AGENDA ITEM 11.1

Asset Register and Disposal Policy

1 Background

1.1 Local councils must maintain an asset register to ensure fixed assets are appropriately safeguarded. This includes items of a capital nature where values tend to be high and which have a useful life of more than one-year used by the council to deliver its services (Governance and Accountability for Local Councils: A Practitioner's Guide (England). Fixed assets are also known as non-current assets. Fixed assets acquired in any year should be added to the asset register for management purposes. The Council's Financial Regulations, section 14 refers to the custody of Assets, Properties and Estates.

2 Scope of Asset Register

2.1 In order to ensure transparency and reasonableness, the following items are included in the Council's asset register, whether purchased, gifted or otherwise acquired, together with their holding location:

- land and buildings held freehold or on long term lease in the name of the Council
- community assets
- vehicles, plant and machinery
- assets considered to be portable, attractive or of community significance
- other assets estimated or known to have a minimum purchase or resale value of £50.00
- long term investments, shares and loans made by the Council
- assets held on trust (e.g. monies held on behalf of the Mayor's charity)

2.2 The values indicated in the asset register will inform the 'total fixed assets' section of the Annual Return with the exception of assets held on trust.

2.3 The following items fall outside the definition for inclusion and are therefore excluded from the Council's asset register:

- land and buildings held on short term lease or rented
- land and buildings maintained or serviced, but not owned by the Council
- assets rented by or loaned to the Council
- stock items intended for resale
- stationery and other consumable items
- boundaries of land owned (e.g. fences, hedges and gates)
- floor or land surfaces and drainage
- plants and trees
- assets with a purchase or resale value of less than £50 (other than items listed as for inclusion in the asset register)
- repairs
- cash, short term investments and other current assets

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- intangible assets (e.g. trademarks, internet domain names, contingent assets, broadcast rights)
- negative' assets (e.g. provisions, borrowings, creditors and contingent liabilities)

A separate section of the asset register will contain a schedule of disposals. All asset disposals must comply with the Asset Disposal Procedure referenced within this policy.

3 Valuation of Assets

3.1 Once recorded on the asset register, the value of assets must not change from year to year until disposal. Concepts of depreciation and impairment adjustments are not appropriate for local councils (Governance and Accountability for Local Councils: A Practitioner's Guide (England).

3.2 Assets must be valued by one of the following means based on available information:

- ideally, apply the purchase price (net of VAT if VAT has been reclaimed);
- otherwise, apply the purchase price (gross of VAT if VAT has not been reclaimed or where the VAT status of the purchase is unclear)

3.3 Where it is not possible to trace the purchase price of the asset the insurance valuation should be applied. As a last resort, a nominal value of £1 may be applied. This should also be used for assets gifted to the Council.

3.4 There is no guidance where land or buildings have been subject to substantial renovation and improvement to such an extent that the new market value bears no relation to the original purchase cost. In order to avoid renovation and improvement work being separately recorded on the asset register and in these exceptional circumstances only, a market value supplied by a qualified surveyor may be entered.

4 Procedure for Updating the Asset Register

4.1 The start point is the asset register that has been agreed for the end of the previous financial year. The financial ledger should be reviewed for all purchases made during the year. A discussion should be held with all Council officers to identify any assets that have been gifted to the Council. Any new assets which fall in the categories stated at 2.1 above should be added to the asset register, with their values recorded at the purchase price (net of VAT if VAT is being reclaimed or at £1 if gifted to the Council.

4.2 The financial ledger should also be reviewed for all asset sales made during the year. A discussion should be held with all Council officers to identify any assets that have been lost, disposed of or gifted by the Council. Any assets which fall in the categories stated at 2.3 above should be removed from the asset register and recorded in the schedule of disposals. The asset register should record any assets loaned by the Council, including the person or organisation borrowing the asset, its location and the date when the loan period ends.

4.3 It is the Councils responsibility to ensure that a 'stock take' of asset register items should occur to ensure that all asset register items can be physically verified. Any assets which cannot be located should be removed from the asset register and recorded in the schedule of disposals. The disposal procedure must be carried out in accordance with the procedure stipulated in section 6.

4.4 The asset register, schedule of disposals and this policy shall be reviewed annually and approved by the Council.

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5 The Asset Register and Insurance

5.1 For insurance purposes, the asset register shall include a column to record the replacement value of each asset.

5.2 The Asset Register will be used to inform the insurers of Council assets. For the purposes of insurance, the value to be used is the replacement value of items and not the purchase price as per the Asset Register. The Council should ensure land and building are valued accurately for insurance purposes. Buildings should therefore be valued every five years to ensure the appropriate insurance is held.

6 Asset Disposal Procedure

6.1 Asset disposals must be referred to the Finance committee for consideration and recommendation to the full town council. Where any asset still has value in the asset register in excess of £100.00 then the decision in regards to its disposal must be referred to full Council following a recommendation from the Finance Committee.

6.2 All proceeds from such disposal are the property of the Town Council and must be accounted for and reported to the Full Town Council. Asset disposal decisions, and the reasons for taking them, should be documented. Not only does this assist in audit process and other examinations, it also highlights successes and problems for future reference.

6.3 Value for Money

The best value outcome to the Council must be a major consideration when disposing of assets. Goods should only be disposed of after checks have been made to ensure that the item could not be utilised by other areas of the Council. Disposal should be based on a fair market value for each item. The price established should be based on:

- current market value
- condition of the item
- age of the item
- an assessment of the usefulness of the item. Using external evaluation services should be required in case of IT equipment. All data storage devices must be reformatted prior to disposal to delete any data they may contain.

6.4. Reasons for disposal

Items can be available for disposal because they are:

- required to be disposed of under a particular policy eg. motor vehicles
- no longer required due to changed procedures, functions or usage patterns;
- occupying storage space and not being needed in the foreseeable future;
- no longer complying with health and safety standards;
- beyond repair but able to be sold for scrap.

A list of suggested assets for disposal should be presented to the Finance and Staffing committee

- by the Town Clerk for items in the Town Council office, or village assets such as street furniture
- by the Groundsman for items within the Sports Ground
- by the Caretaker for items within the Edward Dunn Memorial Hall (excluding the Clerks office)

There should be a written reason of disposal. Items suggested for disposal by the Town Clerk should be approved by the respective committees prior to being presented to the Finance committee and

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recommended to the full town council. Special consideration should be given to items of potentially hazardous or pollutant items which are likely tohave an impact on the environment.

6.5 Options for the Disposal of Assets

Assets identified for disposal may be dispensed with using the procedures listed below:

- Sale by public tender
- Donated to a community service or organisation
- Scrap

Choice of the most appropriate disposal option will normally be influenced by the nature of the goods for disposal and market value. In all cases, assets disposed of should be reported on an 'Asset Disposal' form to ensure they are removed from the Council's asset register and recorded in the disposals register.

6.6 Sale by tender

External tenders should be advertised using the appropriate channels and sealed bids sought. Assets should be sold as seen and no warranty should be given or implied. In both cases, at least two officers should be appointed to witness the opening, scrutiny and acceptance of the offers made. In all cases, the payment should be received in full prior to the equipment being released.

6.7 Sale to Staff

Items cannot be purchased by staff for the purpose of managing conflict of interests and fair offering.

6.8 Donations

Where the Council has determined that goods have no residual value, and where their disposal is therefore unlikely to produce sufficient revenue, it may authorise the donation of the goods to another organisation within the parish area such as schools, charities and volunteer organisations. Donations must be recommended by the Finance committee and approved by the Full Town Council.

6.9 Scrap

Where items have negligible value or where the cost and time involved in managing the sale process would exceed the financial benefit, the equipment may be scrapped.

6.10 Asset Disposal Forms and the Asset Register

It is important that any asset disposals are correctly handled to ensure transparency and accountability. The asset disposal form (appendix A) should be used to record the authorisation of the disposal by the appropriate staff/committee within the Council and the value or values achieved by it. The Town Clerk/RFO is responsible for updating of the Council's asset register following the appropriately authorized Asset Disposal Request. All asset disposals will be recorded in the Asset Disposals Register for audit purposes.

Policy Details

Date First Adopted: **Document Status:**

Review Period: Annual [To be reviewed annually at the Annual Meeting of the Council in May]

Version: 01 **Disposal Period:**

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Appendix A: Asset Disposal Form

Form to be completed by Town Clerk or Appropriate Manager and presented to the relevant committee for recommendation to the Finance committee and full town council in line with the Asset Register Policy and Disposals Procedure.					
List of Assets to be Disposed					
Asset reference and serial number	**Location**	**Description**	**Purchase date**	**Original cost**	**Disposal value**
REASONS FOR DISPOSAL					
METHOD OF DISPOSAL					
Scrapped	☐	**Sold**	☐	**Gifted / Donated**	☐
Additional Information:					
Date of Disposal		**Auth Ref/Minute Ref**			
Authorising Officer and Position Held: (Sign & Print Name)					

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Corporate Risk Assessment Register: Financial Year Ending 31st March 2023

RISK ASSESSMENT RATING CRITERIA

LIKELIHOOD	Highly probable 76-99%	4				
	Probable 51-75%	3				
	Possible 26-50%	2				
	Unlikely 1-25%	1				
			1	2	3	4
			Minor	Moderate	Serious	Major
			IMPACT			
FINANCIAL IMPACT			Loss of up to £1000	Loss of up to £10,000	Loss of up to £50,000	Loss of over £50,000
and/or REPUTATIONAL IMPACT			Minimal / localised damage to reputation	Damage to reputation within the town	Damage to reputation within the region.	National damage to reputation; intervention by Government
and/or HEALTH & SAFETY IMPACT			No health and safety impact	Minor injury, possibly requiring treatment by health care professional	Serious injuries	Fatality or life-changing injuries

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Risk Appetite and Approaches to Managing Risk

LIKELIHOOD	Highly probable 76-99%	4		**TREAT (take action to reduce risk exposure by introducing measures / controls)**		**TERMINATE (ie stop the activity that generates the risk)**
	Probable 51-75%	3				
	Possible 26-50%	2				
	Unlikely 1-25%	1	**TOLERATE (an informed view reached that the risk is accepted)**			**TRANSFER (usually via insurance or other contractual arrangement)**
			1	**2**	**3**	**4**
			Minor	Moderate	Serious	Major
			IMPACT			

Risk Rating	Risk Appetite and Action
Green	Risks rated as **GREEN** are within the risk appetite of the Council. It is unlikely that further additional measures are required to control these risks. These risks may be ***tolerated*** by the Council.
Amber	Risks rated as **AMBER** are within the risk appetite of the Council, however further additional measures may be needed to ***treat*** (i.e. control) the risks and so reduce exposure OR to consider risk ***transfer*** e.g. via insurance, franchising or other contractual arrangement. The Council must be periodically advised of amber risks and the action planned and/or taken to control them.
Red	Risks rated as **RED** go beyond the risk appetite of the Council. Immediate action is required to bring the risk within the Council's risk appetite or, if this is not possible or desired, to ***terminate*** the activity that creates the risk. The Council must be immediately advised of red risks and regularly updated on the action planned and taken to control them until they are within the risk appetite of the Council. *Any action taken must be in accordance with the Council's Standing Orders and Financial Regulations.*

MALTBY TOWN COUNCIL

CORPORATE RISK ASSESSMENT REGISTER **Updated: 21 November 2022**

Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
FINANCE							
Loss of cash through dishonesty or theft	1	1		Insurance cover in place for Fidelity Guarantee to cover members and officers. Money stored in safe atall times. Cash holdings are minimal and petty cash is stored in the safe. Liaison with Police if necessary. Two signatures are required on all online banking payments by the Council. Petty Cash Float is restricted to £200.00 and detailed procedure included in the Financial Regulations.	Bank mandate to remove former signatories who are no longer on the council	31/03/23	Clerk/RFO + Finance Committee
Poor financial internal controls and records	2	2		Council accounts are managed by an experienced Locum Clerk/RFO who holds an accountancy qualification and is trained to use the Rialtas Omega Accounting Software. Expenditure is scruntised by the cheque signatories following certification by the RFO. The council has two councillors appointed for internal control checks.	Training for the new Town Clerk/RFO to use the software. Consideration to appoint a consultant or to retain the existing Locum Clerk to manage the finances on the Rialtas System. Outsourced Financial Management to be considered via software Provider RBS Rialtas or DCK Accounting Solutions who are qualified and specialize in local council accounts. Internal Controls Policy Checklist to be developed by the Clerk & adopted by council.	31/01/23 31/01/23 31/03/23 01/12/22	Finance & Staffing Finance & Staffing & Full Council Finance & Staffing Locum Clerk + Full Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
FINANCE (Continued)							
Annual Return submitted late	1	1		The incumbent Clerk/RFO is aware that the AGAR is to be approved by full council and submitted no later than the statutory deadline of 30 June. Council members are aware of the financial procedures and approval of the AGAR as this is outlined within the Governance Review Document of Policies and Procedures.	New Town Clerk/RFO to diarize these dates to ensure the Accounting Statements are prepared in advance of the council meeting prior to the 30 June 2022.	31/03/23	Town Clerk + Finance and Staffing + Full Council
Inadequate Insurance Libel or slander claims received	3	3		The council is in a long term agreement with Zurich to 17 May 2024. Zurich specialise in town and parish council insurance. Consultant assigned to ensure all cover is tailored to council's requirements. The council has adequate insurance cover in place for libel or slander claims.	To monitor and review.	31/03/23	Town Clerk
Bank mistakes, losses and charges	1	1		Bank reconciliations are undertaken monthly. Any banking mistakes will be discovered by the RFO on receipt of the bank statement and reported to the Finance and Staffing committee under the RFO report.	To review and monitor	Ongoing	Clerk + Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
Finance continued							
Non-Compliance with HMRC Regulations and Pension Contributions	3	2		Council payroll contracted to Robert Ogle Accountant who calculate the HMRC, tax and NI contributions on behalf of the council. HMRC payments are made via the town council based on the calculations provided by payroll and payment is taken via direct debit arrangements. Pension Contributions have been reviewed by the F&S committee and pension data is uploaded onto the portal via the Locum Clerk.	Council to resolve transferring all pension management to Robert Ogle Accountants. New Town Clerk/RFO to be trained by the Locum Clerk on payroll and pension procedures	01/12/22 31/03/23	Finance + Staffing + Full Council Locum Clerk
Incorrect VAT Claim and/or submission of a late claim	1	2		Locum RFO scrutinizes all invoices received to assess whether they can be validly included in the VAT claim. VAT is automatically calculated using the RBS Omega Accounting Rialtas Software. VAT claims are normally reclaimed on a quarterly basis.	VAT Claim to be submitted for Quarter 1 and Quarter 2 no later than 31 December 2022 New Town Clerk/RFO to be trained on VAT reclaims using the Rialtas Software as per of training delivered by Rialtas.	31/12/22 31/01/23	Locum RFO Finance & Staffing & Town Clerk

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
Finance continued							
Damage to or loss of assets	2	3		CCTV is in place on site at the Edward Dunn Memorial Hall and at the Sports Ground. Asset register is inplace. Liaison with the police if necessary.	The security of the Allotment boundaries fencing to be reviewed and inspected and the installation of CCTV to be considered. Asset Register policy to be developed and asset register to be updated to include management controls for responsibility. Audit to be carried out by Finance committee to confirm physical existence of all assets in compliance with the Financial Regs. Building Security arrangements to be reviewed and Building Security Policy to be developed and adopted. Key Holders to have registered numbered key tags and security codes to be changed and locks if necessary. Alarm service required at the Sports Ground and arrangements to be reviewed.	31/03/23 31/12/22 31/03/23 31/03/23	General Purposes Locum Clerk + Finance & Staffing + Full Council RFO/ F&S + Caretaker Clerk + GP + Full Council Clerk, Groundsmand + Sports Ground Ctte

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
Finance continued							
Council overspend	1	1		Areas of spend closely monitored by RFO and Each Committee with Delegated authority to spend. Regular reporting to Council. Decisions taken when risk of overspend arises. General Reserves are monitored.	To review and monitor	Ongoing	Clerk + Council
Adverse market conditions resulting in a burden for the taxpayer (Sports Ground, Allotment rents and room bookings)	2	2		Business interruption insurance in place. Charges for the Sports Ground reviewed by the Committee at the October meeting. Allotment rents are under review and the fees for the Edward Dunn have not been increased for several years.	To review and monitor	Ongoing	Clerk + Council
Precept inadequate to meet financial commitments	1	1		Precept calculated with regard to Council's projections and existing commitments in conjunction with the RFO, Finance Committee and FullCouncil. Provision exists for shortfall in precept income as part of the General Reserves.	To review and monitor	Ongoing	Clerk/RFO + Finance Ctte + Full Council
Breach of Financial Regulations	1	1		Members and officers are required to comply with Financial Regulations. Qualified RFO and Locum Clerk in post. Auditors advise of areas of weakness. Review of Governance and Policies incorporating the financial framework in October 2022 with identified areas for improvement. New updated Financial Regulations in place and adopted by full council in October 2022.	Members and Staff to be provided with training around the regulations and with a procurement flowchart. Members to undertake own review of control environment.	31/03/23	Locum Clerk

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
FINANCE CONTINUED							
Non-payment to employees and suppliers due to online bank mandate changes	3	1		Bank Mandate has been updated with Lloyds Bank and new signatories added and two signatories removed. Total of four signatories available on the Lloyds Bank to ensure business continuity and to sign cheques. Bank Mandate with TSB Bank part completed.	Additonal signatories on the Lloyds Bank to be removed. Cllrs McMahon + Tinsley to complete TSB bank mandate and form to be signed by Cllr Kirk New Town Clerk/RFO to be added as an administer with authorization to set-up payment for online banking only for the Lloyds bank account and to have view only access to the TSB account.	31/03/23 31/03/23 31/03/23	RFO + Finance Ctte + Full Council RFO + Finance Ctte + Full Council RFO + Full Council
Loss of Funds from the councils fixed deposit accounts	4	2		Cllr Kirk is the only authorized signatory on the two fixed deposit accounts. New Signatories have been appointed by council to be added.	Cllr Kirk to arrange bank mandate forms to be updated to include the addition of new signatories Cllrs McMahon, Stables and Tinsley. New Town Clerk/RFO to be added as an administrator to access banking statements.	31/12/22 31/01/23	Cllr Kirk + RFO + Finance Ctte + Full Council Town Clerk/RFO

Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
GOVERNANCE							
Poor relationship with partners (including Rotherham Metropolitan Borough Council)	1	1		Locum Clerk has good relationships with RMBC Officers. Borough Councillors are invited to attend and submit reports at the monthly full Town Council meetings. Members continue to improve relationships with RMBC, and the MP.	To review and monitor.	Ongoing	Full Council + Town Clerk
Council meetings not quorate or not minuted correctly.	1	1		Qualified Locum Clerk in post and in attendance to take minutes. Procedure in place to record apologies in advance of meetings. Attendance recorded as part of minute taking to evidence a quorum. Minutes and agendas published as per legal requirements. Minutes and agenda produced in prescribed method, minutes approved at the next meeting.	Training required for the new Town Clerk/RFO relating to agendas and minutes preparation.	31/01/23	Town Clerk + Staffing Ctte
Inadequate Internal Audit Assurance	1	1		Independent internal auditor appointed and in place.	Internal Audit policy to be developed and adopted.	31/01/23	Locum Clerk
Conflict of interest not declared or dealt with appropriately for members and officers and Members failing to behave in accordance with the member code of conduct.	3	2		Standing Orders contain procedure for recording and dealing with member and officer conflicts of interest. Standing agenda items to receive declarations for interests for members and officers. Monitoring Officer (RMBC) maintains register of interests which is published on the internet via RMBC website. Code of conduct adopted by council.	Employee Code of Conduct and Register of Interests to be developed and adopted. Members Code of Conduct to be reviewed against the latest Model Code of Conduct.	31/03/23 31/03/23	Clerk + Full Council Clerk + Full Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
GOVERNANCE (continued)							
Spend and activity in areas in which the Council has no power (ie Council behaves ultra vires)	1	1		Qualified Locum Clerk in post with a good knowledge of the scope of the Council's legal powers. Access YLCA and NALC resources to provide guidance on legal issues and access to legal topic notes. All proposed payments scrutinised to ensure Council has powers to make payment or ensure advice to obtained from YLCA.	To review and monitor.	Ongoing	Town Clerk + Full Council
Insufficient capacity of members and staff to deliver upon Council objectives. Lack of direction and prioritisation and absence of a business plan.	2	3		Work is undertaken by the Finance and Staffing committee and full council to ensure that the annual statutory council work plan is deliverable by having the resources in place or budgeted for. Business Plan for the town council in place and adopted.	Additional Personnel Resources and recruitment to be addressed by the Staffing Committee to ensure business continuity. Additional commitments are not accepted without clear identification of legal power, resources required and funding allocated.	31/12/22	Personnel Ctte Finance + Full Council
Loss of 'General Power of Competence'	2	4		Requisite number of members are elected (either by ballot or unopposed by-election). Qualified Locum Clerk in post.	Town Clerk person specification requires the relevant CILCA qualification. New Town Clerk to undertake the CILCA training. Eligibility for the power of GPC to be declared at full council meeting once Qualified Clerk is appointed.	Ongoing	Staffing Ctte + Full Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
GOVERNANCE CONTINUED							
Referendum or by-election required following a vacant seat arising from resignation or death	1	1		Provision maintained for the cost of a by-election. RMBC are responsible for declaring a seat vacant and notifying the town council accordingly.	Co-option procedures to be reviewed.	Ongoing	Clerk + Full Council
Non-compliance with the Local Government Data Transparency Code	2	4		Current website in place with current agendas, minutes and reports uploaded. AGAR documentation uploaded and Standing Orders and Financial Regulations and policies.	New town council website to be launched on the 28 November. Review to be carried out to ensure data is uploaded in accordance with the Transparency Code.	28/11/22 31/03/22	Full Council Locum Clerk + Full Council
PERSONNEL							
Staff absence (sickness, resignation)	3	3		Locum Clerk/RFO in post and to develop procedures to ensure that assets are recovered and that knowledge is harnessed. New Town Clerk/RFO appointed and in place and due to receive handover and training on the job. Resolution from the Staffing committee to recruit additional resources. SLCC offer locum staff in response to sudden departure/incapacity of staff members. Advert to be placed with YLCA if necessary.	Agreement of shared council resources of staff from neighboring parish councils to be considered. Temporary Assistant Clerk to be appointed. Councillor to be appointed to act the Proper Officer on an unpaid basis in accordance with the LGA 1972 s.112 (5) subject to full council approval. Finance management to be outsourced (see controls above). Officer appraisals to take place on regular basis to include setting and monitoring objectives.	Ongoing 31/12/22 Ongoing	Staffing Ctte Staffing Full Council Town Clerk + Staffing ctte

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
PERSONNEL CONTINUED							
Inadequate capacity to fulfil the Council's objectives due to loss of knowledge	3	2		Knowledge with the Locum Town Clerk/RFO and other members of the council to support business continuity. Current Personnel capacity provided by the Locum Clerk is adequate to deal with workload to comply with the statutory and legal requirements. Secure additional capacity or release current capacity prior to accepting new work. Locum Clerk having weekly liaison meetings with the Chair of the Council. Weekly priority tasks actioned. Casual cleaner/caretaker in place to cover the Edward Dunn.	Succession planning and business continuity, develop and adopt a formal business continuity plan. Advertise and appoint a Temporary Assistant Clerk. Carry out a full staffing restructure and define roles and responsibilities. Consider the appointment of a Deputy Clerk and ensure training is given as required on financial procedures and council business. Candidates to be CILCA qualified or become qualified within 2 years of their appointment to the post. Consider a casual groundskeeper and caretaker for business continuity purposes. Appoint a Councillor as a key-holder for the Edward Dunn and for the Sports Ground	31/03/23 31/12/22 31/01/23 Ongoing Ongoing	Clerk + Full Council Staffing Ctte Clerk + Staffing Ctte Staffing + Sports Ground Ctte General Purposes + Full Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
PERSONNEL CONTINUED							
Inadequate training	3	2		Locum Clerk/RFO is qualified and is to provide sufficient training to the new Town Clerk/RFO. Sports Groundsman and Caretaker for the Edward Dunn have adequate training/qualifications as reviewed by the Staffing committee on commencement of the respective roles.	Town/Clerk RFO to undertake the CILCA qualification and attend training courses provided by the SLCC and YLCA. Locum Clerk to train the new Town Clerk/RFO. Finance training to be provided by Rialtas for managing the financial system (see controls above) Officers to recieve sufficient professional and on-the-job training to ensure they can fulfiltheir roles. Officer appraisal to take place on regular basis to include identifying development needs (e.g. coping with change)	Ongoing 31/03/23 31/03/23	Town Clerk + Staffing Ctte Town Clerk + Staffing Ctte Town Clerk + Staffing Ctte

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
PERSONNEL CONTINUED							
Loss of Experienced Clerk or other Employees due to Employment Tribunal claim	4	1		Legal expenses insurance cover with the Zurich Insurance. Cover includes Legal Expenses, Limit of indemnity £250,000 Employment disputes and compensation awards. Members are aware to abide by their conduct in their role as councillors. Professional HR consultancy service provided by Elcons. Employment Contracts and Employee handbook reviewed to ensure that are up to date with NALC model policies including Grievance and Disciplinary procedures. These were re-issued to all staff in October following a review by the Staffing Committee.	New Member Officer Protocol to be adopted by full council and issued to staff. Employment Handbook, Training and Procedures to be kept under review by the Town Clerk & Staffing committee.	31/03/23 Ongoing	Clerk & Staffing Ctte & Full Council Clerk + Staffing committee
HEALTH AND SAFETY							
Legionella, asbestosis or other similarcondition	4	1		Asbestos survey reports have been carried out for the Edward Dunn.	To consider the appointment of contractors with expertise in assessing legionella and asbestosis risks to undertake checks at the Edward Dunn and the Sports Ground and to make recommendations where required to minimize risk exposure.	Ongoing	General Purposes + Sports Ground

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
HEALTH AND SAFETY							
Member of public, staff or councillors injured at the Edward Dunn Memorial Hall, council premises, grounds or events organised by the council, or by assets. Risk of fire, injury to staff, residents, councillors and visitors.	4	1		All members and staff aware of their H&S responsibilities. Insurers are consulted on an appropriate level of cover which is procured with the insurer's stipulations fulfilled. Public & employersliability insurance in place. Accident book in place to record logs. Contractors required to state liability insurance status prior to securing work with the council. Fire drills and weekly/monthly health and safety compliance checks take place and are logged accordingly at the Edward Dunn and the Sports Ground. New members advised of their H&S responsibilities (e.g signing in). Any remedial works arising from annual inspections of the fire alarms, emergency lighting and fire extinguishers are carried out. All staff and visitors are required to sign in the signing in book at the Edward Dunn. All hire hirers and pitch users are aware of their health and safety obligations which forms part of the booking terms and conditions.	Community assets to be checked at least annually to ensure they are in good state of repair and repaired or removed if not. H&S checklist to be completed and retained for activity based risk assesment. Review of the annual maintenance contracts for all aspects of the Edward Dunn to be undertaken. Contractors are required to complete a contractor's questionnaire and provide necessary documentation. Professional health and safety support services to be considered and appropriate insurance for health and safety prosecution indemnity if not in place with existing insurers. Health & Safety advisors to carry out an annual inspection of the Edward Dunn Memorial Hall and the Sports Ground along with reviewing all relevant risk assessments. First Aiders list to be reviewed.	31/03/23 Ongoing Ongoing Ongoing	Town Clerk + Finance Ctte Town Clerk Town Clerk + Caretaker + General Purposes Ctte Town Clerk/RFO Town Clerk + Finance Ctte + Full Council

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
HEALTH AND SAFETY CONTINUED							
Attacks on staff	3	1		CCTV installed at the Edward Dunn and Sports Ground. Locum Clerk has mobile phone. Caretaker and Groundsman have mobile phone. Lone Working Policy adopted and in operation. Lone working policy communicated to staff via the employee handbook.	Building Security Policy to be developed and adopted. Staff be trained in how to avoid or diffuse confrontational situations.	31/03/23 Ongoing	Clerk & GP Ctte & Full Council Personnel Ctte
Fire, flood or other peril affects MTC premises or equipment	3	1		Insurance in place. Flooding risk small other than from water tanks. Fire risk assessments regularly undertaken and acted on.	To review and monitor	Ongoing	Town Clerk
DATA AND IT ARRANAGMENTS							
Council records - electronic Loss through: Theft, fire, damage corruption of computer	2	1		System backed up daily basis and council have IT contractor in place. Accounts system is backed up and stored securely via the shared drive on the network. Shared drives networked on authorized staff laptops only.	To review and monitor	Ongoing	Town Clerk

DRAFT

Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
DATA AND IT ARRANGEMENTS							
Corporate memory loss arising from staff or member loss of office / resignation	2	2		Documents recorded on the shared network. Council documents in order and secured in office. Knowledge harnessed from former councillor prior to resignation in October.	Procedure tobe developed for dealing with staff leavers to include documenting knowledge.	Ongoing	Staffing Ctte
Excessive FOI requests	3	2		Public and press welcome to attend parish council meetings and take part in public participation. Agendas, minutes and meeting reports are uploaded onto the website.	Expenditure over £500 to be published on the parish council website. Model ICO publication scheme to be reviewed. FOI policy to be reviewed an updated. Vexatious request/complaints policy to be drafted and adopted. Officers and Members to undertake specific FOI training. Councillors working group or individual councillor to be appointed to assist with the FOIs.	31/03/23 31/12/22	RFO Locum Clerk
Breach of data protection / information security.	2	3		Relevant officers aware of principles of data protection. Contractual clause for officers and consultants to maintain confidentiality. Accounts software password protected. Officer personal records stored securely. Breaches required to be reported to the Clerk.	Clear desk policy to be adopted and implemented. Consider whether specific areas of shared drive require further security. Officer training in information security to be carried out. CCTV notices to be erected.	31/03/23	Town Clerk + Staffing Ctte

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Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
REPUTATION							
Adverse press coverage	3	3		Public and press welcome to attend/film Council meetings. Social Media Page updated by the Locum Town Clerk. New website to launch on the 28 October 2022.	Press and Media policy to be developed and adopted. Annual Newsletter to be prepared by the Communications Working Group and issued to all residents.	31/01/23 Ongoing	Clerk + Full Council Town Clerk
Leaked confidential documents provided to the press	3	3		No confidential marked documents to be provided to town councillors. Confidential communications to be printed and made available to councillors at meetings and collected prior to the end of the meeting.	Council to endorse the controls in place in view of the recent confidential staffing report leaked to the local paper	31/12/22	Locum Clerk + Full Council
Allotments managed inappropriately.	2	2		Allotments managed via the General Purposes Committee and the Town Clerk. Tenancies enforced and governed by tenancy agreement. Tenancies allocated in the order of those who have been on the waiting list the longest.	Clerk to act as main point of contact for any allotment queries. Council to review the allotments charges. Allotment Policies under review and to be formally adopted and communicated to allotment holders.	Ongoing	Town Clerk + General Purposes Committee

DRAFT

Risks Identified	Impact	Likelihood	Risk rating	Controls in place	Additional controls required	Timeframe	Responsible officer/ Committee
REPUTATION (CONTINUED)							
Breach of Equality Act	2	1		Edward Dunn Memorial Hall is DDA compliant. Consideration given by the town council for requests for reasonable adjustments. Council ensures alternative arrangements are made to ensure it is disability friendly. Sports Ground Committee are due to commission a DDA compliance report for the Sports Ground.	DDA compliance report to be commissioned and any necessary recommendations arising from the report to be actioned accordingly.	31/03/23	Town Clerk + Sports Ground Ctte

This Risk Assessment document was considered by the Finance and Staffing Committee at their meeting held on 22nd November 2022. This document was updated on the XXXXXXXXX with the changes agreed by the Finance and Staffing committee and was adopted by the Full Council at their meeting held on XXXXXXXXX

DRAFT

Risk Assessment Policy

1.Scope of Policy

To involve members in the ownership and accountability for corporate success and appropriate management of the associated risks.

2.Definition of Risk

An uncertainty of outcome of actions or events which impacts upon the Council achieving its objectives.

3.Policy

3.1. The Council is committed to good risk management, allowing it to:

a) have increased confidence in achieving its objectives;

b) constrain threats to acceptable levels (i.e. within its risk appetite);

c) take informed decisions about exploiting opportunities; and

d) assist the Town Clerk in completing the annual governance statement.

3.2. The Council recognises that in order to achieve its objectives it must manage risk within its risk appetite. Where risks lie beyond the risk appetite, members and the Clerk will take appropriate action to reduce those risks. A schedule of corporate risks will be maintained in a corporate risk assessment for review and approval by members.

3.3.In addition to corporate risk, members and the Clerk have a responsibility to assess and appropriately manage risk as part of the evaluation of project proposals, business cases and grant applications. The Clerk will include the detailed outcome of project and business case risk assessment in any Council agenda item that considers major financial investment. Responsibility for assessing and managing Health and Safety risks associated with Council activity and events will be managed by the Clerk with methods of safe working communicated to and adhered by members and contractors.

3.4.The Clerk and members are responsible for assessing and managing risk as an integral part of their day-to-day role in ensuring the Council's objectives are met, recognising that all risk categories must be considered, including reputation, health and safety and financial risk. Where risks are identified which have the potential to impact upon the Council's objectives, these will be referred to the Clerk for consideration for inclusion in the corporate risk assessment.

3.5.Members are required to at least annually review this risk assessment policy and the corporate risk assessment. This will include:

a) reviewing the risk assessment rating criteria, risk appetite and approaches to managing risk;

b) identifying and updating the schedule of risks;

c) evaluating the likelihood and potential impact to the Council of each risk materialising;

d) deciding upon measures to avoid, reduce or control each risk, as appropriate; and

e) recording the decisions reached.

4.Organisational Arrangements

4.1 The Town Clerk will ensure that all officers are aware of their responsibility in managing and reporting risk. Each officer shall make appropriate arrangements to ensure risk is continually assessed in relation to their area of responsibility.

4.2.The Town Clerk, advised by officers as required, will initially review the corporate risk assessment at least annually in advance of it being submitted to the Council for review and ultimate approval.

4.3.The Council will make arrangements to approve the risk assessment policy and corporate risk assessment on at least an annual basis.

Policy Details

Date First Adopted: **Document Status:**

Review Period: Annual [To be reviewed annually at the Annual Meeting of the Council in May]

Version: 01 **Disposal Period:**

MODEL COUNCILLOR-OFFICER PROTOCOL

AGENDA ITEM 11.5

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INTRODUCTION

The purpose of this Protocol is to guide councillors and officers of the council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. Employees who are required to give advice to councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government.

The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

> *"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.*
>
> *At the heart of this relationship, is the importance of mutual respect. councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*
>
> *councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*
>
> *[Councillors of the executive,] Chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.*
>
> *Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.*
>
> *The roles are very different but need to work in a complementary way.*
>
> *It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In*

turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."

This Protocol covers:

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

BACKGROUND

This Protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship

ROLES OF COUNCILLORS AND OFFICERS

The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

Councillors

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

Officers can expect councillors:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.
- respect the impartiality of officers and do not undermine their role in carrying out their duties
- do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- do not ask officers to exceed their authority where that authority is given

Chairs and vice-chairs of council and committees

Chairs and vice-chairs have additional responsibilities as delegated by the council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

Officers

The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council.

Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers must:

- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
- work in partnership with councillors in an impartial and professional manner
- treat councillors fairly and with respect, dignity and courtesy
- treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
- respond to enquiries and complaints in accordance with the council's standards protocol
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
- not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly

- comply, at all times, with the Officers' Code of Conduct, and such other policies or procedures approved by the council

Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

There are exceptional circumstances where a councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the councillor is not paid for the role and should only ever be short-term while the council seeks to fill a vacancy. There will need to be a particular clear understanding of when the councillor is acting as a councillor and when acting as the Proper Officer.

The Relationship: General

Councillors and officers are indispensable to one another. However, their responsibilities are distinct. councillors are accountable to the public, whereas officers are accountable to the council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility. councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.

Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A councillor who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times
- ensure that any criticism is well founded and constructive
- ensure that any criticism is made in private
- take up the concern with the chair

Neither should an officer raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

Expectations

All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

Some general principles

Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment.

Special relationships with particular individuals are not recommended as it can create suspicion that an employee favours that councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a line-management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

Councillors are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law.

The common law right of councillors is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the councillor's ability to demonstrate that they have the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the officer.

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor's "need to know" will normally be presumed. In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms. Any council information provided to a councillor must only be used by the councillor for the purpose for which it was provided i.e. in connection with the proper performance of the councillor's duties as a member of the council.

For completeness, councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

CORRESPONDENCE

Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to any other councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. In other words, a system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the

foot of any e-mails if another councillor has received an e-mail by adding “CC councillor X.”

Official letters or emails on behalf of the council should normally be sent out under the name of the officer, rather than under the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.

Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the councillor in confidence only and why that is so.

PRESS AND MEDIA

Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council’s activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council’s Media Protocol.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

Any press release that may be necessary to clarify the council’s position in relation to disputes, major planning developments, court issues or individuals’ complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

The council must comply with the provisions of the Local Government Act 1986 (“the Act”) regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code - https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period

For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Protocol where there is one in place.

IF THINGS GO WRONG

Procedure for officers:

From time to time the relationship between councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the council adopts a formal grievance protocol or procedure.

The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The council may however try to resolve any concerns raised informally before they become a formal written allegation.

Procedure for councillors:

If a councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the chair and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

Regeneration & Environment
Riverside House
Main Street
Rotherham
S60 1AE
E-mail: development.management@rotherham.gov.uk
Email the Council for free @ your local library!

AGENDA ITEM 12.2

My Reference	Your Reference	Please ask for
RB2021/1845		**Anita Heydon**

EMAIL

24 November 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Site Address: Unit 3 77, High Street, Maltby
Proposal: Change of Use to hot food takeaway (Sui Generis)
Application No: RB2021/1845
Appellant: DPA (London) Ltd
Appeal Reference: APP/P4415/W/22/3306966
Start Date: 23/11/2022

I refer to the above details. An appeal has been made to the Secretary of State against the decision of Rotherham Metropolitan Borough Council to refuse planning permission.

The appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at https://acp.planninginspectorate.gov.uk

If you do not have access to the internet, you can send **three** copies to:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

All representations must be received within 5 weeks of the start date. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

The appeal documents are available online at http://planning.rotherham.gov.uk/search.asp

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal

When made, the decision will be published online at https://acp.planninginspectorate.gov.uk and the Council's website http://planning.rotherham.gov.uk/search.asp

Yours faithfully

Anita Heydon

Planning Regeneration & Transport Services

This document can be made available in your language and in alternative formats such as Braille, large print, electronic, and audio tape versions. Contact us on Minicom 01709 823 536

Urdu

(اگر آپ کو یہ دستاویز کسی دوسری زبان اور/یا کسی متبادل صورت (فارمیٹ میں درکار ہو تو ہم سے رابطہ کریں۔

Chinese

如需索取這份文件的其他語文譯本和/或各種形式版本，請聯絡我們。

Farsi

در صورتیکه این مطلب را به زبان و یا شکل دیگری می خواهید
تماس بگیرید لطفا با ما

Arabic

أتصل بنا إذا تريد هذه الوثيقة بلغة أخرى أو بصيغة بديلة

French

Veuillez nous contacter si vous désirez ce document dans une autre langue et/ou dans d'autres formats.

AGENDA ITEM 15

Scheme of Delegation

incorporating

Committee Terms of Reference

This Scheme of Delegation forms part of the

Councils Standing Orders and Financial Regulations.

This Scheme of Delegation sets out how the Council delegates some of its powers and duties to the Town Clerk and other Officers within the Council.

This Scheme of Delegation authorizes the Standing Committees and Sub-committees of the Council to act within the delegated authority in the specific circumstances detailed.

This Scheme of Delegation will be reviewed by the Full Town Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

Prepared by: Safia Kauser [Locum Town Clerk]
Date First adopted by Full Council: To be confirmed **Document Status: Draft**
Date of review: May 2023 (To be reviewed annually and re-adopted at the Annual Council Meeting)

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1. DISCHARGE OF THE SCHEME

1. This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed at least annually or earlier, for example when there are staffing changes.

2. One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or council members.

3. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

4. Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

5. The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

2. THE POWER TO DELEGATE

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

Local Government Act 1972 S. 101 Arrangements for discharge of function by local authorities

1. Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a sub-Committee or an officer of the authority, or (b) by any other local authority

2. Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

3. Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, subcommittee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

4. Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

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5. A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

3. OFFICERS CONFLICTS OF INTERESTS

1. Under the Local Government Act 1972, section 117; Officers must make a formal declaration about council contracts where the employee has a financial interest. Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Town Clerk and/or Chairman of the Council.

2. Where an employee is unsure whether an interest should be declared, they should speak to the Town Clerk and/or Chairman of the Council in the first instance. If the employee is advised not to declare their interest, a record of the discussion should be kept by both parties. Failure to disclose such an interest, may result in disciplinary action being taken which could lead to dismissal.

3. Employees are also required to disclose any other employment that they wish to undertake in addition to their primary post with the Council subject to the provisions contained within their contracts of employment.

4. All employees must identify and disclose any actual or potential personal, financial, business, or other interest or close personal relationship which might reasonably be perceived as a conflict of interest.

5. Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of the Town Clerk and/or Chairman of the Council. Any approval granted by the Town Clerk and/or Chairman of the Council shall be formally recorded in the Council minutes. Where such approval has been granted for the Officer to participate in a Council meeting of that subject matter, he/she must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests for members and officers.

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4. COUNCIL RESERVED POWERS AND SAFEGUARDS

1. Each Committee has delegated authority to decide matters within their terms of reference as incorporated within this delegation scheme except for the following matters, which are to be resolved only by Full Council:
   a) To appoint the Chairman and Deputy Chairman of the Town Council
   b) To amend and re-adopt the Standing Orders, Financial Regulations, Scheme of Delegation and other Council adopted policies and procedures.
   c) Approval of the budget and setting the precept
   d) Approval of the Annual Return and Audit of Accounts
   e) Considering the external auditors report made in the public interest
   f) To determine the Council's Corporate Priorities.
   g) To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
   h) Filling of any vacancies occurring on any committee of the Council during the council year
   i) To adopt the schedule of meetings for the ensuing year.
   j) Declaring the eligibility of the General Power of Competence (to be confirmed by a resolution subject to satisfactory criteria met)
   k) Adopting and revising the council's code of conduct.
   l) Approving any grant or financial commitment exceeding £5,000
   m) Addressing any recommendations in any report from the internal or external auditors
   n) Appointment or nominating Council representatives to outside bodies
   o) Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the relevant committee.
   p) To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
   q) To determine matters involving expenditure for which budget provision is not made or where budgets may be moved to other budget headings or to an earmarked reserve as appropriate in accordance with the Financial Regulations.
   r) To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
   s) To determine any matters referred to it by a Committee in accordance with Standing Orders.
   t) Approval of borrowing
   u) To determine matters which do not fall within the remit of any Committee
   v) To receive statutory reports from the Town Clerk/Responsible Financial Officer
   w) To consider all other matters which must, by law be considered by Full Council

2. The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

3. In accordance with the Standing Orders, the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months either by a special motion, bearing the names of at least 12 councillors of the Council, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

4. Members will be advised by the Committee Clerk whether or not a particular item under discussion is within the Committee's (or Sub-Committee's) delegated powers. The minutes will

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then record the decision as “RESOLVED”. If it is not, then the minutes will show the decision as “RECOMMENDATION”. The Committee Clerk will then add the recommendation to the next full council agenda meeting where the item can be discussed in full by the Town Council and voted and ratified by members.

5. In any case where a Committee (or Sub) Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

5. DELEGATION TO COMMITTEES AND SUB-COMMITTEES

1. The following matters are delegated to the Council’s Committees and Sub-Committees to make decisions on behalf of the Council. The delegated decision making by Committees and Sub-Committees must be exercised in accordance with the law, the Council’s Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.

2. The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

3. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

4. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finance of the Council. The appointment of non-councillors will be on a strictly non-voting basis. Where authority has been delegated to a committee to appoint non-councillors this will be included within the committees terms of reference.

5. The Council and each Committee is authorised to establish Sub-Committees and working groups, and to appoint advisers as and when necessary to assist in its work:
    a) A Committee can arrange for the discharge of any of their delegated powers to a sub-committee. The delegated powers will be decided by the committee at the time it is formed detailing the delegated powers. The collective decision making responsibilities in the committee and sub-committee are limited by the terms of reference of the parent committee.

    b) The appointment of members to a sub-committee shall comprise of members appointed to the parent committee. The chairman of a committee or subcommittee may be elected by the committee from amongst its members.

    c) The work of a working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the Committee that formed it. Working parties or groups have no delegated powers.

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d) The Standing Committees shall be:
   1) Events
   2) Finance and Staffing
   3) General Purposes
   4) Maltby Miners Sports Ground

6. Committees will be formed by means of a committee preference form circulated prior to the Annual meeting. Each councillor will be required to indicate which committee they would like to serve on, in order of preference, 1, 2 and 3 (maximum). Where more than enough members apply for a committee, a ballot will take place at the meeting. The council shall formally appoint the councillors to committees by a formal resolution of the meeting and the names shall be recorded in the minutes having considered the results of the committee preference forms.

7. Appointment of councillors (or non-councillors) to committees, sub-committees and working groups shall continue on an annual basis until the next annual council meeting held in May.

8. The Chair and Vice-Chair of the Council will be a full member of each standing committee in their capacity as Ex-officio but only one voting right will be exercised on each committee. The Ex-Officios are entitled to being summoned to attend committee meetings, receiving agendas and background papers and speaking at meetings.

9. **Definition of "Oversee"** in regards to the Scheme of Delegation for each Committee:

- **'To monitor and supervise the responsibilities of officers for a given area and provide instruction or direction or recommendations to officers when appropriate. This will include committees receiving appropriate reports and information from officers in order to make informed decisions'.**

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A) EVENTS

Membership: Six Town Councillors with voting rights

Quorum: Three Town Councillors with voting rights

Non-Councillors: None permitted

Ex-Officio: Chair and Vice Chair of the Council but may only exercise one voting right

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Committee: The committee is established to consider, oversee and promote events on behalf of the Town Council or supported by the Town Council and this shall include the following responsibilities.

Terms of Reference

1) The Committee will elect a Chairman and Vice Chairman from within its own membership at the first meeting following the annual meeting of the council. Ex-Officios are not permitted to be a Chair or Vice-Chair of a committee.
2) In the circumstances where the Chair and Vice Chair of the committee are not present at the Committee then a temporary Chair will be appointed for the one meeting and voted in by the committee members present to Chair the meeting. Ex-Officios are not permitted to be a temporary Chair.
3) To approve the draft minutes of the committee and sub-committee(s) in accordance with the Standing Orders.
4) To oversee the co-ordination of community events including the Easter Event, Annual Fireworks Display; Christmas lights Switch On; Senior Citizens Christmas Christmas Lunch, the Christmas Appeal and other events agreed by the committee in accordance with the agreed budget.
5) To promote events, entertainments, the arts, recreational and tourism matters by or on behalf of the Town Council and in liaison or partnership with external bodies and in consultation with the delegated Events Officer/Town Clerk who will be the lead person/organiser of each event on behalf of the Town Council.
6) To have delegated authority to use external sources for any or all parts of each event in relation to health and safety, promotion and publicity.
7) To invite non-voting participants such as various local groups and organisations to the meetings as and when required.
8) To consider an annual programme of events to be held or supported by the Town Council with detailed budget requirements for each event identified; and to provide a report to Full Council for consultation on the annual event programme as part of the budgeting requirements for the following financial year.
9) To oversee Event Management and Control:
    a) **Responsible Officers:** In the absence of Council's Delegated Officer, the Chair of Events Committee or representative will take remedial action if advised of an unsatisfactory arrangement or situation by an Officer with responsibilities. E.g. Police, Fire, Medical Services, Emergency Planning, Environmental Health, Highways, Safety, Security, Traffic and Transport Officers.

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b) **Unacceptable Situations:** This applies to any situation which could arise relating to traffic management, crowd control, public order, illegal activities, hazards relating to Health & Safety and public well-being or to ensure that the Council complies with legislation relating to any event where the Council may exercise control.
c) **Liaison Meetings:** In the absence of the Delegated Events Officer, the Chair of Events may give undertakings during liaison meetings (prior to the event day) with Officers as outlined above relating to potential situations described above, which may arise at a future date, where expenditure may be incurred in amelioration and providing that any potential additional costs to the Council have been agreed with the relevant officer prior to that meeting.
d) **Urgent action:** On the event day, remedial action available to the Chair of Events arising as a result of conditions in situations outlined above, will include down-scaling, curtailing or cancellation of the event or any other action necessary within the resources available for that event (e.g. redeployment or contracting of staff).
e) **Advice:** The committee may make recommendations to the Council's Delegated Events Officer/Town Clerk which must be taken into consideration.

Sub-Committees

1) To appoint sub-committees as and when required:
    a) The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.
    b) The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
    c) The Chairman of the sub-committee may be appointed by the parent committee at the time the sub-committee is appointed.
    d) The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation and Responsibility

1) To be responsible for any budgets delegated by Full Council in accordance with the approved council budget.
2) To agree and approve expenditure for projects and match funding bids within agreed financial budgets falling within the scope of the committees delegated authority.
3) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
4) To authorise expenditure in accordance with the Financial Regulations and committee allocated budget.
5) To receive details of event expenditure incurred by an officer with delegated authority in accordance with the Financial Regulations.
6) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
7) To assemble and submit proposals of income and expenditure for the following financial year as part of the budgeting process in respect of responsibilities or services of this committee in accordance with the Financial Regulations.

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B) FINANCE AND STAFFING

Membership: Six Town Councillors with voting rights

Quorum: Three Town Councillors with voting rights

Non-Councillors: None permitted (committee regulates the finances of the council)

Ex-Officio: Chair and Vice Chair of the Council but may only exercise one voting right

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Committee: The committee is established to oversee and regulate financial and employment matters and this shall include the following responsibilities.

Terms of Reference

1) The Committee will elect a Chairman and Vice Chairman from within its own membership at the first meeting following the annual meeting of the council. Ex-Officios are not permitted to be a Chair or Vice-Chair of a committee.
2) In the circumstances where the Chair and Vice Chair of the committee are not present at the Committee then a temporary Chair will be appointed for the one meeting and voted in by the committee members present to Chair the meeting. Ex-Officios are not permitted to be a temporary Chair.
3) To approve the draft minutes of the committee and sub-committee(s) in accordance with the Standing Orders.
4) To annually review any subscriptions, service provision/level agreements with suppliers and providers with a view to their continued necessity, suitability and value for money and where required, consult with the relevant committee.
5) To approve the use of a variable direct debit which shall be renewed by resolution of the council at least every two years in accordance with the Financial Regulations.
6) The Town Clerk will undertake the work of the Responsible Financial Officer and the Committee will provide direction, governance and an audit and scrutiny function in all financial aspects and as required in accordance with the Financial Regulations including but not limited to payments authorisation and bank reconciliations.
7) To ensure that there is adequate insurance cover in place for council assets and appropriate fidelity guarantee for members and officers which shall cover the maximum risk exposure which it to be determined annually by the council.
8) To annually review the councils corporate risk assessment in accordance with the Risk Assessment policy and to recommend to Full Council to adopt.
9) To recommend to full council the engagement of specialist consultants and advisors subject to a supported business case to support the proposal provided by the relevant committee.
10) To consider all policy and governance documents affecting the parish council and to keep committees up to date on implications.
11) To be responsible for approving grant applications in accordance with their terms and conditions and subject to the limits set out in the Financial Regulations. Any grant exceeding the limit in the Financial Regulations must be recommended to the Full Town Council for approval.

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12) To consider where appropriate alternative external funding on council projects on request by a committee or Council.
13) To be responsible for ensuring that the annual council budget process is carried out in accordance with the requirements set out in the Financial Regulations.

Employment Matters

14) To be responsible for all health and safety matters not otherwise delegated to other council committees.
15) To review health and safety for all council employees and contractors.
16) To be responsible for the procurement of professional employment and health and safety support services and to authorise additional employment support as necessary to assist with any employment related matter subject to budget provisions.
17) To appoint the Chair of the Town Council as the day to day contact support for the Town Clerk (Line Manager), to approve annual leave or sick leave in accordance with the Council policies and overtime in exceptional circumstances (within budget approved parameters). In the absence of the nominated member, the committee Chair (or another member of the Personnel committee) will act as the day to day contact support (Line Manager).
18) To review staffing structures and levels and make recommendations to the Council.
19) To authorise overtime for staff in exceptional circumstances subject to budget parameters and/or receive notification from the Town Clerk where overtime has been authorised for staff in accordance with their delegated authority.
20) To receive reports from the Town Clerk for the management of other Council employees and to oversee the management of the Clerk.
21) To confirm the appointment of appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent taking into account the employees job descriptions.
22) To agree and review annually contracts of employment, job descriptions and person specifications for employed staff and to arrange execution of new employment contracts and changes to contracts.
23) To oversee and implement pay awards, increments and payroll and pension management including payroll service level provision.
24) To review staff pension arrangements.
25) To ensure that appropriate training and continual professional development programmes are in place for the staff of the Council, and that these are underpinned by a robust performance appraisal scheme which is created, designed, implemented and monitored by this committee.
26) To review staff salaries and terms of conditions and make recommendations to Council if required. The committee must have some regard to recommendations to Society of Local Council Clerks (SLCC) or the National Association of Local Council Clerks (NALC).
27) To be responsible for the recruitment and appointment of all permanent and temporary staff posts with the exception of the Town Clerk and Responsible Financial Officer which must be ratified by the full town council..
28) To appoint from its membership a recruitment panel when necessary and agree interview procedures and matrix documents to assess the suitability of candidates. Recruitment panels will normally include three members in the case of appointment to the Town Clerk or RFO posts; and two members of the Committee plus the Town Clerk for all other posts. The recruitment panel must report its findings to the committee prior to the offer of employment being made to the candidate unless resolved otherwise by the committee.

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29) To oversee any process leading to the dismissal of staff (including redundancy).
30) To monitor and address regular or sustained staff absence.
31) To consider a grievance or disciplinary matter (and any appeal).
32) To consider any staffing matters referred to the Committee or by the Council.
33) To review all Council polices that relate to staff employment on an annual basis including the Employee Handbook and any stand-alone employment policies to be recommended to the full town council to adopt.
34) To ensure that the Council complies with all legislative requirements relating to the employment of staff.

Sub-Committees

1) To appoint sub-committees as and when required:
    a) The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.
    b) The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
    c) The Chairman of the sub-committee may be appointed by the parent committee at the time the sub-committee is appointed.
    d) The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Sub-Committees (Grievance, Disciplinary and Appeal Panels):

1) To appoint a grievance or disciplinary sub-committee comprising of no less than three members to consider grievance or disciplinary matters (not including any appeals) in accordance with the council's grievance or disciplinary policies/procedures. The members appointed must not previously been involved in the case.
2) To be responsible for any appeals which must be heard by a panel of three members of this committee who have not previously been involved in the case. There may be insufficient members of this committee who have not previously been involved. If so, the appeal panel will be appointed by full council which may include staffing committee members not previously involved in this case.
3) The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation and Responsibility

1) To monitor the income and expenditure of the council and committees to oversee that it does not overspend its budget in total and to receive the budget monitoring financial reports. The committee is not responsible for the close control of other committees spend. Any income or expenditure that is not the responsibility of another committee shall be the responsibility of the Finance committee.
2) To be responsible for any budgets delegated by Full Council in accordance with the approved council budget.
3) To agree and approve expenditure for projects and match funding bids within agreed financial budgets falling within the scope of the committees delegated authority.

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4) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
5) To authorise expenditure in accordance with the Financial Regulations and committee allocated budget.
6) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
7) To assemble and submit proposals of income and expenditure for the following financial year as part of the budgeting process in respect of responsibilities or services of this committee in accordance with the Financial Regulations.

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C) GENERAL PURPOSES

Membership: Eight Town Councillors with voting rights

Quorum: Three Town Councillors with voting rights

Non-Councillors: None permitted

Ex-Officio: Chair and Vice Chair of the Council but may only exercise one voting right

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Committee: The committee is established to oversee the management of the Edward Dunn Memorial Hall, Christmas Illuminations, Floral arrangements, allotments, recreational and other matters included in the following responsibilities:

Terms of Reference

1) The Committee will elect a Chairman and Vice Chairman from within its own membership at the first meeting following the annual meeting of the council. Ex-Officios are not permitted to be a Chair or Vice-Chair of a committee.
2) In the circumstances where the Chair and Vice Chair of the committee are not present at the Committee then a temporary Chair will be appointed for the one meeting and voted in by the committee members present to Chair the meeting. Ex-Officios are not permitted to be a temporary Chair.
3) To approve the draft minutes of the committee and sub-committee(s) in accordance with the Standing Orders.
4) To oversee the health, safety and building compliance management and contracts for the Edward Dunn Memorial Hall, including but not limited to:
    a) Risk Assessments and Fire Risk Assessment
    b) Pest Protection
    c) Music License
    d) PAT Testing
    e) Kitchen Extraction Fan Cleaning
    f) Roller Shutter maintenance; Security Alarms; CCTV
    g) Fire Procedures:
        - Fire Alarm Test (Weekly)
        - Fire Alarm Service Record (Quarterly, where required, six monthly and annual)
        - Emergency Lighting, Inspection, test and maintenance (monthly and annual)
        - Fire and Emergency Evacuation Record, fire alarm drill (Twice yearly)
        - Fire Extinguisher Training Record (Routine)
        - Fire Procedures Review (annual – more often in higher risk premises)
        - Action Log (record any issues found during checks, tests, drills, assessments etc carried out) and recording them in a log (continuous requirement)
    h) Reception/Visitor Signing in procedures
    i) Internal Signage
    j) Disabled Access

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5) To oversee the management for the Edward Dunn Memorial Hall, including room and hall hire ensuring that there is an adequate effective management system in place and to authorise any changes to improve the facilities.
6) To annually review the hire rates for the Edward Dunn Memorial Hall and to recommend any price increases to the full town council.
7) To promote the amenities of the Edward Dunn Memorial Hall.
8) To oversee the management of the Allotments sites owned by the Town Council including sites managed by the councils Town Clerk and to consider an annual repairs, maintenance and improvements program for ring fenced allotment monies to be used on allotments sites only.
9) To be responsible for reviewing the allotment leases, rules, regulations and associated policy documents and to have full delegated authority to set fees.
10) To be responsible for overseeing the management of the Tennis Courts in accordance with any approved service level agreements.
11) To be responsible for considering any agreeing any public safety initiatives on behalf of the town council or in conjunction with the principal authority or partnership with third parties for example the police.
12) To be responsible for agreeing and prioritising areas that require cleaning within the Maltby Parish and to review and authorise contracts in relation to cleaning initiatives.
13) To be responsible for reviewing and updating the emergency plan. Any significant changes to the plan are to be recommended to the full town council.
14) To consider methods to increase the safety of residents within the Maltby parish during adverse weather to implement any agreed actions within budget parameters.
15) To be responsible for the towns summer and winter planting programme and to ensure contracts are kept under review and quotations obtained as required to ensure best value for money is secured.
16) To be responsible for the Town Centre Christmas Illuminations and to approve any associated contracts. The committee must ensure that the contractor appointed is an RMBC approved supplier due to permission required to access RMBC assets.
17) To consider the development of green spaces and recreational areas.
18) To oversee and direct the promotional and marketing aspects on behalf of the council, including:
    a. Notice boards and external displays
    b. Press Release in accordance with any press policies
    c. Promotion of council services and activities
    d. Social Media posts in accordance with any social media policies
    e. Town Council website
    f. Publication and distribution of the annual newsletter in conjunction with the Town Clerk. Members of other committees are required to provide an input on their committee and ward work subject to be consideration/approval by this committee.

Sub-Committees

2) To appoint sub-committees as and when required:
    e) The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.

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f) The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
g) The Chairman of the sub-committee may be appointed by the parent committee at the time the sub-committee is appointed.
h) The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation and Responsibility

8) To be responsible for any budgets delegated by Full Council in accordance with the approved council budget.
9) To agree and approve expenditure for projects and match funding bids within agreed financial budgets falling within the scope of the committees delegated authority.
10) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
11) To authorise expenditure in accordance with the Financial Regulations and committee allocated budget.
12) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
13) To assemble and submit proposals of income and expenditure for the following financial year as part of the budgeting process in respect of responsibilities or services of this committee in accordance with the Financial Regulations.

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D) MALTBY MINERS SPORTS GROUND

Membership: Eight Town Councillors with voting rights

Quorum: Four Town Councillors with voting rights

Non-Councillors: None permitted

Ex-Officio: Chair and Vice Chair of the Council but may only exercise one voting right

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Committee: The committee is established to oversee the management of the Maltby Miners Sports Ground included in the following responsibilities.

Terms of Reference

1) The Committee will elect a Chairman and Vice Chairman from within its own membership at the first meeting following the annual meeting of the council. Ex-Officios are not permitted to be a Chair or Vice-Chair of a committee.
2) In the circumstances where the Chair and Vice Chair of the committee are not present at the Committee then a temporary Chair will be appointed for the one meeting and voted in by the committee members present to Chair the meeting. Ex-Officios are not permitted to be a temporary Chair.
3) To approve the draft minutes of the committee and sub-committee(s) in accordance with the Standing Orders.
4) To oversee the health, safety and building compliance management and contracts for the Maltby Miners Sports Ground, including but not limited to:
    a) Risk Assessments and Fire Risk Assessment
    b) Music License
    c) PAT Testing
    d) Kitchen Extraction Fan Cleaning
    e) Roller Shutter maintenance; Security Alarms; CCTV
    f) Fire Procedures:
        - Fire Alarm Test (Weekly)
        - Fire Alarm Service Record (Quarterly, where required, six monthly and annual)
        - Emergency Lighting, Inspection, test and maintenance (monthly and annual)
        - Fire and Emergency Evacuation Record, fire alarm drill (Twice yearly)
        - Fire Extinguisher Training Record (Routine)
        - Fire Procedures Review (annual – more often in higher risk premises)
        - Action Log (record any issues found during checks, tests, drills, assessments etc carried out) and recording them in a log (continuous requirement)

    g) Reception/Visitor Signing in procedures
    h) Internal Signage
    i) Disabled Access
5) To consider, agree and implement an improvement plan to manage the facilities by using the income generated from the Sports Ground, the allocated committee budget, earmarked reserves and grant income.

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6) To make recommendations to the Full Town Council regarding the formation of a Charitable Trust.
7) To have the power to review hire agreements and set fees for user groups.
8) To have the power to review and set fees for the hire of the Football Pavillion and Sports Pitches.
9) To invite non-voting participants such as various local groups and organisations to the meetings as and when required.
10) To oversee the day to day management for the Sports Ground. Definition of oversee ‘‘To monitor and supervise the responsibilities of officers for a given area and provide instruction or direction or recommendations to officers when appropriate. This will include committees receiving appropriate reports and information from officers in order to make informed decisions’.

Financial Delegation and Responsibility

1) To be responsible for any budgets delegated by Full Council in accordance with the approved council budget.
2) To agree and approve expenditure for projects and match funding bids within agreed financial budgets falling within the scope of the committees delegated authority.
3) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee’s terms of reference.
4) To identify grant funding providers and to recommend any suitable applications to the full town council for approval.
5) To authorise expenditure in accordance with the Financial Regulations and committee allocated budget.
6) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
7) To assemble and submit proposals of income and expenditure for the following financial year as part of the budgeting process in respect of responsibilities or services of this committee in accordance with the Financial Regulations.

DRAFT

6. WORKING GROUP/PARTIES

1. The work of a working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the Committee that formed it. Working parties or groups have no delegated powers.

2. Working Party meetings are informal and, whilst they are not open to the public, members of the public may attend the meetings subject to the terms detailing the formation of the working party.

3. The main purpose of a working group is to will carry out such investigative work as identified by the council or its committees.

4. Agendas will be provided for a working party meetings and minutes shall be drawn up recording the discussions.

5. Recommendations and actions put forward to the Council or committee that formed it are decided by majority vote.

DRAFT

A) EDWARD DUNN MEMORIAL HALL WORKING PARTY

Membership: All Town Councillors are invited to join the meeting

Quorum: Three Town Councillors

External Members: Invited to attend and participate in the discussions

Members of the Public: May attend the meeting

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Working Group: To undertake research and consider reports from consultants, surveyors and estate agents relating to the refurbishment project of the Edward Dunn Memorial Hall as follows in the scope of the working group and to make recommendations to the full town council.

Scope:

1) Speaking to grant funding bodies to ascertain if there are any funding streams available to the town council.
2) To obtain assistance and support from RMBC departments in relation to the refurbishment project.
3) To consider and recommend any consultation programmes relating to the future of the Edward Dunn Memorial Hall and make recommendations to the full town council.

Documentation:

1) To ensure that notes of the working group meetings are made available and presented to the full town council meetings with any recommendations to be agreed.

DRAFT

B) REMEMBRANCE DAY WORKING PARTY

Membership: All Town Councillors are invited to join the meeting

Quorum: Three Town Councillors

External Members: Invited to attend and participate in the discussions

Members of the Public: May attend the meeting

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Working Group: To work with the British Legion and agree the plans for the annual remembrance day events and make recommendations to the full town council within the scope of the working group, as follows.

Scope:

1) To plan, organise and implement the Remembrance Day Parade.
2) To arrange a traffic management and temporary rolling road closure plan.
3) To involve the community and British Legion in event planning.
4) To obtain licenses and permissions associated with the event planning.

Documentation:

1) To ensure that the notes of the working group meetings are made available and presented to the full town council meetings with any recommendations to be agreed.

DRAFT

B) TRAFFIC WORKING PARTY

Membership: All Town Councillors are invited to join the meeting

Quorum: Three Town Councillors

External Members: Invited to attend and participate in the discussions

Members of the Public: May attend the meeting

Meetings: As agreed at the annual meeting of the council or as and when required

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Purpose of the Working Group: To be involved in discussions surrounding traffic management and to make any recommendations to the full town council within the scope of the working party as follows.

Scope:

1) To work with haulage companies, representatives from other local authorities to discuss strategies to improve road infrastructure and general traffic related issues.
2) To liaise with South Yorkshire Police and be involved in discussions relating to the Community Speed Watch scheme.

Documentation:

1) To ensure that the notes of the working group meetings are made available and presented to the full town council meetings with any recommendations to be agreed.

DRAFT

7. DELEGATION TO OFFICERS

1. The delegations to officers in this scheme should not be construed as a job description for individual members of staff. This is a Scheme that sets out specific delegations to officers to act within defined parameters on behalf of the council. Delegated actions for officers shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

2. The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

3. The Council may at any time, following resolution, revoke any delegated authority.

4. Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

[A] Town Clerk [Proper Officer]

1) The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to exercise the delegations of the Proper Officer contained within the councils Standing Orders.

2) The Clerk may authorise another officer or officers of the Council to exercise the powers of the Clerk in his/her absence, without removing the overall responsibility of the Clerk for any such decisions.

3) In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:
    a) The day to day administration of services, together with routine inspection and control in accordance with the councils policies.
    b) Day to day supervision and management of all staff employed by the Council.
    c) Authorisation of routine expenditure within the agreed budget in accordance with the Financial Regulations.
    d) Emergency expenditure in accordance with the Financial Regulations.
    e) Matters specifically delegated by Council or Committee.

4) The Clerk has the authority to release press statements on any activities of the Council in accordance with the Council's Press and Social Media Policies.

5) To be responsible for editorial control of the Town Council websites and social media accounts.

6) The Clerk will have authority to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the council or committee.

7) The Clerk is required to identify training needs for all staff and seek approval from the Chair of the Finance and Staffing Committee and/or Staffing committee to agree these.

DRAFT

8) The Clerk is authorised to book training courses for themselves and council staff within the budget approved parameters or as requested by the Chair of the Finance and Staffing committee.

9) The Clerk is authorised to book training courses for members of the Council in accordance as directed by the council or in accordance with the councils training policy for members.

[B] Responsible Finance Officer

1) The Responsible Finance Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

2) The Responsible Financial Officer shall ensure the approved precept is issued to the billing authority and shall supply each member with a copy of the approved annual budget.

3) The Responsible Financial Officer will have the power to release any financial related report or document to the Council or it's committees in discharge of the Responsible Financial Officer responsibilities.

4) The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

[C] Assistant Clerk

1) The Assistant Clerk has the power to issue the meeting summons agenda for any Council or committee meetings under the direction of the Town Clerk or in the absence of the Town Clerk.

2) The Assistant Clerk is given delegated authority to manage and support all administration in relation to the councils services and activities and to support the Town Clerk to the Council in the execution of all Council business to meet the Town Council's statutory requirements. This may include attending meetings, minute taking, events management support, maintaining records, supporting the Town Clerk with day to day management of the Council and ensuring that all legal requirements are complied with.

3) The Assistant Clerk shall have the delegated powers of the Proper Officer in the Absence of the Proper Officer. The powers exercised by the Assistant Clerk in such circumstances shall be recorded in the delegations register.

[D] Consultant / Self-Employed Contractors

1) Consultants or self-employed contractors engaged by the Council do not have any delegation to make decisions or financial commitments on behalf of the Council.

DRAFT

Freedom of Information Policy

1. BACKGROUND

1.1 The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) place legislative requirements on all public authorities, including local councils. The laws established the legal Right to Know; a presumption in favour of public access to information held by public authorities, subject to certain exemptions; and other measures to improve public sector transparency.

1.2 The Council is obliged to provide information:

- Through a publication scheme
- In response to requests made under the general right of access.

1.3 When responding to requests, there are set procedures that the Council needs to follow. These include:

- The time limit public authorities are allowed for responding to requests.
- The fees or amount that public authorities can charge for dealing with requests. Public authorities are not obliged to deal with requests if the costs of finding the information exceed a set amount known as the appropriate limit.
- Public authorities need not comply with vexatious or repeated requests. (See Appendix 1 for some of the indicators that the Council will use to identify a vexatious request).

1.4 The Act also recognises that there are valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test.

2. POLICY STATEMENT

As part of a society where information rights and responsibilities are respected by all, Maltby Town Council will aim to move away from the need for individual freedom of information requests and complaints towards a culture of routine, proactive and substantially increased transparency on the part of the Council, by:

- Being open and transparent and endeavouring to provide the public with access to the official information that it holds, as a matter of course.

- Making people aware of their rights to access the official information the council holds.

- Making as much routine information as possible available through the Council's Publication Scheme and website.

- Providing reasonable advice and assistance to applicants for information, including pointing applicants to possible sources of the information they seek if it is not held by the Council.

3. DEALING WITH REQUESTS FOR INFORMATION

3.1 Members of the public have a general right of access to information held by Maltby Town Council, specifically:

- To be told whether or not the information is held by the Council,

  And

- If it is, to have the information communicated to them.

Note: There are certain exemptions and limitations to this general right, but just because a document is marked "Confidential" does not automatically mean that it is exempt information, although it may be covered by certain exemptions. Each case will be dealt with on its merits.

3.2 Requests for information must be in writing, must give the applicant's name and return address and must describe the information requested in such a way that we are able to locate it. A written request includes an e-mail. (For environmental information, the request does not have to be in writing.)

3.3 All requests for information will be logged on a record sheet.

3.4 Receipt will be acknowledged but if it is possible to respond with the information requested, this will be done instead. If further information is required in order to locate the information requested, this will be undertaken as quickly as possible.

3.5 All correspondence, phone calls, e-mails etc., that follow the original request may be recorded.

3.6 The Council has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20 day period does not begin until clarification is received from the applicant as to exactly what is required. (For environmental information the response period is extended to 40 working days for information that is complex and bulky.)

3.7 A charge will be made for the photocopying of information requested as follows:

- 10p per single A4 size sheet {to accord with the council's Publication Scheme costs}
- Additionally, postage will be charged at cost.
- If the cost of finding, sorting and editing the information requested is more than £450 or 18 hours then, under the FOI Act (exemption 12), the Council does not have to provide the information. (Under EIR, environmental information cannot be refused on the grounds of cost)

3.8 Any requests for information that is not contained in the Publication Scheme will be passed to the council Clerk to deal with under the FOI Act. A certain amount of guidance on

dealing with requests is held by the Clerk, but it may be necessary that further specific guidance will be required from the Information Commissioner's Office. If a member of staff is unsure as to whether a request for information is routine or not, they will refer to the Clerk as certain personal information is covered by the Data Protection Act.

3.9 The applicant will be kept informed at all stages of the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.

3.10 If the response is not satisfactory, the applicant can request a review by contacting the chairman of Maltby Town Council, whose contact details are available on the parish council web site. If a review is requested it will be completed within 20 working days (or within 40 working days in exceptional cases).

3.11 If the review(s) is not satisfactory, the applicant has a right of appeal using the Councils appeals process set out in section 4 of this policy or by contacting the Information Commissioner. The Information Commissioner's Office is Wycliffe House Water Lane Wilmslow SK9 5AF.

3.12 If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

4. APPEAL PROCESS

4.1 If the information requested cannot be supplied, the reasons for this will be communicated to the applicant immediately. The applicant has the right of appeal against the refusal, initially to the Council, but ultimately to the Information Commissioner.

4.2 Any initial appeal will be made to the Council, it will be dealt with by elected members, in accordance with the Council's Complaints Procedure. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.

4.3 Reasons for refusing information must be in accordance with the respective provisions of the legislation, including consideration of the public interest test where this applies.

5. REVIEW

This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

See APPENDIX 1 (attached) for some of the indicators to be used by the Council to identify whether a request for information is vexatious (ICO Guidance – 'Dealing with Vexatious Requests').

Policy Details

Date First Adopted: **Document Status:** Draft

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Freedom of Information Policy (Appendix 1)

Some of the indicators to be used by the Council to identify whether a request for information is vexatious (ICO Guidance – 'Dealing with Vexatious Requests').	
Abusive or aggressive language	The tone or language of the requester's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.
Burden on the authority	The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.
Personal grudges	For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.
Unreasonable persistence	The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny.
Unfounded accusations	The request makes completely unsubstantiated accusations against the public authority or specific employees.
Intransigence	The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.
Frequent or overlapping requests	The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.
Deliberate intention to cause annoyance	The requester has explicitly stated that it is their intention to cause disruption to the public authority,or is a member of a campaign group whose stated aim is to disrupt the authority.
Scattergun approach	The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.
Disproportionate effort	The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request.
No obvious intent to obtain information	The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.
Futile requests	The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.
Frivolous requests	The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.

FOI Vexatious Requests/Complaints Policy

1. Purpose of the Policy

This policy sets out Council's stance on vexatious or abusive complaints, demands and/or repeated requests for information including Freedom of Information requests and how they will be dealt with.

2. Vexatious or Abusive Complaints/Freedom of Information Requests

2.1 Most complainants or people making Freedom of Information requests behave in legitimate ways. A very small minority make complaints/requests that are vexatious, in that they persist unreasonably with their complaints/requests, or make complaints/requests in order to make life difficult for the Council rather than genuinely to resolve a grievance.

2.2 The Council recognises that it is important to distinguish between people who make a number of complaints/requests because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the council. It is acknowledged that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.

2.3 It is not necessary to meet a person's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the person's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council need to address such behaviour.

2.4 Where the Clerk is of the view that complaints, requests or persons could be identified as vexatious (in accordance with the criteria set out in Appendix 1), the Clerk will refer the matter to the Council for a decision and their determination of what action to take. The Clerk will implement such action and will notify the complainant that their complaint/request is considered as vexatious and what action that will be taken. This notification will be copied to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

2.5 The Council may deal with vexatious complaints/requests in one or more of the following ways:

a) In a letter, setting out a code of commitment and responsibilities for the parties involved if the Parish Council is to continue processing the complaint/request. If

these terms are contravened, consideration will then be given to implementing other action as indicated below.

b) Decline contact with the complainant, either in person, by telephone, fax, email or any combination of these, provided that one form of contact is maintained which will usually be by conventional post (letter).

c) Notify the complainant/requestor in writing that the Council has responded to the points raised and tried to resolve the complaint/request but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/requestor will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint/request.

d) Inform the complainant/requestor that the Council intends to seek legal advice on unreasonable or vexatious complaints/requests and behaviour.

e) Temporarily suspend all contact with the complainant/requestor in connection with the issues relating to the complaint/request being considered.

3. Restricting Contact

3.1 Any restrictions will be appropriate and proportionate to the nature of the person's contacts with the Council at the time such as:

a) Placing time limits on telephone conversations and personal contacts;

b) Limiting the person to one form of contact (letter);

c) Requiring the person to communicate only with one named employee/member;

d) If a complaint is currently going through the Council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;

e) Closing the investigation into a complaint;

f) Refusing to register and process further complaints/requests providing the person with acknowledgements only;

g) Banning a person from the Council's premises;

h) Involving the police where the person is believed to have committed a criminal offence (harassment, assault or criminal damage), where assault is threatened, or the complainant refuses to leave council premises.

3.2 The Clerk will inform the complainant/requestor in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.

3.3 There should never be a blanket ban for an unspecified period of time unless the Council is legally required to do so following a police investigation. The Council should always try to maintain one form of contact which will normally be by way of conventional post (letter).

In extreme situations the Council will tell the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

3.4 In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, Council employees, councillors and co-opted members do not suffer any disadvantage or undue stress and the resources of the Council are used as effectively as possible.

4. Threatening and Abusive People and Harassment

4.1 We do not expect staff or members to tolerate unacceptable behaviour by people which causes or may cause undue stress. The Council believes that harassment is totally unacceptable. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

4.2 Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

4.3 Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally, on the staff or members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours the staff or members affected should step away from the situation and the person asked to leave the premises where appropriate.

4.4 This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the person should be asked to leave the premises.

4.5 All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

4.6 Any complainant/requestor who threatens or uses physical violence towards staff or members will receive written confirmation that they are being treated as a vexatious complainant/requestor and informed of the action that will be taken.

5. Legal References

5.1 Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and members.

Policy Details

Date First Adopted: **Document Status:** Draft

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FOI Vexatious Requests/Complaints Policy

(Appendix 1)

Definition of a Vexatious Complainant/Requestor: This definition applies equally to someone making a complaint and to someone making a request for information.

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria:	
1.	Persist in pursuing a complaint/request where the Council's Complaints Procedure or the Freedom of Information procedure has been fully implemented & exhausted.
2.	Persistently change the substance of a complaint/request or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response.
3.	Are repeatedly unwilling to accept evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4.	Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts of the Council to address their concerns, and/or where the concerns identified are not within the remit of the Council.
5.	If the complaint/request is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.
6.	Regularly focus on a trivial matter to an extent which is out of proportion to its significance. It is recognised that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints.
7.	Have threatened or used physical violence towards staff or members at any time.
8.	Have had an excessive number of contacts with the Council - placing unreasonable demands on staff or members. Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
9.	Have harassed or been personally abusive or verbally aggressive towards staff or members dealing with the complaint/grievance. The Council recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and should make reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour will be documented.
10.	Have harassed or been personally abusive or verbally aggressive towards any Members of the Council (Councillors) or co-opted members whether this has been on a face-to-face contact or at public meetings.
11.	Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or Councillors with the objective of soliciting information for whatever purpose.
12.	Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.
13.	Repeatedly raise grievances which are already proven to be without substance or foundation.

Risk Management & Internal Controls Policy

1. Purpose of this Policy

1.1. Maltby Town Council recognises the importance of risk management to maintain the ability to deliver the activities and services expected of the council. Risk management is a factor that enables the Council to satisfy its objective to deliver high quality public services.

1. 2. The purpose of this policy is to set out the governance and management arrangements for the effective management of risk and to inform the councils responses to assertions (2) and (5) as set out in the Annual Governance and Accountability Return (AGAR).

2. Background

2.1. Maltby Town Council is responsible for ensuring that its business is conducted in accordance with the law and proper practices, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk and for reviewing the effectiveness of internal audit. The arrangements that the Council has in place for reviewing the effectiveness of internal audit are set out in a separate policy.

2.2. Maltby Town Council is to be fully committed to effective risk management, adopting best practices in the identification, evaluation and control of risks, in order to; integrate risk management into the culture of the Council, eliminate or reduce risks to an acceptable level, anticipate and respond to changing social, environmental and legislative requirements, prevent injury and damage and reduce the cost of risk, and raise awareness of the need for Risk Management.

2.3. The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

2.4. This policy is supported by the listed Council approved policies:

- Asset Register Policy
- Risk Assessment Policy & Risk Assessment
- Other Council approved policies, procedures and protocols

3. Legal Framework and Compliance

3.1. The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement with proper practices in relation to the accounts. Risk management is part of the review and when completing the AGAR for the external auditor, the Council is confirming the following assertions.

3.2 Internal Control: Assertion 2

- '***We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness***.'

3.3 In order to warrant a positive assertion, the council must comply with several processes that need to be in place and effective as referenced within the Governance and Accountability Practitioners Guide. Using this guidance, Maltby Town Council has developed an internal controls checklist (Appendix A). This checklist will be used by a working group of three councillors, at least once a year, to review the effectiveness of the internal control procedures. The outcome of the review will be formally reported and minuted at a council meeting.

3.4 As internal audit forms part of risk management and internal control, Internal audit report(s) should inform the authority's responses to Assertions 2 and 6 in the annual governance statement. Internal audit reports will therefore be made available to support and inform members considering the authority's approval of the annual governance statement.

3.5 Risk Management: Assertion 5:

- ***'We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required'***

3.6 In order to warrant a positive response to this assertion, the authority needs to have the following arrangements in place:

- Identifying and assessing risks — The authority needs to identify, assess and record risks associated with actions and decisions it has taken or considered taking during the year that could have financial or reputational consequences.
- 2) Addressing risks — Having identified, assessed and recorded the risks, the authority needs to address them by ensuring that appropriate measures are in place to mitigate and manage risk. This might include the introduction of internal controls and/or appropriate use of insurance cover.

3.7 To meet this assertion, Maltby Town Council has adopted a Risk Assessment Policy and Risk Assessment document that is reviewed by the council at least on an annual basis or when the risks are subject to change. Where required Maltby Town Council will appoint external contractors to assist with the risk management arrangements.

3.8 Additionally, to meet this assertion, the detailed arrangements for asset management and insurance are set out in section 3.9 of this policy.

3.9 Asset Management and Insurance

The Council has adopted an Asset Register Policy for insurance and asset management purposes. As insurance forms part of risk management, Maltby Town Council will review the insurance policy

and arrangements at least annually or around the time of renewal. Changes will be made to the insurance policy as and when circumstances require such as the acquisition of a new item of equipment.

4. Responsibility for Risk Management

4.1 Maltby Town Council as a corporate body is responsible for the effective management of risk. Members have ultimate responsibility for risk management as risks threaten the achievement of policy objectives. In the context of risk management members should;

- Exercise leadership,
- Consider and adopt current and future risk management policies and strategies, and
- Support and monitor the risk management process.

5. Review of the Policy

5.1 This policy will be reviewed at least on an annual basis or as required to comply with legislative changes.

Policy Details

Date First Adopted: **Document Status:**

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Version: 01 **Disposal Period:**

[APPENDIX A]

MALTBY TOWN COUNCIL
INTERNAL CONTROLS CHECKLIST

	YES	NO	COMMENTS
CHECKS			
Accounting records, ie cash book: **Is the cash book being kept up to date?** **Cross reference it with minutes/bank statements/cheque books**			
Payments: **Have they all been properly authorised?** **Are all payments listed in the minutes?** **Do payments made correspond with the invoiced amounts?** **Check legitimacy of Direct Debits and Standing Orders**			
Cheques: **Are they properly and fully completed before being signed?** **Are cheque counterfoils always initialled by the signatories?** **Paid cheques correspond with bank statements? – also check outstanding payments**			
Receipts: **Is income due to the council being collected promptly and in full?** **Are receipts being given?** **Is income properly controlled pending being paid into the bank? Ie in accordance with the council's Financial Regulations?**			
Allotment rents**:** **Rent letter sent out and rents received in a timely matter?** **Tenancy agreements issued?**			
Cemetery fees and charges: **Correctly calculated and collected?**			
Surplus balances**:** **Are surplus deposits placed in a suitable interest-earning bank account?**			

Bank reconciliation: **Is the council provided with this information regularly? (monthly)** **The monthly reconciliation is checked against bank statements?**			
VAT paid**:** **Is it properly recorded in the cash book?** **Claim for refund of VAT made and paid to the council?** **Claim properly submitted in a timely manner?**			
Ordering of stationary and supplies**:** **Commensurate with the usage requirements of the council?**			
Internet banking: **Checks implemented by the council being adhered to?**			
Petty Cash**:** **Properly controlled and recorded**			
Tax and NI liabilities: **HMRC liabilities met? P32s checked on the council's HMRC Gateway?** **Real Time Information reporting done on time? (so as not to incur financial penalties for the council).**			
Independent Internal audit reports **– presented to full council (or committee as directed) and recommendations acted upon?**			
External auditor's report **– presented to full council and directives acted upon?**			
Names of persons carrying out the check: **…… ……** **Signatures:** **…… ……** **Date check undertaken:** **……**			

MALTBY TOWN COUNCIL

Edward Dunn Memorial Hall,
Tickhill Road,
Maltby, S66 7NQ

AGENDA ITEM 29

Report to Council Members

TO:	Members of the full town council
MEETING DATE:	Thursday 01st December 2022
SUBJECT:	Locum Clerk Correspondence Report
REPORT AUTHOR:	Ms Safia Kauser – Locum Town Clerk/RFO

AGENDA ITEM: 29
To consider any correspondence or communication brought forward by the Locum Clerk not otherwise specifically relating to items being considered by the town council committees (report enclosed).

Purpose of the Report: To provide an update on the subject matters identified as per agenda item that are to be noted or require a decision from council.

1. **Unauthorised Recording at Council Meetings and correspondence from MOP**
   The Clerk circulated a confidential email to members relating to unauthorised video recording at the Finance and Staffing committee meeting on Tuesday 22nd November and members have been reminded of their role as councillors and the Code of Conduct. Confidential correspondence has been issued from the Proper Officer of the Council to the Chairman in relation to this incident. The letter will be read out at the council meeting under the exclusion of the press and public and may be considered alongside the complaint received from a member of the public itemised at agenda item 16.6.

   The Clerk has received other correspondence from a member of public which will be read out at the meeting.

2. **Edward Dunn Memorial Hall – Christmas Closure**
   To confirm the date to shut down for the Christmas period. Staff normally take the holiday from their annual leave and some staff wish to continue to work throughout the Christmas period (with the exception of the bank holidays). The council is requested to resolve that – The Edward Dunn Memorial Hall be closed to the public from Thursday 22nd December and re-open on Tuesday 03rd January 2023.

3. **Flagpole (communication from Cllr Ball)**
   Email correspondence received from Cllr Ball on the 23 September 2022.
   Dear Clerk, Now that proceedings have finished with the sad passing of the Monarch I was wondering if the council would consider making the flag pole a permanent fixture in the memorial garden. This flag sits proudly in the memorial garden and looks superb when you are passing it and would be a great addition for this fine town.

4. **Meeting with RMBC Officers**
   This took place in October and the officers have extended their support to the Locum Clerk and the new Town Clerk/RFO during these challenging times for the town council. The support contact names and numbers have been made available if required.

5. **Electronic Summons and GDPR Forms**
   Please could these be completed and returned by councillors as soon as possible.

6. **Coronation of King Charles III –** To consider what the Town Council would like to do to mark the event and also to consider a budget. This item is due to be considered by the Events committee.

7. **Letter Update**
   Update on letter sent by Maltby Town Council, on behalf of the people of Maltby, to the Mayor for the South Yorkshire Mayoral Combined Authority, Oliver Coppard, who has responsibility for public transport, to request the bus service which linked Maltby with Rotherham Hospital is reinstated. (As resolved at Full Town Council 6th October 2022 minute ref:2022/127.)