

# Public Document Pack

## SALTASH TOWN COUNCIL

### Minutes of the Meeting of the Policy and Finance Committee held at the Guildhall on Tuesday 12th September 2023 at 6.30 pm

**PRESENT:** Councillors: R Bickford, R Bullock, S Miller (Chairman), B Samuels, P Samuels (Vice-Chairman), B Stoyel and D Yates.

**ALSO PRESENT:** S Burrows (Town Clerk), W Peters (Finance Officer) and D Joyce (Administration Officer).

**APOLOGIES:** J Brady, J Dent, J Foster, M Griffiths, S Martin, L Mortimore and J Peggs.

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#### **56/23/24 HEALTH AND SAFETY ANNOUNCEMENTS.**

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

#### **57/23/24 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.

None.

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

None.

#### **58/23/24 QUESTIONS - A 15-MINUTE PERIOD WHEN MEMBERS OF THE PUBLIC MAY ASK QUESTIONS OF MEMBERS OF THE COUNCIL.**

None received.

**59/23/24** **TO RECEIVE AND APPROVE THE MINUTES OF THE POLICY AND FINANCE COMMITTEE HELD ON 11TH JULY 2023 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 P Samuels and **RESOLVED** that the minutes of the Policy and Finance Committee held on 11<sup>th</sup> July 2023 were confirmed as a true and correct record.

**60/23/24** **TO NOTE THAT ALL ACCOUNTS AND BANK ACCOUNTS ARE RECONCILED UP TO JULY.**

It was **RESOLVED** to note.

**61/23/24** **TO NOTE THAT PETTY CASH RECONCILED UP TO JULY.**

It was **RESOLVED** to note.

**62/23/24** **TO RECEIVE AND NOTE A REPORT ON VAT.**

It was **RESOLVED** to note.

**63/23/24** **TO RECEIVE AND NOTE A REPORT ON INVESTMENTS.**

The Finance Officer informed Members on the report received and contained within the circulated reports pack and were asked to consider the recommendation.

It was proposed by Councillor P Samuels, seconded by Councillor Stoyel and **RESOLVED** to invest £340,000 into the new Lloyds Fixed Term Deposit Account for a 12 month period at a fixed rate of 3.50%.

**64/23/24** **TO NOTE THAT AN AUDIT ON RECENT SUPPLIER PAYMENTS WAS CONDUCTED BY THE CHAIRMAN OF POLICY & FINANCE IN LINE WITH THE TOWN COUNCILS FINANCIAL REGULATIONS. THERE ARE NO DISCREPANCIES TO REPORT.**

It was **RESOLVED** to note.

**65/23/24**      **TO RECEIVE THE CURRENT STC AND COMMITTEE BUDGET STATEMENTS AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

The Finance Officer informed Members on the report received and contained within the circulated reports pack.

It was proposed by Councillor Bullock, seconded by Councillor Miller and resolved to **RECOMMEND**:

1. To the Burial Authority to review budget code 6004 BA General Site Maintenance and 6014 BA Cemetery Software Subscription due to an overspend for the year 2023/2024.
2. To the Joint Burial Board to review budget code 6170 BB EMF Repairs to Cemetery Wall due to an overspend for the year 2023/2024.

It was proposed by Councillor Bullock, seconded by Councillor Miller and **RESOLVED** to note the budget statements and recommendation from the Services Committee to the Station Property Sub Committee to review budget code 6810 General Repairs and Maintenance due to limited funds available for the year 2023/2024.

**66/23/24**      **TO RECEIVE A REPORT FROM THE FINANCE OFFICER AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

The Finance Officer briefed Members on the report received and contained within the circulated reports pack.

It was proposed by Councillor Miller, seconded by Councillor Yates and **RESOLVED** to note the report and provide delegated authority to the Finance Officer to withdraw funds from the Nationwide Account during the period of December 2023 to March 2024 to cover future Town Council liabilities.

**67/23/24**      **TO RECEIVE A REPORT ON INSURANCE CLAIMS AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

It was **RESOLVED** to note.

**68/23/24** **TO RECEIVE THE TOWN COUNCIL INSURANCE POLICY RENEWAL AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

The Town Clerk informed Members on the report received and contained within the circulated reports pack.

It was proposed by Councillor P Samuels, seconded by Councillor Stoyel and **RESOLVED** to approve the renewal from Zurich for the year 2024-25 at a cost of £11,023.40 allocated to budget code 6205 P&F Insurance.

**69/23/24** **TO RECEIVE THE TOWN CLERKS REPORT ON DELEGATED AUTHORITY TO SPEND AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE.**

Nothing to report.

**70/23/24** **TO CONSIDER RISK MANAGEMENT REPORTS AS MAY BE RECEIVED.**

Nothing to report.

71/23/24

**TO RECEIVE REPORTS ON FUNDING AWARDED AND CONSIDER ANY ACTIONS AND ASSOCIATED EXPENDITURE:**

a. CC268 Saltash Old Cornwall Society;

It was **RESOLVED** to note the report and underspend of £20.01 to be returned to the Town Council allocated to budget code 6210 Community Chest.

b. CC269 Saltash United Football Club;

Members discussed extending the deadline for the awarded funds to Saltash United Football Club to allow sufficient time for the project works to be completed.

Members noted the various delays being experienced and the continued hard work undertaken to raise the additional funds required.

It was proposed by Councillor Miller, seconded by Councillor P Samuels and **RESOLVED** to extend the Community Chest Grant of £1,000 until the end of the financial year 31<sup>st</sup> March 2024 reporting any further progress at the next available Policy and Finance meeting.

c. FF114 Saltash Sea Shanty Festival.

It was **RESOLVED** to note.

72/23/24

**TO RECEIVE THE RECOMMENDED DRAFT ALLOTMENT POLICY AND CONSIDER ANY ACTIONS.**

It was proposed by Councillor Bullock, seconded by Councillor Stoyel and resolved to **RECOMMEND** the Draft Allotment Policy (as attached) to Full Council to be held on Thursday 5<sup>th</sup> October 2023.

**73/23/24**     **TO RECEIVE AMENDMENTS TO EXISTING TOWN COUNCIL POLICIES AND CONSIDER ANY ACTIONS:**

The Chairman requested the following amendments to existing Town Council policies be considered en-bloc.

- a. Communications;
- b. Protocol for Member Officer Relations;
- c. Standing Orders.

Members discussed the amendment received and contained within the circulated reports pack.

It was proposed by Councillor Miller, seconded by Councillor Stoyel and resolved to **RECOMMEND** the amendment to the Communications, Protocol for Member Officer Relations and Standing Orders (as attached) to Full Council to be held on Thursday 5th October 2023.

**74/23/24**     **TO RECEIVE AND NOTE QUARTERLY REPORTS FOR THE COMMISSIONING OF PROFESSIONAL YOUTH WORK IN SALTASH:**

- a. The Core;

It was **RESOLVED** to note.

- b. Livewire.

It was **RESOLVED** to note.

**75/23/24**     **TO RECEIVE REPORTS FROM WORKING GROUPS AND OUTSIDE BODIES:**

- a. Neighbourhood Plan Steering Group

Nothing to report.

- b. Saltash Team for Youth

Nothing further to add since their previous report. Next meeting date is 29<sup>th</sup> September 2023.

- c. Section 106 Panel

Nothing to report.

**76/23/24 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.

**77/23/24 TO CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA.**

None.

**78/23/24 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960:**

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

**79/23/24 TO CONSIDER URGENT NON-FINANCIAL ITEMS AT THE DISCRETION OF THE CHAIRMAN.**

None.

**80/23/24 TO CONFIRM ANY PRESS AND SOCIAL MEDIA RELEASES ASSOCIATED WITH ANY AGREED ACTIONS AND EXPENDITURE OF THE MEETING.**

None.

**DATE OF NEXT MEETING**

Tuesday 31 October 2023 at 6.30 pm

Rising at: 7.15 pm

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

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

# Allotments Policy

RESPONSIBLE COMMITTEE: SERVICES

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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		Date	
Responsible Officer		Minute no.	
Next review date	As required		

Version History					
Date	Version	Author/ editor	Committee/ date	Minute no.	Notes
08/2023	1	AJT			DRAFT

Document Retention Period
Until superseded

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# Saltash Town Council

## Allotments Policy

Saltash Town Council reserves the right to change the Allotments Policy, rules and procedures from time to time. Any changes will be notified to the tenants in advance and tenants will be expected to comply with any rule changes following the consultation and notification process.

### 1. Introduction and Scope

Allotments and community gardens are a great way to grow your own food and enjoy the fresh air whilst learning about cultivation, observing wildlife and improving mental health and wellbeing.

Saltash Town Council provides three allotments sites in the town, Fairmead Road, Grenfell Avenue and Churchtown. Plots are allocated when they become vacant, subject to an application process to confirm eligibility and signature of a Tenancy Agreement. The Town Council operates a waiting list for all sites. (See allocation of plots below.)

### 2. Eligibility

Applicants for tenancy of an allotment must be over the age of 18 and live within the Saltash Town Boundary. Where a tenant moves outside of the Town boundary, they will be required to end their tenancy.

The Town Council operates a waiting list for allotments. Where a resident is added to the waiting list it is their responsibility to ensure that they notify the Town Council of any change to their contact details.

### 3. Allocation of Plots

When a plot becomes vacant the person at the top of the waiting list will be offered the plot in writing, usually by email. The offer should be accepted in writing within 10 working days. Where there is no response the person will be removed from the waiting list and the plot offered to the next person on the list.

A tenant may only start work on a plot on completion of all required paperwork and payment of tenancy fees. Fees may be reduced proportionally at the discretion of the Town Council where a plot is allocated part way through the year.

All allotment tenants are required to provide proof of insurance at the start of the tenancy agreement and annually at renewal. The Town Council accepts no liability for any loss, damage or injury to Tenants, or any other person or their belongings occurring on allotment sites.

### 4. Allotment Tenant Responsibilities

When signing the Tenancy Agreement, the Tenant agrees to the terms laid out in the agreement.

### **Change of Contact Details**

The Tenant should immediately notify the Town Council in writing of any change in contact details.

### **Charges**

A deposit is required from all new Allotment Tenants at the commencement of tenancy, repayable on termination of the tenancy providing that the allotment plot is left in an acceptable condition.

Charges are reviewed annually by the Town Council as part of the budget setting process. Tenants are given twelve months' notice in writing of any change to charges.

Tenants will be invoiced annually and fees should be paid in full by 1<sup>st</sup> April each year to retain the tenancy of the allotment.

Water is provided at two allotment sites. Where water is provided there is an additional annual charge to Allotment Tenants on those sites.

### **Allotment plot**

The allotment should be maintained in a good state of cultivation and kept free from weeds. Pathways should be kept clear. New tenants will be permitted adequate time to bring a plot to an acceptable level of cultivation.

The land is not to be used for any purpose but as allotment gardens cultivating fruit, vegetables, herbs and flowers for use and consumption by the Tenant and their family. Selling or undertaking of a business in relation to the cultivation on the allotment plot is not allowed. Surrounding trees and hedges may not be trimmed by Tenants. Any issues of overhanging should be reported to the Town Council.

The following are prohibited on allotment sites at any time:

- a. Dogs, poultry or livestock (as to be prejudicial to health or a nuisance)
- b. Alcohol and/or drugs
- c. Bonfires
- d. Barbed wire
- e. Taking/removal of any mineral/ gravel/ sand/earth or clay.

### **Conduct**

Tenants should not take, remove or borrow crops, equipment or supplies that belong to other Tenants without the prior consent of the owner.

Tenants should not cause or permit any nuisance or annoyance to any other Tenant or obstruct or encroach onto other plots or paths. Disputes between Tenants should be referred to the Town Council to investigate. The decision of the Town Council will be final and binding.

### **Use of Chemical Sprays and Fertilisers**

The Town Council encourages chemical free, organic cultivation methods. However, where Tenants use pesticides or fertilisers on their plot they must:

- a. Only use domestic grade pesticides;

- b. Take all reasonable care to ensure that other plots, pathways, hedges and trees are not adversely affected;
- c. Select and use pesticides so that there is minimal risk to members of the public, birds and other wildlife, with the exception of vermin or pests;
- d. Comply at all times with current pesticide regulations. Tenants are advised to refer to the Health and Safety Executive database to ensure that specific products may be lawfully used.

Storage of pesticides and other potentially toxic chemicals on allotment plots or in sheds is not permitted.

### **Subletting**

Subletting of the plot is not permitted without the written permission of the Town Council.

### **Water**

Where water is provided on site it is solely for the use of watering crops. Attachment to the water points for automatic continuous watering, sprinklers or drip feed systems is not permitted. Tenants should ensure that water is not left running unattended.

### **Parking**

Where a parking facility is provided, it should be used. Parking in prohibited areas may lead to the termination of the Tenancy Agreement by the Town Council.

## **5. Buildings and Structures**

No building or structure may be erected on the allotment without the written consent of the Town Council. Buildings/structures must conform to any relevant planning conditions laid out by Cornwall Council and specifications of conformity as determined by the Town Council.

All buildings erected with the consent of the Town Council must be maintained in a good state of repair and should only be used in connection with the use and management of the allotment plot. Residential use or sleeping is not permitted

When a tenancy agreement is terminated, the Tenant will be required to remove all buildings and structures from the plot before it is reallocated.

## **6. Town Council Responsibilities**

The Town Council will promote best practice on all allotment sites and encourage sustainable environmental management.

### **Site Management**

The Town Council will seek to ensure the sites are accessible and usable for all allotment tenants.

The Town Council will undertake regular site inspections and reserves the right to access any plot to undertake inspections. Weekly site inspections will include checking the condition of paths, gates, site boundaries and identify any other issues that need resolving.

Plots will be inspected at regular intervals to ensure they are in active use and being cultivated.

Allotment tenants should report any site problems to the Town Council .

## **7. Termination of Allotment Tenancy Agreements**

### **Cancellation by the Tenant**

Tenants wishing to cancel their Tenancy Agreement should do so in writing to the Town Council. The Town Council will not refund any rent paid in that year where the cancellation is at the request of the tenant.

### **Cancellation by the Town Council:**

The Town Council has the right to terminate the tenancy agreement where the Tenant is in breach of the allotment rules as agreed by the Tenant when signing the Tenancy Agreement.

### **Enforcement**

The following enforcement procedure will apply:

1. Informal warning – Tenants who fail to comply with their tenancy agreement will be contacted in writing and requested to address the issues of non-compliance within one calendar month.
2. Formal warning – Tenants who fail to respond to an informal warning within one calendar month will be issued with a formal written warning.
3. Notice to quit – Tenants who fail to respond to a formal warning within one calendar month will be given notice to quit.
4. Where a Tenant has been given notice to quit and fails to vacate the allotment, the Town Council is entitled to take possession of the plot and exclude the Tenant.

### **Power to Evict**

In the event of a serious breach of the Tenancy Agreement or where the Tenant becomes bankrupt or compounds with their creditors, the Town Council reserves the right to serve immediate notice to quit.

### **Non payment of charges**

The Council reserves the right to terminate the Tenancy Agreement giving one month's written notice to quit where the allotment rent is in arrears for 40 days or more.

### **Breach of residential conditions**

If it appears to the Town Council that the Tenant, not less than three months after the commencement of the tenancy, is resident more than one mile outside of the Town Boundary, the Town Council may give the Tenant a month's written notice terminating the Tenancy. <sup>1</sup>

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<sup>1</sup> s.30(2), 1908 Act as amended by s.23, 1922 Act

### **Death of a Tenant**

The tenancy of the allotment shall terminate upon the death of the tenant. Next of kin will be given adequate time to remove personal possessions and produce from the plot. Unless otherwise agreed in writing, the tenancy will terminate two months after the death of the tenant.

The plot will be returned to the possession of the Town Council in the interim period until a new tenant is assigned.

### **Return of land**

Where the land being used as Allotment Gardens is required for providing new services, the Town Council shall cancel Tenancy Agreements. In such circumstances the Town Council shall give Tenants 12 months written Notice to Quit expiring on or before 6 April or on or after 29 September in any year.<sup>2</sup>

### **8. Complaints**

All complaints should be directed to the Town Clerk. The Town Council Complaints Procedure can be found on the Town Council website.

### **9. Personal Data**

Allotment Tenants and residents who supply their personal data to be added to the Allotment Waiting List should refer to the Privacy Notice on the Town Council website for details on how we use your data.

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<sup>2</sup> s.1(1)(a), 1922 Act as amended by s.1,1950 Act

## Appendix 1: Definitions

### *Saltash Town Council:*

includes any committee of the Town Council and/or any Officer of the Town Council appointed under the Allotments Acts 1908 and 1950.

### *Allotment garden:*

a piece of land not exceeding 250 square metres although there is no set standard size.

### *Allotment Tenant:*

a person over the age of 18 who resides within the Saltash Town boundary and has entered into a Tenancy Agreement for an allotment on one of the Town Council sites.

### *Allotment Tenancy Agreement:*

the legal document signed by the Tenant and Saltash Town Council when renting an allotment.

### *Allotment Rent:*

the annual charge for renting an allotment from the Town Council.

### *Cultivation:*

actively growing plants or with a plot ready to accept crops during the main growing season on **not less than 50% of the total plot area.**

### *Non-cultivation Notice:*

a formal notice issued by the Town Council notifying the Tenant of the requirement to commence cultivation of face further action that might lead to the termination of the Allotment Tenancy Agreement.



## **Appendix 2: Relevant Legislation**

The Legislation relating to allotments

### **Small Holdings and Allotments Act 1908**

Consolidated all previous legislation and laid down basis for all subsequent legislation.

Placed a duty on local authorities to provide sufficient allotments, according to demand.

Made a provision for local authorities to purchase compulsory land to provide allotments. Established the framework for the modern allotments system.

### **Land Settlement Facilities Act 1919**

This Act was mainly to assist returning servicemen and opened up allotments to all, not just 'the labouring population'. Made metropolitan borough councils allotment authorities for the first time.

### **Allotments Act 1922**

This Act was established to provide allotment tenants with some security of tenure. It also provided tenants with greater compensation at the termination of their tenancy and limited the size of an allotment to one-quarter of an acre, specifying that it should be used mostly for growing fruit and vegetables.

### **Allotments Act 1925**

Required local authorities to recognise the need for allotments in any town planning development. Established 'statutory' allotments which a local authority could not sell or convert to other purposes without Ministerial consent. This Act was intended to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure for tenants.

### **Allotments Act 1950**

This included:

- the amendment of the provisions relating to rents that may be charged for allotments;
- the extension of period of notice to quite to 12 months for allotment gardens;
- compensation payable to plot holder at whatever season of the year a tenancy terminates;
- making plot holders who have allowed their plot to deteriorate through neglect liable to pay compensation on quitting; and
- allowance of certain forms of livestock (hens and rabbits) to be kept although this can be, in some cases, restricted by local by-laws\*.

**\*NOTE: Saltash Town Council does not permit any form of livestock on allotment plots.**

**Other legislation:**

The Local Government Act 1972 amended the allotments legislation in a number of matters of detail, for example, removing the requirement upon local authorities to establish allotments committees (contained in Section 12 of the Allotments Act 1925).

Other Acts which have impacted upon allotments include the Town and Councilry Planning Act 1990, the Local Government Planning and Land act 1980 and the Acquisition of Land Act 1981.

DRAFT

Policy Group: General

# Communications Policy

RESPONSIBLE COMMITTEE: P&F

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

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Current Document Status			
Version	2023	Approved by	ATM
Date	May 2023	Date	04.05.2023
Responsible Officer	AJT	Minute no.	65/23/24c(iii)
Next review date	Annual or as required		

Version History					
Date	Version	Author/ editor	Committee/ date	Minute no.	Notes
01/2021	1 DRAFT	AJT			New policy.
03/2021	1.1	AJT	P&F 09.03.2021	173/20/21c	New policy – deferred to next FTC.
05/2021	1.1	AJT	ATM 20.05.2021	46/21/22c(iii)	Adopted
05/2022	2022	AJT	ATM 05.05.2022	54/22/23b(iii)	Readopted.
05/2023	2023	AJT	ATM 04.05.2023	65/23/24c(iii)	Readopted.
08/2023	2023 v2	AJT			Updated section E1.

Document Retention Period
Until superseded

## SALTASH TOWN COUNCIL COMMUNICATIONS POLICY

### Aims

- To set out how we will communicate with staff, Members, partners, local residents and the media.
- To ensure all communications are consistent and co-ordinated across all channels.
- To develop excellent, innovative and cost-effective communications to increase awareness of the Town Council's services and achievements and improve the reputation of the Town Council.
- To promote high quality customer service and ensure that everyone in the Town Council understands their role in delivering this.

### Outcomes

All communications issued by the Saltash Town Council will be:

- **Open and honest** – direct, truthful and factual
- **Timely** – up to date information communicated regularly, consistently and quickly
- **Clear and concise** – Plain English and jargon free – easily understood by all sectors of the community
- **Accessible** – easy to access through appropriate media / channels and in mixed format
- **Relevant** – targeted at the needs of the intended audience, appropriate information, informative and useful
- **Inclusive** – face to face communications wherever possible, designed to encourage and value discussion and feedback. Information available in suitable formats

### Scope

This policy covers all types of communications received by and issued by the Town Council, its Officers and elected Members and includes:

- Verbal
- Written
- Email
- Social media
- All correspondence issued by Town Council Officers and staff
- All correspondence issued by Town Councillors

The Town Council will not consider any anonymous correspondence where the author cannot be identified or abusive or aggressive communications<sup>1</sup>.

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<sup>1</sup> Zero Tolerance Policy; Unreasonable Persistent Complaints Policy

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

Saltash Town Council is registered with the Information Commissioner's Office (ICO) as a Data Controller. Town Council Officers, staff and Town Council Members are Data Processors and have a responsibility to maintain records and process data in accordance with the current General Data Protection Regulations. Breaches of the regulations may lead to the Town Council being subject to investigation by the ICO, a potential fine and loss of reputation. Anyone – Town Council Officers, staff and Town Council Members – should also remember that correspondence issued may be subject to release under a Freedom of Information request.

### **Members:**

Members are reminded that the Code of Conduct applies to all forms of communications – verbal, written (including social media) and should be adhered to at all times.

### **A. Town Council Correspondence**

1. The point of contact for the Town Council is the Town Clerk or the Officer delegated to the relevant role or task.
2. No individual Town Councillor or Officer should be the sole custodian of any correspondence or information in the name of the Town Council, a committee, sub-committee or working party. Town Councillors and Officers do not have a right to obtain confidential information/documentation unless they can demonstrate a 'need to know' in order to carry out their role on behalf of the Town Council.
3. All official communications should be sent in the name of the Town Council using Town Council letter headed paper and signed by the Town Clerk or, where another Town Council officer is signing, with the approval of a Line Manager or from an approved Town Council email address.
4. All official communications issued by the office of the Mayor or other nominated member must be authorised by Town Council or relevant committee in advance. The Town Clerk or Assistant Town Clerk will be responsible for authorising all official communications prior to release.
5. All correspondence issued by Town Councillors where tasks are delegated by the Town Council must be copied to the Town Clerk or Officer delegated to the relevant role or task.
6. Where correspondence is copied to persons other than the addressee, the addressee should be made aware that a copy is being forwarded to that other person (e.g. copy to XX) but data protection rules should be observed.
7. All communications should be compliant with the relevant data protection legislation, the Town Council's code of conduct, respect confidentiality and any other relevant Town Council policies in place at the time.

8. A copy of correspondence with Unitary Authority Town Councillors will be sent to Ward Town Councillors<sup>2</sup>.

**B. Agenda Items for Town Council, Committees, Sub-Committees and Working Parties**

1. The agenda should be clear and concise. It should contain sufficient information to enable Town Councillors to make an informed decision, and for the public to understand what matters are being considered and what decisions are to be taken at a meeting.
2. Items for information will be circulated with the agenda and papers for the meeting and will be kept to a minimum.
3. Where a Town Councillor wishes to circulate matters for “information only”, this information will be circulated via the Town Clerk’s office, and circulated to all Town Councillors.
4. Motions for an agenda will be submitted to the Proper Officer in writing following the procedure laid out in Standing Orders.<sup>3</sup>
5. The Policy for Receiving Public Questions at Meetings will be followed where these are received.
6. Discussion and decision making should only take place by email or Survey Poll where it is used in exceptional circumstances under a scheme of delegation and in accordance with standing orders.

**C. Communications with the Press and Public**

1. The Town Clerk, or Assistant Town Clerk will clear all press releases, or comments to the media, with the Town Mayor<sup>4</sup> or the Chair of the relevant committee as appropriate.
2. Press releases from the Town Council, its committees or working parties should be from the Town Clerk or an officer delegated to the task or via the reporter’s own attendance at a meeting.
3. All articles for the Town Messenger will be checked and approved by the Assistant Town Clerk or delegated Officer prior to publication.
4. Requests from the press/media for comments or statements should be sent to the Town Clerk’s office<sup>5</sup>.

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<sup>2</sup> Standing Order 26b

<sup>3</sup> Standing Order 10

<sup>4</sup> Mayor’s Protocol Guide p9

<sup>5</sup> Standing Order 24

5. Unless a Town Councillor has been authorised by the Town Council to speak to the media on an issue, Town Councillors who are asked for comment by the press should make it clear that it is a personal view and ask that it be clearly reported as their personal view. The Mayor is the normal authorised spokesperson for the Town Council<sup>6</sup>.
6. When representing the Town Council at a “Meet your Town Councillors” event Town Councillors should follow GDPR and data protection guidance, the Code of Conduct and relevant sections of this policy.
7. Unless a Town Councillor is certain that they are reporting the view of the Town Council, they must make it clear to members of the public that they are expressing a personal view.
8. If Town Councillors receive a complaint from a member of the public, this should be passed immediately to the Town Clerk who will process it under the Customer Feedback Policy<sup>7</sup>.
9. Designated staff are authorised to promote the work of the Town Council on social media platforms, the website and noticeboards but operate strictly in accordance with the approved Social Media policy<sup>8</sup> of the Town Council.
10. In making public comments, Town Councillors must respect decisions made by a majority vote and abide at all times to the Code of Conduct<sup>9</sup>.
11. The Town Council may undertake consultations with residents from time to time. Where possible and practicable there will be multiple means of participation to ensure all consultees are contacted and able to respond, particularly taking account of difficult to reach groups.

#### **D. Town Councillor Correspondence to external parties**

1. Individual Town Councillors are responsible for their own ward member correspondence. The Town Council does not provide administrative support for such purpose. Town Councillors must ensure they make clear where they are informing on official policy and where they are stating their personal views.
2. When using a Town Council email account, Town Councillors must always reflect the view of the Town Council.
3. Correspondence (including emails) sent in relation to Town Council business where a Town Councillor has been delegated to a task, should be openly copied to the Town Clerk or officer responsible for the task.
4. Town Councillors should be aware that all emails sent and received from their STC email account may be subject to release under FOI legislation.

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<sup>6</sup> Mayor's Protocol Guide p9

<sup>7</sup> Customer Feedback Policy p3

<sup>8</sup> Social Media Policy

<sup>9</sup> Code of Conduct Part 2, General Obligations



## E. Communications with Town Council Staff<sup>10</sup>

1. It is unlawful for Members to instruct members of staff. Town Councillors must not give instructions to any member of staff<sup>11</sup>, unless authorised to do so through the Town Council's decision-making process and with their line manager's agreement.
2. No individual Town Councillor, regardless of whether or not they are the Town Mayor or the Chair of a committee or other meeting, may give instructions to the Town Clerk or to another employee which are inconsistent or conflict with Town Council decisions or arrangements for delegated power.
3. Telephone calls should be appropriate to the work of the Town Council.
4. Instant replies should not be expected to e-mails to the Town Clerk or other members of staff; reasons for urgency should be clearly stated.
5. Town Councillors should acknowledge their e-mails when requested to do so.
6. For meetings with the Town Clerk or other Officers an appointment should be made wherever possible, meetings should be relevant to the work of that Officer and Town Councillors should be clear that the matter is legitimate Town Council business and not matters driven by personal or political agendas.

### Summary

Saltash Town Council is committed to effective communications to ensure the Town Council's operations, priorities, objectives, values, ambitions and challenges are better understood by all our audiences - both internal and external.

<sup>10</sup> Protocol for Officer Member Relations ; Standing Orders

<sup>11</sup> Standing Order 27a(ii)

Deleted: Staff Members Relations Policy

DRAFT

# Protocol for Member Officer Relations

RESPONSIBLE COMMITTEE: PERSONNEL

<b>Current Document Status</b>			
<b>Version</b>	1/2023	<b>Approved by</b>	ATM
<b>Date</b>	July 2022	<b>Date</b>	04.05.2023
<b>Responsible Officer</b>	AJT	<b>Minute no.</b>	65/23/24a(vi)
<b>Next review date</b>	Annual or as required		

<b>Version History</b>					
<b>Date</b>	<b>Version</b>	<b>Author/ editor</b>	<b>Committee/ date</b>	<b>Minute no.</b>	<b>Notes</b>
03/2012	1	AK	FTC 05.04.2012	09/12/13	Adopted (Rec from Staffing Cttee 20.03.2012)
09/2019	2	AJT	Personnel 24.09.2019	38/19/20d	Updated reflecting new line management structure
04/2021	2/2021	AJT	ATM 20.05.2021	46/21/22a(vi)	Reviewed for reapproval – new Town Council
05/2022	2/2022	AJT	ATM 05.05.2022	54/22/23a(vi)	Readopted
07/2022	3/2022	AJT	FTC 04.08.2022	151/22/23d	Review & redraft of policy/protocol. Approved.
05/2023	2023	AJT	ATM 04.05.2023	65/23/24a(vi)	Readopted
08/2023	2023 v2	AJT			10.1 amended

<b>Document Retention Period</b>
Until superseded

# Protocol for Member/Officer Relations

## 1. Introduction

The purpose of this protocol is to guide Members and Officers of the Town Council in their relations with one another. A strong, constructive and trusting relationship between Members and Officers is essential to ensure the effective and efficient working of the Town Council.

The individual roles of Members and Officers can be summarized as follows:

Both Members of the Town Council and Officers serve the public and are essential to one another but their responsibilities and roles are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Town Council. They give advice to the Members and the Town Council and carry out the Town Council's work under the direction of the Town Council and the relevant committees.

Following this protocol should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

## 2. Principles underlying the protocol

The provisions of this protocol seeks to reflect the principles underlying the Members' Code of Conduct, the Employee Handbook and the Town Council's adopted policies, procedures and processes.<sup>1</sup> The shared object of the Code of Conduct and other documents, policies and procedures is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct.

Principles:

- Selflessness – serving only the public interest.
- Honesty and integrity – not allowing these to be questioned; not behaving improperly.
- Objectivity – taking decisions on merit.
- Accountability – to the public; being open to scrutiny.
- Openness – giving reasons for decisions.
- Personal judgement – reaching one's own conclusions and acting accordingly.

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<sup>1</sup> Employees are also directed to their contract of employment, job description, the Green Book and policies relevant to their employment. They may also wish to consult their Line Manager or take advice from their union or professional association.

- Respect for others – promoting equality; avoiding discrimination; respecting others (Member/Member as well as Member/Officer and Officer/Officer) and not denigrating their work in public or making unsubstantiated allegations against any individual connected with the Town Council.
- Duty to uphold the law – not acting unlawfully.
- Stewardship – ensuring the prudent use of the Town Council’s resources.
- Leadership – acting in a way that has public confidence.

### 3. Roles

#### 3.1. Members

3.1.1. Members have four main areas of responsibility:

- To determine Town Council policy and provide community leadership;
- To monitor and review Town Council performance in delivering services;
- To represent the Town Council externally; and
- To act as advocates for their constituents.
- **In addition, all Members of the Town Council should be aware of and adhere to their responsibilities as Corporate Employers.** When Members join the Town Council guidance is provided and Members of the Personnel Committee are required to undertake additional training.<sup>2</sup>

3.1.2. All Members have the same rights and obligations in their relationship with the Town Clerk and other employees, regardless of their status and should be treated equally.

#### 3.2. Chairmen and Vice Chairmen of Committees

It is clearly important that there should be a close working relationship between Chairmen and Vice-Chairmen of Committees and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members. Officers should never be asked to do anything which may prejudice their impartiality.

#### 3.3. Officers

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<sup>2</sup> NALC Being a Good Employer

The following key principles reflect the way in which Officers generally relate to Members:

- Officers are employed by, and accountable to, the Town Council as a whole;
- Officers are impartial;
- Officers are responsible for operational delivery of all of the Town Council's functions including support to all Town Council Committees;
- Day to day managerial and operational decisions remain the responsibility of the Town Clerk and Line Managers.

## 4. Expectations

### 4.1. Members can expect:

- A commitment from Officers to the Town Council as a whole, not to any individual Member or group of Members;
- A working partnership<sup>3</sup>;
- That Officers understand and support respective roles, workloads and pressures;
- Respond to enquiries and complaints in accordance with the Town Council's standards;
- Professional, impartial advice and information, not influenced by political views or personal preferences;
- Regular, up to date information on appropriate and relevant matters, having regard to individual responsibilities or positions held;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- Not to have personal issues raised with them by Officers outside the Town Council's agreed procedures;
- That Officers will not use their contact with Members to advance their personal interests or to influence decisions improperly;
- That Officers at all times will comply with relevant policies and procedures;
- If representing the Town Council on an outside body, to be required to provide update reports in a timely manner with an appropriate level of detail.

### 4.2. Officers can expect from Members:

- A working partnership and to be treated in a professional manner;

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<sup>3</sup> Members may find the following publication helpful: LGA Effective Member Officer Relations

- An understanding of, and support for, respective roles, workloads and pressures;
- Timely responses to emails and/or telephone calls;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That Members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- That Members will at all times abide by the Nolan Principles and with the Town Council's adopted Code of Conduct, policies and procedures.

## 5. Meetings

The interaction between Members and Officers at meetings of the Town Council and Committees should reflect the formality of the situation.

Any Officer carrying out a statutory role has specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Town Council. Where an Officer is discharging their responsibilities under any statutory office a Member/Members shall not:

- Improperly interfere with or obstruct the Officer in exercising those responsibilities;
- Victimize any Officer who is discharging or has discharged their responsibilities of the Statutory Office.

Members and Officers may attend all formal meetings for the consideration of Part I (i.e. non-confidential) items, as may any member of the public. When a body is considering Part II information (i.e. exempt from publication under Access to Information legislation), Members and Officers do not have an automatic right of attendance.

## 6. Members' Access to information and Town Council documents

- 6.1. Members are free to approach the Town Clerk to provide them with such information, explanation and advice, as they may reasonably need in order to assist them in discharging their role as Members of the Town Council. This can range from a request for general information about some aspect of the Town Council's activities to a request for specific information on behalf of a constituent.
- 6.2. As regards the legal rights of Members to inspect Town Council documents, these are covered partly by statute and partly by the common law.

- 6.3. Members have a statutory right to inspect any Town Council document that contains material relating to any business which is to be transacted at a Town Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Examples are documents that contain exempt information relating to employees, occupiers of Town Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 6.4. The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Town Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Town Council. This principle is commonly referred to as the “need to know” principle.
- 6.5. The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that they has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Town Council. Mere curiosity is not sufficient.
- 6.6. In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 6.7. Whilst the term “Town Council document” is very broad and includes, for example, any document produced with Town Council resources, it is accepted by convention that a Member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 6.8. Finally, any Town Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Town Council.
- 6.9. The Code of Conduct states that a Member must not disclose confidential information or information which he or she believes to be of a confidential nature, except in some specific circumstances as detailed in the Code.
- 6.10. For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.



## 7. Correspondence

- 7.1. Correspondence between an individual Member and an Officer should not normally be copied by the Officer (or the Member) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be done in a transparent manner with the original Member clearly informed. The system of silent copies (bcc) should not be used. Members and Officers should note that all correspondence may be subject to disclosure under the Freedom of Information Act 2000 or UK GDPR.
- 7.2. Official correspondence, by email or any other means, on behalf of the Town Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It shall, be appropriate in certain circumstances for correspondence to appear in the name of the Chairman of the Town Council or a Committee Chairman. Correspondence which, for example, creates legal obligations or gives instruction on behalf of the Town Council should never be sent out in the name of a Member.

## 8. Press and Social Media Comments, Press Releases and Local Publicity

- 8.1. Members and Officers are reminded to follow the procedure for communicating with the press in the Communications Policy.
- 8.2. Any press or media release that may be necessary to clarify the Town Council's position should be cleared by the Town Clerk or their nominated deputy in consultation with the Mayor or Chairman of the relevant committee.
- 8.3. On no account must an Officer expressly or implicitly make any political opinion, comment or statement.
- 8.4. Particular care should be taken with publicity/media comments/press releases around the time of an election and more so during the heightened period of sensitivity during the pre-election period known as Purdah. Advice will be available from CALC and the Monitoring Officer where appropriate.

## 9. Use of Town Council resources

The Code of Conduct states that a Member must, when using or authorizing the use of the resources of the Town Council, act in accordance with the Town Council's requirements. Support from Officers can only lawfully be provided where this is to assist the Member in discharging their role on Town Council business and should never be used in connection with political or other campaigning activity or for private purposes. The use of computers (or other IT devices) provided to Members of the Town Council is governed by the policies and procedures adopted by the Town Council, including the IT Acceptable Use Policy.

## 10. General guidelines

- 10.1. It is accepted that Members may wish to call on Officers to discuss various issues. However, it should be noted that Officers may have significant workloads and deadlines to meet. Any discussions likely to take more than five minutes should be by appointment except where urgent and unforeseen. It is unlawful for Members to instruct members of staff. All requests for tasks to be undertaken must be submitted through the Line Managers.
- 10.2. Equally, Officers should only contact Members by telephone or email where necessary and should avoid circulating superfluous information.
- 10.3. All matters relating to particular committees should be copied to the Chairman of the Committee. Requests for agenda items should be submitted to both the Chairman and the Town Clerk.
- 10.4. Close personal relationships between Members and Officers can confuse their separate roles and get in the way of the proper conduct of Town Council business, not least by creating a perception that a particular Member or Officer is getting preferential treatment.

## 11. If things go wrong

From time to time the relationship between Members and Officers may break down or become strained. Whilst it is always preferable to resolve matters informally, if appropriate through conciliation by an appropriate third party, the law requires all employers to have disciplinary and grievance procedures. The Town Council will maintain and regularly review separate disciplinary and grievance procedures and ensure they comply with good practice.

The Chairman of the Town Council should not attempt to deal with grievances or work related performance or line management issues. The Town Council has delegated authority on employment/human resources matters to the Personnel Committee.

Members and Officers should never personally criticise or undermine respect for the other in any public or external forum. This damages working relationships and has an adverse impact on the public image of the Town Council. Whilst Members have the right to criticise reports, advice or recommendations put before them at meetings, they should not address their criticism to the conduct or capabilities of individual Officers. Officers have no means of responding to such criticism in public.

Procedure for Members:

A Member who is dissatisfied with the conduct, behaviour or performance of an Officer should raise the matter with the Town Clerk or the Chairman of the Personnel Committee if the Officer is the Town Clerk in the first instance. If it is not possible to resolve the matter informally, it may be necessary to invoke the Town Council's disciplinary procedure.

Members should at all times:

- Avoid personal attacks on, or abuse of the Officer at all times;
- Ensure that any criticism is well founded and constructive;
- Ensure that any criticism is made in private.

Procedure for Officers:

The Town Council's adopted grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way. Where possible informal resolution should be sought via the procedure outlined in the Employee Handbook.

Where there is a potential breach of the Members' Code of Conduct:

Officers are advised to contact the Cornwall Town Council Monitoring Officer and request that an investigation is carried out in line with the Code of Conduct adopted under the Localism Act 2011. They may also wish to seek advice from their union or professional organisation.

Any questions about this protocol should be addressed in the first instance to the Town Clerk.

**Recommended reading for Members of the Town Council:**

NALC Being a Good Employer

Local Government Association Town Councillor Workbook: Effective Member and Officer Relations

## Saltash Town Council Standing Orders:

### 27. Restrictions on Councillor activities

- a. Unless authorised by a resolution, no Councillor shall:
  - i. inspect any land and/or premises which the Town Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions - it is unlawful for Members to instruct members of staff. All requests for tasks to be undertaken must be submitted through the Line Managers.;
  - iii. issue any order respecting any works which are being carried out by or on behalf of the Town Council;
  - iv. incur any expenditure on behalf of the Town Council or issue an instruction to incur expenditure.