



# Shaftesbury Town Council

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VAT Reg No 241 1307 58

To: Members of Shaftesbury Town Council's General Management Committee (GEM),  
Councillors Cook (Chair), Taylor (Vice Chair), Brown, Hall, Kirton, Lewer and Perkins. All other  
recipients for information only.

You are summoned to a meeting of the General Management Committee for the transaction of  
the business shown on the agenda below. To be held at 7.00pm on

**Tuesday 26 February 2019 in the Council Chamber, Shaftesbury Town Hall**

Claire Commons PSLCC, Town Clerk

Members are reminded of their duty under the Code of Conduct

## Public Participation

The Chairman will invite members of the public to present their questions, statements or  
petitions submitted under the Council's Public Participation Procedure.

Members of the public and Councillors are entitled to make audio or visual recordings of the  
meeting provided it does not cause disruption or impede the transaction of business. Out of  
courtesy to those present, the Council requests that intention to record proceedings is brought  
to the Chairman's attention prior to the start of the meeting.

## Agenda

- 1 APOLOGIES ..... 3**  
To receive and consider for acceptance, apologies for absence
- 2 DECLARATIONS OF INTEREST ..... 3**  
Members and Officers are reminded of their obligations to declare interests in  
accordance with the Code of Conduct 2012. The Clerk will report any dispensation  
requests received.
- 3 MINUTES ..... 3**  
To confirm as a correct record, the minutes of the previous meeting of the General  
Management Committee.
- 4 REPORTS ..... 10**  
To receive and note reports from the Mayor, Committee Chairmen, Lead Councillors  
District and County Councillors and Local Organisations.
- 5 EXTERNAL AUDIT YEAR ENDING 31<sup>ST</sup> MARCH 2018 ..... 11**  
To resolve response to the external auditor
- 6 INTERIM AUDIT REPORT ..... 17**  
To receive the Interim Audit Report for year ending 31<sup>st</sup> March 2019
- 7 PAYMENTS ..... 19**

	To consider payments for authorisation	
<b>8</b>	<b>SWIMMING POOL</b> .....	<b>22</b>
	To consider short and medium term improvements to the Shaftesbury Oasis pool	
<b>9</b>	<b>DISCIPLINARY PROCEDURE</b> .....	<b>26</b>
	To consider for adoption the Disciplinary Procedure	
<b>10</b>	<b>GRIEVANCE PROCEDURE</b> .....	<b>30</b>
	To consider for adoption the Grievance Procedure	
<b>11</b>	<b>BIODIVERSITY AND ENVIRONMENTAL POLICY</b> .....	<b>33</b>
	To consider for adoption the Biodiversity and Environmental Policy	
<b>12</b>	<b>HEALTH AND SAFETY</b> .....	<b>37</b>
	To consider the Health and Safety report and associated action plan	
<b>13</b>	<b>THE GREAT BRITISH SPRING CLEAN</b> .....	<b>38</b>
	Notice of Motion 00023 – To consider holding a Great British Spring Clean event.	
<b>14</b>	<b>EQUALITY, DIVERSITY AND HUMAN RIGHTS POLICY</b> .....	<b>41</b>
	To consider for adoption the Equality, Diversity and Human Rights Policy	
<b>15</b>	<b>COMMUNITY ENGAGEMENT STRATEGY</b> .....	<b>46</b>
	To consider for adoption the Community Engagement Strategy	
<b>16</b>	<b>GRANT AWARDING POLICY</b> .....	<b>52</b>
	To review the Council's Grant Awarding Policy	
<b>17</b>	<b>SCHEME OF DELEGATION</b> .....	<b>53</b>
	To consider for adoption the Scheme of Delegation	
<b>18</b>	<b>LOCAL COUNCIL AWARD SCHEME - QUALITY GOLD</b> .....	<b>57</b>
	To recommend to Full Council to apply for the Quality Gold level of the Local Council Award Scheme	

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(End)

## **1 Apologies**

To receive and consider for acceptance, apologies for absence

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### **1.1 Background**

- 1.1.1 The Council (including committees) should approve (or not) the reason for apologies given by absent councillors. If a council member has not attended a meeting of the council (or its committees) or has not tendered apologies which have been accepted by the council (or committee), for six consecutive months, they are disqualified.

### **1.2 Apologies received to date**

- 1.2.1 Councillor Jeanne Loader due to a personal commitment  
1.2.2 Councillor Phil Proctor due to a personal commitment

## **2 Declarations of Interest**

Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct 2012. The Clerk will report any dispensation requests received.

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### **2.1 Background**

- 2.1.1 Where a matter arises at a meeting which relates to a councillor's interest, the councillor has the responsibility of declaring that interest in accordance with the adopted code of conduct. (Shaftesbury Town Council, 2012)

### **2.2 Declarations of Interest or dispensations received to date**

## **3 Minutes**

To confirm as a correct record, the minutes of the previous meeting of the General Management Committee.

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### **3.1 Background**

- 3.1.1 When the meeting is approving the draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the chairman or other councillors were not present at the meeting to which the draft minutes relate.
- 3.1.2 If it is necessary for the draft minutes of the previous meeting to be corrected because of an inaccuracy in them, then the amendments to the draft minutes must be approved by resolution. (Tharmarajah, 2013, p. 154)

### **3.2 Minutes to be adopted**

- 3.2.1 29<sup>th</sup> January 2019
-



## SHAFTESBURY TOWN COUNCIL General Management Committee

Minutes of the General Management Committee held in the Council Chamber, Town Hall, High Street, Shaftesbury Dorset SP7 8LY on Tuesday 29<sup>th</sup> January 2019 commencing at 7.01 pm.

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### Members Present:

Councillor Cook  
Councillor Brown  
Councillor Taylor

### Officers Present:

Claire Commons, Town Clerk  
Zoe Moxham, Office Administrator

### In Attendance:

1 member of the public  
1 member of the press

## MINUTES

### Public Participation

Members of the public were invited to make representations to the Council on any matters relating to the work of the Council or to raise any issues of concern. The following comments were made;

- **S106** – The question was asked whether there was s.106 money available for the Silver Band Hall. *The Town Clerk confirmed that this may be possible.*
- **Bell Street Toilets** – Clarification was sought on this item. The question was asked whether the disabled cubicle was still open. *The answer was affirmative.*
- **New Councillor Publicity** – Clarification was sought on this item. *It was reported that holding 'drop in' sessions for potential new councillors is the recommended course of action from DAPTC.*
- **Future of our Highstreet** – Clarification was sought on this item. *It was reported that the Council was addressing recent Government initiative.*
- **Community Radio Plan Update** – An update was received.

### G58 Apologies

Councillors Perkins and Hall due to work commitment. Councillors Lewer and Kirton due to personal commitments

### G59 Declarations of Interest and Dispensations

All members were invited to declare any interests throughout the meeting if the need arose. None were declared.

**G60 Minutes**

G60a It was **RESOLVED** to approve the minutes of the meeting held on 23<sup>rd</sup> October 2018 as a correct record with the following amendments:

- Councillor Brown declared and interest in Item 10, Christmas Lights.
- Councillor Brown left the room after Item 9, Bell Street Toilets.
- Councillor Brown returned to the room after Item 10, Christmas lights.

The minutes were duly signed.

**G61 Reports**

G61a Officer report 0119GEM4 was received and noted.

**G62 Payments**

Officer report 0119GEM5 was received and it was **RESOLVED** to approve the payments, totalling £30,644.67

Action: Finance and Services Officer

**G63 Finances – Quarter 3**

G63a Officer report 0119GEM6 was received and noted.

G63b It was **RESOLVED** to write off the outstanding debt with the Task Force and note that governance improvements have been made to mitigate risk of recurrence.

Action: Finance and Services Officer

G63c It was agreed that the Town Clerk would prompt the Solicitors over the next week for an update on the fees resulting from the Judicial Review and give a report at the February General Management Meeting.

Action: Town Clerk

**G64 Policies**

Officer report 0119GEM7 was received and it was **RESOLVED** to adopt to following Policies:

G64a The Health and Safety Policy subject to clarification on whether ‘Councillors’ need to read ‘The Council’ (Cooperate Body) in the Management Structure.

G64b The Equality, Diversity and Human Rights Policy

G64c The Staff and Member Training Policy

G64d It was **AGREED** that any outstanding DRAFT Policies required for the Local Council Awards Scheme, would be included on the February General Management Agenda for adoption.

G64e It was **AGREED** that a portfolio would be prepared ready for the February General Management Meeting for submission of the Local Council Award.

- G64f It was **AGREED** that a Councillors Skills Audit and training plan be prepared for the February General Management Meeting.
- Action: Town Clerk/Office Administrator**
- G65 Section 106**  
Officer report 0119GEM8 was received and noted, the following was **RESOLVED**;
- G65a That the Infrastructure Requirements document is amended to include the following projects only at this point and is adopted as the basis for the developer contribution request and subsequently reviewed quarterly to ensure that it is meeting requirements.
- Community Kitchen – Future Project
  - Enhancing Community Facilities – Future Project
  - White Hart Link – Future Project
  - Project Belle – Future Project
  - Silver Band Hall – Future Project
  - Swimming Pool – Future Project
  - Welcome our Visitors– Current Project
  - Developing the Arts – Current Project
- G65b To make s.106 requests *if* Enmore Court is approved, for the improvement of pedestrian access to the town.
- Action: Town Clerk**
- G66 Bell Street Toilets**  
Officer report 0119GEM9 was received and it was **RESOLVED** that the project plan for the Public Toilets is adopted and plans for the Replacement IT, Town Hall Repairs and the Swimming Pool are received for adoption at the next meeting of the Committee
- Action: Town Clerk/Business Manager**
- G67 Events and Dates of Note in Shaftesbury**  
Officer report 0119GEM10 was received and it was **RESOLVED** that the Town Council writes a letter to mark the 90th anniversary of St John's Ambulance in Shaftesbury, Fly the Flag for Pride month and hold a small ceremony at the Town Hall to mark Commonwealth Day. Details of the events to be delegated to the Town Clerk.
- Action: Town Clerk**
- G68 Calendar of Meetings**  
Officer report 0119GEM11 was received and it was **RESOLVED** that the calendar or meetings is adopted in principle for the municipal year 2019/2020, for recommendation to the Annual Meeting of the Council in May 2019.
- Action: Town Clerk**
- G69 New Councillors Publicity**  
Officer report 0119GEM12 was received and the following was **RESOLVED**;
- G69a To hold a public information meeting on the 12th of February at 7pm and a drop-in session on 16<sup>th</sup> of February from 10 am – 2 pm, to encourage people to stand for Council in the coming election.
- G69b That the Democracy Pack is approved and published on the Council's website.

G69c To delegate to the Town Clerk spending to print and distribute flyers to each SP7 household.

G69d That a press release and posters are issued.

Action: Town Clerk

**G70 Future of our Highstreet**

Officer report 0119GEM13 was received and it was **RESOLVED** to delegate to the Town Clerk along with the lead Councillor for the Economic Development workstream to submit an expression of interest for Shaftesbury supported by the Chamber of Commerce.

Action: Town Clerk

8.56 – Zoe Moxham left the meeting at this point

**G71 Confidential Session**

Officer report 0119GEM14 was received and it was **RESOLVED** that, in accordance with Section 2 of the Public Bodies (Admissions to Meetings) Act 1960, the public be excluded during the discussion to discuss Item 14, Confidential Business, Item 15, Correspondence and Item 15, Code of Conduct, in confidential session due to commercially sensitive information. (as defined in the respective paragraph of Part 1 of Schedule 12a of Section 100a(4) of the Local Government Act 1972), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**G72 Extension of time**

It was **RESOLVED** to extend the meeting beyond two hours.

**G73 Correspondence**

Officer report 0119GEM15 was received and it was agreed to **RECOMMEND** to Full Council that a letter is issued drawing the matter to a close.

**G74 Code of Conduct**

Officer report 0119GEM16 was received and it was **RESOLVED**;

G74a To delegate to the Clerk to write appropriate correspondence to this issue and that letter to serve as precedence for any similar occurrence.

G74b That acts of bullying, intimidation or harassment to Councillors or Staff will not be tolerated.

There being no further business, the meeting was closed at 9.45 pm

Signed

Date

# Administration for a meeting of the General Management Committee

Printed on : 29/01/2019		Shaftesbury Town Council		Page No 1	
At : 14:04		NatWest Current A/c			
List of Payments made between 01/01/2019 and 29/01/2019					
Date Paid	Payee Name	Cheque Ref	Amount Paid	Authorized Ref	Transaction Detail
01/01/2019	NDDC	Std Ord	214.00		Business Rates- Bell St Toilet
01/01/2019	NDDC	Std Ord	696.00		Rates Town Hall
01/01/2019	NDDC	Std Ord	278.00		Rates Unit 9C
01/01/2019	NDDC	Std Ord	46.00		Rates Cemetery
02/01/2019	Eon	DD	168.64		Electricity Pool
02/01/2019	Telefonica Uk Ltd	Dd	72.94		Purchase Ledger Payment
02/01/2019	Plusnet Ltd	dd	28.20		Telephone
02/01/2019	Hilary Ritchie	online681	3,500.00		Reference Project belle
04/01/2019	British Telecommunications	dD	145.44		Broadband
04/01/2019	Farnfields Solocitors	online682	753.80		Purchase Ledger Payment
08/01/2019	Crown Gas & Power (Easy Utilit	directdebi	317.59		Gas December
08/01/2019	Abbey School PTFA	013178	100.00		Mayor's Charity dona. Xmas lig
10/01/2019	British Telecommunications	DirectDebi	278.93		Broadband and Phone package
10/01/2019	Mole Countrystores	online683	105.90		Correction
11/01/2019	Hitachi Capital	Std Ord	849.20		Hitachi Capital
15/01/2019	Fuel Genie	DD.	254.22		Fuel December
15/01/2019	Walls and Floors	Debitcard	31.70		Tile samples
16/01/2019	Sage Uk Ltd	dd.	80.40		Sage Payroll
16/01/2019	DCC Pension Fund	ONLINE	4,711.52		December payment
16/01/2019	HMRC	ONLINE	5,185.77		Tax/Ni December
17/01/2019	Build Love Community Interest	online684	1,300.00		Initial payment Bell St Toilet
17/01/2019	Amazon Online Sales	debitcard	12.99		Wireless dongle
18/01/2019	Amazon Online Sales	dabitcard	7.30		Bags for wedding fair
18/01/2019	Leaflet Frog	dcard	24.00		Leaflet printing- FC
22/01/2019	Peninsula	Std Ord	210.50		Health & Safety Advisers
25/01/2019	NDDC	Std Ord	287.00		Rates Swimming Pool
29/01/2019	British Gas	online685	7.21		Standing Charge Barton Hill
29/01/2019	British Gas	online686	107.62		Electirc Bell St Toilets
29/01/2019	British Gas	online687	361.84		Electric Town Hall
29/01/2019	Aqua cleaning Services	online688	193.75		Cleaning supplies
29/01/2019	Clarity Copiers Ltd	online689	82.36		Printing December
29/01/2019	EG. Coles	online690	86.28		Toothed Belt
29/01/2019	Fix a Door	online691	410.40		Repair roller shutter Unit 9c
29/01/2019	Dicks Contracting Ltd	online692	432.00		Hedgecutting
29/01/2019	Dorset County Council	online693	429.80		Refuse collection up to 31/03/
29/01/2019	Dorset Planning Consultant Ltd	online694	1,199.52		Professional Advice NHPG
29/01/2019	R & M Media Agency Ltd	online695	120.00		Advert Gillingham & Shaftesbur
29/01/2019	Hawes Arborists	online696	1,194.00		Tree works St James Park
29/01/2019	The IT Department Solutions Lt	online697	187.08		Spam/365 monthly subs
29/01/2019	Hire Standards	online698	225.94		Combi Ladder/core drill
29/01/2019	Imprint Graphics	online699	31.20		Purchase Ledger Payment
29/01/2019	Reach Publishing (BVM)	online700	234.00		Wedding Fair Advert
29/01/2019	Partnership Fire and Security	online701	108.00		Call out fault on door entry s
29/01/2019	Stannah Lift Services Ltd	online702	127.94		Annual service stair lift
29/01/2019	Travis Perkins	online703	29.16		Painting Council Chambers
29/01/2019	Lyreco	online704	2.88		Dividers
29/01/2019	Wessex Water	online705	645.23		Water Rates Bell St toilets

Continued on Page 2



# Administration for a meeting of the General Management Committee

Printed on : 29/01/2019

Shaftesbury Town Council

Page No 2

At : 14:04

NatWest Current A/c

## List of Payments made between 01/01/2019 and 29/01/2019

<u>Date Paid</u>	<u>Payee Name</u>	<u>Cheque Ref</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
29/01/2019	Wessex Community Assets	online706	900.00		Technical support
29/01/2019	SLCC	ONLINE707	326.00		PSLCC membership
29/01/2019	SLCC	ONLINE708	40.00		ALCC membership
29/01/2019	Amazon Online Sales	Debitcard	36.57		HDMVNetwork cable
29/01/2019	British Telecommunications	dd	93.24		line rental
29/01/2019	NDM Electrical	online709	386.40		Installation/dismantling xmas
29/01/2019	Firmsites Ltd	online710	165.00		Website 01/02-30/04
29/01/2019	Seton	online711	49.08		Safety Signage
29/01/2019	Travis Perkins	online712	121.13		Paint for Council Chamber
29/01/2019	British Gas	online713	86.52		Electric Toilets
29/01/2019	British Gas	online714	318.72		Electric Town Hall
29/01/2019	British Gas	online715	7.44		Standing Charge Barton
29/01/2019	Wessex Water	online716	567.49		Bray allotments
29/01/2019	Wessex Water	online717	18.86		Rose Garden
29/01/2019	Wessex Water	online718	73.87		Water Town Hall
29/01/2019	Wessex Water	online719	1,097.30		Water pool 24/07 to 17/01
29/01/2019	T F Plant & Tool Hire	online720	210.00		Skip Jeaneau Close
29/01/2019	Sydenhams	online721	156.80		Materials for toilets
29/01/2019	Essential Pool Supplies	online722	114.00		Alk reducer, ph minus, phospho
<b>Total Payments</b>			<u>30,644.67</u>		

## **4 Reports**

To receive and note reports from the Mayor, Committee Chairmen, Lead Councillors District and County Councillors and Local Organisations.

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### **4.1 Recommendation**

- 4.1.1 That the reports are received and noted and any actions arising identified for future meetings of the Council or its Committees

### **4.2 Summary**

- 4.2.1 The Council receives reports from external partners (District and County Councillors, local organisations and other public bodies) and internal reports from the Mayor, committee chairmen, lead councillors, representatives to organisations.
- 4.2.2 These reports are to inform and give the opportunity for topics of note to be addressed later by the Council or its committees.
- 4.2.3 Reports and minutes provided in advance are taken as 'read'.

### **4.3 Financial, Legal and Risk Implications**

- 4.3.1 There are no financial implications arising from this report as the item is not specific enough to give advance notice of a decision to be taken.
- 4.3.2 There are no legal implications arising from this report for the reasons identified in Financial Implications.
- 4.3.3 There is a risk of decisions being taken on items not clearly identified on the agenda. This is mitigated by clear agendas and deferring items not notified in advance.

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***STRATEGIC PLAN AREAS: ENGAGEMENT, PHIL PROCTOR  
POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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### **4.4 Detail**

- 4.4.1 The cheque raised on 31<sup>st</sup> March 2018 for the Shaftesbury Charitable Trust for the maintenance of the stones on the Persimmon Development has been unclaimed. The money will therefore be placed into an earmarked reserve for maintenance of these stones.

(End)

Report Author:

Claire Commons PSLCC, Town Clerk

## **5 External Audit year ending 31<sup>st</sup> March 2018**

To resolve response to the external auditor

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### **5.1 Recommendation**

- 5.1.1 That the response to the external auditor for the elector queries on the Annual Governance and Accountability Return 2017/18 is approved and submitted.

### **5.2 Summary**

- 5.2.1 The Council is aware that the External Auditors are in receipt of various objections to the 2017/18 Annual Governance and Accountability Return (AGAR) (via email on 10 and 13 July 2018).
- 5.2.2 The detail of the responsibilities of the auditor is set out at 5.6 below.
- 5.2.3 The Responsible Finance Officer has prepared responses to the points made which is provided as an appendix to this report.
- 5.2.4 Members should satisfy themselves that all points raised are fully addressed. Please contact the clerk to see original copies of the queries put.

### **5.3 Financial Implication**

- 5.3.1 The costs of additional work carried out by the external auditor must be borne by the Council and may impact on the Council's budget in the future.

### **5.4 Legal Implication**

- 5.4.1 It is the Council as a whole that is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of their functions and which includes arrangements for the management of risk (Governance and Accountability for Local Councils, 2014)

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## ***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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### **5.5 Detail**

- 5.5.1 The auditors are required to undertake checks to confirm that the objection correspondence meets the qualifying requirements, namely that the objection must:
- be made by a local government elector or their representative (this means the elector must be registered on the electoral roll for the local area in question);
  - relate to an open year of account (a year for which the auditor has not yet issued their certificate closing that year's audit);
  - be made within the 30 working-day prescribed period;
  - be on matters which are within the auditor's jurisdiction, i.e. either regarding an item of account during 2017/18 in Section 2, the Accounting Statements, or a failure in an area of governance during 2017/18 covered by one of the assertions in Section 1, the Annual Governance Statement;

- at least briefly set out facts and grounds, which on the face of it, identify or which could give rise to an item of account contrary to law or a matter in relation to which a public interest report could be warranted;
- be in writing; and
- be copied to the audited body.

5.5.2 The costs of any additional work are met by the Council and therefore the council tax payers. Please see the following link to the fees and charges for the limited assurance contract: <http://www.localaudits.co.uk/fees.html> Where formal questions and/or objections are received by us, the hourly rates in table 2 will be charged for any additional work carried out. (All additional work in respect of elector correspondence is carried out by engagement leads/senior management.) As the costs to councils are high, one of the requirements of the NAO guidance that we must follow is to consider whether the costs to the local taxpayer would be disproportionate to the public interest at stake.

(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix B. Elector queries

*Query 1. The failure to include a council owned building with a value of £200,000 plus. I note with some concern that the Council has failed to record its ownership of the local football clubs social club which was transferred to them when the club went into liquidation.*

This is correct, it appears that the asset was not added to the Council's asset register at the correct time. This was brought to the Council's attention after the asset register was adopted by Council and the correction has been made in readiness for adoption of the asset register this year.

*Query 2. The failure to include or inform the internal auditor of a financial threat to the authority due to proven false criminal accusations which are currently being looked into by the police. (I noted your comment about the standards authority North Dorset, criminal acts, should go to the police not NDDC as you advise, The accusations were made by Shaftesbury Town Council.*

I believe this to be outside the scope of the external audit. If a matter is raised by the police, the Council will do all it can to assist with their enquiries.

*Query 3. Following two external district valuers reports (this when only one was required wasting circa £400 of public money) the club house was given a maximum value of £6,000, this is not registered, the current value, after investment by the volunteers working with in the football club company (one of two companies working together) of Circa £100,000 along with voluntary donations of labour and materials is considerably more. The valuers advised that this investment in the Councils property, I was present in the club house when this advice was given, should be reflected in the rent for many years to come, indeed a pepper corn rent should be set.*

Only one valuers report was requested and received. A rent-free period and subsequent rising rate up to market value over 5 years was agreed to recognise the offset in work required to be carried out on the building. This relates to a decision in December 2014 and is outside the scope of audit

*Query 4. I am concerned that the Council;*

- *claim a debt against the Football club after such an enormous investment*
- *do not register the asset*
- *have no starting value*
- *have no current value*
- *register no depreciation or growth of the investment by the volunteers*
- *have no agreed term as directed by the district valuer*
- *have no workable length of lease for the club to use*

The Council is working closely with the football club to help them address the issues that they have had, have written off a significant amount owing to the council and have a comprehensive financial plan with the club.

A detailed plan was adopted by the Council in the current financial year, please advise whether you wish to see this as part of your review of 2017/18

*Query 5. The town council's failure to provide a proper lease over many years, since 2014, has been a considerable cost to the tax payer, there is also grave concern over the false recording of the 18th December 2014 full council meeting where it was resolved to accept and sign the lease, the official recording demonstrates the written minutes are not the true record.*

The negotiations for a lease for the football club has been a difficult process however a robust plan has now been adopted and welcomed by both the football club and the town council that will avoid the repeated problems of the past.

The minutes of 18<sup>th</sup> December 2014 fall outside the scope of this audit period however you may wish to note that they have been signed as a correct record in accordance with legislation.

Additional information relating to the football club relevant to the current financial year which may help inform your consideration of the queries raised:

#### Football club debtor

The football club owes money to the council dating back to 2016. Once they have produced, and web published full accounts, showing all directors' loans and capital improvement expenditure, as well as full income and expenditure, then the Council and the town can make an informed decision about the level of support needed. See <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/06/2018-05-29-FC-Mins.pdf> and <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/06/2018-05-22-GEM-minutes.pdf>

The outstanding debt is now fully repaid (as at end of November 2018)

#### Football Club Lease

Internal Auditor report reads *"The football club appear to be using Council land without a finalised lease in place. This is not good practice. The council's solicitor should finalise the lease with appropriate break clauses."* This is currently in the hands of the Council's and Football Club's solicitors, there have been a number of valid delays. A further report can be made available should you require additional information. Amendments to the 25 year lease was approved by Full Council <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/09/2018-08-21-FC-Mins.pdf>

*Query 6. I would be most grateful if the External Auditor would review the Payroll Bill and make a judgement call on whether it is an unreasonable tax burden on the electorate for a town the size of Shaftesbury of 8,000 (compared with Gillingham, Dorset that has a population of 11,000) and to ensure compliance by Shaftesbury Town Council with the Data Transparency Code – refer to following section.*

#### **(External Auditor's response)**

It appears that you are raising a number of detailed queries regarding publication under the Transparency Code that should have been raised with the Council. We hold no details of the Council's transactions and compliance with the Transparency Code is not within our remit.

*Query 7. The organisation chart on the STC website is out of date and does not conform to the following Transparency Code. Added to the lack of Organisation Chart as specified in the code, there is not an up to date pay multiples section on the web-site and the Trade Union membership details are not detailed.*

Staff Structure Chart on the website updated 16<sup>th</sup> July 2018 <https://www.shaftesbury-tc.gov.uk/data-transparency/>

*Query 8. This is an extract of the Code regarding the Organisation Chart and the word clearly specified here is 'must' publish and the details must state the salary in £5000 brackets. STC does not conform to this code.  
I believe Shaftesbury Town Clerk is now paid a salary scale of LC3 46 or 47 which will place her remuneration package over £50,000. This compared to the equivalent in Gillingham with a population of 11,000 would be viewed by many electorate as excessive overpayment requiring salary review and re-alignment.*

Elector's Query regarding Town Clerk Salary Closed (elector email of 20<sup>th</sup> September 2018) as acknowledged that no employees salary exceeds £50,000 and the relevant extract does not apply to local councils.

*Query 9. Please note I had a direct query regarding the payment of £28,000 for a vehicle in last year accounts and the lack of transparency and I received no reply or change to openness from Mrs Commons, Town Clerk, Eleanor Green, Internal Auditor nor the BDO. I would like the External Auditors comment on*

*1) no response to last year's Elector's Query and*

**Outside scope of current audit**

*2) why large contracts over £5000 are not made visible on the Web Site. There were also multiple complaints from the electorate issued to the Town Council regarding the involvement of Interim Nick Randle awarding contracts to his own company, LGRC Associates Ltd, and the fact that this appeared to be irrational squandering of tax payers money and showing signs of a contractor Town Clerk ensure his own company benefitted by awarding on-going contracts of policy writing and Strategic Planning to his company without going to open tender. The value of these contracts appear to be in excess of £11,000.*

**Outside the scope of current audit.**

Nick Randle OBE was appointed Locum Town Clerk in the financial year ending 31<sup>st</sup> March 2017. He ended his term with the Council in December 2016.

LGRC was appointed for Town Clerk services also in the financial year ending 31<sup>st</sup> March 2017 [http://www.shaftesbury-tc.gov.uk/images/legacy/FC/2017\\_03\\_07\\_FC\\_Mins.pdf](http://www.shaftesbury-tc.gov.uk/images/legacy/FC/2017_03_07_FC_Mins.pdf)

Engagement of LGRC in the financial year ending 31<sup>st</sup> March 2018 was resolved in April 2017 with the current Town Clerk in post. [http://www.shaftesbury-tc.gov.uk/images/legacy/FC/2017\\_04\\_11\\_FC\\_agenda\\_set.pdf](http://www.shaftesbury-tc.gov.uk/images/legacy/FC/2017_04_11_FC_agenda_set.pdf)

*Query 10. Complaint regarding Internal Auditors 'unhelpful' comment in Town Council papers. This was recorded as a statement made by Eleanor Greene, Do the Numbers confirming that the BDO and the Internal Auditor 'dismissed' the Electors Queries I submitted last year but decided not to correspond with me as to the reasons why. This is an extract of Report 1017GEM, agenda 8 which was written by Eleanor Greene, Do the Numbers, Internal Auditor.*

*"For several years the final accounts of STC have been subject to elector queries. Now that the systems and controls are functioning well, this should not recur. There were several substantial elector queries received by the external auditor which were not charged for therefore it is presumed that they were without merit"*

**Outside the scope of the external audit.**

(Town Clerk's response to electorate and external auditor provided 13<sup>th</sup> July 2018)

Further to your communications with regards to your concerns surrounding Shaftesbury Town Council's compliance with the Data Transparency code.

I would like to reassure you that the aspects of the Data Transparency code to which you refer have been reviewed and I am able to confirm that all is in order.

To provide further clarity I have responded to each of the points you have raised below:

### **Payments of Salaries not conforming to with the Data transparency code**

Please refer to footnote 37 in Section 44 (Organisation Chart) of the Local Government Transparency Code 2015, which states *'This should exclude staff whose salary does not*



exceed £50,000.' I can confirm there are no members of staff receiving a salary that exceeds £50,000 and as such this does not apply.

### **Town Clerks Salary**

As confirmed to you by Eleanor Greene, our internal Auditor, no employee's salary exceeds £50,000 and as such Section 48 (Senior Salaries) of the Data Transparency Code 2015 does not apply in this case.

### **Contracts/Tender/Purchase Orders under the Data Transparency Code**

Please refer to both Agendas and Minutes for all details of any Contracts/Tender/Purchase Orders exceeding £5000 over the last financial year. These are available to all members of the public on the website- <https://www.shaftesbury-tc.gov.uk/>

### **Langdale Farm**

Shaftesbury Town Council did not enter into discussions with Charles Higgins Primary Care Ltd or enter any form of contract. As such Section 20 (Commercial confidentiality) in the Data Transparency Code 2015 does not apply in this case.

I note the response that you received from the external auditor to which I was copied in, as soon as the Council receives the audited and certified annual return it will be published and displayed in accordance with the Accounts and Audit Regulations 2015.

*Query 11. a failure in an area of governance during 2017/18 covered by one of the assertions in Section 1, the Annual Governance Statement and I do believe it to be unlawful.  
The Town Council put onto its Full Council agenda an investment item where the total investment would have definitely exceeded £500,000 and the Town Council had not issued an approved Annual Investment Strategy.*

This relates to the potential purchase of Langdale Farm. [http://www.shaftesbury-tc.gov.uk/images/2017\\_11\\_14\\_FC\\_Mins.pdf](http://www.shaftesbury-tc.gov.uk/images/2017_11_14_FC_Mins.pdf) the vote was split with no casting vote and so the matter was deferred.

The offer was withdrawn and minuted at Full Council on 28th November [http://www.shaftesbury-tc.gov.uk/images/2017\\_11\\_28\\_EFC\\_WEB\\_Minutes.pdf](http://www.shaftesbury-tc.gov.uk/images/2017_11_28_EFC_WEB_Minutes.pdf)

Note, the Council has a treasury management policy in place, adopted 6<sup>th</sup> March 2018 <https://www.shaftesbury-tc.gov.uk/policies/>

No resolution or transaction took place therefore this query falls outside the scope of the external audit.



## **6 Interim Audit Report**

To receive the Interim Audit Report for year ending 31<sup>st</sup> March 2019

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### **6.1 Recommendation**

6.1.1 That the Interim Audit Report for year ending 31<sup>st</sup> March 2019 is adopted

### **6.2 Summary**

6.2.1 The Internal Auditor carried out her second visit of the year on 6<sup>th</sup> February 2019.

6.2.2 Appended to this report is the auditor report and areas for action.

6.2.3 In respect of returning donations. It is the Clerk's opinion that, as the money was received for a particular purchase, when that purchase could not be achieved, the money was returned as the 'contract' was not deliverable. It is also worth noting that the Council has the General Power of Competence which allows the Council to do anything that an individual may do provided it is not prohibited in law.

### **6.3 Financial Implication**

6.3.1 There are no financial implications arising from this report.

### **6.4 Legal Implication**

6.4.1 The Council has a legal responsibility to appoint an officer to be responsible for the financial administration of the council (Local Government Act, 1972 s.151)

### **6.5 Risk**

6.5.1 It is the Council as a whole that is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of their functions and which includes arrangements for the management of risk (Governance and Accountability for Local Councils, 2014)

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix C. Interim Audit Report

## Do the Numbers Limited

Southampton

6<sup>th</sup> February 2019

Claire Commons, Clerk  
 Shaftesbury Town Council,  
 Town Hall,  
 Shaftesbury,  
 Dorset SP7 8LY

Dear Claire,

**Subject: Matters arising from interim Internal Audit year ending 31 March 2019**

Further to my visits to the office this week and last year, please find below the matters arising. I found the records and systems of the council to be in very good order and that the visits went extremely well.

Control area	Issue	Recommended Action
Bank balances / statements	The bank balances are not routinely being reported to council when payments are made. This is good practice.	Members, in rotation, should check the bank reconciliation between the Omega report and the statement and initial that they have done so.
Cash handling	The council receives significant amounts in cash, primarily from the swimming pool. The minor differences between the Z rolls and the amount banked are not always followed up.	The cash differences are not significant – and well within the norms – but cash handling risk is always high.
Card sales	The council has several activities where taking card payments would reduce risk and ease administration, both by reducing cash and cheques received..	The council should look into contactless payment terminals at both the swimming pool and the town hall to simplify income collection.
EPOS reporting	Takings at the swimming pool vary significantly across the week. Now that there are three years of data, it may be worth getting time of day and user type reporting.	If the current till cannot produce time of day reports, it may be worth purchasing a second hand till that can.
Donations received and returned	The council received substantial donations from members of the public towards purchasing some land and then returned them. This is ultra vires.	As soon as money is received into the accounts of the council, spending it back out of the council's account is covered by LGA72 rules, which preclude payments to individuals for other than services rendered. If a similar situation arises in future, donations should be managed through a local charity rather than the council.

37 Upper Brownhill Road, SO16 5NG  
 Registered in England No. 7871759  
 eleanorgreene@thedunnefamily.co.uk

023 8077 2341  
 Director: Eleanor S Greene

## **7 Payments**

To consider payments for authorisation

---

### **7.1 Recommendation**

- 7.1.1 That the Committee approves the payments totalling £??? from the Town Council current account and notes the bank balances.

### **7.2 Summary**

- 7.2.1 A list of payments will follow this report, an updated list may be provided to the committee prior to or at the meeting.
- 7.2.2 A bank, cash and investment reconciliation will follow this report detailing the current position following payments identified.

### **7.3 Financial Implication**

- 7.3.1 The RFO is required to prepare a schedule of payments requiring authorisation to be presented to the council or finance committee. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of contract of employment) may be summarised to remove public access to any personal information. (Shaftesbury Town Council, 2017)

### **7.4 Legal Implication**

- 7.4.1 Every local council and parish meeting must ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives. The council must likewise ensure that its financial, operational and risk management is effective. (Cleyden, 2016, p. 178) (the Accounts and Audit Regulations, 2015)

### **7.5 Risk**

- 7.5.1 Risk of improper expenditure is mitigated through the Council's adopted financial regulations and oversight of financial management by the Council as a corporate body.

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix D. Payments

Printed on : 19/02/2019

Shaftesbury Town Council

Page No 1

At : 13:03

NatWest Current A/c

## List of Payments made between 01/02/2019 and 27/02/2019

<u>Date Paid</u>	<u>Payee Name</u>	<u>Cheque Ref</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
06/02/2019	British Telecommunications	dd	122.88		Line Rental
07/02/2019	The Gillingham C & L Trust Ltd	online723	45.50		NPQL Renewal Kathleen
07/02/2019	Mail & Print	online724	1,317.60		CLlr Recruitment doorstep drop
08/02/2019	Facebook Ads	POS	10.00		Wedding Fair Ad
11/02/2019	Hitachi Capital	Std Ord	849.20		Hitachi Capital
13/02/2019	Fuel Genie	dd	213.14		Fuel January
13/02/2019	Amazon Online Sales	Debit Card	28.74		Purchase Ledger Payment
13/02/2019	Premier Catering Equipment	debitcard	16.80		De scaler for hot water boiler
18/02/2019	Adobe Systems Software	debitcard	8.32		Photoshot
18/02/2019	Land Registry	DEBIT CARD	24.00		Land Registry docs x 4
18/02/2019	Sage Uk Ltd	dd	80.40		Payroll
19/02/2019	DCC Pension Fund	ONLINE	4,278.06		DCC Pension Fund
19/02/2019	HMRC	ONLINE	4,476.93		Tax/Ni jan Salaries
27/02/2019	Bourne-Romsey Fire Protection	online725	82.20		Annual Fire Exting. Service
27/02/2019	Build Love Community Interest	online726	1,300.00		Final Payment Bell St Toilets
27/02/2019	Clarity Copiers Ltd	online727	145.86		Printing January
27/02/2019	British Gas	online728	62.92		Electric Unit 9C
27/02/2019	Ben Johnson (Shaftesbury) Ltd	online729	18.95		fuel tap
27/02/2019	Hire Standards	online730	539.70		Heras Fencing Toilets
27/02/2019	The IT Department Solutions Lt	online731	187.08		Monthly Support
27/02/2019	Landford Trees	online732	173.76		Town entrance trees, and verge
27/02/2019	Lyreco	online733	205.60		Stationery
27/02/2019	Rutters Solicitors	online734	780.00		Ref Jeaneau Close land encroac
27/02/2019	RBS Software Solutions	online735	944.40		Omega Support Feb to March 20
27/02/2019	Reach Publishing (BVM)	online736	401.35		Councillor Recruitment- BVM
27/02/2019	Sydenhams	online737	617.69		Materials
27/02/2019	Toogoods Prperty Co Ltd	online738	85.09		Water Rates Unit 9c
27/02/2019	Travis Perkins	online739	305.53		Materials
27/02/2019	T F Plant & Tool Hire	online740	210.00		Skip for toilets
27/02/2019	Wessex Water	online741	110.83		St James
27/02/2019	Wallgate	online742	1,219.20		H/drier ser. contract 12months
<b>Total Payments</b>			<b>18,861.73</b>		

## Appendix E. Bank Cash and Investment Reconciliation

## Shaftesbury Town Council

## Bank - Cash and Investment Reconciliation as at 1 February 2019

	<u>Account Description</u>	<u>Balance</u>
<u>Bank Statement Balances</u>		
1	NatWest Current A/c	145,528.52
2	NatWest Reserve a/c	0.00
3	Nat West Credit Card	0.00
4	Cash in Hand	54.67
5	Petty Cash -Swimming Pool	158.36
7	Public Sector Deposit A/c	240,717.00
8	Cambridge & Counties Bank	125,759.00
9	Nationwide Business Savings	130,000.00
		<b>642,217.55</b>
<u>Other Bank &amp; Cash Balances</u>		
	Bank Suspense	0.00
		<b>0.00</b>
		<b>642,217.55</b>
<u>Unpresented Payments</u>		
1	08/01/2019 013178	100.00
		<b>100.00</b>
		<b>642,117.55</b>
<u>Receipts not on Bank Statement</u>		
0	01/02/2019 All Receipts Cleared	0.00
		<b>0.00</b>
<b>Closing Balance</b>		<b>642,117.55</b>
<u>All Cash &amp; Bank Accounts</u>		
	NatWest Current A/c	129,798.24
	NatWest Reserve A/c	0.00
	Nat West Credit Card	0.00
	Petty Cash	54.67
	Petty Cash- Swimming Pool	158.36
	Local Authorities PropertyFund	0.00
	Public Sector Deposit A/c	240,717.00
	Cambridge & Counties Bank	125,759.00
	Nationwide Business Savings	130,000.00
	Other Bank & Cash Balances	0.00
	<b>Total Bank &amp; Cash Balances</b>	<b>626,487.27</b>

## 8 **Swimming Pool**

To consider short and medium term improvements to the Shaftesbury Oasis pool

### 8.1 **Recommendation**

- 8.1.1 To recommend to a meeting of Full Council at the beginning of March to spend £17,555 in readiness for the pool opening at the end of May 2019.
- 8.1.2 That STC Ground Staff allocate 2 days during April to support the external garden maintenance required to improve the external aesthetics of the pool building.
- 8.1.3 That the Council works in collaboration with Build Love, Guy's Marsh and Weston/ Salisbury College as part of the Council's drive to add value in terms of skills development
- 8.1.4 That the Council undertakes a further user experience survey (for the whole season) to gather feedback on the longer-term aspirations
- 8.1.5 That the Council considers the long terms options (as per longer term considerations) on the table

### 8.2 **Summary**

- 8.2.1 Review of the swimming pool ahead of opening for 2019 has highlighted areas requiring immediate attention to be fit to open and longer term proposals to improve the user experience. Please see 'Background' below.
- 8.2.2 An additional meeting of the Council is required to authorise expenditure for this project and to consider the longer term vision for the pool. Councillors are asked for their availability for a meeting during the week commencing 4<sup>th</sup> March 2019.

### 8.3 **Financial Implication**

- 8.3.1 Summary of costs including resource, equipment and building materials – Maintenance/ operations to prepare for the season including a full paint renovation on internal and external areas (see table below)
- 8.3.2 2 days STC staff x 2 as part of spring project hours 7 hours x 2 x 2 @ £12 per hour – indirect cost £336
- 8.3.3 Ear Marked Reserves – swimming pool nominal code 4931 has a balance of £29,145

2019 season preparation	Costs	Longer term considerations	Costs
External paint work including columns, doors, walls, window frames – labour and materials	16 days @ £264 = <b>£4224</b>	Replace poolside floor	Each consideration
Internal paint work including columns, doors, walls, window frames – labour and materials	14 days @ £264 = <b>£3696</b>	New urinal unit (boiler and sprinkler heads)	



## Report 0219GEM8

Repairs to pool floor	<b>£2000</b> (estimate)	Outdoor showers not fit for purpose – need replacement showers	will be costed up pending outcome of GEM
New freezer (as part of retail development plan)	<b>£250</b>	Poolside lighting- operating for night time sessions	
Outdoor showers – water pressure too low – boiler service and water flow problem to be resolved	<b>£1000</b> (estimate)	Full Lido experience adjacent to Barton Hill	
Lockers need replacing – many are broken and are aesthetically a poor standard	<b>£4000</b>	Full plant renovation - replace equipment with commercial plant	
Modular shelving to store retail overstock	<b>£250</b>	Retractable roof consideration	
Improve signage to swimming pool (welcome zone)	<b>£500</b>	Arrange quote for a Disabled hoist	
Second filing cabinet (storage)	<b>£100</b>	Explore feasibility of making the facilities DDA accessible	
Lifeguard Chair	<b>£970</b>	Cubicles x 2 (improve male and female changing facilities)	
Office door blind	<b>£50</b>		
Purchase merchandising equipment to drive presentation of stock – change reception area in to a shop	£68 (crates) £26 (mannequins) £100 (shelving) <b>Total: £195</b>		
Purchase of non-food merchandise (stock) to drive income (sales) - to include goggles, swimming costumes, hats, towels,	24 x goggles £144 12 x Hats £34.56 24 x Towels £142.80 <b>Total £320</b>		
Total of all expenditure <b>£17,555</b> (all figures in bold added together)			

### 8.4 Legal Implication

8.4.1 Local Councils may provide swimming pools and bathing places under their general power to provide recreational facilities (Public Health Act, 1936 s.225)

### 8.5 Risk

- 8.5.1 Risk Assessment process would be managed by STC and Build Love/ Weston College – both organisations would conduct risk assessments and method statement in advance of work starting.
- 8.5.2 STC, HMP Guys Marsh and Build love all have PLI
- 8.5.3 H&S hazards identified need to be resolved in advance of the 2019 season

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*STRATEGIC PLAN AREA: RESIDENTS LIFESTYLE - OUTDOOR, LUKE KIRTON*

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**8.6 Background:**

- 8.6.1 There has been minimal investment in the Oasis pool since the transfer of the asset to STC in 2015. Much of the pool is tired and needing investment to improve the standard of the environment. The improved user experience is likely to have appositive effect on ticket sales.
- 8.6.2 There has never been a formal action plan adopted since the ownership of the pool transferred to STC. An action plan for the 2019 season plan has been created in collaboration with the Pool Manager, the Finance and Services Officer and the Head Groundsman (please refer to appendix A).
- 8.6.3 The action plan (not included in this report) People (staff), Customers (pool users), Operations (including maintenance and finance), Sales (income including profit) will form a discussion point at an EFC in early March 2019. Longer term opportunities will also be presented for consideration.
- 8.6.4 The poolside 'extension area' (internal and external space) is high maintenance and on an annual basis time money is invested to bring it in to an operational state for the season. A longer-term proposal would be to consider this area being converted in to a UPVC structure which mitigates the annual need for maintenance.
- 8.6.5 Pre-season costs have been calculated and are based on improving the user experience for the 2019 season. There are over 50 entries in the action plan, the majority are based on improving the user experience which should convert in to higher sales.
- 8.6.6 HR Committee agreed a new operating structure with the objective of the pool becoming an integrated way of working for the pool Manager and staff and the bar being raised in terms of management functionality.
- 8.6.7 The PIR from the Bell Street toilet project has highlighted a positive collaboration between STC, Build Love, Guy's Marsh and Weston College. The pool project could take the collaboration to the next level thus demonstrating a positive social impact within the community. Build Love have since been contacted by Salisbury College to explore future learner-based work experience projects in Shaftesbury.

(End)

Report Author:  
Brie Logan, Business Manager



Appendix F. Photos



Figure 1 Exterior paint lifting from the surface

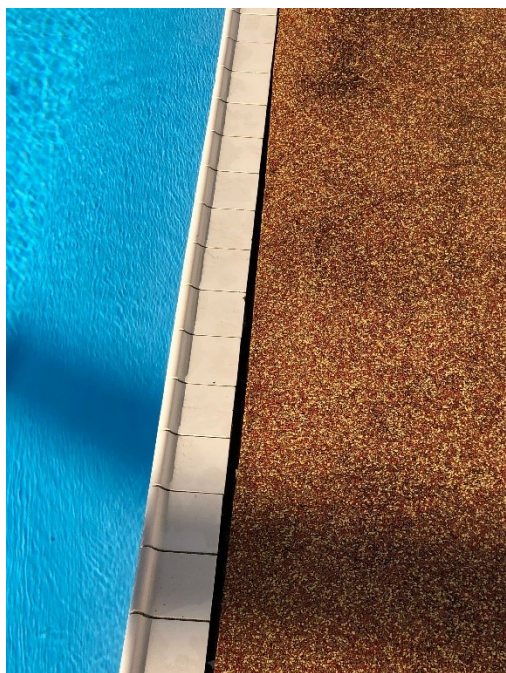


Figure 2 Resin floor is splitting away from the pool edge



Figure 3 Welcome zone is not inspirational



Figure 4 Wooden pillars are badly weathered and need re-varnishing

## **9 Disciplinary Procedure**

To consider for adoption the Disciplinary Procedure

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### **9.1 Recommendation**

9.1.1 That the Disciplinary Procedure is adopted

### **9.2 Summary**

9.2.1 The Council aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the organisation. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This policy also aims to resolve problems of conduct or performance and wherever possible to avoid dismissal. The Council's rules, which are summarised in the employees' statements of terms and conditions, the employee handbook, this procedure and associated documentation, apply to all employees.

### **9.3 Financial Implication**

9.3.1 There are no financial implications arising from this report

### **9.4 Legal Implication**

9.4.1 The Council has a duty to its staff as an employer (Employment Rights Act, 1996)

### **9.5 Risk**

9.5.1 There is a risk to the mis-management of employment matters if this policy is not adopted.

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

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Appendix G. Disciplinary Procedure

## Disciplinary Procedure

### 1. Policy

- 1.1. The Council aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the organisation. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This policy also aims to resolve problems of conduct or performance and wherever possible to avoid dismissal. The Council's rules, which are summarised in the employees' statements of terms and conditions, the employee handbook, this procedure and associated documentation, apply to all employees.

### 2. Disciplinary Policy - Purpose and scope

- 2.1. Shaftesbury Town Council's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

### 3. Principles

- 3.1. The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. No disciplinary action will be taken until the matter has been fully investigated. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing.
  - 3.2. Employees will have the opportunity to state their case at every stage at a disciplinary hearing and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
  - 3.3. A worker has the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by a more senior manager or the Appeals Committee where appropriate.
- No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing.
  - The employee will be given the opportunity to state his or her case before any decision is made.
  - The employee will have the right to be accompanied by a colleague, or accredited trade union official during the disciplinary interview or disciplinary appeal. The right of representation does not extend to investigatory meetings.
  - Mitigating circumstances will be considered any when reaching decisions on appropriate disciplinary penalties.
  - No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct. The penalty for this will be summary dismissal, i.e. dismissal without notice or pay in lieu of notice.
  - An employee will have the right to appeal against any disciplinary penalty imposed.
  - The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
  - Where an employee's absences are deemed to be of a casual nature, the employee will be dealt with under the disciplinary procedure.

### 4. Informal Warnings

- 4.1. It may be appropriate for an employee to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the employee a chance to address the issue without

formal proceedings. An informal warning is not recorded in writing (although an informal file-note may be made in the personnel file).

## 5. The Procedure

5.1. At the conclusion of the disciplinary hearing, **any** of the following actions may be deemed to be appropriate.

### 5.2. Stage 1 – First written warning

If conduct or performance is unsatisfactory, the employee will be given a formal disciplinary warning. Such warnings will be recorded but disregarded after a period of satisfactory service. The exact timeframe will be confirmed in writing when the penalty is notified to the employee.

### 5.3. Stage 2 – Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within a reasonable time, action at Stage 3 will be taken. Again, the exact timeframe will be confirmed in writing when the penalty is notified to the employee.

### 5.4. Stage 3 – Dismissal or action short of dismissal

If the conduct or performance has failed to improve, the employee may be subject to demotion, disciplinary transfer or dismissal.

## 6. Gross Misconduct

6.1. If an employee has committed an offence of the following nature the normal consequence will be dismissal without notice or payment in lieu of notice.

- theft, fraud
- any involvement in bribery, giving, receiving or facilitating bribes
- unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the organisation's rules on email and internet usage, health and safety policy, harassment policy or data protection policy
- fighting or assault
- deliberate or reckless damage to organisation property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the Council's safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the organisation, its employees or customers
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- a serious act of insubordination, such as deliberate refusal to carry out proper instructions
- acts of bullying, harassment or discrimination
- a serious breach of trust or confidentiality.

6.2. This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct. Other incidents may also constitute Gross Misconduct.

6.3. The employee may be suspended while the alleged gross misconduct is being investigated. During this time, he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer after full investigation. When this investigation has been completed the employee will be invited to attend a disciplinary meeting (at which s/he will be entitled to representation) to respond to the allegations.

- 6.4. In cases of misconduct (situations less serious than gross misconduct) it might also be appropriate to suspend the employee if this assists with the investigation.

## **7. Appeals**

- 7.1. You have the right to appeal after a disciplinary sanction has been applied. You can exercise your right to appeal by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction. Your letter should state the grounds upon which you are lodging your appeal. If your appeal is against dismissal, the dismissal decision will stand unless or until the appeal officer or Appeals Committee decides otherwise. The decision of the appeal officer or Appeals Committee will be notified to you in writing and will be final and binding.

## **10 Grievance Procedure**

To consider for adoption the Grievance Procedure

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### **10.1 Recommendation**

10.1.1 That the Grievance Procedure is adopted

### **10.2 Summary**

10.2.1 It is the Council's policy to encourage employees with grievances relating to their employment to use the procedure below to seek satisfactory solutions. The Council will try to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, every effort will be made to explain the reasons for the decision.

10.2.2 If employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved during the informal discussion. Employees who have raised grievances will be treated fairly at all time before, during and after the grievance hearing(s).

### **10.3 Financial Implication**

10.3.1 There are no financial implications arising from this report

### **10.4 Legal Implication**

10.4.1 The Council has a duty to its staff as an employer (Employment Rights Act, 1996)

### **10.5 Risk**

10.5.1 There is a risk to the mis-management of employment matters if this policy is not adopted.

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

---

(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix H. **Grievance Procedure**

### **1. Policy**

- 1.1. It is the Council's policy to encourage employees with grievances relating to their employment to use the procedure below to seek satisfactory solutions. The Council will try to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, every effort will be made to explain the reasons for the decision.
- 1.2. If employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved during the informal discussion. Employees who have raised grievances will be treated fairly at all time before, during and after the grievance hearing(s).

## **Procedure**

### **2. Informal Stage**

- 2.1. If you have a grievance about your employment you should discuss it informally with your immediate manager. In the case that it is the Clerk/Executive Officer that is aggrieved, they should discuss their concern with the Chair of Human Resources Committee. The manager will give a response within five working days. See below for exceptions to this procedure.

### **3. Formal Stages**

#### **3.1. Stage 1**

If you feel that the matter has not been resolved satisfactorily through informal discussions you must put your grievance in writing to your immediate manager outlining the nature of your grievance and the outcome you are looking for. In the case that it is the Clerk / Executive Officer that is aggrieved, they should write to the Chair of the Human Resources Committee.

You will normally receive an acknowledgement within five working days and a meeting will be arranged. Prior to the meeting the Council may carry out such reasonable investigation as necessary so that it can properly deal with your grievance. You, and the manager will attend the meeting, and you will be given the option not call relevant witnesses. You may choose to be accompanied by a colleague, or accredited trade union official. The manager or Chair of the Human Resources Committee will give a response within five working days of the meeting and will inform the employee of the appeals procedure.

#### **3.2. Stage 2 – Appeal Stage**

If you are not satisfied with the response, you may raise the matter, in writing, with the Clerk. If the Clerk undertook the stage 1 hearing then you should write to the Chair of the Appeals Committee. In the case of a grievance from the Clerk then the Clerk should write to the Chair of the Appeals Committee. A meeting will be arranged, constituted as in Stage 1, except that the Clerk or Appeal Committee replace the manager. A response will be given within five working days of the meeting. The decision at stage 2 will be final.

### **4. Investigations**

- 4.1. The Council is committed to ensuring that all grievances are investigated fully. This may involve carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The identity of witnesses will be kept confidential where necessary.

### **5. Notes**

- 5.1. You may raise a complaint directly with a senior manager or the Human Resources Committee if it:
  - 5.1.1. Concerns your immediate manager or
  - 5.1.2. Is of too personal or sensitive a nature to raise with your immediate manager.
- 5.2. Complaints concerning discrimination, bullying or harassment by your immediate manager may be raised directly with the Clerk or the Human Resources Committee. This may be done informally or formally.

*Note*

*There is a separate procedure for complaints concerning discrimination, bullying or harassment.*

- 5.3. If your complaint concerns an alleged wrongdoing or criminal offence by someone within the Council, you should raise it immediately with the Human Resources Committee. The Public Interest Disclosure Act 1998 (known as the Whistle-blowers' Act) contains details of the additional protection available for protected disclosures.
- 5.4. You will be given the opportunity to explain your grievance, how you think it should be resolved, and can respond to all information and evidence produced by the Council.
- 5.5. The grievance procedure should not be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure. If, however, you have a complaint against the behaviour of a manager during the course of a disciplinary case, you may raise it as a grievance with a senior manager.
- 5.6. Employees are encouraged to raise grievances and will not suffer any detriment from doing so. If your grievance is found to be malicious or to have been made in bad faith, however, you will be subject to the Council's disciplinary procedure.
- 5.7. A second management representative from another organisation may be invited to attend formal grievance meetings to act as a witness and note-taker.
- 5.8. The timescales listed above will be adhered to wherever possible. Where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, timescales may be extended.
- 5.9. The Council reserves the right to seek assistance from external facilitators at any stage in the grievance procedure.
- 5.10. If you experience difficulty at any stage of the grievance procedure you should discuss the situation with the relevant Manager or Councillor as soon as possible.
- 5.11. This procedure is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.



## **11 Biodiversity and Environmental Policy**

To consider for adoption the Biodiversity and Environmental Policy

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### **11.1 Recommendation**

11.1.1 That the Biodiversity and Environmental Policy is adopted

### **11.2 Summary**

11.2.1 Shaftesbury Town Council recognises that the day-to-day operations can impact both directly and indirectly on the environment. The Council aims to protect and improve the biodiversity of the area through good management and by adopting best practice wherever possible.

### **11.3 Financial Implication**

11.3.1 There are no financial implications arising from this report

### **11.4 Legal Implication**

11.4.1 Relevant legislation is listed within the policy

### **11.5 Risk**

11.5.1 There are no risks identified in this report

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix I. **Environmental Biodiversity Policy**

### **1. Introduction**

- 5.12. Shaftesbury Town Council recognises that the day-to-day operations can impact both directly and indirectly on the environment. The Council aims to protect and improve the biodiversity of the area through good management and by adopting best practice wherever possible.

### **2. Background**

What is Biodiversity?

- 5.13. Biodiversity is the variety of life. It concerns the whole range of living things, from flowering plants to birds, from butterflies to mosses and lichens and even bacteria. Biodiversity also refers to the wide range of habitats which plants and animals depend upon. It is not just about rare or threatened species, it embraces all life, from the commonplace to the greatly endangered.
- 5.14. The conservation of biological diversity is central to the principle of sustainable development which strikes a balance between the environment, economy and society. In 1992, the UK was one of over 150 countries to sign the 'Convention on Biological Diversity' at the Earth Summit in Rio de Janeiro. In response to this the government produced a UK Biodiversity Action Plan (UK BAP) in 1994, followed by a series of action plans for priority habitats and species. Together, these provide a framework for conserving and enhancing biodiversity in the UK. More recently, in 2002, a Biodiversity Strategy for England was launched, which seeks to ensure biodiversity considerations become embedded in all main sectors of public policy and sets out a 5 year programme of action.

### **3. The Dorset Biodiversity Partnership**

- 5.15. The Dorset Biodiversity Partnership is a group of organisations brought together by a common aim to reverse the decline of biodiversity in Dorset through positive, collaborative action.

### **4. The Dorset Biodiversity Strategy**

- 5.16. The Dorset Biodiversity Strategy has been prepared by the Partnership through wide consultation with the aim of providing a, 'strategic framework for the delivery of action to reverse the decline in biodiversity in the county.'

### **5. The Dorset Biodiversity Information System**

- 5.17. The Dorset Biodiversity Information System has been established by the Dorset Environmental Records Centre as a means to provide local authorities with relevant information on conservation sites and species in Dorset.
- 5.18. Protected Species have specific protective legislation including EC Directive 92/43/EEC, which is enforced in the UK by the Conservation (Natural Habitats, &c.) Regulations (1994) (known as the Habitats Regulations), the Wildlife and Countryside Act (1981) and the Protection of Badgers Act (1992).
- 5.19. BAP Species are those species with a written Biodiversity Action Plan and referred to in Section 74 of the Countryside and Rights of Way Act 2000 as species of principal importance. Planning Policy Statement 9 (2005) states that 'Local Authorities should take measures to protect the habitats of these species from further decline through policies in local development documents'. These species and habitats can be a material consideration in the making of planning decisions. In order to promote and further the conservation of these species and habitats, planning officers need to know where they have been found within the county.
- 5.20. Rare and Threatened Species do not always have protective legislation. However, Dorset is home to many rare and declining plants and animals and if their sites or breeding grounds are known by planning officers it may be possible to limit the impact of development on these species

5.21. <http://www.derc.org.uk/projects/dbis.htmlIntroduction>

## **6. Shaftesbury Town Council Environmental and Biodiversity Statement**

5.22. The Council will work to integrate environmental considerations into our business decisions and adopt greener alternatives wherever possible, throughout our operations.

## **7. Environmental and Biodiversity Policy**

5.23. In order to discharge its responsibilities the Town Council will:

- Bring this Environmental Policy Statement to the attention of all stakeholders.
- Manage its land using environmentally friendly practices that will promote biodiversity
- Carry out regular audits of the environmental management system
- Comply fully with all relevant legal requirements, codes of practice and regulations at International, National and Local levels
- Support residents and local organisations activities to enhance and promote biodiversity generally and those projects relating to the Shaftesbury area in the Dorset Biodiversity Strategy
- Prevent pollution to land, air and water
- Eliminate risks to the environment, where possible, through selection and design of materials, buildings facilities, equipment and processes
- Ensure that emergency procedures are in place at all locations for dealing with environmental issues
- Establish targets to measure the continuous improvement in our environmental performance
- Identify and manage environmental risks and hazards
- Improve the environmental efficiency of our transport and travel
- Involve customers, partners, clients, suppliers and subcontractors in the implementation of our objectives
- Minimise waste and increase recycling within the framework of our waste management procedures
- Only engage contractors who are able to demonstrate due regard to environmental matters
- Support local businesses in the adoption of low impact practices
- Promote environmentally responsible purchasing
- Provide adequate resources to control environmental risks arising from our work activities
- Provide suitable training to enable employees to deal with their specific areas of environmental control
- Reduce the use of water, energy and any other natural resources, source materials from sustainable supply and also locally, when practicable
- Eliminate the use of glyphosates in sensitive areas such as those rich in wildlife, play areas and dog walking areas and high-profile tourist areas
- The Council's Planning and Highways Committee will consider sustainability, environmental impact and biodiversity when commenting on planning applications in Shaftesbury and also when developing or redeveloping any of its own buildings. The

Committee will be informed by data provided by the Dorset Biodiversity Information System

## 8. Review

- 5.24. This Environmental Biodiversity Policy will be reviewed at least annually and revised as necessary to reflect changes to the business activities and any changes to legislation and good practice. Any changes to the Policy will be brought to the attention of the Council and all stakeholders.

## 9. Relevant Legislation

- 5.25. The main pieces of relevant legislation are:

- **The Water Act 2003**. This Act places a duty on all public bodies to take into account, where relevant, the desirability of conserving water supplied or to be supplied to premises.
- **The Natural Environment and Rural Communities Act 2006**. From 1 October 2006, every public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- **Climate Change and Sustainable Energy Act 2006**. This Act gives specific powers to town and parish councils to tackle climate change. The Act places an obligation on town and parish councils to improve their energy efficiency.
- **Clean Neighbourhoods and Environment Act 2005**. This Act extends the statutory offence of dropping litter and enables town and parish councils to authorise officers to serve fixed penalty notices for the litter offence under section 88 of the 1990 Environmental Protection Act; gives town and parish councils the power to issue fixed penalty notices for graffiti and fly-posting offences; and allows town and parish councils to create offences relating to the control of dogs and replaces the Dogs (Fouling of Land) Act 1996.
- **Duty of Care (Waste)**. The Duty of Care covers any business that produces or disposes of waste and requires the business to ensure that any waste produced is handled safely and in accordance with the law.
- **Water Framework Directive**. The purpose of the Water Framework Directive (WFD) is to establish a framework for the protection of inland surface waters, estuaries, coastal waters and groundwater.

- 5.26. In addition, 150 countries, including the UK, endorsed Agenda 21 at the 1992 UN Conference on Environment and Development. Chapter 28 of Agenda 21 calls for local authorities to initiate Local Agenda 21 processes. Local Agenda 21 involves taking a partnership approach to develop an action plan for sustainable development at a local level.

## **12 Health and Safety**

To consider the Health and Safety report and associated action plan

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### **12.1 Recommendation**

- 12.1.1 That the Health and Safety report is adopted and the associated action plan is implemented.
- 12.1.2 That the independent inspection of the stairlift is carried out after the insurance renewal in June

### **12.2 Summary**

- 12.2.1 A Health and Safety Evaluation was carried out on 6<sup>th</sup> February 2019. The visit report is available to view in full on the town council's website <http://www.shaftesbury-tc.gov.uk/general-management-committee-gem/>.
- 12.2.2 The three areas identified for immediate and urgent action in hand;
- Thorough examination and servicing of lifts. Although the stairlift is serviced annually, this is carried out by the manufacturer. An independent assessment is required and is available through the council's insurance company. The Committee is recommended to wait until the insurance has been renewed to carry this out.
  - Edge protection. No staff or contractors should access the clock or roof areas until suitable edge protection is in place along the parapet walls. A risk assessment is being prepared and arrangements for suitable protection / fixing points for harnesses is being investigated.
  - New and expectant mothers. A risk assessment has been carried out and no further action has been identified. Councillors may ask to see a copy of the risk assessment via the Town Clerk.

### **12.3 Financial Implication**

- 12.3.1 There are no financial implications arising immediately from this report however, costs will apply to remedy the actions identified with the stair lift and parapets. These will be reported to a separate meeting of the council or GEM committee.

### **12.4 Legal Implication**

- 12.4.1 The Council has a duty under Health and Safety regulations.

### **12.5 Risk**

- 12.5.1 Risks are identified in the appended report.

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*STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON*

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

### **13 The Great British Spring Clean**

Notice of Motion 00023 – To consider holding a Great British Spring Clean event.

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#### **13.1 Recommendation**

13.1.1 That the Council holds a Great British Spring Clean event.

#### **13.2 Summary**

13.2.1 A Notice of Motion has been received from Councillor Taylor, seconded by Councillor Brown. That the Council holds a Great British Spring Clean event.

13.2.2 The Notice of Motion is appended to this report and includes the relevant financial, legal and risk information.

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***STRATEGIC PLAN AREA: RESIDENTS LIFESTYLE - OUTDOOR, LUKE KIRTON AND ENGAGEMENT,  
PHIL PROCTOR***

---

(End)

Report Author:  
Claire Commons PSLCC, Town Clerk



# Shaftesbury Town Council

Town Hall, Shaftesbury, Dorset. SP7 8LY

Telephone: 01747 852420

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Report Number	0219GEM8	NoM	00023
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## NOTICE OF MOTION

To be considered by: (please delete as applicable)	FC	GEM	ROSE	P&H	HR
Title of Motion	The Great British Spring Clean				
Proposed by	Councillor Lester Taylor				
Seconded by	Councillor Piers Brown				
Proposed Resolution	To hold a Great British Spring Clean event				
Background (provided by the proposer)	See email from Keep Britain Tidy. Working with the Hilltop Litter Pickers and other interested organisations				
Background (provided by the Proper Officer)	The event is held between 22 <sup>nd</sup> March and 23 <sup>rd</sup> April 2019. <a href="https://www.keepbritaintidy.org/get-involved/support-our-campaigns/great-british-spring-clean">https://www.keepbritaintidy.org/get-involved/support-our-campaigns/great-british-spring-clean</a> The Council may like to consider other initiatives and information on the website (see Local Authorities tab)				
Financial implication (anticipated by the proposer)	Up to £1,000				
Financial implications (anticipated by the Proper Officer)	Kids kits £260 suitable for a group of 10 children <a href="https://www.hhenviroental.co.uk/product/tidy-up-kit-kids/">https://www.hhenviroental.co.uk/product/tidy-up-kit-kids/</a> Adult litter-pick kit £33 each <a href="https://www.safetyshop.com/litter-picker-kit.html">https://www.safetyshop.com/litter-picker-kit.html</a>				
Legal implications	The Council may exercise its functions under the Litter Act 1983 s.6				
Risks	Risk Assessment template provided by Great British Spring Clean <a href="https://www.keepbritaintidy.org/get-involved/support-our-campaigns/great-british-spring-clean/resources/2686">https://www.keepbritaintidy.org/get-involved/support-our-campaigns/great-british-spring-clean/resources/2686</a> and will be reviewed by the Council's Health and Safety provider.				

### Notes:

Standing Orders 9 and 10 relate to notices of motion

Components in Blue to be completed by the member putting the motion

Components in Black to be completed by the Proper Officer or their delegate

## Office use only:

	Date motion received	15/2/19
	Date motion resubmitted (if applicable)	n/a
a)	A motion shall relate to the responsibilities of the meeting which it is tabled for an in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.	Yes
b)	No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.	Yes
c)	The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9b above, correct obvious grammatical or typographical errors in the wording of the motion	Yes – retyped from handwritten form.
d)	If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9b above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five clear days before the meeting.	n/a
e)	If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.	n/a
f)	Subject to Standing Order 9e above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.	n/a
g)	Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.	Yes
h)	Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.	notes
Proposal carried or fallen		
Minute reference		
If rejected, explanation.		



## **14 Equality, Diversity and Human Rights Policy**

To consider for adoption the Equality, Diversity and Human Rights Policy

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### **14.1 Recommendation**

14.1.1 That the Equality, Diversity and Human Rights Policy is adopted.

### **14.2 Summary**

14.2.1 The aim of this policy is to define and promote Shaftesbury Town Council's approach to equality, diversity and human rights, and to ensure there are defined guidelines for employees to follow.

14.2.2 The Equality, Diversity and Human Rights policy is for the benefit of all staff, members, service users and our commissioned services. This policy covers the areas of:

- Employment
- Service Delivery
- Community Leadership

14.2.3 The Town Council is committed to equality of opportunity for all taking into account the differences of race, gender, gender identity, religion, belief, sexual orientation, age, disability, pregnancy and maternity and marriage and civil partnership.

14.2.4 The organisation will also strive to uphold the human rights of all its staff and service users in accordance with the Human Rights Act 1998

14.2.5 By adopting and implementing an Equality, Diversity and Human Rights Policy we accept our responsibility for addressing and tackling the imbalances caused by disadvantage and discrimination, so that we can make sure all communities have opportunities to access our services, be involved in what we do and be part of our workforce.

14.2.6 The full policy is appended to this report.

### **14.3 Financial Implication**

14.3.1 There are no financial implications arising from this report

### **14.4 Legal Implication**

14.4.1 The Council has a duty to uphold the human rights of all its staff and service users (Human Rights Act, 1998)

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*STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON*

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix J. **Equality, Diversity and Human Rights Policy**

### **1 Introduction**

- 1.1 The aim of this policy is to define and promote Shaftesbury Town Council's approach to equality, diversity and human rights, and to ensure there are defined guidelines for employees to follow.
- 1.2 The Equality, Diversity and Human Rights policy is for the benefit of all staff, members, service users and our commissioned services. This policy covers the areas of:
  - Employment
  - Service Delivery
  - Community Leadership
- 1.3 The Town Council is committed to equality of opportunity for all taking into account the differences of race, gender, gender identity, religion, belief, sexual orientation, age, disability, pregnancy and maternity and marriage and civil partnership.
- 1.4 The organisation will also strive to uphold the human rights of all its staff and service users in accordance with the Human Rights Act 1998
- 1.5 By adopting and implementing an Equality, Diversity and Human Rights Policy we accept our responsibility for addressing and tackling the imbalances caused by disadvantage and discrimination, so that we can make sure all communities have opportunities to access our services, be involved in what we do and be part of our workforce.
- 1.6 We have made significant progress but recognise that there is a great deal of work we still need to do and we hope that this policy will act as a means for carrying out this important work.
- 1.7 We expect all our staff to comply with this policy, and where failings occur this can result in the application of the council's disciplinary procedure.
- 1.8 We also expect our contractual partners to comply with the council's Equality, Diversity and Human Rights Policy. If any partners are found to be in breach of any of the principles within the policy this could lead to termination of partnership.
- 1.9 Conversely, when reviewing the policy, we will embrace appropriate good practice identified through partnership working.
- 1.10 Consideration of equality, diversity and human rights in these areas will therefore form an important part of the council's work.

### **2 Our Statutory Duty Under the Equality Act 2010**

- 2.1 As a public body leading and speaking on behalf of the community the Town Council must play its part in making society fairer by tackling discrimination and providing equality of opportunity for all.
- 2.2 The Equality Act 2010 places a new Equality Duty on the Council to work to:
  - Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between persons who share a protected characteristic and persons who don't share it
  - Foster good relations between persons who share a relevant protected characteristic and persons who don't share it
- 2.3 No individual will be unjustifiably discriminated against. This includes, but is not limited to, discrimination because of the following characteristics (known as protected characteristics under the Act):
 

<ul style="list-style-type: none"> <li>• Age,</li> <li>• Disability,</li> <li>• Gender reassignment,</li> <li>• Marriage and civil partnership,</li> <li>• Pregnancy and maternity,</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Race,</li> <li>• Religion and belief,</li> <li>• Sex</li> <li>• Sexual orientation.</li> </ul>
---	---
- 2.4 We will engage with people to ensure the service is relevant and meets their needs. We will empower people to recognise and counter discrimination and be supportive in doing so.

- 2.5 No form of intimidation, bullying or harassment will be tolerated.
- 2.6 We will also monitor the work of the Council to ensure that human rights are respected and valued and that the Human Rights Act is complied with in service provision.
- 2.7 The Human Rights Act sets out the fundamental rights and freedoms that individuals in the UK have access to.

They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

### **3 Our Commitment to Equality, Diversity and Human Rights as A Community Leader**

3.1 As a community leader, working with our partners, to ensure a combined effort to tackling inequality:

- We recognise the value of an energetic and creative voluntary sector and will work with groups, individuals and organisations to provide culturally specific services, with equalities firmly embedded in those relationships and projects
- We will encourage real participation in local democracy and representation on various bodies and in our processes, from people who may normally feel excluded from decision-making processes
- We will comply with all our legal obligations and follow best practice guidance
- We will embed equality and diversity into the business planning process of the Council, ensuring that equality responsibilities form part of all service plans, core elements of officer job descriptions and Member role description and that equality is an essential aspect of our Code of Corporate Governance. We will lead by example so other organisations can aspire to the standards we set.
- Training on Equality & Diversity is provided for all staff and to new staff at induction as well as for Members.
- We will monitor Town Council procurement activity to ensure that statutory equality and diversity duties relating to procurement are observed.

3.2 This extends to working in partnerships with other agencies.

3.3 We will set high standards for others to follow in the way we procure goods and services

### **4 Our Commitment to Equality, Diversity and Human Rights as A Service Provider**

4.1 As a service provider, ensuring that our services are tailored to the needs of the individual, and that staff are aware of and responsive to the needs of different sectors of our community:

- We will work to ensure that Council information, services and events are accessible. We will work to reduce the barriers people may face due to disability or language by making reasonable adjustments and arranging appropriate translation, interpretation or transcription materials or equipment when necessary
- We will carry out equality monitoring activities when we consult with the community in order to ensure that the views are representative of our communities and to understand the different views different groups of people may have. We will aim to conduct specific consultation exercises with groups shown to be under represented in our consultation campaigns.
- We will carry out equality monitoring activities among service users/non-users in order to ensure services are relevant to meet their needs. We will take action to overcome under representation where needed.

**5 Our Commitment to Equality, Diversity and Human Rights as an Employer**

- 5.1 As an employer we aim to ensure that we promote a workplace culture whereby all employees and members feel valued and respected, and where nobody carries out their role in fear of prejudice, discrimination, bullying or harassment.
- 5.2 We recognise that harassment can take many forms, not all of which may be obviously overt.
- 5.2 Any reported cases of harassment within the Council will be dealt with promptly and sensitively, using the Shaftesbury Town Council's Bullying and Harassment Procedure.
- 5.3 Overall, the Council aims for all employees and Members to feel comfortable at work and to be treated with dignity and respect. No form of intimidation, victimisation, bullying or harassment will be tolerated.
- 5.4 In order to ensure that we are effectively working towards the implementation of the aims of this policy:
- We will embed equality and diversity into the business planning process of the Council, ensuring that equality responsibilities are core elements of officer job descriptions and Member role description and that equality is an essential aspect of our overall Corporate Governance.
  - We will carry out equality monitoring activities among job applicants and employees in order to be aware of representation of all protected characteristics within the Council. We will take action to overcome under representation where needed.
  - We will ensure that our employee appraisal systems take account of the need to abide by this policy and to actively promote equality and human rights within all roles. We will have regard for dependant and caring responsibilities within our employment practices, using Town Council policies and procedures on work life balance.
  - We will ensure that all Shaftesbury Town Council's recruitment and selection processes – including those of staff, and Members – will be conducted fairly and in accordance with this policy and other internal recruitment policies.

**6 Making Sure Our Colleagues Know About the Policy**

- 6.1 This policy will be available on the internet and any updates will be circulated to all staff. We will also provide training and advice to our colleagues on their specific responsibilities under this policy.
- 6.2 Town Council staff are required to comply with and support the council's policies in relation to equality, diversity and human rights. Failure to do so may result in disciplinary action being taken against them.
- 6.3 The Town Council will ensure that all its staff receive ongoing training to ensure they:
- Are made fully aware of the Equality, Diversity and Human Rights Policy and how it affects their work;
  - Understand any action plans relevant to them and their responsibilities for implementing these plans;
  - Are provided with a copy of a summary statement version of this policy; and
  - Receive information in the form of targeted training and briefings to embed consideration of equality issues and share good practice in all services.
- 6.4 We will also ensure any contractor, sub-contractor or organisation employed by the Town Council to carry out work on our behalf complies with the Council's required standards in respect of Equality and Diversity.
- 6.5 It is so that anyone seeking work knows about our policy and that anyone seeking contracts or work from us will be clear about the expectations that the Town Council will have of them and their own colleagues.

**7 Responsibility**

- 7.1 The ultimate responsibility for this policy rests with the Town Council which is chaired by the Mayor and with the Town Clerk, who is the Head of Paid Service. Together they ensure that there are systems in place to put this policy into practice on a day-to-day basis.
- 7.2 All Town Council Members and staff have a responsibility to:
- Listen to what others have to say in respect of their views;
  - Report any incidences of discrimination, bullying, harassment, verbal or physical abuse or aggression;
  - Challenge own prejudices and those of others;
  - Know their individual rights and responsibilities in relation to the law;
  - Participate in relevant training;
  - Proactively promote and celebrate diversity.

- 7.3 The Town Clerk will co-ordinate equality and diversity related activities, facilitate developments and communicate responsibilities to all staff and clients.
- 7.4 Under the leadership of the Town Clerk each Service Manager will be responsible for ensuring that the Service they are responsible for carries out the work necessary to adopt and implement this policy as recorded in service plans. Service managers will be responsible for ensuring equality, diversity and human rights are fully considered in all service and related policy developments and monitored following implementation.
- 7.5 We recognise that every colleague, and every contractor, partner or organisation that receives funding from the Town, has an obligation to put this or similar approved policies into practice.

## **8 What to Do If Something Goes Wrong**

### **8.1 Members of the public**

If you think we are not providing a service in line with this policy or you think you have been treated unfairly in any way, you can complain to the Town Council.

Our Complaints Procedure explains how you can do this.

You can obtain a copy of this procedure from the Town Hall.

Our contact details are:

Town Hall, High St, Shaftesbury SP7 8LY

Tel: 01747 852420

Email: [enquiries@shaftesbury-tc.gov.uk](mailto:enquiries@shaftesbury-tc.gov.uk)

or download it from the Town Council website:

[www.shaftesbury-tc.gov.uk](http://www.shaftesbury-tc.gov.uk)

You can make a complaint by telephoning or by writing to Shaftesbury Town Council, CONTACT DETAILS ABOVE

## **9 Town Council Employees**

- 9.1 If you are concerned about any equality issues relating to your employment you can speak to your line manager, or to the Town Clerk.
- 9.2 If you feel embarrassed, humiliated, offended, distressed, alarmed, apprehensive or fearful because of someone else's behaviour towards you, you have the right to make a complaint and ask for the appropriateness of the behaviour to be reviewed.
- 9.3 The Town Council's Dignity at Work Policy and Procedure explains how to do this. You can find out more information by speaking to your line manager or Town Clerk.
- 9.4 You also have the right to take up issues through the Grievance Procedure. You can obtain information about this procedure from your line manager, or Town Clerk
- 9.5 If you are in a Trade Union, you can contact them for advice and support. Please refer to your local Trade Union representative for more details.
- 9.6 Where you feel a manager, elected member or other officer has handled an aspect of service delivery or management related to equality, diversity or human rights particularly well you can feed this information back through the appraisal system.

## **10 Let Us Know What You Think**

- 10.1 If you wish to discuss this policy or make any comments or suggestions on the work, we are aiming to do to carry out this policy please contact the Town Clerk at Shaftesbury Town Council.

Our contact details are:

Town Hall, High St, Shaftesbury SP7 8LY

Tel: 01747 852420

Email: [enquiries@shaftesbury-tc.gov.uk](mailto:enquiries@shaftesbury-tc.gov.uk)

Website: [www.shaftesbury-tc.gov.uk](http://www.shaftesbury-tc.gov.uk)

## **11 Alternative Formats**

If you need this information in an alternative language or format: - large print or electronically, please do not hesitate to contact us at the address above.

## **15 Community Engagement Strategy**

To consider for adoption the Community Engagement Strategy

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### **15.1 Recommendation**

15.1.1 That the Community Engagement Strategy is adopted.

### **15.2 Summary**

15.2.1 The objectives of this strategy are to:

- Encourage effective local community engagement.
- Ensure that embedded throughout the Council there is a clear understanding of the need to engage with communities about decisions which affect them.
- Enable the aspirations/comments/suggestions etc. obtained from community engagement to have an impact on decision making and the way in which services are being delivered.
- Identify the principles behind how the Council can enhance its profile by improving engagement with the wider community (with specific reference to hard to reach groups).

15.2.2 The Council's Commitment to Community Engagement

Shaftesbury Town Council recognises the need to consider the impact of its actions on others and the surrounding environment. As a result, the Strategic Plan is founded in the belief that the actions will help to protect and wherever possible enhance environmental quality and of equal importance, the decisions will be made ethically with regards to social and economic impact, which together the Council believes will help to make Shaftesbury a better place. The Council is committed in its vision, aspirations and objectives to provide a democratic representational voice for the people of Shaftesbury, central to this ethos is engagement with the local community in a proactive and meaningful way.

### **15.3 Financial Implication**

15.3.1 There are no financial or legal implications arising from this report

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix K. Community Engagement Strategy

### 1 Objectives

#### 1.1 The objectives of this strategy are to:

- Encourage effective local community engagement
- Ensure that embedded throughout the Council there is a clear understanding of the need to engage with communities about decisions which affect them.
- Enable the aspirations/comments/suggestions etc. obtained from community engagement to have an impact on decision making and the way in which services are being delivered.
- Identify the principles behind how the Council can enhance its profile by improving engagement with the wider community (with specific reference to hard to reach groups).

### 2 The Council's Commitment to Community Engagement

- 2.1 Shaftesbury Town Council recognises the need to consider the impact of its actions on others and the surrounding environment. As a result, the Strategic Plan is founded in the belief that the actions will help to protect and wherever possible enhance environmental quality and of equal importance, the decisions will be made ethically with regards to the social and economic impact, which together the Council believes will help to make Shaftesbury a better place.
- 2.2 The Council is committed in its vision, aspirations and objectives to provide a democratic representational voice for the people of Shaftesbury, central to this ethos is engagement with the local community in a proactive and meaningful way.

### 3 Corporate Aims

#### 3.1 Community engagement is embodied in the deliver of the Council's Strategic Plan:

*“Shaftesbury Town Council will work conscientiously with the community to define and provide best value, high quality services and facilities, ensuring that Shaftesbury is a 21st Century Town that respects its heritage and upholds its values making it a great place to live, work, play and visit”*

#### 3.2 The key corporate aims

- Building a Sustainable Economy
- A Vibrant Participatory Community
- A Thriving Town Centre
- Efficient and Effective Public Services
- An Innovative and Supportive Town Council

Are supported by a range of objectives which are informing the development of the workplan.

#### 3.3 The framework of objectives for the future work plan of the council split into two areas of focus:

INTERNAL FACING – what work Shaftesbury Town Council needs to progress to make it a strong well-resourced organisation capable of delivering the visions of the council and raising its profile and engagement with its community.

EXTERNAL FACING – the work Shaftesbury Town Council wants to undertake on behalf of Shaftesbury

### 3.4 Internal Facing Objectives:

- Town council reputation
- Staffing
- Town hall offices and reception
- Staff and councillor development and support
- Town Council financial strategy

### 3.5 External facing objectives:

- Community engagement
- Improving and increasing services and facilities provided by STC
- Town development control
- Recreational facilities
- Smarten up the town
- Tourism
- Business development
- Engagement with other authorities
- Shaftesbury infrastructure and facilities

## 4 A Vibrant Participatory Community

4.1 To achieve a vibrant and participatory community, the Council needs greater involvement with people from all sectors of the community. As decision makers, the Council needs to be able to tap in and respond to the feelings, thoughts, knowledge, interest and expertise in the town. It is clear that involvement doesn't mean simply asking the town's people what they want and acting on the majority decision. Our understanding of involvement is that it is a two-way communication allowing the best (and not always the most popular) decisions to be made and the reasons behind those decisions to be understood. The Council sees participation as the direct involvement of individuals or groups through a planned method or technique in informing the decision-making process. Participation may be open or it may not be depending on what is required. Participation events may directly inform decision making or the outcome may be to understand and/or inform the views held in the wider community.

4.2 The Council sees consultation as the seeking of views on a specific subject. Our understanding of consultation is that it should be, focussed; asking specific questions and the limitations of its impact clearly understood. Crucially, asking the right questions in the right manner will be more important than receiving the "right" answers. Consultation, like participation, may be open or limited to relevant groups depending upon the issue or question(s).

## 5 Principles

5.1 The Localism Act places considerable onus on increased involvement and therefore initial guiding principles are required, as noted below:

### *Involvement Principles*

- The Town Council cannot force any individual or group to become involved but it can, and will, make it easier and more attractive to do so.
- It will manage expectations and always be clear, before the start of any participation or consultation event, to what extent the result will inform a decision.
- If the outcome of a participation or consultation event is intended to inform a decision and a different decision is taken, the reasoning behind that decision will be clear and published.



- All involvement will be time-bound and the aggregated results will be published openly.
- Not every decision requires community involvement.

#### *Engagement Principles*

- The Council will be clear at the start of the event what output is expected e.g. a recommendation, strategy suggestion etc.
- Consultation events are not intended as an opportunity for individuals with a particular interest to lobby decision makers. While individuals may well have links with groups that have a vested interest, they should not represent those groups in informing the process. The process should encourage people to take the wider view, and to ensure that those not able to be at an event have their views expressed by others.

#### *Consultation Principles*

- Consultations will be targeted at the relevant group or groups.
- Events will be time-bound.
- If an event calls for wider public involvement the event will be advertised locally allowing people time to organise their engagement with the event.
- Specific, non-leading questions will be asked. Questions can be open (e.g. where do you think swings should be sited?) but not open-ended (e.g. what do you think should be done?).
- Care will be taken to ensure that no one voice is given greater weight than any other.

## **6 Shaftesbury Town Council and Community Engagement**

6.1 The Council currently facilitates community engagement in the following ways:

- Allocation of Public Participation at the beginning of each Council and Committee meeting. This provides an opportunity for local residents to make representations to the Council or ask questions relating to items on the agenda.
- The publishing of agendas, minutes and supporting documents for all Council meetings on the website, in the office window and on various notice boards around the town.
- Active involvement in the Annual Town Meeting with its public question time.
- The annual External Audit provides the opportunity for questions to be asked about the latest Statement of Accounts and Balance Sheet. A synopsis of the financial accounts is published within the Annual Report.
- The ability to provide Town Council information, when requested, to those with a need for alternative formats or languages.
- Making available the Councillor's contact details on the website and on various notice boards around town.
- Production of regular news and events updates through the website, witter and Facebook,
- The Annual Report and Statement of Accounts made available as printed copies and on the website.

- Consultation exercises, surveys and questionnaires are undertaken with residents, young people and local user groups and organisations for specific projects and tasks.
  - Inviting members of the public to Councillor Surgeries, Open Forums, Working Groups and Question Time.
  - Regular press releases featured in local media keep the general public informed of community events, projects and other Town Council items of interest.
  - Some Members and officers act as representatives for Outside Bodies comprising community groups, local organisations, and other government agencies, and regularly attend their meetings.
  - Advisory Committees made up of knowledge specialists in the community to advise the Council on decisions.
  - The Council offices located in the Town Hall in the town centre are also open from 9am to 4.30pm, Monday to Thurs; Friday 9am – 1pm.
  - Where and when appropriate, external resource maybe utilised for a large and time consuming consultation exercise.
- 6.2 Town Councillors have close ties to their constituents and local voluntary and community organisations, and are committed to connecting with their constituents to enable informed representation. They therefore welcome contact from their constituents.
- 7 Future Improvements**
- 7.1 Shaftesbury Town Council is committed to improving community engagement by enforcing the above principles and:
- Continuing all the above activities and services into the future; improving relationships with community groups; developing measures to harness the views and opinions of people and groups who are often missed out of community engagement activities.
  - Identifying and embracing opportunities to work with other local community groups, as and when the need arises.
  - Extending and developing the range of electronic communication including a presence on social networking media such as Facebook, Twitter, LinkedIn etc.
  - Participating in local networks to share knowledge and experience of community engagement activities in other areas.
  - Publicising the positive results that have been achieved from working relationships between the Council and other community groups; in order to encourage new relationships to be formed and raise community spirit.

- Ensuring that appropriate evaluation is carried out following consultation exercises to ensure that lessons learned are carried forward and an assessment of how effective and useful the consultation was.

## **8 Linking with other Council Policies**

8.1 This strategy is cross-cutting affecting many, if not all, of the Council's policies and strategies. Including:

- This protocol should be read in conjunction with the STC Consultation Protocol
- Equality and diversity is integral to good governance, leadership and appreciation of the diversity in our community.
- A Community Engagement Strategy is a requirement for the accreditation of Quality Council Status.

## **9 Let Us Know What You Think**

If you wish to discuss this policy or make any comments or suggestions on the work, we are aiming to do to carry out this policy please contact the Town Clerk at Shaftesbury Town Council.

Our contact details are:

Town Hall, High St, Shaftesbury SP7 8LY

Tel: 01747 852420

Email: [enquiries@shaftesbury-tc.gov.uk](mailto:enquiries@shaftesbury-tc.gov.uk)

Website: [www.shaftesbury-tc.gov.uk](http://www.shaftesbury-tc.gov.uk)

## **10 Alternative Formats**

If you need this information in an alternative language or format: - large print or electronically, please do not hesitate to contact us at the address above.

## **16 Grant Awarding Policy**

To review the Council's Grant Awarding Policy

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### **16.1 Recommendation**

16.1.1 That the Grant Awarding Policy is reviewed and adopted.

### **16.2 Summary**

16.2.1 Shaftesbury Town Council serves the wards of East and West Shaftesbury and is the tier of local government closest to the community it serves. The council's income comes principally from a precept paid by local residents as part of their council tax. Some of this income is then used to give grants to support local organisations and projects that will enhance the economic, social and environmental well-being of people who live and work in the Shaftesbury Area. Grants may be given to new or on-going projects and may be for either capital or revenue funding.

16.2.2 The policy is available to view online at [www.shaftesbury-tc.gov.uk/policies](http://www.shaftesbury-tc.gov.uk/policies)

### **16.3 Financial Implication**

16.3.1 There are no financial implications arising from this report

### **16.4 Legal Implication**

16.4.1 The Council will need to resolve its eligibility for the General Power of Competence The Council has a duty to uphold the human rights of all its staff and service users (Human Rights Act, 1998)

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## **17 Scheme of Delegation**

To consider for adoption the Scheme of Delegation

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### **17.1 Recommendation**

17.1.1 That the Scheme of Delegation is reviewed and adopted.

### **17.2 Summary**

17.2.1 This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting

17.2.2 The policy is available to view online at [www.shaftesbury-tc.gov.uk/policies](http://www.shaftesbury-tc.gov.uk/policies)

### **17.3 Financial Implication**

17.3.1 There are no financial implications arising from this report

### **17.4 Legal Implication**

17.4.1 The Council will need to resolve its eligibility for the General Power of Competence The Council has a duty to uphold the human rights of all its staff and service users (Human Rights Act, 1998)

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***STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON***

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

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Appendix L. Shaftesbury Town Council Terms of Reference and Scheme of Delegation for Committees and Officers

**1 Introduction**

- 1.11 This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting

**2 Proper Officer and Responsible Finance Officer – Duties and Powers**  
Responsible Finance Officer

- 2.1 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.

Proper Officer

- 2.2 The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

- 2.3 The Town Clerk is authorised to undertake the following functions:

- 2.3.1 The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

- i. Receive declarations of acceptance of office
- ii. Receive and record notices disclosing interests
- iii. Receive and retain plans and documents
- iv. Sign Notices or other documents on behalf of the Council
- v. Receive copies of bylaws made by a principal local authority
- vi. Certify copies of bylaws made by the Council
- vii. Draw up agendas usually after consultation with the relevant Committee Chair
- viii. Sign summons for members to attend ordinary meetings of the Council
- ix. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- x. To institute and appear in any legal proceedings authorised by the Council.

- 2.4 In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:

- 2.4.1 To manage all the Town Council's services and property, together with routine inspection in line with the budgets and policies approved by members.

- 2.4.2 To manage the Council staff in accordance with the Council's policies, procedures and budget, including:-

- i. make appointments to posts, where not reserved for appointment by members<sup>1</sup>
- ii. the appointment of temporary employees
- iii. staff performance and discipline
- iv. payment of expenses and allowances in accordance with the Council's scheme;
- v. the approval of increments
- vi. implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement
- vii. The Town Clerk shall delegate day to day management of functions and services to the service heads, in line with the approved duties of these posts, as agreed by the Council.

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<sup>1</sup> The establishment of new posts and any changes to posts, or terms and conditions, which would have implications for the budget, shall be subject to approval in the first instance by the Human Resources Committee which will recommend to the General Management Committee for budgetary approval.

- 2.4.3 Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
- 2.4.4 Authorisation of routine recurring expenditure within the agreed budget
- 2.4.5 Emergency expenditure up to £5000 outside of an agreed budget. The Clerk may seek emergency authorisation from the General Management Committee for further expenditure up to an additional £10,000
- 2.4.6 Authorisation of expenditure on works up to a maximum of £5,000
- 2.4.7 Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time. Use of the Clerk's delegated powers shall be reported verbally to the next meeting of the full Council.

### **3 Absence of the Town Clerk**

- 3.1.1 In the short-term absence of the Town Clerk, the Business Manager shall be authorised to deputise and undertake any of the functions of that post.
- 3.1.2 In the event of long-term absence of the Clerk, the Mayor in consultation with HR Committee Chairman and General Management Committee Chairman will appoint a temporary locum who shall be authorised to deputise and undertake any of the functions of that post.

### **4 Urgent Matters**

- 4.1.1 Subject to consultation with either the Town Mayor, Deputy Town Mayor or the relevant Committee Chairman and/or vice chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where urgent action is needed to protect the interests of the Town Council.
- 4.1.2 Before the Clerk exercises the delegated powers those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council or appropriate Committee or Sub-Committee.
- 4.1.3 Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

## **COUNCIL and COMMITTEE TERMS OF REFERENCE**

### **5 FULL COUNCIL**

Matters that can only be resolved by Full Council:

- i. Appointing a Town Mayor
- ii. All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk following consideration being given to a recommendation from the Staffing Committee
- iii. Appointment of the RFO
- iv. Determine and Issue the precept
- v. Borrowing money
- vi. Approval the End of Year Accounts and Annual Return
- vii. Appointing an Internal auditor
- viii. Amending Standing Orders and Financial Regulations
- ix. Appointing Committees
- x. Filling of Councillor vacancies occurring on any Committee or Council
- xi. Appointing or nominating persons to fill vacancies on outside bodies
- xii. Agreeing the dates of meetings of the Council, its Committees and sub- committees
- xiii. Receiving and noting of all minutes approved by Committees
- xiv. To consider legislation and the consequences thereof upon the Town Council

- xv. Approving, adopting and annually reviewing the Council's Constitution and Strategic Plan
- xvi. Important matters of principle or policy which have been referred directly by Committees or the Town Clerk
- xvii. Making, amending or revoking bye-laws
- xviii. Making of Orders under any statutory powers
- xix. Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required
- xx. Acquiring land and other significant assets and commissioning services above £10,000
- xxi. Prosecution or defence in a court of law other than an Employment Tribunal
- xxii. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee
- xxiii. Approval of application for Quality Status and/or its equivalent
- xxiv. Confirmation of adoption of the Power of General Competence

## **6 Committee Terms of Reference**

- 6.1.1 The Terms of Reference for each of the Council's Committees, Sub-Committees, Advisory Committees and Joint Committees (as appropriate) shall be appended to this scheme of delegation and reviewed annually in their entirety.



## **18 Local Council Award Scheme - Quality Gold**

To recommend to Full Council to apply for the Quality Gold level of the Local Council Award Scheme

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### **18.1 Recommendation**

- 18.1.1 That the Committee confirms it meets all the criteria required for the Quality Gold level of the Local Council Award Scheme
- 18.1.2 That the Committee recommends to Full Council to confirm by resolution that the requirements are met and provides 5 submission statements for the accreditation panel.

### **18.2 Summary**

- 18.2.1 Officers have checked the scheme criteria and, with the inclusion of the policies put forward for adoption by this Committee, meets the requirements for the Quality Gold Accreditation.
- 18.2.2 The full guidance for the LCAS is available <https://www.nalc.gov.uk/library/our-work/lcas/1855-local-council-award-scheme-guide-2016-pdf/file>

### **18.3 Financial Implication**

- 18.3.1 There is a £50 registration fee which has already been covered by the Council when it registered but did not submit for the Foundation stage award.

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*STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE, MARK JACKSON*

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(End)

Report Author:  
Claire Commons PSLCC, Town Clerk

## Appendix M. Local Council Award Scheme checklist

This document is a resource for Local Councils taking part in the Local Council Award Scheme

*My council has not registered to take part in the scheme* – this document is a useful tool to map where you do meet the criteria, and to help you see what work would need to take place before you apply

*My council has the relevant criteria in place and has already registered with NALC* – you can complete this document and submit it to your local accreditation panel. This will help them find the necessary information and make sure they don't miss any details by mistake.

Tip – proving a web link to the exact page or document needed is important as it will reduce the risk of the panel missing any necessary information. So instead of <http://www.nalc.gov.uk> use <http://www.nalc.gov.uk/our-work/improvement-and-development/local-council-award-scheme>

Tip – some information and documents are not required to be published online. To keep things simple email these to the panel coordinator at the same time as providing this document. That way they have all the information in one place.

Tip – Don't forget to read the full criteria in the Local Council Award Scheme guide. This form just has the summary, but there is further essential information in the guide which can be downloaded from <http://www.nalc.gov.uk/our-work/improvement-and-development/local-council-award-scheme>

*What criteria do I need to meet for each award level?*

If you are applying for Foundation – just the Foundation criteria

If you are applying for Quality – both Foundation and Quality criteria

If you are applying for Quality Gold – Foundation, Quality and Quality Gold criteria

If you are unsure what criteria you are required to submit please check with your County Association.



The council confirms by resolution at a full council meeting that it publishes online:

Criteria	Do you meet these criteria?	Where are these published online?
1 Its standing orders and financial regulations	Yes	<a href="https://www.shaftesbury-tc.gov.uk/policies/">https://www.shaftesbury-tc.gov.uk/policies/</a> <a href="#">Standing Orders Direct Link</a> <a href="#">Financial Regulations Direct Link</a>
2 Its Code of Conduct and a link to councillors' registers of interests	Yes	<a href="https://www.shaftesbury-tc.gov.uk/policies/">https://www.shaftesbury-tc.gov.uk/policies/</a> <a href="https://www.shaftesbury-tc.gov.uk/who-we-are/">https://www.shaftesbury-tc.gov.uk/who-we-are/</a>
3 Its publication scheme	Yes	<a href="https://www.shaftesbury-tc.gov.uk/freedom-of-information/">https://www.shaftesbury-tc.gov.uk/freedom-of-information/</a>
4 Its last annual return	Yes	<a href="https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/05/2018-end-of-year-accounts-website.pdf">https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/05/2018-end-of-year-accounts-website.pdf</a>
5 Transparent information about council payments	Yes	<a href="https://www.shaftesbury-tc.gov.uk/data-transparency/">https://www.shaftesbury-tc.gov.uk/data-transparency/</a>
6 A calendar of all meetings including the annual meeting of electors	Yes	<a href="https://www.shaftesbury-tc.gov.uk/committees/">https://www.shaftesbury-tc.gov.uk/committees/</a>
7 Minutes for at least one year of full council meetings and (if relevant) all committee and sub-committee meetings	Yes	<a href="https://www.shaftesbury-tc.gov.uk/committees/">https://www.shaftesbury-tc.gov.uk/committees/</a>
8 Current agendas	Yes	<a href="https://www.shaftesbury-tc.gov.uk/committees/">https://www.shaftesbury-tc.gov.uk/committees/</a>
9 The budget and precept	Yes	<a href="https://www.shaftesbury-tc.gov.uk/data-transparency/">https://www.shaftesbury-tc.gov.uk/data-transparency/</a>

Report 0219GEM18

	information for the current or next financial year		
10	Its complaints procedure	Yes	<a href="https://www.shaftesbury-tc.gov.uk/policies/">https://www.shaftesbury-tc.gov.uk/policies/</a>
11	Council contact details and councillor information in line with the Transparency Code	Yes	<a href="https://www.shaftesbury-tc.gov.uk/find-us-contact/">https://www.shaftesbury-tc.gov.uk/find-us-contact/</a> <a href="https://www.shaftesbury-tc.gov.uk/who-we-are/">https://www.shaftesbury-tc.gov.uk/who-we-are/</a>
12	Its action plan for the current year	Yes	<a href="#">5 Yr Strat Plan – Home Page</a>
13	Evidence of consulting the community	Yes	<a href="https://www.shaftesbury-tc.gov.uk/">https://www.shaftesbury-tc.gov.uk/</a> <a href="https://www.shaftesbury-tc.gov.uk/16897-2/">https://www.shaftesbury-tc.gov.uk/16897-2/</a> <a href="https://www.shaftesbury-tc.gov.uk/public-budget-meeting/">https://www.shaftesbury-tc.gov.uk/public-budget-meeting/</a>
14	Publicity advertising council activities	Yes	<a href="https://www.shaftesbury-tc.gov.uk/">https://www.shaftesbury-tc.gov.uk/</a> <a href="https://www.facebook.com/ShaftesburyTownCouncil/">https://www.facebook.com/ShaftesburyTownCouncil/</a> <a href="https://twitter.com/ShaftesburyTC">https://twitter.com/ShaftesburyTC</a>
15	Evidence of participating in town and country planning	Yes	<a href="https://www.shaftesbury-tc.gov.uk/press-statement-shaftesbury-neighbourhood-plan/">https://www.shaftesbury-tc.gov.uk/press-statement-shaftesbury-neighbourhood-plan/</a> <a href="https://www.shaftesburyplan.co.uk/">https://www.shaftesburyplan.co.uk/</a>

## Report 0219GEM18

The council also confirms by resolution at a full council meeting that it has:

Criteria	Do you meet these criteria?	Where are these published? Can they be provided electronically?
16 A risk management scheme	Yes	<a href="https://www.shaftesbury-tc.gov.uk/policies/">https://www.shaftesbury-tc.gov.uk/policies/</a>
17 A register of assets	Yes	<a href="https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/07/Asset-Register-Current.pdf">https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/07/Asset-Register-Current.pdf</a>
18 Contracts for all members of staff	Yes	Held by the Clerk
19 Disciplinary and grievance procedures	Yes	Updated versions for adoption by GEM 26 <sup>th</sup> February 2019
20 A policy for training new staff and councillors	Yes	<a href="https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/02/2019-01-29-Staff-and-Member-Training-Policy.pdf">https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/02/2019-01-29-Staff-and-Member-Training-Policy.pdf</a>
21 A record of all training undertaken by staff and councillors in the last year	Yes	<a href="https://www.shaftesbury-tc.gov.uk/who-we-are/">https://www.shaftesbury-tc.gov.uk/who-we-are/</a> Staff Training Records held by the Clerk. Sector related achievements on the Who We Are page
22 A clerk who has achieved 12 CPD points in the last year	Yes	CPD Record held by the Clerk and reviewed by the HR Committee



The council confirms by resolution at a full council meeting that it publishes online:

Criteria	Do you meet these criteria?	Where are these published online?
1 Draft minutes of all council and committee meetings within four weeks of the last meeting	Yes	<a href="https://www.shaftesbury-tc.gov.uk/committees/">https://www.shaftesbury-tc.gov.uk/committees/</a>
2 A Health and Safety policy	Yes	<a href="https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/02/Safety-Policy-Safety-Arrangements.pdf">https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/02/Safety-Policy-Safety-Arrangements.pdf</a>
3 Its policy on equality	No	DRAFT – GEM to adopt 16/2/19
4 Councillor profiles	Yes	<a href="https://www.shaftesbury-tc.gov.uk/who-we-are/">https://www.shaftesbury-tc.gov.uk/who-we-are/</a>
5 A community engagement policy involving two-way communication between council and community	No	DRAFT – GEM to adopt 16/2/19
6 A grant awarding policy	Yes	<a href="http://www.shaftesbury-tc.gov.uk/policies">www.shaftesbury-tc.gov.uk/policies</a>
7 Evidence showing how electors contribute to the Annual Parish or Town Meeting	Yes	Letters to community orgs Advert and press release Posters Minutes
8 An action plan and related budget responding to community engagement and setting out a timetable for action and review	Yes	<a href="#">Strategic Plan</a> <a href="#">5 year budget forecast</a>  Recommend review at the start of May for next 5 years
9 Evidence of community engagement, council activities and the promotion of democratic processes in an annual report, online material and regular news bulletins	Yes	<a href="#">Annual Report</a> <a href="http://www.shaftesbury-tc.gov.uk/council-news/">www.shaftesbury-tc.gov.uk/council-news/</a> <a href="https://www.shaftesbury-tc.gov.uk/">https://www.shaftesbury-tc.gov.uk/</a> <a href="https://www.facebook.com/ShaftesburyTownCouncil/">https://www.facebook.com/ShaftesburyTownCouncil/</a> <a href="https://twitter.com/ShaftesburyTC">https://twitter.com/ShaftesburyTC</a> <a href="https://www.shaftesbury-tc.gov.uk/the-wilderness/">https://www.shaftesbury-tc.gov.uk/the-wilderness/</a> <a href="https://www.shaftesbury-tc.gov.uk/project-belle-public-consultation/">https://www.shaftesbury-tc.gov.uk/project-belle-public-consultation/</a>

10 Evidence of helping the community plan for its future	Yes	<a href="https://www.shaftesburyplan.co.uk/">https://www.shaftesburyplan.co.uk/</a>
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## Report 0219GEM18

The council also confirms by resolution at a full council meeting that it has:

Criteria	Do you meet these criteria?	Where are these published? Can they be provided electronically?
1 a scheme of delegation (where relevant)	Partial	DRAFT – GEM to adopt 16/2/19
2 up-to-date insurance policies that mitigate risks to public money	Yes	Held by the Town Clerk
3 addressed complaints received in the last year	Yes	Held by the Town Clerk
4 at least two-thirds of its councillors who stood for election	Yes	
5 a printed annual report that is distributed at locations across the community	Yes	<a href="#">Annual Report</a>
6 a qualified clerk	Yes	CiLCA and CertHE in Community Governance
7 a clerk (and deputy) employed according to nationally or locally agreed terms and conditions	Yes	Business Manager to deputise in the absence of the Clerk.
8 a formal appraisal process for all staff	Yes	
9 a training policy and record for all staff and councillors	Yes	<a href="https://www.shaftesbury-tc.gov.uk/who-we-are/">https://www.shaftesbury-tc.gov.uk/who-we-are/</a> Staff Training Records held by the Clerk. Sector related achievements on the Who We Are page





The council confirms by resolution at a full council meeting that it publishes online:

Criteria	Do you meet these criteria?	Where are these published online?
1 A business plan covering a financial forecast for at least three years linked to revenue and capital plans for the council and its community	Strat Plan and 5 Year forecast?	<a href="#">Strategic Plan</a> <a href="#">5 year budget forecast</a>
2 An annual report, online material and at least four news bulletins a year with evidence of		<a href="#">Annual Report</a>
a engaging with diverse groups in the community using a variety of methods		<a href="#">Project Belle</a> <a href="#">Visitor Survey</a> <a href="#">Neighbourhood Plan</a> <a href="#">Advisory Committees</a> <a href="#">Facebook</a> <a href="#">Twitter</a> <a href="#">Podcasts</a>
b community engagement leading to positive outcomes for the community		As above; Positive outcomes this yr; new skate park equipment, benches installed, play equipment <a href="#">Safer path</a> , St James Fence and Flytipping
c a broad range of council activities including innovative projects		Toilets, Skate Park, Project Belle, CCTV Enmore green park repairs, Land transfer, Neighbourhood plan, advisory committees, heritage lanterns, The Wilderness
d co-operating constructively with other organisations		Community Website in collaboration with Swans trust and orgs Build Love public toilets Advisory Committees

## Report 0219GEM18

The council also confirms by resolution at a full council meeting, that it has prepared statements (of no more than one page each) to be presented to the accreditation panel showing how it

Criteria	Do you meet these criteria?	Have you provided these to the accreditation panel?
1 Ensures that the council delivers value for money	Financial Regulations Does not delegate excessive amounts to the Clerk	
2 Meets its duties in relation to bio-diversity and crime & disorder	Opens communications with local Police, CCTV Draft Bio-diversity Policy for adoption at GEM 26/2/19	
3 Provides leadership in planning for the future of the community	Strat plan, based on public consultations Created Advisory Committees	
4 Manages the performance of the council as a corporate body	Audits, Governance review	
5 Manages the performance of each individual staff member to achieve its business plan	Internal management policies Staff Appraisals, Objectives, Contracts	