excessive telephone calls or sending emails to numerous Council officers or Members, writing lengthy complex letters every few days and expecting an immediate response;
- Submitting repeat complaints or information requests (after the complaints/FOI process has been completed) essentially about the same issue(s), with minor additions/variations which the customer insists make these a ‘new’ dispute and/or complaint;
- Being abusive or using aggressive language;
- Rejecting attempts by the Council to assist and advise and showing no willingness to engage with Council officers;
- Explicitly stating that it is their intention to cause disruption to the Council;
- Refusing to accept the decision; repeatedly arguing points with no new evidence;
- Using other family members, associates or membership of a group or body to attempt to re-open a complaint already pursued by a complainant or to try to further requests or complaints already pursued ; or
- Frequently using public questions at a meeting of the Council or a Committee to pursue a complaint or information request(s):
- Combinations of some or all of the above or other actions that are judged to be unreasonable.

The following sections set out the procedures in relation to non-FOI and FOI cases

#### **For non-FOI related cases (sections 7 – 10)**

The following sections cover non-FOI related issues such as complaints or wider Council contact/disputes.

#### **7. What actions can be taken to stop or limit the behaviour?**

The actions we take will depend upon the nature and extent of the behaviour(s). Any action taken should be appropriate and proportionate to the nature and frequency of the customer’s contacts with the Council. If their persistence adversely affects the

Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another, the Council may need to address their behaviour.

When an officer reports a customer demonstrating unreasonable behaviour, the Town Clerk, in conjunction with the Chairman and Vice-Chairman of the Policy and Finance Committee and taking advice from the Monitoring Officer, will review the case within seven working days. A letter may be sent to the customer explaining that their conduct is becoming a concern. The letter will request that the behaviour exhibited is moderated and will suggest, where appropriate, who the customer should contact within the Council over their concerns. The letter will also advise what further actions may be taken if the request is ignored and a copy of this policy included. The customer will be asked to acknowledge the letter within seven working days.

Where the customer acknowledges the initial warning letter, the Town Clerk or their nominated representative will monitor the situation to ensure the behaviour has been moderated.

If the customer does not acknowledge the letter within seven working days there are two further stages which must be followed for a customer to be made unreasonably persistent or their unreasonable behaviour recognised as such. The Town Council may choose to appoint an external body to act on their behalf to provide this service.

#### **Stage 1 (Formal prior warning)**

If customer ignores the initial letter and is deemed to be unreasonably persistent or demonstrating unreasonable behaviour, the Town Clerk or their nominated representative will issue a formal prior warning letter, including the following points:

- An explanation of why the customer's behaviour is deemed unacceptable;
- An offer of a meeting, if deemed appropriate by the Council, with an officer from the council or their nominated representative to try and resolve the dispute / complaint / issue and explain to the customer why their behaviour is unacceptable;
- Advising of a single point of contact for any further correspondence;
- A statement of future intent to apply restrictive action to the customer's contact should their behaviour continue;
- Referencing and including a copy of the Unreasonable Customer Behaviour and Persistent Complaints policy.

Any arrangements for limiting a customer's contact must take account of the customer's individual circumstances however, such actions may include blocking a customer's email address denying the customer the ability to email the Council, officers and Members and/or refusing to take telephone calls from the customer.

Should such action be necessary the customer's name will be added to the Council's register as having been sent a formal prior warning letter and a report will be submitted to the next available meeting of the Policy and Finance Committee or the next Full Town Council meeting if earlier and the Town Clerk feels the matter is of sufficient

urgency. In either case the report will be received in confidential part two of the meeting.

#### **Stage 2 (Full implementation of the policy)**

- Full implementation of the policy will be undertaken by the Town Clerk, or their nominated representative, in liaison with the Policy and Finance Committee;
- Before the policy can be fully implemented, the Town Clerk, or their nominated representative, must be satisfied that the customer is behaving in an unreasonable or persistent manner (as per the policy), that the complaint / issue / dispute has been dealt with properly and in accordance with the Complaint Handling Procedure and stage 1, a formal prior warning letter has been sent to the customer as outlined above;
- Once satisfied, the Town Clerk, or their nominated representative will take a report (factual and unbiased) to the Policy and Finance Committee detailing a history of the dispute / complaint, the reasons why the customer's behaviour is felt to be unreasonable or persistently unreasonable, a log of contact with the customer (to include dates, times and nature of contact) and any other related information which is of relevance. The role of the Policy and Finance Committee is to consider if the customers contact with the Council is unreasonably persistent, it will not examine the complaint overall.
- Once completed, the report and recommendations from the Policy and Finance Committee will be passed to the Town Clerk who will check the report prior to it being submitted to the next available meeting of the Town Council for consideration;
- If the Town Council takes the decision to make the customer unreasonably persistent and apply restricted access, the Town Clerk or their nominated representative will write to the customer with a copy of the Unreasonable Customer Behaviour and Persistent Complaints Policy explaining:
  - why the decision has been taken;
  - what it means for their contacts with the Town Council;
  - how long any restrictions will last; and
  - what the customer can do to have the decision reviewed.
- Should a customer who has been declared unreasonably persistent raise new issues or complaints, these will be reviewed on their own merits and consideration given to any restrictions on the customer which have previously been applied before the new issues are processed.
- The customer will be added to the Council's register as being declared by the Town Council as a persistent complainant, also ensuring relevant officers/Members are made aware.

**Deleted:** Customer Feedback Policy

## 8. What happens if a customer continues to contact the Council?

The Town Council will appoint a named officer or representative to deal with and review any future correspondence or contact from the customer. When reviewing any future correspondence, the officer should consider whether this relates to an existing issue or whether it is a new concern.

Where a customer continues to contact us about an existing issue to which this policy has been applied but provides no further new evidence to support their complaint, no further action will be taken on the issue. A letter will be sent to the complainant advising of this and then no further correspondence will be entered into.

If a customer raises a new complaint or provides further new evidence to support their existing complaint, the Town Clerk or their nominated representative will make a decision as to how this will be dealt with and whether any existing restrictions (as per this policy) are still appropriate;

If a customer's behaviour becomes abusive or threatening, we may take the decision to inform the police.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, advocate, or simply to submit the same or identical complaints on their behalf. Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

Should a customer seek to circumvent this policy by contacting their local MP or Councillor whilst we will engage with the MP or Councillor, we will ask that they assist us in maintaining the customer's status, subject to their own investigations into the matter.

Further, should a customer to whom the Policy has been applied, continue to email, write in or telephone, officers and Members have the right to not reply or respond to this communication without this being considered as a breach of the Code of Conduct for Members.

## ~~9. What can a customer do to challenge the Council's decision?~~

~~If a customer is unhappy with the decision the Council has taken under this policy or are unhappy with how they have been treated, they may make a complaint to the Local Government and Social Care Ombudsman (LGSCO).~~

~~We will co-operate fully with any investigation the LGSCO undertakes and will ensure that all paperwork and documentation is available.~~

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## 10. How does the Council review the decision?

Where restrictions (in line with this policy) have been applied to a customer, they will normally be in place for **12 months** but will be subject to a review at **6 months** by the Town Clerk or their nominated representative, reporting to the next available Policy and Finance Committee meeting. The customer will be advised of the review and outcome in writing.

At the end of the designated period of restrictions (normally **12 months**), the Town Clerk or their nominated representative will review the case, reporting to the Policy and Finance Committee.

Where the review finds no grounds for continuing restrictions these should be lifted and relationships restored to normal.

Where it is recommended that restrictions are to continue beyond **12 months**, the report should be evidence based and with good grounds for the extension. The report will be submitted to the next available meeting of the Town Council to approve and reappoint representatives to act for the Council in this case.

The Town Clerk (or their nominated representative) will write to the customer to advise them of the outcome of the review by the Policy and Finance Committee. Where any restrictions are to continue, the customer will be notified of this alongside an explanation of why and when the next review is scheduled to take place (normally **six months**).

## 11. Confidentiality, legal requirements and non-compliance

- All personal data provided to the Council will be processed in accordance with UK GDPR and the Data Protection Act 2018;
- ~~Any breach of the policy may result in the Council being referred to the Local Government and Social Care Ombudsman.~~

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### For FOI/EIR related cases (sections 12-18)

The following sections cover FOI cases where it is deemed that a request is Vexatious under Section 14(1) of the Freedom of Information Act (FOIA) or Manifestly Unreasonable under regulation 12(4) b of the Environmental Information Regulations (EIRs).

Section 14(1) of the FOIA: The Council does not have to deal with requests that are vexatious under this section. This applies only to the request and not the requestor so there should be a careful assessment before a request is classified as vexatious. The Information Commissioner's Office (ICO) may be able to provide guidance and has set out indicators that may identify vexatious requests:

- Abusive or aggressive language is used;
- The requests are placing an undue burden on the Council;
- The requests form part of a personal grudge;



- The requests are unreasonably persistent;
- The requestor is intransigent;
- The requests are frequent and/or overlapping on the same issue;
- The requests are designed to cause annoyance;
- The requests require a disproportionate effort to fulfil;
- The requestor is using the information request route to pursue other complaints or grievances against the Council.

The application of s.14 (1) should be considered where it is believed that the request is disproportionate or unjustified.

#### **12. What actions can be taken to stop or limit the behaviour?**

Where it becomes apparent that the nature of a request or string of requests is potentially making a request vexatious or manifestly unreasonable, consideration should be given to warning the requestor that if they are to submit any further requests on the same issue, it is likely that these requests will be deemed as vexatious under FOI or manifestly unreasonable under EIR. There should be an attempt to work with the requester whilst taking account of the facts of the matter and any relevant history.

#### **13. What happens if a customer continues to contact the Council?**

If a further request is received on the same or similar subject matter under FOI/EIR then a decision will be taken by the Town Clerk in conjunction with the responsible officer that the request is vexatious/manifestly unreasonable and the requestor will be informed of the decision, along with the reasons for the decision being taken. Only the request itself can be considered vexatious and not the individual who submitted it. Therefore, any further requests from the same requestor should be treated and assessed independently.

Where necessary, further advice should be sought from CALC or the Monitoring Officer, Cornwall Council.

Where the time (or cost) of dealing with the request is the main issue, consideration will be given to applying Section 12 of the FOIA or Regulation 12(4) (d) under the EIR where the time/cost of dealing with a request is unreasonable and consideration given to asking the requestor to narrow down or reduce the scope of the request to bring it within an appropriate time frame (18 hours under the FOIA).

Where appropriate, consideration should be given as to whether the wider Unreasonable Customer Behaviour Policy should also be invoked in addition to making a request vexatious/manifestly unreasonable.

The requestor will then be added to the Council's register of customers who have been made vexatious as defined by this Policy, also ensuring relevant officers/Members are made aware.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, MP, Local Member or advocate, or simply to submit the same or identical complaints on their behalf. Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

#### **14. What can a customer do to challenge the Council's decision?**

If a requestor is unhappy with the decision to make their request vexatious/manifestly unreasonable, they have the right to ask the Council to carry out an Internal Review. The case will then be considered by an independent senior officer who will review the case and notify the requestor of the decision. If following the Internal Review, the requestor is still unhappy, they have the right to contact the Information Commissioner's Office (ICO) who will then decide on the evidence supplied, whether to investigate the case.

#### **15. How does the Council review the decision?**

Where a request has been made vexatious or manifestly unreasonable, no further requests to similar matters raised will be considered within a 12-month timeframe. Any new request will be reviewed within this timeframe and a decision will be taken as to whether this is a new request (and dealt with as a fresh request) or falls within the subject matter made vexatious/manifestly unreasonable.

#### **16. Dealing with requests that are manifestly unfounded or excessive**

A request for personal information made as a Subject Access Request (SAR) under UK GDPR can be refused if it is considered manifestly unfounded or excessive.

The ICO guidance says that a request may be manifestly unfounded if:

- the individual clearly has no intention to exercise their right of access. For example an individual makes a request, but then offers to withdraw it in return for some form of benefit from the organisation; or
- the request is malicious in intent and is being used to harass an organisation with no real purposes other than to cause disruption.

For example:

- the individual has explicitly stated, in the request itself or in other communications, that they intend to cause disruption;
- the request makes unsubstantiated accusations against you or specific employees;
- the individual is targeting a particular employee against whom they have some personal grudge; or

- the individual systematically sends different requests to you as part of a campaign, e.g. once a week, with the intention of causing disruption.

NOTE: You must consider a request in the context in which it is made, and you are responsible for demonstrating that it is manifestly unfounded.

In addition, you should not presume that a request is manifestly unfounded because the individual has previously submitted requests which have been manifestly unfounded or excessive or if it includes aggressive or abusive language.

The inclusion of the word “manifestly” means there must be an obvious or clear quality to it being unfounded. You should consider the specific situation and whether the individual genuinely wants to exercise their rights. If this is the case, it is unlikely that the request will be manifestly unfounded.

#### **17. What does excessive mean?**

A request may be excessive if:

- it repeats the substance of previous requests and a reasonable interval has not elapsed; or
- it overlaps with other requests.

However, it depends on the particular circumstances. It will not necessarily be excessive just because the individual:

- requested a large amount of information, even if you might find the request burdensome. Instead you should consider asking them for more information to help you locate what they want to receive, please see 'Can we clarify the request?'
- wanted to receive a further copy of information they have requested previously. In this situation a controller can charge a reasonable fee for the administrative costs of providing this information again and it is unlikely that this would be an excessive request;
- made an overlapping request relating to a completely separate set of information; or
- previously submitted requests which have been manifestly unfounded or excessive.

When deciding whether a reasonable interval has elapsed you should consider:

- the nature of the data – this could include whether it is particularly sensitive;
- the purposes of the processing – these could include whether the processing is likely to cause detriment (harm) to the requester if disclosed; and

- how often the data is altered – if information is unlikely to have changed between requests, you may decide you do not need to respond to the same request twice. However, if you have deleted information since the last request you should inform the individual of this.

#### **18. Refusal to comply with a request**

Where the Council is refusing to comply with a request, you must inform the individual without undue delay and within one month of receipt of the request of:

- the reasons you are not taking action;
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

You should also provide this information if you request a reasonable fee or need additional information to identify the individual

#### **19. Record Keeping**

The Town Clerk will keep adequate records of the details of the case and action taken. The register will also include cases where an initial warning letter has been sent.

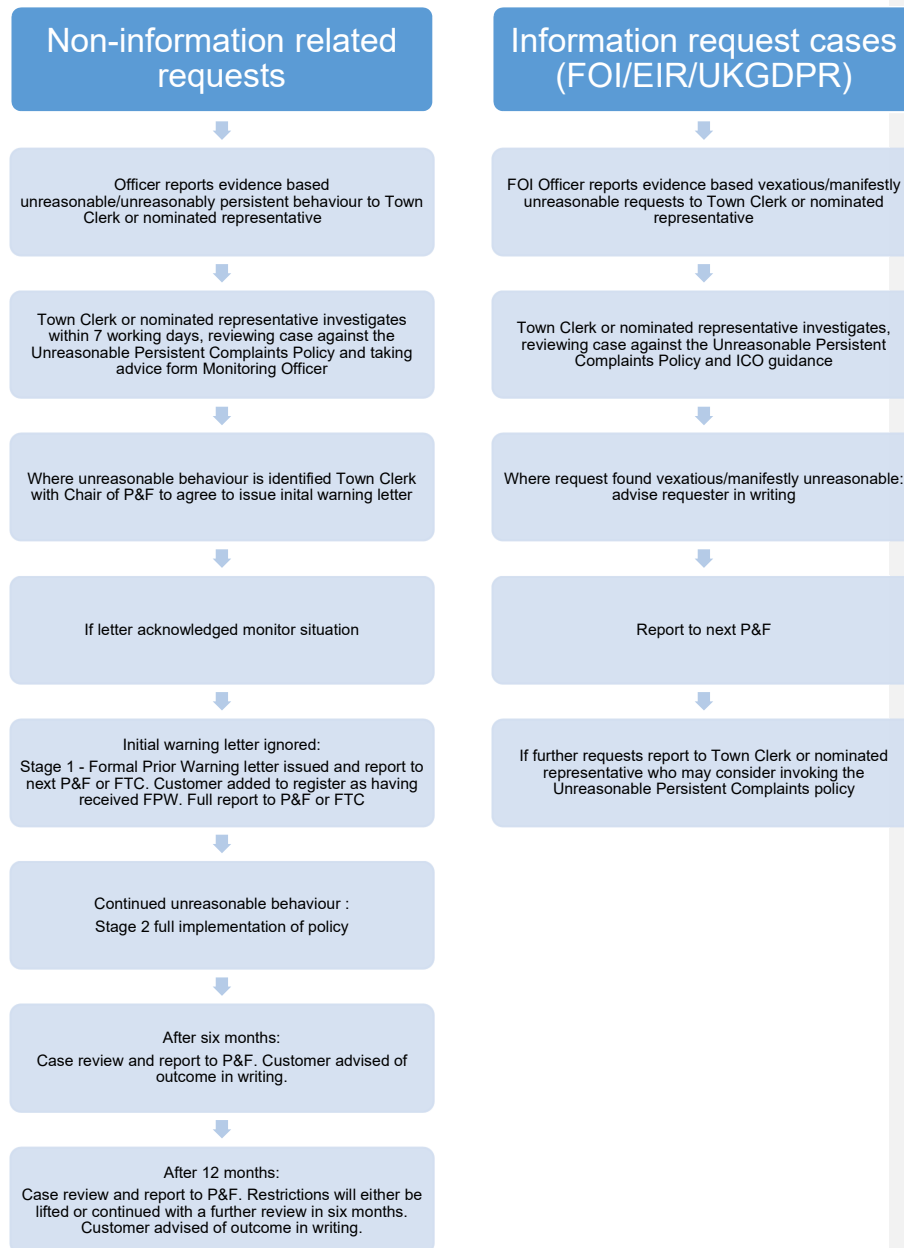
Records will be kept of:

- The name and address of each member of the public who has been identified as unreasonably persistent, vexatious or abusive and any other person who aids the complainant;
- When the restrictions came into force and end
- What the restrictions are
- When the person was advised and copies of correspondence
- Copies of all correspondence with appointed external representatives
- Dates of and copies of all reports to Council Committees.

Adequate records should also be kept to show:

- When a decision is taken not to apply the policy when an officer has asked for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision taken not to put a further complaint from this customer through the complaints procedure for any reason, and
- When a decision is taken not to respond to further correspondence, make sure any further letters or emails from the customer are checked to pick up any significant new information.

## Summary of procedure



# Provision of IT Equipment & Acceptable Use

RESPONSIBLE COMMITTEE: P&F

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*This is a policy/procedure document of Saltash  
Town Council to be followed by both Council  
Members and Employees.*

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Current Document Status			
Version	<del>1/2022</del> 2/2022	Approved by	ATM
Date	<del>March 2021</del> June 2022	Date	05.05.2022
Responsible Officer	AJT	Minute no.	54/22/23b(xvi)
Next review date	Annual or as required		

Version History			
Date	Version	Author/Editor	Notes
March 2021	1	AJT	New policy
May 2021	1/2021	AJT	Reapproved – new council
May 2022	1/2022	AJT	Readopted <u>05.05.2022 Min no. 54/22/23b(xvi)</u>
<u>June 2022</u>	<u>2/2022</u>	<u>AJT</u>	<u>Amendments re devices provided to Councillors</u>

Document Retention Period
Until superseded

## SALTASH TOWN COUNCIL

### PROVISION OF IT AND ACCEPTABLE IT USAGE POLICY

This policy should be read in conjunction with the following:

Information and Data Protection Policy

Management of Transferable Data Policy

UK GDPR and Freedom of Information Act 2000-2018

Data Protection Act 2018

Computer Misuse Act 1990

Members of staff should also refer to the Employee Handbook

Equality and Diversity Policy

#### Context:

Saltash Town Council provides IT equipment to both staff and councillors to enable them to carry out their duties effectively in Council buildings and when working from home or in the community. This policy is in two parts – the provision of IT equipment and the individual's responsibilities when using IT.

#### Scope:

This policy sets out the correct, appropriate and expected use of Saltash Town Council computing and networking facilities to ensure safe and reliable operation. This extends to all IT facilities including software, hardware, staff computers, Councillors devices, telephones (mobile and internal) provided and maintained by Saltash Town Council.

#### Part 1

##### Provision of IT Equipment

Virus detection is installed and managed centrally by the IT Consultant. Individuals must not remove or disable anti-virus software or attempt to remove virus infected files. These should be immediately referred to the IT Consultant via the helpdesk.

##### a. Employees

All employees are issued with appropriate IT equipment on commencement of employment with the Town Council. This may include a laptop, mobile phone, use of a computer in a council building, memory devices (e.g. USB) according to the requirements of the role. A unique email account, user ID and password are also issued with an authentication device if appropriate. Access levels to systems and information will be authorised appropriate to the users' job role.

Upon termination of contract all Council owned property should be returned. The Line Manager will ensure all authorised access is promptly removed.

##### b. Councillors

On joining the Council Members will be offered a device ~~(usually a tablet or laptop)~~ for business use only. The device will ~~running-run~~ a supported operating

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system, with the capability for joining virtual meetings and accessing council emails and information, on long term loan for the length of their tenure as Town Councillor. The device will be procured by the Town Council and will be preloaded with software which will be licensed and managed by the Town Council IT Consultants. The specification of the device will ensure that it remains fit for purpose for the four-year term of the Council.

The Town Council will provide all Councillors with a unique email address, user ID and password with access to selected areas of the IT system.

On cessation of service as a Town Councillor the tablet/laptop/device should immediately be returned to the Town Council and all access rights will be rescinded.

c. Loss/Damage

i. Employees

Employees have a responsibility to take reasonable care of any device they are allocated, particularly when taking off site. Any loss or damage should be immediately reported to their Line Manager.

ii. Councillors

The Town Council will insure devices loaned to Councillors. It is accepted that these devices will be taken off site and Councillors have a responsibility to take reasonable care of the device. Any loss or damage should be immediately reported to the Assistant Town Clerk. Where a device has to be sent for repair it may be possible to provide a loan device but this cannot be guaranteed.

At the end of life of the devices it will be securely wiped of all data and donated to a suitable organisation for distribution to children/young people without access to IT for home study.

## Part 2

### Acceptable IT usage and user responsibilities

- a. All authorised users of Saltash Town Council computing facilities and network must ensure that:
- Any breaches or suspected security incidents concerning the Town Council network or computing facilities must be reported immediately.<sup>1</sup>
  - Passwords, PINs or any other unique authentication credentials should not be disclosed to anyone under any circumstances.

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<sup>1</sup> Data breaches – Senior Policy & Data Compliance Monitoring Officer  
Security breaches – IT Consultant + Assistant Town Clerk

- Passwords, PINs or any other unique authentication credentials should not be written down anywhere.
- You should change your password immediately if you believe it may have been compromised.
- Always 'screen lock' any device when leaving it unattended.
- Never attempt to perform any unauthorised changes to STC IT systems.
- All data held on STC systems may be subject to Freedom of Information or Subject Access Requests. For this reason, personal use of STC computing and network facilities cannot be deemed to be private.
- Do not use or attempt to use another individual's account.
- Never exceed the limits of your authorisation or specific business need by attempting to access systems or information that you do not need in order to carry out your role. A deliberate and intentional attempt to access unauthorised resources breaches the Computer Misuse Act 1990.
- If you believe you have mistakenly been granted access to IT systems, information or resources which are not appropriate or authorised by you, this should be immediately reported as a possible incident. Under no circumstances should you attempt to further access the information/resources.
- Do not facilitate or attempt to facilitate access for anyone who is not authorised to access specific information or systems.
- Never copy, store or transfer data or software owned by STC to any unmanaged device without the explicit written consent of the asset owner.
- Your login ID identifies you as an individual and holds you directly accountable for all actions which take place under your credentials. A logged in session should not be shared with anyone else.

b. Working off site

- Equipment and media taken off site must not be left unattended in public places and not left in sight in a car.
- Information must be protected against loss or compromise when working remotely.
- Particular care should be taken with the use of mobile devices such as mobile phones, laptops and tablets.

c. Internet and Email Conditions of Use

Use of STC internet and email is intended for business use. Personal use is not permitted and all individuals are accountable for their actions on the internet and email systems.

Employees : Emails must not be opened on a non STC device. Any employee who opens STC emails or data on a personal device unless they have prior and exceptional written permission from their line manager may be subject to disciplinary action.

Individuals must not:

- Use the internet or email for purposes of harassment or abuse.
- Use profanity, obscenities or derogatory remarks in communications.
- Access, download, send or receive any data (including images), which STC considers offensive in any way, including sexually explicit, discriminatory, defamatory or libellous material.
- Use the internet or email to make personal gains or conduct a personal business.
- Use the internet or email to gamble.
- Use the emails systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- Place any information on the Internet that relates to STC, alter any information about it, or express any opinion about STC, unless they are specifically authorised to do this.
- Send unprotected sensitive or confidential information externally.
- Forward STC mail to personal (non-STC) email accounts.
- Make official commitments through the internet or email on behalf of STC unless authorised to do so.
- Download copyrighted material such as music media (MP3) files, film and video files (not an exhaustive list) without appropriate approval.
- In any way infringe any copyright, database rights, trademarks or other intellectual property.
- Download any software from the internet without prior approval of the IT Consultant.

d. Devices issued to Councillors

Devices issued to Councillors are for the sole use of the that Councillor and for business use only. The device must not be shared with other family members or loaned to other individuals.

Personal email accounts must not be used on the device.

All data on the device may be subject to release under the Freedom of Information Act 2000 and UK GDPR. It is the responsibility of the registered user of the device to ensure that personal data is only processed, collected or

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retained on the device within the guidance laid out in the Information and Data Protection Policy.

Where requested, the device should immediately be returned to the Town Council.

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