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## **TADLEY TOWN COUNCIL POLICY DOCUMENT**

### **INDEX**

#### Section 1: Items of General Policy

- 1.1 Review of Policy Document
- 1.2 Communications with Councillors Representing Tadley on the County and District Councils
- 1.3 Council and Committee Meetings
- 1.4 Duties of the Chairman
- 1.5 Public Participation
- 1.6 Statements to the Media
- 1.7 Urgent Business
- 1.8 Councillors on External Committees
- 1.9 Town Council Email

#### Section 2: Finance & General Purposes Committee

- 2.1 Annual Budget
  - 2.1.1 Capital Expenditure
- 2.2 Delegated Powers
  - 2.2.1 Neighbourhood Watch
  - 2.2.2 British Legion Annual Poppy Day Appeal
  - 2.2.3 Action in Event of Death of a Member of the Royal Family/Prominent Personage
  - 2.2.4 Action in The Event of the Celebration of a 100th Birthday by a Resident of Tadley
  - 2.2.5 Office Closure Over Christmas/New Year
  - 2.2.6 No Cold Calling Zones
- 2.3 Grants and Donations
  - 2.3.1 Hurst School Year Prize
- 2.4 Health & Safety Policy
- 2.5 Insurance
- 2.6 Newsletter
- 2.7 Annual Report
- 2.8 Notice Boards
- 2.9 Dogs
- 2.10 Solicitors
- 2.11 Good Citizens Awards
- 2.12 Disposals Policy
- 2.13 Councillors' Notification Under the Data Protection Act 2018
- 2.14 Debit Card
- 2.15 First Aid Obligations
- 2.16 Councillor Surgeries
- 2.17 Transparency

#### Section 3: Recreation & Leisure Committee

- 3.1 Sport, Recreation and Amenity Areas
  - 3.1.1 Criteria
  - 3.1.2 Shortfall
- 3.2 Children's Play Areas

- 3.2.1 Provision of Play Areas
- 3.2.2 Inspection of Play Areas
- 3.3 Requests to Purchase Open Spaces
- 3.4 Encroachments
- 3.5 Management of Events
- 3.6 Use of Land

#### Section 4: Highways & Planning Committee

- 4.1 Bus Shelters
- 4.2 Street Furniture
- 4.3 Flooding
- 4.4 Highways
- 4.5 Planning
  - 4.5.1 Tadley Design Statement
  - 4.5.2 Densities
  - 4.5.3 Elevations and Materials
  - 4.5.4 Extensions
  - 4.5.5 General
  - 4.5.6 Parking
  - 4.5.7 Shops, Offices and Commercial
  - 4.5.8 Roads and Footways
  - 4.5.9 Environment
  - 4.5.10 Infrastructure
  - 4.5.11 Housing Policy for the Disabled
- 4.6 Street Lighting
- 4.7 Traffic Management
- 4.8 Recycling of Waste
- 4.9 Rights of Way
- 4.10 Litter
- 4.11 Naming of Streets & Developments
- 4.12 Tree Policy

#### Section 5: Burials Committee

- 5.1. Burial Ground
- 5.2. Cemetery
  - 5.2.1 Seats
  - 5.2.2 Trees
  - 5.2.3 Grave Plots
  - 5.2.4 Memorials
  - 5.2.5 Burial of Residents
  - 5.2.6 Burial of Non-Residents

#### Section 6: Personnel Committee

- 6.1 Staff
  - 6.1.1 Appointments
  - 6.1.2 Salaries
  - 6.1.3 Compassionate Leave
- 6.2 Manual Work
  - 6.2.1 By Manual Assistants
  - 6.2.2 Contracted Out
- 6.3 Staff Costs of Events

Appendix  
Health and Safety at Work Policy

5/3/20

Mobile Phone Policy  
Full Burials Procedure Chart  
Complaints Procedures  
Freedom of Information Publication Scheme  
Recruitment of Ex-Offenders Policy  
Secure storage, handling, use, retention & disposal of disclosures and disclosure information policy  
Social Media Policy  
Training Policy  
Website Policy  
Promoting Local Democracy and Citizenship  
Communication and Community Engagement Strategy  
Reporting at Meetings Policy  
Locum Clerk Procedure  
Equality and Diversity Policy  
Grants Policy  
Annual Leave Policy  
Sickness Absence Policy  
Disciplinary Policy  
Grievance Policy  
Information & Data Protection Policy  
Retention and Disposal Policy  
The Management of Transferable Data Policy  
Email Contact Privacy Notice  
Online Meeting Policy

## **SECTION 1: ITEMS OF GENERAL POLICY**

### **1.1 REVIEW OF POLICY DOCUMENT**

At the February Finance & General Purposes Committee meeting this policy document will be reviewed, amended and updated.

### **1.2 COMMUNICATIONS WITH COUNCILLORS REPRESENTING TADLEY ON THE COUNTY AND DISTRICT COUNCILS**

All Council and Committee Agendas together with all non-confidential papers attached will be sent to the Borough and County Councillors representing the Town.

Copies of correspondence sent to Basingstoke and Deane Borough Council (BDBC) and Hampshire County Council (HCC) will be sent to the Borough and County Councillors when the Town Council requires assistance.

Where County or Borough Councillors are clearly interested in or able to assist on any matter relating to the Town Council's agenda, then papers and/or correspondence will be copied and forwarded to them.

Other correspondence will be copied to the Borough and County Councillors at the discretion of the Town Clerk.

Correspondence from members of the public will be forwarded to BDBC and HCC Councillors where appropriate with the permission of the sender.

### **1.3 COUNCIL AND COMMITTEE MEETINGS**

The Council will decide towards the end of the year the timetable of meetings for the subsequent year. The timetable is based on a two-monthly cycle, apart from Highways & Planning which is monthly. The Calendar of meetings will be published in the Tadley Town Council (TTC) Newsletter and website.

The Council adopts a "NO SMOKING" POLICY at all its meetings

The Council requests that all attendees at meetings either switch their mobile phones off or ensure their phones are in silent mode. Use of tablets are permitted at meetings solely for the council business under discussion.

#### **1.4 DUTIES OF THE CHAIRMAN**

The Chairman will

- a. In his/her dealings with the public, press or as a representative of the Council, at any public meeting or public function, act to uphold the good name of the Council.
- b. Be prepared to subjugate his/her personal views on any matter in favour of the view of the Members of the Council where the Members of the Council have previously RESOLVED its view on any matter.
- c. Where the Chairman of the Council is invited to act as a representative of the Council at any public meeting or public function, he/she will endeavour to attend (*subject to Notes 1 & 2 below*).  
If for any personal reason, he/she is unable to attend he/she will invite the Vice-Chairman to attend in his/her place.

If neither can attend, the invitation will be offered to other Councillors. If no other Councillors can attend the Chairman/Clerk will respond with a written apology.

#### **NOTES**

1. *Public Meetings or Public Functions will exclude any meeting or function called in pursuance of, or endorsement of, any Party-Political View or Philosophy.*
2. *The Chairman should consider whether in the absence of any RESOLUTION by the Council he/she should discuss with the Vice-Chairman and the Clerk, any invitation to attend any public meeting or public function, if he/she considers that attendance would be seen as an endorsement of any current, socially divisive issue or whether the invitation could cause potential embarrassment to the Council if accepted*

#### **1.5 PUBLIC PARTICIPATION**

An Open Forum session, of not more than 15 minutes, will take place, if required, following the approval of the Minutes of the previous meeting at all Council meetings. Members of the public and Councillors who have declared an interest in an item, are invited to speak, or comment, on any matters affecting the Town, ask questions which the Chairman of the Council and/or the appropriate committee chairman or the Town Clerk will answer.

Other Councillors may contribute through the Chair.

Where a member of the public, in open session, raises an issue directly affecting any individual Councillor, or where an individual Councillor is referred to by name or inference, then that Councillor will have the right to comment or reply. The reply will be limited to 3 minutes and will not be deducted from the Open Forum clock.

#### **1.6 STATEMENTS TO THE MEDIA**

Official statements to the media on behalf of TTC, based on fact and/or TTC policy will be made only by the Chairman of Council (or the Vice-Chairman in his/her absence/inability to speak) or the Town Clerk.

## **1.7 URGENT BUSINESS**

Where any matter is determined by the Chairman of the Council or relevant Committee (after consultation with the Clerk) to be so urgent that a decision cannot await the next scheduled meeting of the Council or relevant Committee, that matter will normally be discharged by calling an extraordinary meeting of the Council or relevant Committee.

Very exceptionally, the time scale for action on an urgent matter is too short to provide the requisite notice for an extraordinary meeting.

In such cases, the Chairman\* of Council and the Chairmen\* of Committees (Finance & General Purposes, Highways & Planning, Recreation and Leisure, Personnel and Burials) – the Emergency Powers Group, will meet and determine the matter on behalf of the Council. The Clerk will attend. A record shall be kept of the agreement of the Chairman and the decision shall be reported, as soon as practicably possible to the members of the relevant Committees.

\* Where the Chairman of Council and/or any of the Committees is not available, the Vice-Chairman will be invited to attend.

A quorum for the Emergency Powers Group, will be the Chairman/Vice-Chairman of Council plus the Chairman/Vice-Chairman at least 2 of the 3 Committees.

## **1.8 COUNCILLORS ON EXTERNAL COMMITTEES**

Councillors appointed as representatives to outside bodies must make sure that they represent and maintain the Council's interest. However, when acting as a board member/trustee they must act in the best interests of the board/trust. It is suggested they can do that more easily if they are just a Councillor rather than taking on an executive role such as Chairman, Vice Chairman or Treasurer. Copies of minutes or a brief report of meetings attended are to be circulated.

## **1.9 TOWN COUNCIL EMAIL**

Town Council email addresses are to be used for Town Council business only.

## **SECTION 2: FINANCE & GENERAL PURPOSES COMMITTEE**

Membership comprises: Chairman and Vice-Chairman of the Council and Chairmen of all other Standing Committees and other members, to total ten members.

The Committee will determine all financial and management matters within the Council's policy and make recommendations, on matters where there is no agreed policy, to the Council for decision.

### **2.1 ANNUAL BUDGET**

The Finance & General Purposes Committee will prepare a draft budget each year for approval by the Council to apply for its precept. The Collecting Authority requires the precept figures by January each year. Custom and practice would see this prepared by the middle of December. Bids for inclusion in the budget from other committees should be supplied to the Finance & General Purposes Committee with full details of the programme for implementation before the agenda for the relevant meeting is distributed.

Expenditure on items included in the approved budget will be resolved, subject to any currently agreed policy, if applicable, by the Committee to which those items relate. Expenditure on an item not included in the approved budget, or which falls outside any current policy of the Council, will be recommended to Full Council, together with an indication of where the money can be raised if required.

#### **2.1.1 CAPITAL EXPENDITURE**

Prior to capital expenditure being set aside in the budget all capital projects must be fully discussed at relevant committees, be fully costed and have detailed time scales. All capital projects must then be approved by Full Council.

## **2.2 DELEGATED POWERS**

### **2.2.1 NEIGHBOURHOOD WATCH**

It was resolved (134/96FC) to authorise the Clerk to pay grants, to a maximum of £30 upon production of a receipt for hall hire for initial meetings.

### **2.2.2 BRITISH LEGION ANNUAL POPPY DAY APPEAL**

It was resolved (152/96FC) to authorise the Clerk to purchase the annual Poppy Day Wreath without reference to Full Council.

### **2.2.3 ACTION IN EVENT OF DEATH OF A MEMBER OF THE ROYAL FAMILY/PROMINENT PERSONAGE**

In the event of the death of a member of the Royal Family or prominent personage, the Clerk will liaise with BDBC to ensure that any action to be taken is in accordance with protocol (138/98FC). To purchase flowers/photographs if appropriate (140/98FC).

### **2.2.4 ACTION IN THE EVENT OF THE CELEBRATION OF A 100<sup>th</sup> BIRTHDAY BY A RESIDENT OF TADLEY**

TTC will present a suitable gift and a birthday card to known Tadley residents celebrating a 100<sup>th</sup> birthday. These will be purchased by the Chairman/Clerk within a limit of £50 (To be reviewed periodically).

### **2.2.5 OFFICE CLOSURE OVER CHRISTMAS/NEW YEAR**

The offices of TTC will be closed to the public over the Christmas/New Year period from midday on 24 December, if that is a working day until 1 January inclusive each year. Staff wishing to work over the Christmas/New Year period may do so, by prior arrangement with the Town Clerk, as this will have the advantage of providing a skeleton service at this time.

### **2.2.6 NO COLD CALLING ZONES**

It was resolved (28/11 FGP) to authorise the Clerk to pay for a maximum of 10 signs per annum,

## **2.3 GRANTS AND DONATIONS**

All grant applications will be considered at the August and February meetings of the Finance & General Purposes Committee meeting after receipt. Grant applications are to be submitted on the standard form, copies of which are available from the clerk and on the Council's website.

Grants are usually only given to organisations benefiting persons living in the town. Grants are not given to commercial enterprises.

The Finance & General Purposes Committee, when considering grant applications, is empowered only to make recommendations to the Full Council for resolution.

When providing additional facilities in Tadley, the Council will, if appropriate, seek grants from other bodies, e.g.; BDBC,

Applicants for grants will be invited, to attend the meeting at which their application is to be discussed. Applicants present at a meeting of the Finance & General Purposes Committee would be asked to give background on the aims of the organisation, the purpose of the grant and to clarify any points.

Only where a request for grant is more than £200 will the applicant be required to submit full accounts. In the case of requests for less than £200, an income and expenditure statement, with opening and closing cash and at bank balances, will be required.

### **2.3.1 HURST SCHOOL YEAR PRIZE**

TTC will provide an annual award of £200 to the Hurst School, to be used by the School to provide a year prize to be given to a pupil in each year. The award will be based on 5 prizes, to be reviewed annually at the February meeting of the Finance & General Purposes Committee to ensure that the value of the grant is maintained

### **2.4 HEALTH & SAFETY POLICY**

The Council operates a Health & Safety Policy reflecting the requirements of the Health & Safety legislation. A copy of the Council's Health & Safety at Work Policy is attached as an Appendix to this Policy Document.

### **2.5 INSURANCE**

The Council's insurance cover is renewable each year on 7 July.

The Finance & General Purposes Committee will review the cover periodically, so that competitive quotes can be requested.

All potential claims are to be notified to the Clerk within 7 days of the occurrence of the event giving rise to the potential claim. The Clerk and Chairman of the council will determine whether to submit a claim or refer it to the Finance & General Purposes Committee for a decision.

All claims are to be submitted within insurance policy time limits, but in any case, within 28 days.

### **2.6 NEWSLETTER**

The Council will produce a regular newsletter up to 4 times a year for public distribution. The Clerk will request contributions from all Councillors and outside organisations. The subject matter of reports by Chairmen of Committees is a matter for the Full Council to determine. Items publicising the work of local voluntary organisations will be included, where space permits without incurring additional expenditure in production/distribution. The Clerk will produce a draft and circulate to all Councillors for comment/amendment. The amended draft version will be circulated to all Councillors for final approval. Once the draft is approved, the newsletter will be delivered to a printer and delivery will be made via the distribution network resolved by the Council. If there is insufficient copy to fill a newsletter, then with Councillors permission the newsletter will not be produced. Ideally though only once in any year.

### **2.7 ANNUAL REPORT**

The Town Council will produce an Annual Report as soon as the council's annual accounts have been audited. The Annual Report will incorporate a summary of the accounts and a report of the council's activities and achievements in the previous year.

### **2.8 NOTICE BOARDS**

The Town Council owns and maintains notice boards in Tadley. These are available to local organisations to publicise events and for other public information notices (at the discretion of the Clerk) in addition to the Town Council notices.

### **2.9 DOGS**

The Town Council pursues a policy of obtaining bye-laws on land which is an open space, a recreation or play area and public footpaths where dog fouling is a nuisance. Rigorous enforcement is also necessary.

The Town Council encourages the enforcement of the Dog-Fouling Act by Basingstoke & Deane Borough Council.

The Council will erect notices where it has the power to do so and it is appropriate.

## **2.10 SOLICITORS**

It is Council policy to retain a firm of solicitors to act for the Council. The advice of Hampshire Association of Local Councils and National Association of Local Councils (NALC) will be sought where appropriate.

## **2.11 GOOD CITIZENS AWARDS**

TTC believes that those residents who have worked hard and/or have made a significant contribution, in an unpaid capacity, in the community should be recognised. Awards can be made to people whose voluntary work benefits Tadley residents even if they do not live in the parish. Presentation of certificates to such residents will be made at a meeting of the Full Council, at the Annual Town Meeting or at any other appropriate location. A permanent record of those to whom Good Citizens' Awards have been presented is mounted in the Council Offices.

## **2.12 DISPOSALS POLICY**

The initial decision to declare any council asset to be obsolete/surplus to requirements will be made by Full Council/Finance & General Purposes Committee. However, where an item is deemed to be of zero value by Councillors, the Clerk and Chair of Finance & General Purposes can dispose of it in an appropriate manner.

Where it is anticipated that the item might realise >£100 it will be offered for sale on E-bay. Items expected to realise <£100 or those which fail to realise the e-bay reserve will be offered in the first instance for sale to councillors/staff. Approval to accept an offer from councillors/staff will be made by Full Council/Finance & General Purposes Committee. If an offer from a councillor/staff is not accepted, the item will be advertised on local notice boards and/or free ads.

The authority to accept offers received following local advertising will be delegated to Officers.

## **2.13 COUNCILLORS' NOTIFICATION UNDER THE DATA PROTECTION ACT 2018**

Councillors understand they are covered by the Town Council's registration if they process data on council business e.g. information in agendas, minutes, supporting documents, tenders, etc but not if they process data while carrying out work as an individual councillor, e.g. keeping a log of complaints from residents. Each individual Councillor needs to decide whether they should register or not, depending on their own personal working practices. Councillors must pay the £35 registration fee themselves.

## **2.14 CREDIT CARD**

The maximum expenditure limit on the credit card is £1000.

## **2.15 FIRST AID OBLIGATIONS**

The Clerk is the appointed person to take care of first aid arrangements.

## **2.16 COUNCILLOR MEETINGS WITH RESIDENTS**

Residents will be offered appointments to meet with Councillors if they wish to discuss anything.

## **2.17 TRANSPARENCY**



The council shall seek to be as transparent as possible with regards to both decision making and transactions to the extent allowed by law. The requirements of the Local Government Transparency Code 2014 shall be used as the minimum requirement.

### **SECTION 3: RECREATION & LEISURE COMMITTEE**

Membership comprises: eight members plus the Chairman and Vice Chairman of the Council a total of ten members.

The Committee will determine all recreational matters, including:

youth liaison

play areas, gardens and landscaped areas (including seats)

trees

recreational matters relating to Council controlled land and Town Council play areas

and make recommendations, where there is no agreed policy, to the Council for decision.

The Committee will submit an annual bid for funds to the Finance & General Purposes Committee for inclusion in the Council's budget.

#### **3.1 SPORT, RECREATION AND AMENITY AREAS**

**3.1.1 CRITERIA** The Council supports the Borough Council's criteria for the provision of sport, recreation and amenity areas as detailed in Basingstoke & Deane Borough Council's Infrastructure Delivery Plan.

#### **3.1.2 SHORTFALL**

The Council will seek to rectify any shortfall in facilities which has been identified.

#### **3.2 CHILDREN'S PLAY AREAS**

##### **3.2.1 PROVISION OF PLAY AREAS**

The Council pursues a policy of improvement of play areas/equipment where funds/grants are available, and will co-operate with landowners in the provision of such facilities.

##### **3.2.2 INSPECTION OF PLAY AREAS**

It is the policy of this Council that all children's play equipment be regularly and frequently inspected and to take immediate action upon any evidence or report of safety defects. Play areas are inspected once a week by BDBC contractors, with a full independent engineer's report produced annually. A record of inspections is kept on the PSS Live database

#### **3.3 REQUESTS TO PURCHASE OPEN SPACES**

The policy of the Council is to refuse requests to purchase Tadley Town Council land, however all requests to purchase open space will be referred to the Finance & General Purposes Committee which will make a recommendation to Full Council for determination.

#### **3.4 ENCROACHMENTS**

The Council will seek to rectify any existing, and resist any future attempts at, encroachment on TTC land.

#### **3.5 MANAGEMENT OF EVENTS**

When it is proposed to organise an event, a Working Party will be established to oversee arrangements.

A budget will be established at an early stage setting out the costs of the event, including an estimate of staff time and overtime involved.

Where the Working Party is established under the auspices of one Committee but costs will fall against the budget of a different Committee, the budget holder (Chairman of the latter Committee), is to be advised and must confirm in writing that funds are available, at the initial budget stage and made aware of any proposals to subsequently vary that budget.

### **3.6 USE OF LAND**

#### **3.6.1 Introduction**

Tadley Town Council maintains a number of pieces of land for use by the community for purposes including relaxation and exercise. This policy covers the general principles and provisions associated with the land including The Green, Tadley Common and other areas.

#### **3.6.2 Principle of provision**

Where ever possible Tadley Town Council shall promote free and open access to the land for all users for the purposes of improvement of health and enjoyment. There will however be times when the council is required to place restrictions, for example to undertake works.

#### **3.6.3 Responsibilities**

Whilst Tadley Town Council shall seek to maintain the land in a safe and useable condition there will be times when this is beyond our control. All persons using the facilities do so at their own risk.

#### **3.6.4 Organised groups**

The provisions here are not to prevent ad hoc groups of friends or family congregating but to cover large or more frequent groups. In general, Tadley Town Council shall not unreasonably withhold permission, but may ask that safeguards are put in place so as to avoid disruption to other users.

#### **3.6.5 Frequency and size**

Prior to promoting or commencing an event, permission must be sought for any groups which are either: over 30 participants, groups under 30 where the intention is that it is held more than twice within an 8 week period or where participants are being asked to make any form of payment or it relates to a commercial activity.

#### **3.6.6 Conditions of permission**

Tadley Town Council shall require that groups granted permission shall:  
Indemnify the town council against all claims, demands, costs, actions or proceedings caused by or to any person linked to the group.

Ensure that good and adequate provision is made for the appropriate level of:

Risk Assessments.

Insurance

First aid provision

Safeguarding and provisions relating to vulnerable people

Protection against discrimination (equality and diversity)

Other such legal permissions as may need to be required.

Agree to reinstate the land after use to the council's satisfaction.

Make payment or provide a deposit if deemed appropriate.

### **3.6.7 Charging policy**

The Council shall make an individual assessment of each application and reserves the right to impose a charge for the use of the land or to require a deposit. The cost to repair or make good any damage to land incurred during use must be met by the person or group/organisation making the application.

## **SECTION 4: HIGHWAYS & PLANNING COMMITTEE**

Membership comprises: seven members plus the Chairman and Vice Chairman of the Council a total of nine members.

The Committee will consider planning matters including appeals, consultations on planning and related matters County, Borough and Local plans, highways, transport, road safety and signs, street lighting, street furniture (including seats), waste matters, conservation and water, and comment upon them to the relevant Planning or Licensing Authority. Where there is no agreed policy, make a recommendation to Council for its determination. Comments on tree preservation orders and notices of intent are deferred to the advice of BDBC's Tree Officers.

The Committee will submit an annual bid for funds to the Finance & General Purposes Committee for inclusion in the Council's budget.

### **4.1 BUS SHELTERS**

The Council owns and maintains bus shelters in the Town and others are the property of Adshel. Additional bus shelters may be considered as and when requested.

### **4.2 STREET FURNITURE**

The Town Council owns and maintains seats in Tadley. The Council may accept offers of dedicated seats for appropriate sites around the Town and may supply additional seats and replace those too damaged to be repaired.

All new and replacement seats provided by the Council will be of a standard design, incorporating concrete supports with hardwood or recycled material slats, specifically the SF3 Southampton seat supplied by Neptune Outdoor Furniture Ltd.

### **4.3 FLOODING**

It is the policy of the Council to request that all streams, ditches and drains are kept clear by the appropriate body to prevent flooding problems.

Tadley Town Council will undertake maintenance of Bishopswood Stream once a year, i.e. vegetation clearance.

The Council will press for an improved surface water system for land drainage and an improved foul sewer system.

### **4.4 HIGHWAYS**

The Council will support greater safety on the streets and footways in Tadley. The Council supports:

**4.4.1** Maximum speed limit of 30mph in built up areas and other appropriate areas.

**4.4.2.** A maximum speed limit of 20mph outside schools.

**4.4.3.** Pedestrian crossings controlled by lights.

**4.4.4.** The prevention of parking of vehicles on footways or in any manner which may cause a hazard, i.e; parking on double yellow lines.

**4.4.5.** Speed restriction initiatives.

**4.4.6.** Restriction of heavy goods vehicles into side and estate roads.

**4.4.7.** Adequate maintenance of road and footway surfaces and the highway drainage system.

**4.4.8.** Greater control by the highway authority over public utilities digging up and reinstating roads.

**4.4.9.** Improved maintenance of verges, etc.

**4.4.10.** A greater action by the police to eliminate parking on double yellow lines and pavements.

#### **4.5 PLANNING**

The Council will:

**a.** Consider every planning application in Tadley and make comment to the Local Planning Authority.

**b.** Examine applications in the adjoining areas for any impact on Tadley, and comment if necessary.

**c.** Should the Council not be able to respond to meet the required deadline for comment the Highways & Planning Committee Chairman and Clerk will comment upon amended plans. Copies of the comments made must be circulated to all members of the Highways & Planning Committee immediately.

**d.** Protect the semi-rural character of Tadley.

**e.** Study and make comment on the relevant structure plans and local plans.

**f.** Commenting on minor planning applications e.g. works to trees and small conservatories is delegated to the Council Clerk subject to consultation with the Chairman or Vice Chairman of the Highways & Planning Committee and provided no objections are received from neighbours. Any such delegations are to be reported at the next Highways & Planning Committee meeting.

In making comments on applications the following criteria will be taken into consideration:

##### **4.5.1 TADLEY DESIGN STATEMENT**

The Design Statement was adopted by BDBC as Supplementary Planning Guidance and all applications will be considered in the light of recommendations contained in the Statement.

##### **4.5.2 DENSITIES**

Planning proposals must be in keeping with the surrounding densities where possible.

##### **4.5.3 ELEVATIONS AND MATERIALS**

Elevations should be constructed of traditional materials and designed to harmonise with the surroundings. This does not suggest that there should be undue restriction on style. The greater the housing density, the greater is the need for harmony. Wood clad buildings should be avoided, and tile hung designs subject to careful consideration. Tiled roofs are preferred but not tin or metal or asbestos type sheet. Flat roofs are to be avoided unless absolutely necessary

##### **4.5.4 EXTENSIONS**

An extension to a dwelling should ideally be able to be maintained from within the property. Materials and styles to match the existing dwelling. Extensions forward of the building line will not generally be supported.

Harmony of the street scene is to be maintained. The visual appearance of any additions, extensions or other changes to a property should be in keeping with the surrounding properties.

Proposals which give a terraced effect to semi-detached dwellings should be avoided.

#### **4.5.5 GENERAL**

The use of dwellings for business purposes which intrude on the surroundings causing a nuisance will be opposed.

Support will be given to the maintenance of strategic gaps between villages.

Violation of the present development boundary will be resisted.

All planning applications which endeavour to enclose public open space or amenity land will be opposed unless:

- a. The area is of no amenity value.
- b. There are exceptional circumstances which justify relaxing the policy.

#### **4.5.6 PARKING**

Car ownership in Tadley is higher than the Basingstoke and the Hampshire average. BDBC's (Local Planning Authority) inadequate requirements have led to parking problems on many estates in Tadley.

All future developments will need to include arrangements for adequate off-street parking and support will be given to proposed improvements to existing car parking facilities. The Local Planning Authority requirement for shops and offices is accepted.

Parking spaces for disabled people should be provided and clearly marked near all shopping areas and public facilities.

#### **4.5.7 SHOPS, OFFICES AND COMMERCIAL**

Office development will be supported only in the area designated in the Local Plan.

Support for further shopping developments will be judged individually in each case on its merits.

Any public buildings or offices should have proper facilities for the disabled people.

#### **4.5.8 ROADS AND FOOTWAYS**

Whenever practical new developments are to have roads four and a half metres wide and footways. Where the access crosses a footway, dropped kerbs should be included. At all points where the carriageway is likely to be crossed (road junctions, access to premises etc.) dropped kerbs should be provided.

The Council will resist the overnight parking of lorries on Tadley roads. Measures to enforce speed limits and prevent noise pollution will be encouraged.

#### **4.5.9 ENVIRONMENT**

The inclusion of open space into a curtilage will be opposed regardless of ownership. The exception is where inclusion can be demonstrated to give environmental improvement in the area.

Repairs to damaged footways, verges and amenity areas however caused, will be pursued. Where the damage is caused by vehicles or the statutory bodies the repair should be made at the culprit's expense.

Where verges or amenity areas are dug up, they must be properly reinstated. TTC will press HCC or BDBC to take action against the appropriate body.

To protect mature trees and well-established hedges from felling Tree Preservation Orders will be requested whenever possible. Where the Council proposes to fell a tree, neighbours will be consulted beforehand.

For all new developments urge applicants to include grey water harvesting, renewable or low carbon energy systems, green roofs, cycle parking and waste recycling.

#### **4.5.10 INFRASTRUCTURE**

To press for a surface water system which even under the most severe conditions will prevent flooding of property and roads.

To press for a mains water supply which is completely wholesome and adequate to meet demands under all conditions. Similarly, adequate facilities are required for containing and transmitting sewage to the sewage works.

#### **4.5.11 ACCESIBLE HOUSING POLICY**

When looking at a proposal for a new building or change of use of an existing building, TTC will consider the following in order that the perceived accessibility needs are balanced against the existing interests of Tadley residents:

- a. appropriate consultation is undertaken by the applicant i.e. with the immediate neighbours, the wider community and TTC.
- b. the intended location appears appropriate for its intended use.
- c. the relevant professional agencies are supporting the proposals.

#### **4.6 STREET LIGHTING**

TTC may erect lights to HCC standard if the lighting scheme is supported by 60% of the adjoining households, and that HCC have agreed to adopt on completion. All proposals will be judged on merits of the scheme.

The Council will report street lighting faults to the street lighting authority.

New developments (private or adoptable) will be required to have lighting to HCC adoptable standard.

#### **4.7 TRAFFIC MANAGEMENT**

The Highways and Planning Committee will discuss local traffic problems and recommend traffic management changes to HCC.

Traffic calming measures will be sought.

Measures will be sought to prevent through traffic using unsuitable roads.

#### **4.8 RECYCLING OF WASTE**

Provision and use of recycling facilities will be actively promoted and supported.

#### **4.9 RIGHTS OF WAY**

The Council aims to keep all footpaths and bridleways on Town Council land clear for public use. Where the rights of way are in the ownership of a third party, the Council will try to ensure that the owners/HCC/the Rights of Way Officer keep the paths in a condition fit for public use.

#### **4.10 LITTER**

The Council supports the implementation of the Environmental Protection Act 1990: Code of Practice on Litter and Refuse and will take all steps to enforce it.

#### **4.11 NAMING OF STREETS & DEVELOPMENTS**

TTC is consulted by BDBC in respect of the naming of new roads and developments in Tadley. Names of prominent residents or former residents who have made a significant contribution to the community will be used for this purpose where appropriate and a list of names will be held on file within the Council Office.

Names to be added to the list may be suggested at any time by local residents or councillors and will be approved for inclusion on the list, by members of the Highways and Planning Committee. Where the person whose name is being suggested as a street name is deceased, next of kin will be consulted before the name is added to the list.

Notwithstanding the existence of a list of approved names, consideration will be given to the allocation of a name in keeping with the area/plot being developed eg if the area/plot has been in the ownership of a particular family for many years (Saunders Garden, Reubens Crescent, Hicks Close) or is notable for particular trees/vegetation/wildlife etc.

When BDBC notify TTC that there is a requirement for a new road or development to be named, the matter will be considered by the Highways & Planning Committee and a name taken from the approved list or in keeping with the development will be forwarded to BDBC, unless the Committee decides that no names on the list are appropriate for that development.

#### **4.12 TREE POLICY**

The Council is responsible for the maintenance of trees on land that it owns. Trees on Town Council land will be inspected every year, any works necessary will be carried out.

In between inspections, if a tree becomes dangerous a contractor will be instructed to carry out remedial work as soon as possible. Requests from residents for tree works such as cutting back branches that overhang their property will be dealt with on an individual basis. If the tree is not a threat to public safety, residents will be expected to cover the cost of the work themselves subject to gaining permission from the Council.

Note – In all cases (except extreme emergencies) checks must be undertaken with Basingstoke & Deane Borough Council to establish whether a tree is subject to a tree preservation order. If it is then planning permission must be obtained prior to carrying out any work.

Any claims for alleged subsidence caused by trees on Council land will have to be supported by evidence from the claimant, such as an engineer's report with an accurate survey, a history of damage and precise level monitoring information to demonstrate that the tree is responsible for the damage. If this evidence is not sufficient, the Council may require further information including crack monitoring, soil analysis, foundation details, root analysis and drain surveys to be submitted. Any claims will be dealt with by the Council's insurance company.

Where the council removes trees, it will plant replacements when and where it is appropriate to do so and carry out a programme of maintenance to ensure that they are given the best start possible. In reaching a decision as to whether it would be right to plant new or replacement trees the council will take into account the following considerations: a) Will the new/replacement tree

be of public benefit?; b) Is there sufficient room for a new tree to grow and develop without it causing future problems?; c) Is there a deficit of younger trees in the area?; d) Was the removed tree part of a local feature e.g. a line of trees?; and e) What species add to local distinctiveness and are suitable for the local landscape character and are these appropriate for the site?

## **SECTION 5: BURIALS COMMITTEE**

Membership comprises: three or four members plus the Chairman and Vice Chairman of the Council a total of five or six members.

The Burials Committee will meet when required. [The local undertakers and clergy will be invited to meetings where appropriate]. The Burials Committee will determine all matters relating to the Burial Ground and the Cemetery within the Council's Policy, and make recommendations, where there is no agreed policy, to the Council for determination.

### **5.1. BURIAL GROUND**

The TTC Burial Ground adjacent to St Peter's Churchyard on Church Road is laid out as a lawned cemetery. The Council pursues a policy of making this a pleasant, peaceful area. Memorial trees may be considered for planting and a memorial rose garden has been planted and will be maintained in good order as part of the Council's policy. Replacement of memorial trees/bushes will be the responsibility of the person to whom exclusive burial rights have been given.

### **5.2. CEMETERY**

The TTC Cemetery opposite St Peter's Church in Church Road is laid out as a lawned cemetery.

#### **5.2.1 SEATS**

11 locations for seats have been identified. A 1800mm bench will have 3 plaques and a 2400mm will have 4. The types of seat to be used are the Cavendish seats from Streetmaster. Only one section of a seat or tree is permitted per deceased person. Sections of seats cannot be reserved in advance of installation. The fee charged for the section of a seat will be for the life of the seat.

#### **5.2.2 TREES**

12 locations for trees have been identified. Species to be planted are Cypress oak, Darwyk beech and Field Maple. Planting is only to take place during the planting season for trees (October – December). Small plaques will be permitted adjacent to planted trees. The cost of trees will be the responsibility of the person who is requesting the tree. Only one tree or one proportion of a seat is permitted per deceased person. Trees cannot be reserved in advance.

Note proportions of seats and trees can be purchased by Tadley residents who do not have a relative interred in the cemetery (e.g. have had their ashes scattered elsewhere) provided they have proof of residency and provide a copy of the death certificate.

The purchase of a proportion of a seat or tree is only secured once payment is received and wording for the plaque is agreed.

The size of the plaque is 150mm by 70mm and is gold Formica.

#### **5.2.3 GRAVE PLOTS**

The grave plot size is 2.44 metres by 1.22 metres and a cremation plot is 43cm square. Plots cannot be reserved and will be dug next in line.



Interment of ashes in burials plots - in addition to two full burials or one full burial in a plot, two sets of ashes may also be interred in the plot (full ashes fee applies). In the case where a burial plot is purchased for the interment of ashes (full burial fee applies), a further five ashes may be interred in the plot (full ashes fee applies). Note only one memorial is permitted on a burial plot.

Children's graves (Cemetery) – The area is to be divided into two areas: one for infants and one for older children. Plots are to be in rows.

#### **5.2.4 MEMORIALS**

The permitted dimensions:

**Headstones:** The overall height must not exceed 760mm, standing on a base not exceeding 760mm wide by 460mm deep. The single sub-base/ foundation must be below the level of the ground and must not exceed 910mm wide by 460mm deep by 76mm high.

**Cremation Tablets:** Not to exceed 380mm x 380mm by 100mm high. The single sub-base foundation must be below the level of the ground and must not exceed 430mm square by 50mm high.

Memorial applications within the above permitted dimensions will be given preliminary approval upon receipt. Final approval will only be given once the finished memorial is brought to the office and the measurements are checked.

Any memorial erected in the Cemetery remains the property and responsibility of the Exclusive Rights Holder and therefore, remains in the Cemetery at the sole risk of, and must be kept in a good state of repair by, the said owner. Tadley Town Council shall not be held responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever.

All memorials must be erected and fixed to National Association of Memorial Masons (NAMM) specifications. All masons to be registered under the TTCs Memorial Mason Scheme.

Memorial safety testing will be carried out once a year in the Burial Ground. Testing will be done by hand by the appointed contractor. A record will be kept that testing has been carried out.

During testing, if a memorial is found to be unsafe, the following action will be taken:

- If the memorial requires attention to make it safe, but is not in imminent danger of falling down, the Council will write to the last known Exclusive Rights Holder advising them of what is required to have the memorial fixed and made safe. The grave will be taped off and safety notices placed.
- If the memorial is extremely unsafe and thought to be at risk of falling down, the memorial will be laid down flat or removed, and the last known Exclusive Rights Holder will be written to advising them of the action that has been taken and what is required of them if they wish to have the memorial fixed and re-erected. The grave will be taped off and safety notices placed.

The Council will make every effort to trace the last known Exclusive Rights Holder, however this may not always be possible for several reasons (the person may have died or moved and the Council has not been informed of the change of address.)

The Council will not usually pay to have unsafe memorials repaired or re-erected if the next of kin cannot be traced.

**Tributes - The only items permitted on graves are floral tributes.**

**Temporary Wooden Crosses:** On burial plots the height must not exceed 760mm and the width must not exceed 460mm. On cremation plots the overall height must not exceed 300mm and the width must not exceed 230mm.

5/3/20

### **5.2.5 BURIAL OF RESIDENTS**

Eligibility checks are to be made as per the Burials Procedure Chart. (See Appendix)

### **5.2.6 BURIAL OF NON-RESIDENTS**

The burial of non-residents will only be permitted where the deceased has a strong local connection. The Clerk will refer any requests to the Burials Committee and the majority response will be accepted.

### **5.2.7 ASHES PLOT FEES**

Requests for ashes to be scattered in conjunction with the purchase of an ashes plot will be charged the interment of ashes fee.

Requests for the interment of two sets of ashes to take place together in the same plot will be charged one interment of ashes fee.

## **SECTION 6: PERSONNEL COMMITTEE**

Membership comprises: three members plus the Chairman and Vice Chairman of the Council a total of five members.

The Personnel Committee will meet when required to review staff contracts and salaries, to replace staff and to deal with personnel matters, The Personnel Committee is empowered to resolve matters of pay, conditions of service, or contracts of employment within policy guidelines. The requirement for a new staff position will be agreed at Full Council.

### **6.1 STAFF**

#### **6.1.1 APPOINTMENTS**

Recruitment of all staff will be approved by Full Council, by means of an Appointment Panel, appointed for each vacancy. Such Panels will be given the power to advertise, short list, interview, and appoint. These Panels will normally comprise three members, one of whom will be the Chairman (or Vice if unavailable) and 2 others who will usually be members of the Personnel Committee, but Full Council may determine that that may be varied:

[i] Where the vacant post predominantly serves a particular Committee, the Chairman of that Committee may be included in the Panel.

[ii] Where a Member has particular expertise which may assist the Panel in the selection process. The Town Clerk will attend interviews as an observer and to provide supplementary information, if required.

Vacancies are to be advertised as soon as possible after notice of resignation received. References, if required, will be taken up if the position is offered. The advertisement is to include the wording: In promoting equal opportunities, we welcome applications from all sections of the community. An Equal Opportunities Monitoring Form is to be sent out with all application forms.

#### **6.1.2 SALARIES**

The salary of the Town Clerk is based on NALC guidelines.

All other staff salaries are reviewed at the Personnel Committee held in November. Following the review, staff are to be notified of decisions concerning their salary in writing. Any changes to salaries apply from 1 April.

#### **6.1.3 COMPASSIONATE LEAVE**

At the discretion of the Chairman, up to a maximum of five days compassionate leave can be given to staff in the event of death or serious accident/illness to an immediate member of the family which includes; Spouse/Partner, Parents, Spouse/Partner's Parents, Children, Siblings or any other person at the specific discretion of the Chairman. Should domestic circumstances necessitate it, other leave may be requested, and further unpaid leave may be agreed at the discretion of the Chairman.

## **6.2 MANUAL WORK**

### **6.2.1 BY STREETCARE OPERATIVES**

If work required by the Council can be carried out by the Streetcare Operatives, then on instructions from the Town Clerk the work should be done by the Streetcare Operatives with all the tools and materials being obtained by the Council in accordance with agreed procedures. Priorities for the Streetcare Operatives will be set by the Town Clerk in consultation with the Chairman and Vice-Chairman of the Council.

### **6.2.2 CONTRACTED OUT**

If work required by the Council cannot be carried out by the Streetcare Operatives and the anticipated total is less than £500, then the Town Clerk is authorised to obtain the best possible price and place the contract.

## **6.3 STAFF COSTS OF EVENTS**

Decisions affecting staff costs, rates of overtime/time off in lieu/payment in kind etc and any proposals to vary agreed staff issues will be cleared in advance by the Personnel Committee

## **Appendix**

### **HEALTH AND SAFETY AT WORK POLICY**

#### **GENERAL STATEMENT**

1. The Council recognises and accepts its responsibilities as an employer for providing a safe and healthy working environment for all its employees, contractors and members of the public.
2. The Council will meet its responsibilities under the Health and Safety at Work Act 1974, and will provide, as far as is reasonably practicable, the resources necessary to fulfil this commitment.
3. The Council will seek expert technical advice on health and safety to assist the Clerk in fulfilling its responsibilities for ensuring safe working conditions.

#### **AIMS OF THE HEALTH AND SAFETY AT WORK POLICY**

##### **To provide as far as reasonably practicable:**

1. A safe place of work and safe working environment
2. Suitable, safe and well-maintained plant, equipment, tools and materials for use at work
3. Suitable guards and protective equipment for the safety and welfare of people at work
4. Arrangements for safe use, handling, transport and storage of articles and substances
5. Arrangements for considering, reporting and reviewing matters of health and safety at work, including regular risk assessments of working activities
6. Systems of work which are safe and without risks to health
7. Specialist technical advice and assistance on matters of health and safety when necessary

8. Sufficient information, instruction, training and supervision for employees to carry out their work safely
9. Consultation and cooperation between the Council, employees and contractors
10. Care and attention to the health, safety and welfare of employees
11. Care and attention to the health, safety and welfare of contractors and members of the public who may be affected by the council's activities

## **ARRANGEMENTS AND RESPONSIBILITIES FOR CARRYING OUT THE HEALTH AND SAFETY POLICY AT WORK**

### **As the Council's Safety Officer, the Town Clerk will:**

1. Keep him/herself informed of relevant health and safety policy
2. Advise the Council on the resources and arrangements necessary to fulfil the Council's responsibilities under the Health and Safety at Work Policy
3. Make effective arrangements to implement the Health and Safety at Work Policy
4. Ensure that matters of health and safety are discussed at the Personnel Committee
5. Ensure that the Health and Safety at Work Policy is implemented
6. Ensure that regular risk assessments are carried out of working practices, with subsequent consideration and review of any necessary corrective/protective measures
7. Ensure that employees are properly informed, instructed, trained and supervised in matters of safety at work, including fire and emergency procedures
8. Make effective arrangements to ensure that contractors working for or the Council comply with all reasonable health and safety at work requirements
9. Ensure that work activities by the Council do not cause any risk to the health and safety of members of the public
10. Monitor and report on fire drills and emergency evacuations
11. Maintain a central record of notified accidents and report on trends and analyses
12. Act as the contact and liaison point for the Health and Safety Inspectorate

### **As a line manager and supervisor, the Town Clerk will:**

1. Continually assess the risks to the health and safety of employees and others, identify and implement any preventative and protective measures indicated by the risk assessments
2. Keep the Council advised and informed of any matters of concern, of any resources necessary and of employees training needs.
3. Provide adequate information, training and instruction for employees to enable them to do their job safely
4. Ensure that all employees are properly supervised in matters of health and safety

5. Ensure that all appropriate machine guards and safety devices are provided and correctly fitted, used and maintained
6. Ensure that safe working systems, practices and procedures are implemented
7. Ensure that adequate emergency procedures are in place and that employees are aware of them and understand them
8. When an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and complete the necessary accident reporting procedure
9. Ensure that all necessary warning signs and notices are displayed and regularly checked
10. Ensure that all employees are provided with and use any necessary protective clothing
11. Regularly check all plant, equipment, tools and materials to ensure that they are in sound condition and good working order and arrange for maintenance and repair as required
12. Ensure that any hazardous substances are identified, and any necessary precautions taken in their use, handling, transportation and storage
13. Regularly assess all manual handling practices and ensure that employees are adequately instructed and trained in their correct use
14. Regularly assess any screen display equipment work stations, reduce any risks which are discovered and provide safe working equipment and working arrangements for such station
15. Ensure that the working area is kept clean, and tidy with safe and unobstructed means of access and egress
16. Ensure that the necessary first aid equipment is provided, kept topped up, expiry dates checked, clearly marked and readily available for use
17. Ensure that his/her responsibilities for health and safety at work are adequately and properly delegated in his/her absence

**All employees will:**

1. Cooperate fully with the aims and requirements of the Health and safety at Work Policy and comply with Codes of Practice or work instructions for health and safety
2. Take reasonable care for their own health and safety and use personal protective clothing where provided and required
3. Take reasonable care for the health and safety of other people who may be affected by their activities at work
4. Not intentionally interfere with or remove safety guards, safety devices or other equipment provided for health and safety
5. Not misuse any plant, equipment tools or materials so as to cause risks to health and safety
6. Keep fire exits and access to them free from obstruction
7. Be aware of fire and emergency evacuation arrangements and obey fire drills and fire alarms accordingly

8. Report any accidents or hazardous incidents to the Town Clerk
9. Comply with the Council's no smoking policy and welfare policies
10. Report any defective equipment, tools, materials or plant to the Town Clerk or deputy.

## **MOBILE PHONE POLICY**

### **1 INTRODUCTION**

1.1 This policy applies to all Tadley Town Council employees, temporary staff and contractors with the use of a council owned mobile phone.

1.2 Users must adhere to the corporate Mobile Phone Policy at all times. In accordance with the Council's disciplinary procedure failure to do so may result in disciplinary action being taken.

### **2 SCOPE**

2.1 The Clerk will review the mobile phone contract annually to ensure that the current service still provides value for money.

### **3 RESPONSIBILITIES**

3.1 The Clerk is responsible for the purchase and distribution of the Council's mobile phones.

3.2 Staff issued with a mobile phone have a responsibility to ensure that they comply with this policy in respect of private use. Failure to do so may result in disciplinary action being taken.

### **4 LOST OR STOLEN PHONES**

4.1 If a member of staff loses a phone, or has had it stolen, they must notify the Clerk immediately.

4.2 The member of staff must then immediately inform Hampshire Police on 101 reporting the phone lost or stolen. The user must obtain a Crime/Lost Property Reference number.

### **5 OBTAINING NEW PHONES/MAKING CHANGES TO EXISTING PHONES**

5.1 Requests for new or replacement mobile phones must be made to the Clerk.

### **6 PRIVATE USE OF COUNCIL MOBILE PHONES**

6.1 All private telephone calls and text messages must be paid for by the employee.

6.2 Staff will be issued with a monthly itemised phone statement detailing calls made. All private calls must then be identified and will be deducted through payroll. See [7] below.

6.3 Premium rate telephone numbers or premium rate text messaging (outgoing and incoming) are strictly forbidden on Council mobile phones.

6.4 If staff have to make private telephone calls or send private text messages in working hours they should always consider the impact that making such calls will have on both their own work and also on that of their colleagues. Such calls should always be kept to a minimum.

6.5 The use of Council mobile phones is monitored at all times.

6.6 Employees issued with a Council mobile phone will not be reimbursed for the cost of business calls made on any privately owned mobile phones unless the mobile phone issued by the Council is out of action.

6.7 Any incoming private calls should be treated similarly to outgoing private calls (i.e. essential and kept as short as possible) during any periods whilst you are on duty at work.

## **7 BILLING OF PRIVATE CALLS**

7.1 Itemised invoice statements for individual employees, as detailed in [6], will be forwarded to the mobile phone user monthly unless the user has made no calls, or the calls made are quite clearly work related then a statement will not be issued.

7.2 If supplied with their statement the user MUST identify ALL private calls and text messages and calculate the total cost of these calls.

7.3 The Clerk will deduct the agreed amount from the employee's salary on the next available payroll run. Charges made for private calls will be based on their cost and are currently subject to VAT.

## **8 TERMINATING YOUR EMPLOYMENT WITH TADLEY TOWN COUNCIL**

8.1 Staff leaving Tadley Town Council must return their mobile phone and any accessories to the Clerk before their last working day.

8.2 If any items are missing or not returned, the employee is to be charged the full cost of replacing the missing equipment.

8.3 Should a member of staff's employment be terminated, for any reason whatsoever, all private calls must be paid for up to the date of termination. A deduction for any private use will be made through the payroll system, if possible, otherwise an invoice will be raised and forwarded to the user's home address.

## **9 MOBILE PHONE USE IN VEHICLES AND WHILE OPERATING MACHINERY**

9.1 Since 1 December 2003 it has been illegal to use a hand held mobile phone whilst driving a vehicle. "Driving" includes being in the driving seat with the engine running even when stationary.

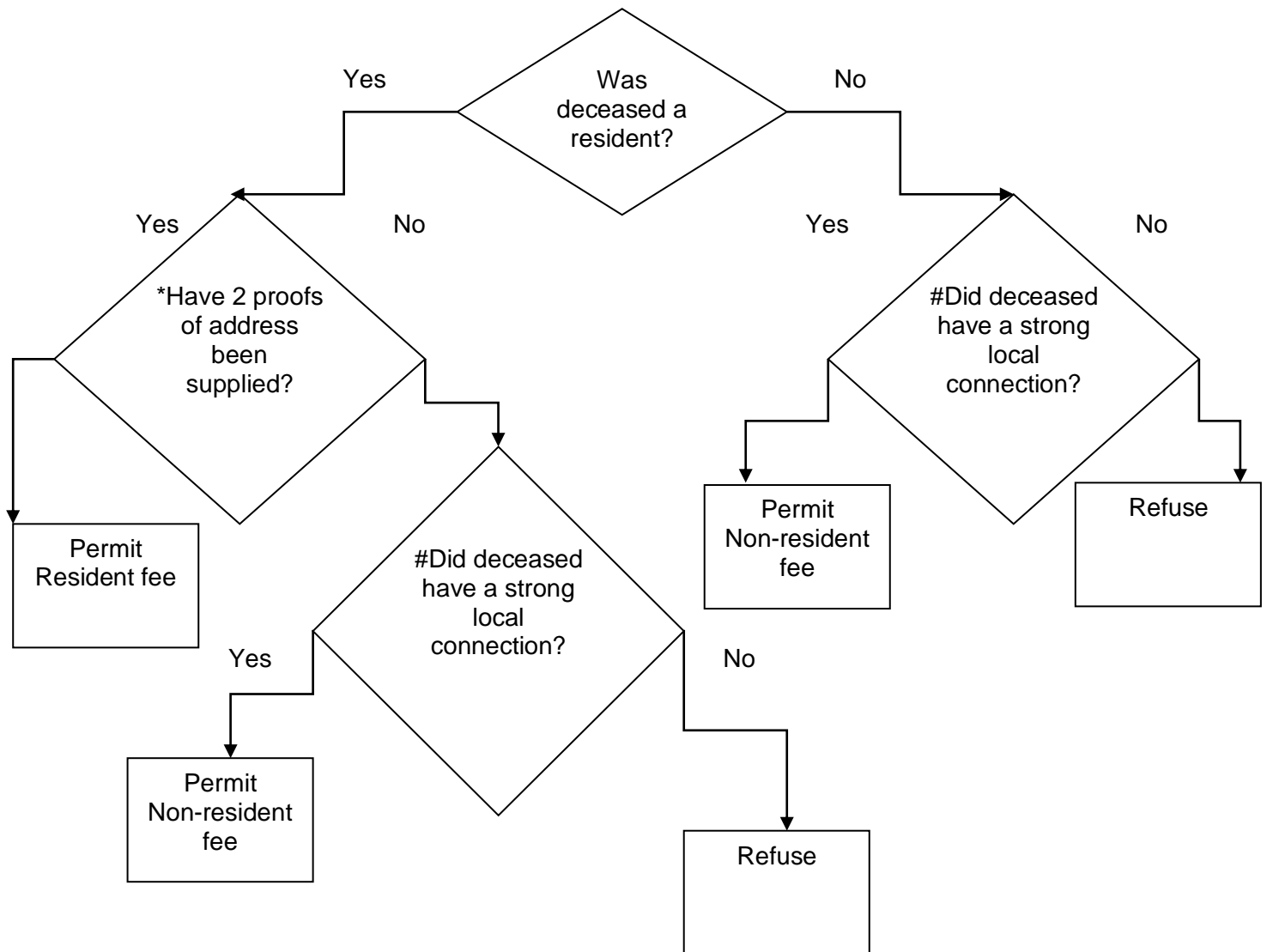
9.2 Staff are discouraged from using a hands free mobile phone whilst driving, whether integrated or not, and in no circumstances, should members of staff be expected to answer a phone whilst driving a vehicle. Vehicle drivers should ensure that the voicemail facility on their mobile phone is enabled and safely park their vehicle and switch the engine off before attempting to retrieve their messages if necessary.

9.3 In support of this policy the Council will not authorise the installation of any new hands free mobile phone kits in vehicles.

9.4 The Council will monitor the position from both a best practice and legislative viewpoint.

9.5 In no circumstances should members of staff answer a phone whilst operating any type of machinery e.g. strimmers, drills, hedge cutters etc

## Burials Procedure



Full burials of residents of the parish of Baughurst who reside in the ecclesiastical parish of Tadley i.e. Woodlands Road and all tributaries, Hazel Green, Mornington Close, Wildwood Drive, Wellington Crescent, Douro Close, Lakelands, Old Forge, Heathlands, Heath End Road and Heath Court are permitted but will pay non-resident fees.

\*Examples of acceptable evidence are a current or recent: driving licence, electricity, gas, telephone (land line) or water bill, payslip, where your address is included, council tax bill, bank or credit card statement, correspondence from the Inland Revenue, Benefits Agency or mortgage lender or a letter from a government department or local council confirming a right to state benefits such as a pension, Council Tax Benefit or Housing Benefit.

#Refer details to Burials Committee for determination.



## **COMPLAINTS PROCEDURE**

1. If a complaint is notified orally to a Councillor Member or Council staff and it is not possible to satisfy the complainant immediately, the complainant will be asked to put the complaint in writing to the Town Clerk and will be assured that it will be dealt with promptly after receipt.
2. If the complainant prefers not to put the complaint to the Town Clerk, they will be advised to put it to the Chairman of the Council.
3. On receipt of a written complaint, the Town Clerk or Chairman, as the case may be, will (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant, but will not do so in respect of a complaint about the behaviour/actions of a Councillor Member or Council staff, without first notifying the person who is the subject of the complaint, and giving an opportunity to comment on the manner in which it is intended to settle the complaint. Where the Town Clerk or the Chairman receives a written complaint about his/her own actions, they shall immediately refer the complaint to the Council.
4. The Town Clerk/Chairman will report to the next meeting of Council any written complaints which have been disposed of by direct action with the complainant.
5. The Town Clerk/Chairman shall bring any written complaint which has not been settled to the next meeting of Council and the Town Clerk shall notify the complainant of the date on which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint orally.
6. The Council will consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.
7. As soon as possible after a decision on a complaint has been made, the nature of any action to be taken will be communicated in writing to the complainant.
8. The Council will defer dealing with any written complaint only if it believes issues of law or practice arise on which it is necessary to seek advice. In such circumstances, the complaint will be dealt with at the next meeting after the advice has been received.
9. If the above procedure fails to satisfy the complainant:
  - a. Where the complaint concerns the alleged misconduct by a Town Councillor, the complainant may wish to refer the matter to the Monitoring Officer at Basingstoke & Deane Borough Council.
  - b. Where the complaint concerns alleged maladministration by Staff or Members of the Town Council, the complainant may wish to refer the matter to the independent external auditor whose address will be provided.

## **COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL (NOT FOR COMPLAINTS ABOUT INDIVIDUALS)**

### **Before the Meeting**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting**

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

**After the Meeting**

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

## COMPLAINING TO THE LOCAL GOVERNMENT OMBUDSMAN (LGO)

1. Although the LGO has no jurisdiction in respect of parish councils, it might be useful for parish councils to know something about the jurisdiction of the LGO so that they can assist members of the public (including, perhaps councillors) to complain to the LGO where appropriate. The legislation is contained within sections 26 and 27 of the Local Government Act 1974 ('the Act'). The key points to remember are:
  - parish councils are unable to lodge complaints as a public body (section 27(1) of the Act) about another local authority or public body defined at section 25 of the Act but this does not prevent individual councillors from making complaints about another local authority or public body in their personal capacity. In their official capacity, if so requested by member(s) of the public, a parish councillor could represent them in making complaints. Please note: -
  - complaints must be made in writing;
  - complaints must be made within 12 months of notice of the matters which are subject to the complaint;
  - complainants must first give the authority in question notice of the complaint and give them an adequate opportunity to investigate and reply to the complaint. This usually entails exhausting that authority's complaints procedure;
  - the Ombudsman may not investigate matters which are or have been subject to a right of appeal; and
  - the Ombudsman may not investigate matters where the complainant has or has had a remedy by way of court proceedings.
  
2. The most common application of the Ombudsman's lack of jurisdiction where the subject matter of the complaint is subject to a right of appeal or court proceedings is in respect of judicial review. Many councils claim that the Ombudsman does not have jurisdiction in certain cases due to the availability of judicial review. In these circumstances the Ombudsman can rely on section 26(6) of the Act which states that:  
-

'A Local Commissioner may conduct an investigation notwithstanding the existence of such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect the person affected to resort or have resorted to it.'

## **FREEDOM OF INFORMATION PUBLICATION SCHEME**

### **Background**

Under the Freedom of Information Act, it is the duty of every public authority to adopt and maintain a publication scheme. Publication schemes facilitate the proactive release of information and play a crucial role in supporting and providing greater openness and transparency across the public sector.

### **The Tadley Town Council Scheme**

Tadley Town Council's publication scheme defines information that the Council holds which is accessible to members of the public. The Council strives to be as open as possible with local government information and the work it does. The Council wishes to introduce greater openness and to continue to seek ways to make even more information available to the public.

### **What charges are there?**

Where a member of the public is seeking to obtain a copy of information included in this Council's publication scheme, the Council may set reasonable charges for this. Costs are available on application to the Clerk and may include photocopying costs, postage (where incurred) and staff time.

### **Confidentiality Notice**

Tadley Town Council's policy is to be as open as possible and supply the information requested but the Council may withhold any information if it considers its release not to be in the public interest. All information relating to private individuals is excluded from the scheme by virtue of it being personal data under the Data Protection Act 2018.

### **Requests for Information**

Anyone can request information in writing. The request must include details of the applicant and the information sought. The applicant has two rights, to be told whether the information is held by a local council and to receive the information as a copy or summary, if considered to be in the public interest. The Council must respond within 20 days of the request. If a fee is required, the Council can extend this period up to 3 months until the fee is paid.

## **RECRUITMENT OF EX-OFFENDERS POLICY**

- As an organisation using Disclosure & Barring Service (DBS) to assess applicants' suitability for positions of trust, Tadley Town Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure based on a conviction or other information revealed.
- Tadley Town Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, terms and conditions statements and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Tadley Town Council to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Tadley Town Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- At interview, we enable an open and measured discussion to take place about any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. **Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

## **SECURE STORAGE, HANDLING, USE, RETENTION & DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION POLICY**

### **General principles**

As an organisation using the Disclosure & Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, Tadley Town Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available on request to those who wish to see it.

### **Storage and access**

Disclosure information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in pursuance their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

### **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS and will consider the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **SOCIAL MEDIA POLICY**

### **Guidelines for the Town Council Facebook Page**

### **CONTENT MANAGEMENT**

5/3/20

## **General**

The Town Council page is for Council content only, not for political use. Examples of acceptable content are:

- Consultation documents
- News feed & emergency information
- Event listings
- Key dates
- Short debates and comments on hot topics and relevant news (discussion board)
- Polls and information gathering
- Useful links

## **Purdah**

In the six-week run up to an election, councils must be very careful not to do or say anything that could seem in any way to support any political party or candidate. The period is known as purdah. The Council will continue to publish important service announcements using social media but will monitor and remove responses if they are overtly party political.

## **Links and Affiliations**

Permitted links are:

- Town Council website
- Partner websites i.e. Basingstoke and Hampshire Councils
- 'Useful' links for example local transport sites etc
- Links to other Facebook pages, such as local and national organisations

Settings will only allow the Clerk to upload links.

## **Photos and Video**

The appropriate permissions must be obtained for all imagery. Settings will only allow the Clerk to upload photos and videos.

## **Events**

When creating invitations for events, the guest list will not be shown.

## **Discussion Board**

Plain English is to be used always.

All comments placed on the discussion board will receive a response from a Clerk within 48 working hours of posting, unless the comment does not require a response.

Dealing with inappropriate comments, such as foul language, racist or sexist remarks and abusive comments:

- The Clerk will always monitor the discussion board (and all site content).
- Inappropriate comments will be removed immediately.
- The poster will be blocked from making any further comments.

The public may use the discussion board to debate Council related issues.

- Negative comment will not necessarily be considered inappropriate and will be reviewed on an individual basis by the Clerk. Where appropriate, a response will be posted which will manage the Council's reputation.



- A response will not be made to every negative comment, only to protect the Council's or Councillor's reputation.

Appropriate Discussion Topics:

- All discussions must be used exclusively to conduct 2-way communications with fans.
- Discussions can be used to gauge public opinion.
- Discussions can be used to enhance the Council's reputation.
- Discussion topics can be started by fans.

### **Promoting our Facebook Page**

Facebook guidelines on 'Promoting your Facebook Page' must be adhered to.

### **Security Controls**

#### **Becoming a fan of the site**

Anyone can be a fan.

Membership is at the discretion of the Council.

The Council can remove any fans at any time without notice.

#### **Minimising risk to fans**

The Council's policy is to:

Keep accurate records.

Remove users who behave suspiciously.

Monitor foul language and abusive behaviour.

#### **Policing the site**

The Clerk will check Facebook at least twice a day (am and pm) to check new content.

They will delete any fans who behave inappropriately on the site

## **TRAINING POLICY – STATEMENT OF INTENT**

### **Introduction**

Training and development for staff and Councillors is highly valued at Tadley Town Council. The Council is committed to the training needs of all staff and Councillors and will include: induction training (including health and safety), Certificate in Local Council Administration (CiLCA), Certificate of Higher Education in Community Governance, Core Skills for Councillors and changes in legislation. Staff and Councillors are offered the opportunity to attend relevant training provided by organisations such as NALC, HALC, SLCC, Hampshire County Council and Basingstoke & Deane Borough Council. On the job training, will be provided on a continual basis.

### **Commitment**

Tadley Town Council is committed to developing its staff and Councillors to assist the Council in achieving its aims and priorities. The Council will ensure that everyone is trained to meet the demands of their job and has a performance review process to ensure training and development needs are identified and incorporated into a personal development plan. Where a training need is identified the most appropriate method, taking account of time, cost and individual preferences will be selected. The impact of staff training attended will be measured via the performance review process. Feedback will be received from Councillors to evaluate any training attended.

### **Tadley Town Council: -**

- recognises the need to provide appropriate training, development and learning opportunities for all staff and Councillors
- will select resources to provide training and development to maximise the potential of its Councillors and staff
- recognises that continued investment and commitment to training and development are essential for the provision of quality services
- requires all Councillors and staff to actively participate in identifying their training and development needs to enable the appropriate investment of resources
- recognises its responsibility to provide equal access for all Councillors and staff to training and development in accordance with equal opportunities legislation

### **Resources**

The Council provides an annual budget for staff and Councillor training and development. In particular, the Council takes into account the following factors: -

- the identified training and development needs of staff and Councillors, based on a needs assessment
- training and development needs that are essential to improve and progress the agreed policies and strategies of the Council
- the costs of training, development and learning.

## **Conclusion**

Tadley Town Council is determined to provide opportunities for all staff and Councillors to further develop the necessary skills and competencies to move the Council forward in its aspirations and for Councillors' own personal development.

This Statement provides staff and Councillors with the confidence that they are working for a Council that values them as individuals and is actively encouraging a partnership approach to training and development to ensure the Council continues to provide high quality services for the residents of Tadley.

## **Action Plan**

The training budget for 2020/21 is:

- Staff training £2000 – to cover the cost of Year 1 of the Certificate of Higher Education in Community Governance or CiLCA if staff wish to undertake either course and any relevant grounds maintenance training.
- Councillor training £1000 – to cover the cost of core skills training for new councillors, chairmanship training for those Councillors interested in taking on this role and any other relevant training available.

## **WEBSITE POLICY**

### **Purpose**

- To raise awareness of the Town Council
- To help meet or exceed the requirements of the Local Council Award Scheme
- To disseminate Town Council and other Government information

### **Policy**

- To display Town Council contact details
- To display statutory documents and notices, including Agenda and Minutes
- To provide news to promote the activities of the Town Council
- To provide contact information and links to other local government organisations

### **Financing**

- All costs of website hosting, domain name & management to be met by the Town Council

### **Management**

- The domain name of the website to be [www.tadleytowncouncil.gov.uk](http://www.tadleytowncouncil.gov.uk)
- Tadley Council to retain overall responsibility for the content of the website
- Day to day management, monitoring & approval of content to be delegated to the Clerk

### **Legal Responsibility**

The website to carry the following disclaimer:

### **Copyright**

#### **Photographs, Logos & Artwork**

The photographs, logos and art work on the Tadley Town Council (the Council) website are the copyright of the Council and the use of them is strictly prohibited without prior authorisation.

#### **Text**

Any use of text provided by the Council is allowed for research and private purposes. If the text is changed in any way, the resulting document cannot be credited to the Council. If content from the pages is required for commercial or public use, application must first be made to the Council via the Town Clerk.

#### **Disclaimer**

The Council maintains this website and endeavours to provide up to date and accurate information. The Council, however, disclaims any responsibility for the currency and accuracy of the information. Information on this website and links from it are used at your own risk and no claims for liability or damages will be entertained. Any guidance is for general information only and does not constitute legal advice. The links from this site are provided for information only, and their appearance on this site does not imply endorsement by the Council.

## **PROMOTING LOCAL DEMOCRACY AND CITIZENSHIP**

The Council promotes local democracy and citizenship by:

- The publication of a quarterly (where possible) newsletter delivered to every household in the town, any vacancies for Councillors are advertised through this
- The placing of 7 notice boards throughout the town that advertise any local elections, audit information, details of all Councillors, agendas for all meetings
- Working with local schools, including visits to the Council offices by primary school children
- In 2007 a Town Survey was sent to every household in the town and to every child attending local primary and secondary schools, asking for opinions on various matters. The results were used to produce an Action Plan and as a reference for commenting on planning applications.
- Events are held or attended which engage many members of the community: the annual Christmas Tree event every November, Treacle Fair.
- Press releases are issued to all the local papers advertising and promoting local issues
- Initiatives are launched that involve residents, e.g. Friends of Bishopswood Stream Agendas for all meetings are sent to County and Borough Councillors, local press and the Library
- Meetings are advertised in local newspapers and on the Council website
- Good Citizens Awards are made to residents in recognition of good work in the community
- Support for Tadley & District Youth Council
- Councillors will meet with residents if requested to do so

# COMMUNICATION AND COMMUNITY ENGAGEMENT STRATEGY

## Introduction

The purpose of this strategy is to guide our communications activity. We need to ensure that our communications are two-way. We want to tell people about ourselves and to listen to what people tell us about themselves and the service improvements they would like. The strategy has been written to help us to involve as many people as possible in a variety of ways. The Communications Strategy will cover all aspects of the Council's communications with everyone who contacts us either directly or indirectly.

## Aim

Tadley Town Council will ensure that it communicates with all stakeholders in a timely and effective manner to inform and consult them about matters that might affect them and to publicise the services offered by the council. It will endeavour to ensure communication is clear and appropriate for the message and audience. The key stakeholders with which the council must communicate include: residents, staff, Councillors (Town, Borough and County), MP, Basingstoke & Deane Borough Council, Hampshire County Council, Local Businesses, Community Groups, Press and Schools.

## Methods

Methods used by the Town Council to communicate and engage stakeholders about Council activities will take the form of:

- Town Council offices
- Town Council meetings
- Website: [www.tadleytowncouncil.gov.uk](http://www.tadleytowncouncil.gov.uk)
- Email: [clerk@tadleytowncouncil.gov.uk](mailto:clerk@tadleytowncouncil.gov.uk)
- Facebook
- Twitter
- Quarterly Newsletter (where possible) will be delivered to every household in the parish and community groups
- Councillors will meet with residents if requested to do so
- Press Releases will be issued
- Annual Report, available on the website
- Placement of 7 Notice boards throughout the town publicising Town Council activities
- Agendas for all meetings will be sent to County and Borough Councillors, local press and the Library
- Work with local schools will be undertaken, including visits to the Council offices by primary school children
- Annual events will be held which engage many members of the community: The Christmas Tree event every November, for which we always get a lot of volunteers
- Production of a Town Design Statement
- Initiatives will be launched that involve residents, e.g. Friends of Bishopswood Stream, Councillors and staff will visit local groups, such as the Civil Service Retirement Fellowship, for Question and Answer sessions
- Councillors are representatives on many local organisations: Tadley & District Community Association, Pamber Forest Management Committee, Age Concern, Tadley Elderly Day Care, Tadley Citizens Advice, Basingstoke District Association of Parish and Town Councils, AWE Local Liaison Committee, Barlows Park Management Association, William Mothes Charity, Ambrose Allen Charity, Allotments for the Labouring Poor and the Turbary Allotment Charity
- Meetings will be advertised in local publications such as the local newspapers and via the Council website

- For any initiatives, such as parking improvements and new street lighting, consultation will be undertaken with residents in the vicinity before the commencement of any work
- Networking
- Word of mouth
- Several attempts were made to engage residents in a Market Town Initiative and a Town Plan but failed due to lack of interest. The Town Council then undertook the town survey and the Tadley Vision exercise
- Liaison with Community Support Officers on local issues
- Attendance at community events such as the annual Treacle Fair, Citizens Advice Bureau annual lunch and school prize giving
- In 2012 a Community Event was held to encourage residents to have a say in the future of Tadley which was well attended
- 2016 saw the launch of the You Decide! Initiative where residents are encouraged to come and vote on local groups applications for funding

## **POLICY FOR REPORTING AT MEETINGS**

### **1. Introduction**

1.1 This policy provides guidance to members of the public or press who wish to photograph or record proceedings at any of Tadley Town Council's public meetings.

1.2 The Council supports the principles of openness and transparency when conducting its meetings. Sound recording, photographing, filming, and use of social media at meetings which are held in public is permitted:

- (a) subject to the provisions of this policy; and
- (b) if the Chairman is satisfied that it will not be disruptive or distracting to the good order and conduct of the meeting.

1.3 No restrictions will be placed on anyone using social media at a public meeting subject to the limitations regarding photography and audio/visual recording set out in this policy.

1.4 Meetings which take the form of hearings or which discuss sensitive employment or contractual information such as the Personnel Committee, may not be suitable for recording due to the nature of some of the evidence given at the meeting. It will be at the Chairman's discretion to determine whether the recording of a meeting will be permitted.

1.5 Failure to follow the provisions within this policy may result in the Chairman refusing to allow the proceedings to be photographed or recorded.

1.6 For the purposes of this policy 'recording' includes sound recording, photographing, filming, and use of social media. Social media includes, but is not limited to Twitter, Facebook and blogs.

### **2. Before the meeting**

2.1 Those wishing to record proceedings at a meeting are recommended to contact the Clerk as early as possible before the start of the meeting so that arrangements can be discussed, and the agreement of the Chairman be sought.

2.2 The name, organisation (if applicable) and contact details of the person wishing to record proceedings are required and should be provided before the meeting if possible.

### **3. At the meeting**

3.1 Notices will be displayed in the meeting room advising that proceedings may be recorded, and the Chairman will make an announcement to this effect at the beginning of the meeting if a request has been received.

3.2 Members of the public attending a meeting to ask a question will be deemed to have given consent to being photographed or recorded.

3.3 Members of the public seated in the public seating area who actively object, should not be photographed, filmed or recorded if this does not undermine the broader transparency of the meeting.

3.4 Photography or filming must take place from a fixed position in the meeting room approved by the Chairman, to ensure that the view of Councillors, officers, public and press, is not obstructed.

3.5 The use of flash photography or additional lighting will only be permitted if agreed in advance with the Clerk and the Chairman.



3.6 Photography or audio/visual recording will be stopped if the Chairman feels it is disrupting or inhibiting the meeting in any way.

3.7 If someone refuses to stop recording when requested to do so the Chairman will ask the person to leave the meeting. If the person refuses to leave, the Chairman will adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

3.8 Anyone asked to leave a meeting because they have refused to comply with the Chairman's request to do so, may be refused permission to record future meetings.

#### **4. After the meeting**

4.1 Photographs and audio/visual recordings must not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show lack of respect towards those being photographed or recorded.

4.2 If someone fails to comply with this policy the Chairman may refuse to allow this person to record any future meetings.

4.3 The responsibility for how any photographs or audio/visual recording is used rests with the person who made the recording and not the Council.

## LOCUM CLERK PROCEDURE

Locums can be used for holiday, sickness absence, maternity/paternity leave or in between one Clerk leaving, and another being appointed.

Hampshire Association of Local Councils (HALC) website provides a list of locum clerks available, the user name is xxx and the password is xxx

[http://www.hampshire-alc.gov.uk/Advice\\_Information/Locum\\_Clerk\\_Service.aspx](http://www.hampshire-alc.gov.uk/Advice_Information/Locum_Clerk_Service.aspx)

Contracts are between the individual and council, and the Hampshire ALC has no power to intervene. Note - inclusion of a Clerk on the list on the website is not an endorsement or recommendation from the HALC, however it would expect the clerk to be competent; preferably through the CiLCA qualification or by successful experience at parish councils.

The Society of Local Council Clerks (SLCC) can also provide locums. They maintain a register of qualified and experienced locums who can provide cover for the Clerk on a short or long term basis.

The SLCC website <http://consultancy.slcc.co.uk/get-a-locum.php> provides an interactive map showing where their locums are based and a summary of their qualifications and experience. Councils can contact them directly and make appropriate arrangements. If you book a locum who is on the SLCC register a small fee will be payable (as at January 2018):

	Council Gross Budgeted Income		
	Less than £10,000 pa	£10,000 - £250,000 pa	More than £250,000 pa
Duration of Employment - 5 days or less	£25	£30	£80
Between 5 and 20 days	£35	£60	£100
More than 20 days	£50	£100	£150

A model contract of employment is available:

[http://consultancy.slcc.co.uk/userfiles/locum\\_documents/SLCC\\_MODEL\\_CONTRACT\\_OF\\_EMPLOYMENT\\_FOR\\_LOCUM\\_SERVICES.pdf](http://consultancy.slcc.co.uk/userfiles/locum_documents/SLCC_MODEL_CONTRACT_OF_EMPLOYMENT_FOR_LOCUM_SERVICES.pdf)

with guidance available:

[http://consultancy.slcc.co.uk/userfiles/locum\\_documents/SLCC\\_Locum\\_Service\\_Guidance.pdf](http://consultancy.slcc.co.uk/userfiles/locum_documents/SLCC_Locum_Service_Guidance.pdf)

## **EQUALITY AND DIVERSITY POLICY**

Tadley Town Council is firmly committed to promoting equality and diversity in all areas of our work.

The overall aim of this policy is to:

- Eliminate unlawful discrimination.
- Ensure that we treat all individuals fairly, with dignity and respect.
- Promote equality of opportunity in all aspects of an individual's employment including their terms and conditions.
- Promote positive action – including recruitment and policy.
- Ensure that all potential employees can expect our recruitment processes to be free of all unreasonable barriers.
- Promote an environment free of harassment and bullying on any grounds in relation to all staff.
- Promote equality of access and where possible make any reasonable adjustments.
- Provide a safe, supportive and welcoming environment - for staff, contractors, volunteers and visitors.
- Integrate our values into our work.

### **Implementing the policy**

We will do our best to make the policy fully effective by:

- Actively promoting it.
- Regularly monitoring and reviewing our job selection procedures and criteria and change them if they result in unfair discrimination.
- Making sure that all employees and job applicants, contractors and volunteers know about this policy.
- Taking appropriate action, using agreed procedures, if any employee breaches this policy.
- Providing training and guidance, particularly for line managers, to make sure that they understand this policy and their legal responsibilities.
- Monitoring recruitment and employment statistics to identify under-representation, as well as monitoring and impact assessing.

We are committed to providing equal opportunities in employment and demonstrating that we value the diversity of our workforce. To ensure that equality underpins all aspects of our employment policies, procedures and practices, we will:

- Do our best not to unfairly discriminate against any job applicant or employee and, when recruiting, only to consider factors which are relevant to someone's ability to perform the job well
- Aim to create a workforce that is as diverse as the community we serve
- Do our best to treat all employees and job applicants fairly in relation to all our employment policies and procedures and to meet any reasonable and appropriate additional needs they may have
- Value and respect the identities and cultures of our staff, including volunteers and freelancers etc.
- Do everything we can to work towards a workplace that is free from discrimination, bullying and harassment and act promptly on any complaints of discrimination, bullying, harassment or victimisation
- Provide a safe working environment
- Make the workplace, and information about work, as accessible as we can for all our employees
- Give our employees clear information about job selection and training and encourage all employees to reach their full potential
- Make sure that we work according to the relevant employment legislation and statutory codes of practice.

- Apply this policy through the organisation's recruitment and selection process, training programmes, grievance procedures and all other employment policies.
- Do all we can to give employees and job applicants access to complaint procedures if they feel unfairly treated.

### **Responsibility and liability**

Responsibility for implementing the policy:

- The Town Council has the ultimate responsibility for implementing and monitoring this policy, but all employees have a responsibility to work from it in all areas of their work, individually and collectively.

All employees must make sure they do not:

- Discriminate against anyone including anyone who is associated with someone who has a protected characteristic e.g. carers.
- Persuade or pressure another employee to discriminate harass, bully or abuse other employees or the public for any reason or condone harassment.

If anyone witnesses a discriminatory incident at work, they have a duty of care to others to challenge such behaviour and practice. If necessary further action can be taken by making a report to the Clerk, any Councillor or the Chairman.

If an employee does not follow these and other requirements of the policy, we will usually deal with it under the Disciplinary Procedure.

### **Monitoring**

Tadley Town Council will review this policy annually, to ensure it is appropriate and responsive to relevant legislation. Amendments to the policy will be made, where appropriate, in the light of experience or changes in guidance and/or legislation.

## **GRANTS POLICY**

Tadley Town Council awards grants to local organisations to help them achieve their aims and objectives. The Council will only make grants to local organisations and to national organisations who provide support to Tadley residents.

### **Who can apply?**

Applications must be from a properly formed group, club, committee or charity, which benefits the residents of Tadley. The organisation must have:

- A constitution/set of rules
- A bank account
- Public liability insurance

The grant can be for new projects or continued services.

### **Who can't apply?**

- Any group whose aims the Council considers to be working within a business or profit -making remit
- Individuals
- Applications where those benefiting do not live in Tadley
- Projects that have already been completed or items already purchased

### **How is an application considered?**

The Finance & General Purposes Committee will consider applications on the following basis:

- How well the grant will meet the needs of the community
- How effectively the group will use the grant
- Whether the costs are appropriate and realistic
- Level of contributions raised locally
- Whether the applicant could reasonably have been expected to obtain sufficient funding from a more appropriate source
- How the group is managed
- How the grant positively benefits Tadley residents

Applicants are expected to attend the meeting to provide any additional supporting information and answer any questions the Committee might have.

Applications will be considered twice a year (August & February) by the Finance & General Purposes Committee:

Deadline for Submission	Consideration of Application
Friday 22 January 2021	Monday 8 February 2021
Friday 23 July 2021	Monday 9 August 2021

In exceptional circumstances grant applications may be considered at other times.

Grants to successful applicants will be paid electronically.

Recognition of the grant from Tadley Town Council must be made in any publicity.

### **How to apply?**

Applications for funding must be made on the grants application form, accompanied by copies of the organisation's governing document, latest accounts, annual report and AGM minutes.

Only one application per financial year can be submitted by an organisation and similar applications for more than two financial years will not be looked on favourably.

## **ANNUAL LEAVE POLICY**

### **1. Scope**

This policy applies to all Tadley Town Council (“the Organisation”) employees.

### **2. Purpose**

The purpose of this Policy is to provide employees with details of the Organisation’s annual leave and pay arrangements. It also explains the Organisation’s procedure for taking annual leave. It should be read in conjunction with the Contract of Employment and any other associated documents.

### **3. Related policies**

This policy should be read in conjunction with the following Tadley Town Council policies:

- Sickness Absence Policy
- Disciplinary and Dismissal Policy
- Grievance Policy

### **4. Definitions**

- The number of working hours for a full-time employee is 37 per week.
- Standard hours for a full-time employee are 7.4 hours per day, Monday to Friday, 52 weeks per year, subject to annual leave entitlement.

### **5. Entitlement**

An employee’s annual leave entitlement varies depending on length of continuous service with the Organisation as at the start of each holiday year (1st April). The table below shows annual leave entitlement in number of working days for employees working standard hours. Annual leave entitlement for part-time employees is pro rata, based on the number of hours worked compared with those worked by a full-time employee. Part time annual leave entitlement is calculated in hours. Employees working non-standard hours also calculate annual leave in hours.

An employee’s annual leave entitlement is inclusive of all public holiday entitlement.

<b>Length of completed years of service (as at beginning of holiday year - 1st April)</b>	<b>Annual leave entitlement per annum (inclusive of all public holiday entitlement)</b>
Up to one year’s service	28 days
Up to two years’ service	29 days
Up to three years’ service	30 days
Up to four years’ service	31 days
Up to 5 years’ service	32 days
5 years or more	33 days

The increase in annual leave entitlement once each year of service has been completed will take effect at the beginning of the next annual leave year (1<sup>st</sup> April).

Employees receive their normal rate of pay, excluding any variable/additional payments, on any days which are taken as part of their annual leave entitlement.

The law relating to holiday entitlement is set out in the Working Time Regulations 1998 and amended by the Work and Families Act 2006. Employees are entitled to a minimum of 5.6 weeks (or 28 days for full time employees working standard hours) paid holiday per annum. The eight public holidays can be included in this. Pay in lieu of this statutory leave entitlement is not allowed except in the year of termination of employment.

### 5.1. Public Holiday Entitlement

The eight public holidays that are recognised by the Organisation are as follows: New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, Late Summer Bank Holiday, Christmas Day and Boxing Day.

Annual leave entitlement is inclusive of all public holiday entitlement i.e. it is added to the leave entitlement and employees will be required to use this entitlement to take leave on a public holiday which falls on their normal or scheduled working day.

Part time employees receive a pro-rata entitlement for public holidays based on the hours worked compared to those worked by a full-time employee. An employee's pro-rated public holiday entitlement may not be equal to the number of public holiday hours they need to book in the year, if this is the case, the employee will need to use normal annual holiday entitlement to cover the additional hours, take unpaid leave, or agree with their line manager to work the hours at another time. If the employee's pro-rated bank holiday entitlement is more than the number of public holiday hours they need to book in the year they can take the remaining hours at any other time during the year.

### 5.2. Calculation of annual leave entitlement for full time employees who work non-standard hours

Full-time employees who work non-standard hours should convert annual leave entitlement into hours, and annual leave should be booked according to how many hours he or she was due to work on that day.

#### AL - hourly conversion calculation:

AL in days x 7.4 hours = AL in hours

*(this should be rounded up to the nearest half hour)*

### 5.3. Calculation of paid annual leave entitlement for part time workers

Employees who are contracted to work part-time hours should firstly convert the above annual leave entitlement into hours (using the calculation in Section 6.2. above) and then pro-rata this to reflect the number of weekly hours contracted to work.

#### AL - part time pro rata calculation:

Full time equivalent AL in hours x no. of hours contracted to work ÷ 37 = pro rata AL in hours

*(this should be rounded up to the nearest half hour)*

## 6. Annual leave year

The Organisation's annual leave year runs from 1st April to 31st March. Employees starting or leaving employment during the annual leave year will be entitled to a pro rata allocation of annual leave for the part of the annual leave year worked.

## **7. Carrying annual leave forward**

All annual leave should normally be taken within the annual leave year (1st April to 31<sup>st</sup> March) and employees should not presume that they will be allowed carry annual leave entitlement forward from one annual leave year to the next.

However, employees may be allowed to carry a maximum of 5 days annual leave over into the next annual leave year, but this may only be done with his/her line manager's approval.

Line managers are responsible for ensuring employees take their annual leave entitlement within the year and should monitor annual leave taken throughout the year to ensure it is being used. Exceptionally this may not be possible and where annual leave is not reducing due to operational requirements, the line manager should assess allocation of work.

All carried over annual leave should be taken as early as possible in the new annual leave year ensuring that the ongoing resource needs of the business are met. When carried over leave is taken it should not disadvantage other employees taking from taking their normal annual leave at peak times in the year i.e. school holidays.

Specific rules apply if the employee is unable to take all holiday entitlement due to sickness (see Section 13).

## **8. Booking of annual leave**

Requests for annual leave should be made to an employee's line manager. Notice of annual leave must be given by employees. For any annual leave of one week or more, the employee should apply at least four weeks in advance of the proposed start of the annual leave. For any annual leave of less than one week, the employee should apply at least two weeks in advance of the proposed start of the annual leave. Any continuous leave period of more than 2 weeks will require at least 6 weeks' notice and line manager approval to ensure it will not have a detrimental effect on work schedules. These timescales may be shortened by agreement. The line manager should either approve or reject the request stating the reason for any leave which is rejected. Approval should be given within five working days. If the line manager rejects the request, notice at least as long as the leave requested should be given.

Any continuous leave period of more than 3 weeks will require at least 2 months notice and line manager approval to ensure it will not have a detrimental effect on work schedules or customer relations

An employee's line manager must approve all annual leave before it is taken, and any arrangements/bookings are made. Whilst every effort will be made to meet annual leave requests, the Organisation reserves the right to refuse any request should business requirements warrant it.

In the event of an employee disputing their line manager's decision to refuse annual leave, the Organisation's formal Grievance Procedure should be used.

Employees should not commit themselves to any holiday plans until their line manager has approved their annual leave request. No responsibility will be taken for any holiday deposit paid or other losses incurred because of a failure to comply with this procedure.



Any employee who takes unapproved annual leave will be regarded as having an unauthorised absence and may be subject to disciplinary action, including possible dismissal.

Where two or more employees' request annual leave for the same period and this will create work coverage issues, priority will be given to the employee whose request is received first.

## **9. Change or cancellation of annual leave**

In rare circumstances the Organisation might ask the employee to cancel previously agreed annual leave due to business requirements. The employee has the right to refuse such a request and will suffer no detriment because of such refusal.

If the employee will incur cost because of cancelling a holiday this should be discussed with the Organisation before making the cancellation. The Organisation might be prepared to meet the costs of any such cancellation.

Employees should give at least two weeks' notice of an intention to change or cancel their leave. All changes or cancellations to annual leave are subject to the line manager's approval.

## **10. Religious holidays**

Employees who wish to observe religious holidays which do not coincide with the Organisation's recognised public holidays (see Section 6.1.) are required to apply for normal annual leave entitlement or unpaid leave or make the time up by agreement with his/her line manager.

## **11. New starters**

If an employee has a holiday booked before joining the Organisation, he/she should make the Organisation aware when accepting the offer of employment. This holiday will be allowed, but this might be without pay if the employee has not got sufficient annual leave entitlement at this stage.

In the annual leave year in which an employee joins the Organisation, annual leave entitlement will be calculated on a pro-rata basis for service from start date to the end of the leave year, this includes part months.

### **AL - first annual leave year pro rata calculation:**

AL entitlement  $\div$  12 = AL per month

AL per month x no. of completed months service in current AL year  
= amount of AL for complete months worked

*(this should be rounded up to the nearest half hour)*

If an employee starts part way through a month, s/he will receive a proportion of the annual leave entitlement for that month.

### **AL - entitlement for a part month calculation:**

Employees joining between the 1<sup>st</sup> -15<sup>th</sup> of the month will receive their full AL entitlement for their first month of service.

Employees joining from the 16<sup>th</sup> of the month onwards will receive half of their AL entitlement for his/her first month of service.

The part month entitlement should be added to the to the completed month entitlement to calculate the total annual leave entitlement from the start of the employee's service until the end of the annual leave year. The total annual leave entitlement figure should be rounded up to the nearest half day for full time employees working standard hours. For part time employee or those working non-standard hours, this should be rounded up to the nearest half hour.

## 12. Leavers

In the annual leave year in which an employee leaves the Organisation, annual leave entitlement will be calculated on a pro rata basis for service from the start of the annual leave year until the end of the contract, this includes part months worked.

### **AL – last annual leave year pro rata calculation:**

AL entitlement ÷ 12 = AL per month

AL per month x no. of completed months service in current AL year  
= amount of AL for complete months worked

If an employee leaves part way through a month, s/he will receive a proportion of the holiday entitlement for that month.

### **To calculate AL entitlement for a part month:**

Employees joining between the 1<sup>st</sup> -15<sup>th</sup> of the month will receive half of their AL allocation for their first month of service.

Employees joining from the 16<sup>th</sup> of the month onwards will receive their full AL allocation for their first month of service.

The part month entitlement should be added to the to the completed month entitlement to calculate the total annual leave entitlement from the start of the annual leave year until the end of the contract. The total annual leave entitlement figure should be rounded up to the nearest half day for full time employees working standard hours. For part time employee or those working non-standard hours, this should be rounded up to the nearest half hour.

If the employee has outstanding annual leave entitlement, the Organisation may require the employee to take the annual leave during the notice period or, alternatively, the corresponding amount of money will be paid to the employee in the final salary payment.

If the employee has taken more than the pro rata annual leave entitlement, the corresponding amount of money will be deducted from the employee in the final salary payment.

If the amount of annual leave taken equates to more money than the final salary payment, the employee will not receive a final salary payment, but will not be required to pay back the additional amount to the Organisation.

### **13. Becoming ill whilst on holiday**

If an employee is unwell during a period that has been booked as annual leave, the employee's line manager should be notified as soon as possible. The usual procedure for notification of sickness applies. It is accepted that, if the employee is overseas during the sickness, it might not be possible to notify his/her line manager immediately, but every effort should be made as soon as it is practicable.

An employee who is unwell during a time of booked annual leave may apply to have any days of sickness treated as sickness absence and not annual leave. The employee must satisfy his/her line manager that the illness was genuine, and the Organisation may request a fit note issued by a doctor or other medical professional and/or other relevant supporting evidence.

The employee will be entitled to take any days of annual leave that are subsequently treated as sickness absence as annual leave at another time, subject to the Organisation's approval.

### **14. Holiday accrual whilst on long term sickness absence (over four weeks)**

For short term sickness absence, annual leave will continue to accrue as per the Tadley Town Council Annual Leave Policy. Statutory annual leave entitlement (5.6 weeks, or 28 days for full time employees working standard hours, including all public holiday entitlement) will accrue during all periods of long term sickness absence in accordance with the Working Time Regulations 1998. Any Organisation annual entitlement above the statutory minimum will not accrue. If an employee does not wish to take annual leave entitlement during long term sick leave, the employee is permitted to take this later in the annual leave year when he/she has returned to work. Where an employee is unable to take annual leave entitlement in the respective annual leave year due to continued sickness, he/she is permitted to carry forward unused statutory annual leave to the next annual leave year. No payment will be made in lieu of statutory annual leave not taken except in the year of termination of employment.

An employee may take their statutory annual leave at the same time as long term sick leave. The same rules apply as per the Tadley Town Council Annual Leave Policy regarding the notification and approval requirements for any annual leave which an employee wishes to take whilst on sickness absence.

If an employee has exhausted his or her entitlement to Organisation Sick Pay and is only in receipt of SSP, the Organisation will "top up" the employees pay during any period of pre-approved holiday taken during sickness absence so that the combined total payment (i.e. SSP added to the "top up") is equivalent to normal basic pay.

Where no payments of SSP are being made to the employee, any pre-approved holiday taken during sickness absence will be paid at normal basic pay.

### **15. Abuse of this policy**

Any abuse in the application of this policy will be dealt with in accordance with the Organisation's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

### **16. Alterations and amendments to this policy**

This policy does not form part of an employee's contract of employment. The Organisation reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the Organisation.

## **SICKNESS ABSENCE POLICY**

### **1. Scope**

This policy applies to all Tadley Town Council (“the Organisation”) employees.

### **2. Purpose**

The Organisation aims to secure the attendance of all employees throughout the working week. However, it recognises that a certain level of absence may be necessary due to sickness or injury.

This policy provides a framework and standards for managing attendance in an effective, fair and consistent manner across the Organisation, considering the needs of the Organisation and employees. It also explains the Organisation’s absence notification procedure and individual entitlement to sickness payment during absence from work due to unavoidable incapacity to work due to sickness or injury.

It should be read in conjunction with employees’ Contract of Employment and any other associated documents.

### **3. Related policies**

This policy should be read in conjunction with the following Tadley Town Council policies:

- Annual Leave Policy
- Disciplinary and Dismissal Policy
- Grievance Policy

### **4. Related forms**

This policy refers to the following Tadley Town Council forms:

- Sickness Absence Self Certification Form
- Sickness Absence Return to Work Interview Form

### **5. Definitions**

- The number of working hours for a full-time employee is 37 per week.
- Standard hours for a full-time employee are 7.4 hours per day, Monday to Friday, 52 weeks per year, subject to annual leave entitlement.

### **6. Principles**

Employees are expected to aid their own recovery, and are advised not to undertake any activity during absence due to sickness or injury, which could impair this recovery.

Employees will be expected to comply with the advice given by their doctor or any other medical professional.

For absences of more than 7 calendar days (including weekends), employees must obtain a fit note issued by a doctor or any other medical professional from the 8th day onwards. Subsequent fit notes will be required to fully cover absences, which continue beyond the original certification.

Regardless of the length of absence, employees must complete a Sickness Absence Self Certification Form.

When calculating length of absence (for sickness benefit calculation purposes), only lost working days are counted.

It is the responsibility of the line manager to monitor and record sickness absence.

## **7. Notification and certification of absence**

If an employee is unable to attend work due to sickness or injury, they should inform their line manager of the absence, the reason for it and likely duration, on the first day of absence and, wherever possible, within 30 minutes of the employee's normal starting time.

The employee should speak personally to their line manager. One of the purposes of this call is to enable any necessary reorganisation or reallocation of work, and for the line manager to establish an estimated return date from the employee. Only when the employee is unable to telephone personally should someone else notify the Organisation on their behalf. Should the line manager be unavailable, the employee should speak to another appropriate employee. In any event the employee must ensure the Organisation is notified of their absence by a phone call.

Throughout the period of sickness, the employee must keep their line manager regularly updated.

Regardless of the length of absence, an employee must complete a Sickness Absence Self Certification Form and give it to their line manager. If an employee's absence lasts seven days or less, this form can be completed on their first day of returning to work. Otherwise the employee must request a copy of the form, complete and post it to their line manager as soon as possible.

If the period of absence is for more than 7 calendar days (including weekends), a completed fit note issued by a doctor or other medical professional must also be sent to the employee's line manager to cover the entire period of absence (from day 8 onwards). Fit notes issued by a doctor or other medical professional must also continue to be submitted throughout the absence, regardless of whether any entitlement to sick pay has ceased. Employees must send the fit notes to their line manager as soon as it has been issued by the doctor.

The Organisation may also request a fit note issued by a doctor or other medical professional for frequent periods of absence of 7 days or less, or where there appears to be an unacceptable pattern of absence. The Organisation will reimburse all reasonable costs incurred in obtaining the fit note in these circumstances.

The frequency and timing of contact in the case of absences exceeding seven days will be agreed on a case by case basis, but, as a minimum requirement, the employee should keep their line manager informed throughout the period of absence, on at least a weekly basis.

If the employee provides no satisfactory evidence of sickness absence, it will be deemed unauthorised absence. Any Organisation Sick Pay and Statutory Sick Pay (SSP) may be withheld at the Organisation's discretion and disciplinary action (up to and including dismissal) may be taken against the employee.

Disciplinary action (up to and including dismissal) may also be taken against employees who make fraudulent claims in respect of any period of incapacity for work.

## **8. Fit notes**

An employee's doctor or other medical professional may indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties

- Altered hours
- Workplace adaptations

If a fit note is received the line manager will contact the employee and arrange for a meeting with them. The Organisation may seek the advice from an external HR adviser or medical professional as laid out in Section 15. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work.

If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

## 9. Return to work interview

Regardless of their length of absence, the employee will be interviewed by their line manager on their return to work to establish:

- The employee's fitness to return to work
- Ensure that all the support the employee need is in place
- Bring the employee up to date on any changes

A note of all discussions should be kept by the line manager on the Sickness Absence Return to Work Interview Form, agreed for accuracy and copied to the employee. The Organisation may seek the advice from an external HR adviser or medical professional as laid out in Section 16.

## 10. Definition of a day of sickness absence

For the purpose of the administration of sickness absence:

An employee who leaves work due to sickness or injury after having completed half of their normal daily working hours will have this day counted as a working day. However, the employee must still comply with the notification requirements and inform their line manager or other appropriate person that they are leaving work due to sickness or injury.

An employee who leaves work due to sickness or injury after having completed less than half of their normal daily working hours will have this day counted as a day of sickness absence. However, employees must still comply with the notification and certification requirements and inform their line manager or other appropriate person that they are leaving work due to sickness or injury.

## 11. Organisation Sick Pay

At its discretion and subject to the notification and certification requirements being met, the Organisation may make sickness payments up to the following maximum levels in any year of service:

Probation Period	No entitlement to Organisation Sick Pay
During 1st (excluding probationary period), 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> years	22 days full pay (see Section 12)
Subsequent years	44 days full pay (see Section 12)

The Organisation reserves the right to reduce the number of days for which an employee is eligible to receive discretionary Organisation Sick Pay in relation to any day taken as sickness absence, whether the employee receives Organisation Sick Pay in relation to that absence.

If an employee is on sick leave during their probationary period and remains so at the end of his/her probation period, he/she is not eligible to receive any Organisation Sick Pay until he/she has returned to work for a minimum of one calendar month.

If an employee is on sick leave at the end of the service year and remains so at the beginning of the following service year, the Organisation will continue to make payments based on eligibility in the previous year. When the maximum payments have been exhausted based on the previous year's service, there will be no further entitlement to sickness payments until the employee has returned to work in the new service year for a minimum of 1 calendar month.

All employees on sick leave remain subject to their normal terms and conditions of employment, which include the Organisation's right to terminate employment by giving notice at any time.

### **11.1. Calculation of Organisation Sick Pay for full time employees working non-standard hours**

Full time employees who work a non-standard week (i.e. do not work 7.4 hours a day, Monday to Friday) should convert the above entitlement to Organisation Sick Pay into hours, and if off sick, should deduct hours from total according to how many hours they were due to work on that day.

**Organisation Sick Pay - hourly conversion calculation:**

Organisation Sick Pay entitlement in days x 7.4 hours = Organisation Sick Pay entitlement in hours  
*(this should be rounded up to the nearest half hour)*

### **11.2. Calculation of Organisation Sick Pay for part time employees**

Employees who are contracted to work part-time hours (i.e. less than 37 hours a week) should firstly convert the above entitlement to Organisation Sick Pay into hours (using the calculation in 10.1 above) and then pro-rata this to reflect the number of weekly hours contracted to work. If off sick, employees should deduct hours from total according to how many hours they were due to work on that day.

**Organisation Sick Pay – part time pro rata calculation:**

Full time equivalent Organisation Sick Pay entitlement in hours x no. of hours contracted to work ÷ 37  
= Pro rata Organisation Sick Pay entitlement in hours  
*(this should be rounded up to the nearest half hour)*

## **12. Definition of Organisation Sick Pay**

Full Pay is the employee's basic salary only (excluding any variable/additional payments) and will be inclusive of Statutory Sick Pay payments (see Section 15 below) for which they are eligible.

## **13. Withholding of sickness payments**

The Organisation may exercise its discretion to withhold Organisation Sick Pay (excluding Statutory Sick Pay) in any of the following circumstances:

- If the employee does not adhere to the required notification and certification requirements;
- If the employee is in paid employment elsewhere during any period of sickness absence;
- If the employee's doctor or other medical professional advise the Organisation that the employee is fit to return to work, but the employee does not return;

- If the Organisation believes, after investigation, that there are no good reasons to support a period (or periods) of sickness absence.

In all the above four cases, the Organisation may, in addition, take disciplinary action against the employee, up to and including dismissal.

- If patterns of absence appear to be forming i.e. Friday/Monday, days following annual leave
- If the employee is alleging sickness absence rather than using other types of leave i.e. dependant's leave;
- If an employee is in paid employment elsewhere (e.g. has a secondary job or self-employed in leisure time) and injury arises in that employment, resulting in sickness absence with Tadley Town Council;
- If an employee plays sport for financial gain and injuries arise resulting in sickness absence;
- If an employee is injured because of failure to comply with Organisation rules regarding health and safety at work.

The above are examples of circumstances in which Organisation Sick Pay may be withheld but this list is not intended to be exhaustive and merely serves as a guide. Therefore, other circumstances may also lead to Organisation Sick Pay being withheld.

#### **14. Exceeding sickness payment entitlement**

If an employee exceeds their entitlement to Organisation Sick Pay due to the number of sickness absence days taken in a year, they will no longer be eligible to receive Organisation Sick Pay. The employee may continue to receive SSP in accordance with Government regulations, if a fit note issued by their doctor or any other medical professional is supplied fully covering the sickness absence period.

#### **15. Statutory sick pay (SSP)**

- If an employee is no longer eligible for Organisation Sick Pay, they may still be eligible for Statutory Sick Pay (SSP).
- The Organisation has a legal obligation to pay SSP to all employees who meet the regulations set out by the Government.
- SSP appears as a separate item on the pay slip and is subject to Tax and National Insurance deductions.
- The SSP amount is set and amended from time to time by the Government and is paid via the normal monthly salary.
- SSP is paid for full days of sickness absence and not part days and is only payable for standard contractual working days.
- SSP is limited to 28 weeks in any one period of sickness absence from work. It is only payable if the employee is sick for 4 calendar days or more in a row. The first 3 qualifying days of any absence are known as the "waiting days" – therefore, the employee will receive no pay if they have exhausted their Organisation Sick Pay during the 3 waiting days.
- If an employee has 2 or more spells of sickness of at least 4 days in a row which were within 8 weeks of each other, the first day of sickness is the first day they were off work sick at the beginning of these spells of sickness. There will therefore be no need to have the 3 "waiting days". This is called the "linking period" for SSP purposes.
- Further information regarding SSP can be obtained from GOV.UK website: <https://www.gov.uk/statutory-sick-pay>.

#### **16. Occupational Health and access to medical reports**



It may be considered appropriate by either the employee or the line manager to seek professional medical advice on the employee's medical condition. This could be in relation to a current absence or recent absence history (usually within the last rolling 12-month period) regardless of whether an employee's absence is considered short term or long term. The purpose of this is to gain as much information about the employee's medical condition as possible.

The Organisation may contact (with the employee's written permission) the employee's doctor or any other medical professional and ask them to supply a report on the employee's state of health and/or provide direct access to medical records.

In some cases, the Organisation may utilise the support of an occupational health provider. The type of support will depend largely on the employee's condition but may include a nurse appointment/nurse contacting the employee at home by telephone, a medical report or an appointment with an independent doctor nominated by the Organisation to conduct a medical examination.

An employee's lack of co-operation by refusing the Organisation consent to contact their doctor or any other medical professional or to involve an occupational health provider may impede an employee's ability to return to work. The Organisation's decision about an employee's employment will be based on the information available.

### **17. Absence because of actions by a third party**

If any sickness absence is caused, or appears to have been caused, by a third party and this results in the employee claiming damages against the third party, the Organisation must be notified of the fact and informed of the progress of any resultant litigation. When making a claim, the employee should include a claim for loss of earnings. In these circumstances, any Organisation Sick Pay paid to the employee by the Organisation will be regarded as a loan to be repaid when compensation is recovered for loss of earnings.

### **18. Becoming ill whilst on holiday**

If an employee is unwell during a period that has been booked as annual leave, the employee's line manager should be notified as soon as possible. The usual procedure for notification of sickness applies. It is accepted that, if the employee is overseas during the sickness, it might not be possible to notify his/her line manager immediately, but every effort should be made as soon as it is practicable.

An employee who is unwell during a time of booked annual leave may apply to have any days of sickness treated as sickness absence and not annual leave. The employee must assure his/her line manager that the illness was genuine, and the Organisation may request a fit note issued by a doctor or other medical professional and/or other relevant supporting evidence.

The employee will be entitled to take any days of annual leave that are subsequently treated as sickness absence as annual leave at another time, subject to the Organisation's approval.

### **19. Poor attendance**

The Organisation monitors sickness absence levels and will, where appropriate; investigate repeated, regular or high levels of absence.

Any investigation aims to provide advice, guidance and assistance to the employee and to assess whether there is any action that the Organisation or the employee could reasonably be expected to take to improve attendance.

Employees are advised that continued poor attendance may result in disciplinary action, which could ultimately result in dismissal.

In all cases of sickness absence, it is important that the employee and line manager maintain regular contact. The purpose of staying in touch is to review progress, understand the expected date of return and review the need for any support.

The Organisation reserves the right to discuss with an employee his/her ability or suitability to carry out their existing job considering their medical history and/or current medical condition. If poor attendance gives rise to performance or capability issues in relation to an employee's ability to undertake his/her duties, the Organisation may use the Organisation's Disciplinary and Dismissal Procedure in isolation or in conjunction with remedial measures, as appropriate, to address the situation.

A note of all discussions should be kept by the line manager, agreed for accuracy and copied to the employee.

## **20. Long-term sickness absence**

The Organisation will normally classify a period of sickness absence which has reached 4 weeks as long-term sickness and the following approach will apply:

- The Organisation may seek the advice of an external HR adviser to ensure that a fair procedure is carried out.
- The Organisation may request the employee's permission to contact his/her doctor or any other medical professional to ask for a medical report and/or access to medical records, or the involvement of an occupational health provider as set out in Section 16.
- An employee who is off longer than this period will be periodically asked to attend meetings with their line manager on work premises, to provide information facilitating an effective return to work. If the employee is too unwell or physically unable to he/she can expect (with the employee's agreement) a home visit(s) by their line manager.
- Every reasonable effort will be made to support recovery, rehabilitation, and return to work, including phased return to work and refresher training where appropriate
- Reasonable adjustments (either temporary or permanent) to the employee's working conditions will be considered, wherever possible and if the Organisation's circumstances permit, if these will help the person to stay at work, or accommodate the person's recovery and return, or support the management of a disability (in accordance with the Equality Act 2010). Reasonable adjustments to be considered may include an adjustment to working hours or working equipment being adapted (or special equipment to be provided) as appropriate to assist the employee in continuing to complete their role. Physical adjustments may also be considered i.e. a ramp being required for entry to a building, moving furniture or widening doors).
- Alternative employment available at the time will be considered where the person is medically unfit to carry out their previous duties. However, it is important to note that jobs will not be created for the sole purpose of finding alternative employment.
- The Organisation and the employee will maintain regular contact and the employee will be made aware of any potential risk to employment e.g. a potential redundancy that may impact the employee who is absent during the process. In some cases, long term sickness progresses to incapability, which may result in termination of employment on the grounds of ill health, however as stated above, alternative employment within the Organisation will be considered before termination. In such cases the Organisation will seek external advice from an external HR adviser. Please refer to Section 23.
- A note of all discussions should be kept by the line manager, agreed for accuracy and copied to the employee.

## **21. Benefits whilst on long term sickness absence**

### **21.1. Holiday accrual**

For short term sickness absence, annual leave will continue to accrue as per the Tadley Town Council Annual Leave Policy. Statutory annual leave entitlement (5.6 weeks, or 28 days for full time employees working standard hours, including all public holiday entitlement) will accrue during all periods of long term sickness absence in accordance with the Working Time Regulations 1998. Any Organisation annual entitlement above the statutory minimum will not accrue. If an employee does not wish to take annual leave entitlement during long term sick leave, the employee is permitted to take this later in the annual leave year when he/she has returned to work. Where an employee is unable to take annual leave entitlement in the respective annual leave year due to continued sickness, he/she is permitted to carry forward unused statutory annual leave to the next annual leave year. No payment will be made in lieu of statutory annual leave not taken except in the year of termination of employment.

An employee may take their statutory annual leave at the same time as long term sick leave. The same rules apply as per the Tadley Town Council Annual Leave Policy regarding the notification and approval requirements for any annual leave which an employee wishes to take whilst on sickness absence (the employee should contact their line manager for a Tadley Town Council Annual Leave Request/Cancellation Form).

If an employee has exhausted his or her entitlement to Organisation Sick Pay and is only in receipt of SSP, the Organisation will "top up" the employees pay during any period of pre-approved holiday taken during sickness absence so that the combined total payment (i.e. SSP added to the "top up") is equivalent to normal basic pay.

Where no payments of SSP are being made to the employee, any pre-approved holiday taken during sickness absence will be paid at normal basic pay.

### **21.2. Pensions**

For employees in receipt of Organisation sickness pay, the employee's and Organisation's percentage contributions will continue as normal during this period, based on the actual gross pensionable salary received.

For employees on unpaid periods of sickness absence (e.g., those who have exhausted their annual Organisation sick pay entitlement) will have both theirs and the Organisation's contributions temporarily ceased.

In any case where the rules of the pension scheme differ, these will prevail.

### **21.3. Salary review**

Employees who are absent from work due to long-term sickness on their salary review date (usually 1st April) will have their review postponed until their return to work. Should an increase be awarded this will be effective only from return to work date (not backdated to annual salary review date).

## **22. Return of the Organisation's equipment whilst on long term sickness absence**

If an employee is off sick for an extended period, the Organisation may require them to return the Organisation's equipment until they are well enough to return to work.

If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding equipment belonging to the organisation on the date of termination of his/her employment.

### **23. Leaving the Organisation on grounds of capability**

In some cases, long term sickness progresses to incapability, which may result in termination of employment on the grounds of incapability (termination will not take place without full consultation with the employee, medical investigation and a consideration of reasonable adjustments and/or alternative employment). Such cases will be managed in accordance with the Organisation's Disciplinary and Dismissal Procedure by the line manager in conjunction with professional advice from an external HR adviser. In the event of dismissal, the reasons and circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal in writing to their line manager within 5 working days of their receipt of the dismissal letter stating the grounds on which they wish to appeal. The appeal will be heard in accordance with the Organisation's Disciplinary and Dismissal Appeals Procedure.

If an employee leaves the Organisation on grounds of capability, any outstanding payments due (e.g. in lieu of holidays accrued but not taken) will be made in their final salary.

In addition, any monies owed to the Organisation by the employee (e.g. because of any overpayment) will be deducted from their final salary. If there are insufficient funds to cover such costs, the employee is responsible for reimbursing the Organisation for any outstanding amount.

The Employee's P45 will be sent to their home address after the final payment has been made.

### **24. Health & safety (H&S)**

The Organisation has Health and Safety obligations to all its employees, particularly employees returning from long term sickness absence. Should an employee have a concern or question regarding H&S, they should discuss this with their line manager.

### **25. Absences for reasons other than sickness**

Requests for time off for reasons other than sickness will be considered by the employee's line manager in the light of the individual's circumstances, legal requirements and operational needs. Unauthorised absences will be dealt with in accordance with the Organisation's Disciplinary and Dismissal Procedure.

Absences due to pregnancy-related illness, maternity leave and time off for antenatal appointments, paternity leave, parental leave and other statutory leave will not be considered when reviewing an individual's attendance record. Please speak to your line manager for details of time off rights.

Lateness linked to ill health will be managed in accordance with this policy. Lateness which is not linked to ill health may be dealt with in accordance with the Council's disciplinary procedure.

### **26. Abuse of this policy**

Any abuse in the application of this policy will be dealt with in accordance with the Organisation's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

### **27. Alterations and amendments to this policy**

This policy does not form part of an employee's contract of employment. The Organisation reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the Organisation.

## **Disciplinary Policy**

### **Introduction**

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice, (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

[https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG Guide Feb 2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG%20Guide%20Feb%202019.pdf)

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
  - informal coaching and supervision will be considered, where appropriate, to improve conduct and/ or attendance
  - the Council will fully investigate the facts of each case
  - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing  
employees may be accompanied or represented by a companion - a workplace colleague, a trade union representative or a trade union official at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
  - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
  - any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
  - information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records

will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

### **Examples of misconduct**

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
  - unauthorised absence
  - poor timekeeping
  - misuse of the Council's resources and facilities including telephone, email and internet
  - inappropriate behaviour
  - refusal to follow reasonable instructions
  - breach of health and safety rules.

### **Examples of gross misconduct**

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
  - bullying, discrimination and harassment
  - incapacity at work because of alcohol or drugs
  - violent behaviour
  - fraud or theft
  - gross negligence
  - gross insubordination
  - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
  - serious and deliberate damage to property
  - use of the internet or email to access pornographic, obscene or offensive material
  - disclosure of confidential information

## Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

## Examples of unsatisfactory work performance

9. The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
  - inadequate application of management instructions/office procedures
  - inadequate IT skills
  - unsatisfactory management of staff
  - unsatisfactory communication skills.

## The Procedure

10. **Preliminary enquiries** The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

11. **Informal Procedures.** Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

## Disciplinary investigation

12. A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's Personnel Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the Personnel Committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as

possible after the allegations have been made. The Personnel Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
- 15 The Personnel Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Personnel committee whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
  - a. the employee has no case to answer and there should no further action under the Council's disciplinary procedure
  - b. the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - c. the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the Personnel Committee which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.



## **The disciplinary meeting**

- 22 The employee will be invited, in writing, to attend a disciplinary meeting. The Personnel Committee's letter will confirm the following:
- the names of its Chairman and other two members
  - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
  - a copy of the information provided to the Personnel Committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
  - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
  - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
  - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official
- 23 The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:
- the Chairman will introduce the members of the Personnel Committee to the employee and explain the arrangements for the hearing
  - the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
  - the Chairman will invite the employee to present their account
  - the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
  - any member of the Personnel Committee and the employee (or the companion) may question the Investigator and any witness
  - the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the Personnel Committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the Personnel Committee.

## **Disciplinary action**

- 26 If the Personnel Committee decides that there should be disciplinary action, it may be any of the following:

## **First written warning**

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

## **Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

## **Dismissal**

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

## **The appeal**

28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

29 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

- 30 Where possible, the appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion, a workplace colleague, a trade union representative or a trade union official.
- 32 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
  - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman **will** inform the employee that he/she will receive the decision and the panel's reasons, **in** writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the Personnel Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter **will** be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee **will** be paid in **full for** the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

## **Grievance Policy**

### Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG Guide Feb 2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG%20Guide%20Feb%202019.pdf)). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

3. This policy confirms:

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits must be agreed by the employee and the Council
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure. If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Basingstoke & Deane Borough Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

#### Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager

to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel Committee or, if appropriate, another member of the Personnel Committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

#### Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Personnel Committee.

6. If the Personnel Committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).

7. The investigator will summarise their findings (usually within an investigation report) and present their findings to the Personnel Committee.

#### Notification

8. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chairman and other members
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

#### The grievance meeting

9. At the grievance meeting:

- the Chairman will introduce the members of the Personnel Committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
- any member of the Personnel Committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Personnel Committee.

10. The Chairman will provide the employee with the Personnel Committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

### The Appeal

11. If an employee decides that his/her grievance has not been satisfactorily resolved by the Personnel Committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within five working days of the employee receiving the Personnel Committee's decision and must specify the grounds of appeal.

12. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the Personnel Committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

13. The appeal will be heard by a panel of three members of the Personnel Committee who have not previously been involved in the case. There may be insufficient members of the Personnel Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.

14. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

15. At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub- committee
- explain the action that the appeal panel may take.

16. The employee (or companion) will be asked to explain the grounds of appeal.

17. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

18. The appeal panel may decide to uphold the decision of the Personnel Committee or substitute its own decision.

19. The decision of the appeal panel is final.

## **Information & Data Protection Policy**

### **Introduction**

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

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.

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

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

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

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

### **Protecting Confidential or Sensitive Information**

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

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

### **The policy is based on the premise that Personal Data must be:**

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

### **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of the Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

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

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

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

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

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

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

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

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

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

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



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

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

#### **Who is responsible for protecting a person's personal data?**

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

The Town Council has also appointed the clerk as the Data Protection Officer to ensure compliance with Data Protection legislation.

#### **Diversity Monitoring**

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

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council can keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

#### **The Councils Right to Process Information**

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

## **Information Security**

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

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

## **Children**

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

## **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information the Council has on them. They can do this by contacting the Town Clerk or Data Protection Officer:

**Information Correction:** If they believe that the information the Council has about them is incorrect, they may contact us so that we can update it and keep their data accurate.

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

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

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

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

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

## **Making Information Available**

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

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

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

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a member of the public, or where details

of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

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

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

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

### **Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

### **Data Transparency**

The Council will act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated during public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

**Timely:** data will be published as soon as possible following production.

## **Retention and Disposal Policy**

### **1. Introduction**

1.1 The Council accumulates a vast amount of information and data during its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various 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 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. 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 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 during 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 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 The Council should have in place an adequate system for documenting the activities of their service. This system should consider 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 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 on the SLCC website: 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 complying 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 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 2018 – Obligation to Dispose of Certain Data**

6.1 The Data Protection Act 2018 ('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 General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and 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 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**

The full list of the Council's documents and the procedures for retention or disposal can be supplied if requested. This is updated regularly in accordance with any changes to legal requirements

## **The Management of Transferable Data Policy**

### **Purpose**

1.1 This policy supports the controlled storage and transfer of information by Councillors and all employees, temporary staff and agents (contractors, consultants and others working on behalf of the Council) who have access to and use of computing equipment that is owned or leased by Tadley Town Council.

1.2 Information is used throughout the Council and is sometimes shared with external organisations and applicants. The use of removable media may result in the loss of the ability to access information, or interference with the integrity of information, which could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide services to the public.

1.3 It is therefore essential for the continued operation of the Council that the availability, integrity and confidentiality of all storage devices are maintained at a level which is appropriate to the Council's needs.

1.4 The aims of the policy are to ensure that the use of removable storage devices is accomplished with due regard to:

- 1.4.1 Enabling the correct data to be made available where it is required
- 1.4.2 Maintaining the integrity of the data
- 1.4.3 Preventing unintended consequences to the stability of the computer network
- 1.4.4 Building confidence and trust in data that is being shared between systems
- 1.4.5 Maintaining high standards of care towards data and information about individual parishioners, staff or information that is exempt from disclosure
- 1.4.6 Compliance with legislation, policies or good practice requirements

### **2. Principals**

2.1 This policy sets out the principles that will be adopted by the Council for material to be safely stored on removable media so that the risk of loss or corruption to work data is low.

2.2 Removable media includes but is not limited to: USB memory sticks, memory cards, portable memory devices, CD / DVDs, diskettes and any other device that transfers data between systems or stores electronic data separately from email or other applications.

2.3 Any person who intends to store Council data on removable media must abide by this Policy. This requirement devolves to Councillors, employees and agents of the Council, who may be held personally liable for any breach of the requirements of this policy.

2.4 Failure to comply with this policy could result in disciplinary action.

### **3. Advice and Assistance**

3.1 The clerk will ensure that everyone that is authorised to access the Council's information systems is aware of their obligations arising from this policy.

3.2 A competent person should be consulted over any hardware or system issues. Advice and guidance on using software packages should be also sought from a competent person.

### **4. Responsibilities**

4.1 Clerks are responsible for enforcing this policy and for having arrangements in place to identify the location of all data used in connection with Council business.

4.2 Users of removable media must have adequate Records Management/Information Security training so that relevant policies are implemented.

## **5. Incident Management**

5.1 It is the duty of all employees and agents of the Council to not allow storage media to be compromised in any way whilst in their care or under their control. There must be immediate reporting of any misuse or irresponsible actions that affect work data or information, any loss of material, or actual, or suspected breaches in information security to the clerk.

5.2 It is the duty of all Councillors/Employees to report any actual or suspected breaches in information security to the clerk.

## **6. Data Administration**

6.1 Removable media should not be the only place where data created or obtained for work purposes is held, as data that is only held in one place and in one format is at much higher risk of being unavailable through loss, destruction or malfunction of equipment, than data which is routinely backed up.

6.2 Where removable media is used to transfer material between systems then copies of the data should also remain on the source system or computer, until the data is successfully transferred to another computer or system.

6.3 Where there is a business requirement to distribute information to third parties, then removable media must only be used when the file cannot be sent or is too large to be sent by email or other secure electronic means.

6.4 Transferring material to removable media is a snapshot of the data at the time it was saved to the media. Adequate labelling must be undertaken to easily identify the version of the data, as well as its content.

6.5 Files must be deleted from removable media, or the removable media destroyed, when the operational use of the material has been completed. The Council's retention and disposition schedule must be implemented by Councillors, employees, contractors and agents for all removable media.

## **7. Security**

7.1 All storage media must be kept in an appropriately secure and safe environment that avoids physical risk, loss or electrical corruption of the business asset. Due to their small size there is a high risk of the removable media being mislaid lost or damaged, therefore special care is required to physically protect the device and the data. Anyone using removable media to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.

7.2 Virus Infections must be prevented from damaging the Council's network and computers. Virus and malware checking software approved by the Council, must be operational on both the machine from which the data is taken and the machine on to which the data is to be loaded. The data must be scanned by the virus checking software, before the media is loaded on to the receiving machine.

7.3 Any memory stick used in connection with Council equipment or to store Council material should usually be Council owned. However, work related data from external sources can be transferred to the Council network using memory sticks that are from trusted sources and have been checked using current anti-virus software.



7.4 The Council will not provide support or administrator access for any non-council memory stick.

## **8. Use of removable media**

8.1 Care must be taken over what data or information is transferred onto removable media. Only the data that is authorised and necessary to be transferred should be saved on to the device.

8.2 Council material belongs to the Council and any equipment on which it is held should be under the control of the Council and not available to be used for other purposes that may compromise the data.

8.3 All data transferred to removable media should be in accordance with an agreed process established by the Council so that material can be traced.

8.4 The person arranging the transfer of data must be authorised to make use of, or process that data.

8.5 Whilst in transit or storage the data must be given appropriate security according to the type of data and its sensitivity.

8.6 Encryption must be applied to the data file unless there is no risk to the Council, other organisations or individuals from the data being lost whilst in transit or storage. If encryption is not available, then password control must be applied if removable media must be used for the business purpose.

## **9. Faulty or Unneeded Storage Devices**

9.1 Damaged or faulty media must not be used. The clerk must be consulted over any damaged equipment, peripherals or media.

9.2 All unneeded or faulty storage devices must be dealt with securely to remove the data before reallocating or disposing of the device.

## **10. Breach procedures**

10.1 Users who do not adhere to this policy will be dealt with through the Councils disciplinary process.

10.2 Where external service providers, agents or contractors breach the policy, this should be addressed through contract arrangements.

## **Email Contact Privacy Notice**

### **When you contact us**

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services. Your personal information will be not shared or provided to any other third party.

### **The Councils Right to Process Information**

General Data Protection Regulations Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject or

Processing is necessary for compliance with a legal obligation or

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

## **Information Security**

The Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested.

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Tadley Town Council at any time).

## **Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

## **Access to Information**

You have the right to request access to the information we have on you. You can do this by contacting our Data Protection Officer: Town Clerk

## **Information Correction**

If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. Please contact Town Clerk to request this.

## **Information Deletion**

If you wish Tadley Town Council to delete the information about you please contact: Town Clerk to request this.

## **Right to Object**

If you believe that your data is not being processed for the purpose it has been collected for, you may object: Please contact the Town Clerk to object.

## **Rights Related to Automated Decision Making and Profiling**

Tadley Town Council does not use any form of automated decision making or the profiling of individual personal data.

**Conclusion:** In accordance with the law, we only collect a limited amount of information about you that is necessary for correspondence, information and service provision. We do not use profiling, we do not sell or pass your data to third parties. We do not use your data for purposes other than those specified. We make sure your data is stored securely. We delete all information deemed to be no longer necessary. We constantly review our Privacy Policies to keep it up to date in protecting your data. (You can request a copy of our policies at any time).

## **Complaints**

If you have a complaint regarding the way your personal data has been processed you may make a complaint to Tadley Town Council's Data Protection Officer: Town Clerk and the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113

## **Provision of iPads Policy**

### **Objective**

The iPad device is provided by the Council to assist members in undertaking their role more effectively. The flexibility, usability and portability of the iPad is the main advantage of this device over more traditional IT equipment such as laptops and PCs. The iPad can be used for routine tasks such as sending and receiving emails and browsing the web, however the main benefits to a councillor will be to have online access to agendas, minutes and Council documents.

## **iPad Ownership**

At all times the iPad remains the property of Tadley Town Council, however it has been loaned to you for lawful business use. This device should be used solely by the individual to whom it has been allocated. The terms of this agreement will be invalidated if the device is passed on to or used by another individual on a regular basis.

The iPad can be used for reasonable personal use by the councillor to whom it has been allocated. This includes the personal use of official Apps, social media and web browsing.

If you cease to be a member of Tadley Town Council, this iPad must be returned to the Council immediately.

All IT equipment will be asset tagged and details of the device will be included on the Council's inventory system.

## **Equipment Provided**

Each councillor will receive one Apple iPad with a charger and case.

## **Applications Supported**

Apple iPad devices use software applications commonly known as 'apps'. Apple provides an online marketplace to purchase apps for many different purposes. Apps are generally simpler and cheaper than the software purchased for PCs and laptops and are focused on one or two tasks rather than complex software packages which try to answer many requirements. The iPad will come with standard apps preinstalled and preconfigured.

## **Use of iPads for Personal Purposes**

The iPad is provided for lawful business purposes only and is for your sole use in your role as a Councillor.

All preinstalled software on the iPad will be paid for via a corporate account. At times the Council may wish to install additional apps to all Councillor iPads for Council business. In this case the council will pay for the apps using the corporate account and will arrange installation with Councillors on an individual basis.

In addition, Councillors may install their own apps to assist in their duties however to do so requires the creation of a personal App Store account, to enable the purchase, download and installation of the apps. Many apps are free but if there is a cost associated with a chosen app then it is the responsibility of the Councillor to pay for any App in addition to those outlined above via their own App store account.

If you cease to be a member of Tadley Town Council, all apps will be removed from the iPad when it is returned to the Council but rights to use the app will remain in place with the App Store account that was used for the original purchase and as such can be used with a different personal iPad device.

In addition, members will be provided with online storage space where they can save documents, presentations, PDFs, pictures, etc. Should the member require more storage this will have to be purchased personally through the members personal account.

## **Internet Connectivity**

The iPad will be set up with access to the council's wireless network within the Tadley Town Council offices.

For access outside the council offices the iPad can connect to other wireless networks.

### **Installation of Additional Peripherals**

You may purchase your own peripherals for use with the iPad. It is not necessary to inform the Clerk of any peripherals that you intend to use but there will be no support for additional external devices used with this device. The iPad will come with a suitable case.

### **Loss of device or accidental damage**

Any incidents of theft or damage should be reported immediately to the police and the Clerk. Should the device be lost or stolen IT support will remotely wipe all information from the device.

The following safety precautions should be adhered to: iPads should not be left unattended in a vehicle or left in vehicles overnight.

### **Training**

Prior to the issue of the equipment, all Councillors can undergo a training session. Training will be customised to individual needs.

### **Physical Security of iPads**

Each iPad device will be issued with a standard PIN code and it is the responsibility of individual Councillors to reset the PIN code on the device and to ensure that it is continually protected with said pin code. PIN codes should be held securely and not disclosed to other individuals.

### **Data Security**

Whilst the equipment will remain the property of the Council, the Council will not accept responsibility for any data that is stored on the equipment. The equipment should be used for lawful business purposes only. In the event of any inappropriate data being identified on the device, this will be referred to the Clerk who, having considered the matter and taken appropriate advice, will decide on the most appropriate course of action.

### **Online Meeting Policy**

Before the meeting, all councillors and the clerk should join the meeting promptly (at least 5 minutes before the meeting commences) to avoid unnecessary interruptions and to test connections.

#### **1) Discussions**

All councillor microphones should be muted at the commencement of the meeting and during the meeting, councillors will be responsible for muting and unmuting their microphones when they are invited to speak by the chair.

During the meeting all persons other than councillors will be muted. During the public participation period members of the public will be advised to raise their hand to indicate that they wish to speak. Their microphone will then be unmuted and they can address the meeting. Following the conclusion of their address the microphone will be muted.

During the meeting councillors and the clerk will raise their hand to indicate to the Chairman that they wish to speak on an agenda item. Councillors and officers should

only speak when invited to by the Chairman of the meeting. Only one person is to speak at a time.

There can be some time lag online, so we need to allow a small pause to make sure a person has finished speaking.

If a councillor declares an interest in any item, they will be moved to the waiting room whilst the item is discussed,

2) Voting

All voting will be undertaken by a show of hands.

3) Poor connectivity

In the case of poor connectivity, the Chairman will decide whether to continue with the meeting or to reconvene.

In the case of video not being available for some or all of councillors attending the Chairman can choose to continue but to operate on a roll call for councillor views on individual agenda items.

4) Attendance

If a councillor is believed to have 'dropped out' this will be minuted. If 'drop outs' result in the meeting becoming inquorate members will endeavour to rejoin. If after 10 minutes the meeting is still inquorate the Chairman will suspend the meeting and reconvene it at a later time and date subject to the statutory days of notice.

5) Telephone attendance

Persons wishing to attend by telephone are advised to contact the clerk in advance in order that processes can be put in place to enable appropriate engagement.

6) Virtual meeting etiquette

Normal standing orders apply with regard to conduct at meetings.

Behaviour that is contrary to the intended outcomes of the meeting will be dealt with at the discretion of the Chairman. For a member of the public or press this may result in them being dismissed from the online meeting.

